
(2022) 03 RAJ CK 0084

In the Rajasthan High Court

Case No : D.B. Civil Writ Petition No.2795 Of 2020

Union Of India And Others

APPELLANT

Vs

Anil Sharma And Others

RESPONDENT

Date of Decision : 05-03-2022

Acts Referred:

Constitution Of India, 1950 — Article 226, 227

Citation : (2022) 03 RAJ CK 0084

Hon'ble Judges : Manindra Mohan Shrivastava, J;Farjand Ali, J

Bench : Division Bench

Advocate : P.C. Sharma, Amit Mathur

Final Decision : Dismissed

Judgement

Manindra Mohan Shrivastava, J

1. This petition under Article 227 of the Constitution of India is preferred against order dated 19.09.2019 passed by the Central Administrative Tribunal Jaipur Bench, Jaipur (hereinafter referred to as "Tribunal") by which the Tribunal has allowed the Original Application filed by respondent no.1, quashing and setting aside the order passed by the official respondents. Official respondents upon receipt of a complaint by the respondent no.2, re-framed answer keys in respect of some of the questions and thereafter reevaluated the answers of the candidates including respondent— Anil Sharma and Krishan Swaroop Sharma which resulted in exclusion of Anil Sharma from the panel of select list and inclusion of Krishan Swaroop Sharma.

2. The factual backdrop which relate to filing of O.A. by Anil Sharma before the Tribunal was that Anil Sharma was selected for the post of Junior Engineer (E) in a Limited Departmental Competitive Examination held on 29.10.2010. As he was declared selected, he joined on the higher post after completion of training vide order dated 31.01.2012.

However, a show cause notice dated 28.01.2013 was served on him disclosing

that on the basis of complaint of Krishan Swaroop Sharma that some of the answer keys are incorrect and/or erroneous. A committee consisting of two JAG level officers other than those who were earlier included selection committee members, was constituted. The committee re-framed the answer keys and on the basis of re-framed answer keys candidates were again re-evaluated. The show cause notice was challenged by Anil Sharma (O.A. Applicant) but the petition was disposed off with liberty to file representation against show cause notice with a direction to official respondent to decide the same by reasoned and speaking order. Thereafter, a representation was preferred but ultimately, accepting the recommendation of the review committee which had re-framed some of the answer keys, re-evaluation was done resulting in ouster of Anil Sharma from the select list. This was challenged by filing Original Application before the Tribunal.

3. The challenge was based mainly on the ground that the exercise of re-evaluation done by the authorities was not only without there being any provision of re-evaluation under the scheme of examination but was otherwise erroneous, arbitrary and unfair. According to official respondents and the private respondent—Krishan Swaroop Sharma, when complaint was made, the review committee found that many key answers were either incorrect or were otherwise erroneous. This exercise was bona fide undertaken to remove the irregularity found in the process of selection and it was not a case of re-evaluation of the answers on the same set of answer keys. In some and substance, the case of official respondents was that it was essentially an exercise of course correction as the committee of experts found that many keys answer were either incorrect or were erroneous creating confusion.

4. Learned Tribunal, however, was of the view that the nature of exercise undertaken by official respondents was in essence re-evaluation which was not permissible in the absence of there being any such provision contained in the Rule/Scheme governing the examination to which O.A. applicant—Anil Sharma and other candidate Krishan Swaroop Sharma were subjected. The Tribunal was also of the view that in the garb of review of key answers, many key answers were re-framed by adding some more options which was completely unfair and otherwise not permissible in law. On such findings, the Tribunal set aside the orders in proceedings of re-evaluation allowing the Original Application of Anil Sharma.

5. Assailing correctness and validity of the order of the Tribunal, Ld. counsel appearing for Railways would argue that the Tribunal completely misdirected itself in assuming that the authorities had revalued the answers given by original applicant and other candidates. According to him, this was an exercise more in the nature of course correction when complaints were received that the key answers itself were not correct and erroneous. This was examined by getting a committee of experts constituted who examined the correctness of key answers and arrived at the conclusion that the key answers were either incorrect or

erroneous. Having reached to such a conclusion, the key answers were re-framed and then the answers given by the candidates including original applicant were re-evaluated and a revised result was prepared.

The private respondent—Krishan Swaroop Sharma has also supported the arguments of official respondents.

6. The facts which are not in dispute are that after the examination was conducted, results were declared, private respondent—Krishan Swaroop Sharma filed a representation/complaint before the authorities that key answers to some of the questions were incorrect and in some cases question itself was vague and erroneous. The Railway authorities constituted a committee comprising of two JAG level officers. It is also not in dispute that committee of experts came to the conclusion that the key answers were either incorrect or erroneous. That led to re-evaluation of answers with reference to re-framed answer keys.

7. It is well settled legal proposition that in the absence of there being a provision for revaluation, revaluation of answers is not permissible in law, as held in plethora of decisions.

8. The settled legal position in this regard was re-iterated by the Supreme Court in the case of Himachal Pradesh Public Service Commission Versus Mukesh Thakur & Another, 2010 (6) SCC 759 and it was held as below:-

"24. The issue of re-evaluation of answer book is no more res integra. This issue was considered at length by this Court in Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupesh Kurmarsheth, wherein this Court rejected the contention that in absence of provision for re-evaluation, a direction to this effect can be issued by the Court. The Court further held that even the policy decision incorporated in the Rules/Regulations not providing for rechecking/verification/re-evaluation cannot be challenged unless there are grounds to show that the policy itself is in violation of some statutory provision. The Court held as under: (SCC pp.39-40 & 42, paras 14 & 16)

"14...It is exclusively within the province of the legislature and its delegate to determine, as a matter of policy, how the provisions of the statute can best be implemented and what measures, substantive as well as procedural would have to be incorporated in the rules or regulations for the efficacious achievement of the objects and purposes of the Act...

16...The Court cannot sit in judgment over the wisdom of the policy evolved by the legislature and the subordinate regulation-making body. It may be a wise policy which will fully effectuate the purpose of the enactment or it may be lacking in effectiveness and hence calling for revision and improvement. But any draw-backs in the policy incorporated in a rule or regulation will not render it ultra vires and the Court cannot strike it down on the ground that, in its opinion, it is not a wise or prudent policy, but is even a foolish one, and that it will not really serve to effectuate the purposes of the Act...."

25. This view has been approved and relied upon and re-iterated by this Court in *Pramod Kumar Srivastava v. Bihar Public Service Commission* observing as under: (SCC pp.717-18, para7)

"7. ... Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for re- evaluation of his answer-book. There is a provision for scrutiny only wherein the answer-books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer-book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science paper. In the absence of any provision for re-evaluation of answer-books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for re- evaluation of his marks.

(emphasis added)

A similar view has been reiterated in *Muneeb Ul Rehman Haroon (Dr.) v. Government of J & K State, Board of Secondary Education v. Pravas Ranjan Panda, Board of Secondary Education v. D. Suvankar, West Bengal Council of Higher Secondary Education v. Ayan Das and Sahiti v. Dr. N.T.R. University of Health Sciences*.

26. Thus, the law on the subject emerges to the effect that in absence of any provision under the statute or statutory rules/regulations, the Court should not generally direct revaluation."

9. The aforesaid legal position has been further affirmed in the cases of *Ran Vijay Singh & Others versus State of Uttar Pradesh & Others*, 2018 (2) SCC 357 and *High Court of Tripura through The Registrar General Versus Tirtha Sarathi Mukherjee & Others*, 2019 (16) SCC 663.

10. However, a situation where key answers itself are found to be incorrect, requiring necessary course correction has also been considered by the Supreme Court,

In the case of *Kanpur University through Vice Chancellor & Others Versus Samir Gupta and Others*, AIR 1983 SC 1230, controversy arose with regard to some questions that the key answers for those questions were not correct. On facts, upon examination of authentic texts, it was held that the key answers itself were not correct. The High Court issued direction for re-assessment of particular questions. Such direction was affirmed. It was held that if there is a case of doubt, key answers already provided have to be adhered to but if the matter is beyond the realm of doubt, it would be unfair to penalize the students for not giving an answer which accords with the key answer which is demonstrated to be wrong. It was importantly observed:-

"15. The findings of the High Court raise a question of great importance to the

student community. Normally, one would be inclined to the view, especially if one has been a paper setter and an examiner, that the key answer furnished by the paper setter and accepted by the University as correct, should not be allowed to be challenged. One way of achieving it is not to publish the key answer at all. If the University had not published the key answer along with the result of the test, no controversy would have arisen in this case. But that is not a correct way of looking at these matters which involve the future of hundreds of students who are aspirants for admission to professional courses. If the key answer were kept secret in this case, the remedy would have been worse than the disease because, so many students would have had to suffer the injustice in silence. The publication of the key answer has unravelled an unhappy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system of examinations which they conduct. What has failed is not the computer but the human system.

16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the key-answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged text-books, which are commonly read by students in U.P. Those text-books leave, no room for doubt that the answer given by the students is correct and the key answer is incorrect.

17. Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the Medical Colleges in U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those text-books. Those text-books support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong."

11. In another case of *Manish Ujwal & Others Versus Maharishi Dayanand Saraswati University & Others*, 2005 (13) SCC 744, similar challenge was raised where student community filed a writ petition before the High Court challenging ranking in the entrance tests conducted by the University for admission to medical and dental courses with the grievance that various key answers on the basis whereof, answer sheets were evaluated, itself were wrong and consequently wrong and erroneous ranking was prepared.

12. The opinion of the experts was sought. The opinion of experts was

unanimous that key answers of disputed questions were erroneous. The Supreme Court in Para 8 of its order observed as below:-

"8. xxxxxxxxxxxx. It is possible that the fresh evaluation by feeding correct key answers to the six questions may have adverse impact also on those who may have already secured admission on the basis of the results declared and ranking given by feeding incorrect keys in relation to these questions. Though we are of the view that the appellants in particular and the student community in general, whether one has approached the court or not, should not suffer on account of demonstrably incorrect key answers but, at the same time, if the admissions already granted as a result of first counselling are disturbed, it is possible that the very commencement of the course may be delayed and the admission process for the courses may go beyond 30-09-2005, which is the cut-off date, according to the time schedule in the Regulations and as per the Law laid down by this Court in *Mridul Dhar (Minor) v. Union of India*. In this view, we make it clear that fresh evaluation of the papers by feeding correct key answers would not affect the students who have secured admissions as a result of the first counselling on the basis of ranking given with reference to the results already declared."

Considering that the matter related to admission of students and many admissions had already been granted, in peculiar facts of that case, it was made clear that fresh evaluation of the papers by feeding correct answers would not affect students who have secured admission as a result of first counseling on the basis of ranking given with reference to the results already declared. However, the exercise of examination of disputed key answers by a committee of experts was upheld.

13. The decision in the case of *Kanpur University through Vice Chancellor & Others (supra)* was also relied upon, principle was restated as above and the permissible course of action was re-iterated by the Supreme Court in the case of *Manish Ujwal & Others (supra)* as below:-

"9. In *Kanpur University v. Samir Gupta* considering a similar problem, this Court held that there is an assumption about the key answers being correct and in case of doubt, the court would unquestionably prefer the key answer. It is for this reason that we have not referred to those key answers in respect whereof there is a doubt as a result of difference of opinion between the experts. Regarding the key answers in respect whereof the matter is beyond the realm of doubt, this Court has held that it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong. There is no dispute about the aforesaid six key answers being demonstrably wrong and this fact has rightly not been questioned by the learned counsel for the University. In this view, students cannot be made to suffer for the fault and negligence of the University."

In a subsequent decision in the case of *Ran Vijay Singh & Others (supra)*, the law

on the subject was propounded as below:-

"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1 If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2 If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed; 30.3 The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate-it has no expertise in the matter and academic matters are best left to academics;

30.4 The Court should presume the correctness of the key answers and proceed on that assumption; and

30.5 In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

In one of the latest decisions in the case of High Court of Tripura through The Registrar General (*supra*) while re-iterating and re-affirming settled legal position that in the absence of there being a provision for re-evaluation, re-evaluation could not be done or ordered, cases of exceptional nature as noticed earlier in the case of Kanpur University through Vice Chancellor & Others (*supra*), Manish Ujwal & Others (*supra*) & Ran Vijay Singh & Others (*supra*), were taken into consideration and permissible course of action to deal with such exceptional cases, even though there was no provision for re-evaluation as such, was evolved.

"19. We have noticed the decisions of this Court. Undoubtedly, a three Judge Bench has laid down that there is no legal right to claim or ask for revaluation in the absence of any provision for revaluation. Undoubtedly, there is no provision. In fact, the High Court in the impugned judgment has also proceeded on the said basis. The first question which we would have to answer is whether despite the absence of any provision, are the courts completely denuded of power in the exercise of the jurisdiction Under Article 226 of the Constitution to direct revaluation? It is true that the right to seek a writ of mandamus is based on the existence of a legal right and the corresponding duty with the answering respondent to carry out the public duty. Thus, as of right, it is clear that the first respondent could not maintain either writ petition or the review petition demanding holding of revaluation.

20. The question however arises whether even if there is no legal right to demand revaluation as of right could there arise circumstances which leave the

Court in any doubt at all. A grave injustice may be occasioned to a writ applicant in certain circumstances. The case may arise where even though there is no provision for revaluation it turns out that despite giving the correct answer no marks are awarded. No doubt this must be confined to a case where there is no dispute about the correctness of the answer. Further, if there is any doubt, the doubt should be resolved in favour of the examining body rather than in favour of the candidate. The wide power Under Article 226 may continue to be available even though there is no provision for revaluation in a situation where a candidate despite having giving correct answer and about which there cannot be even slightest manner of doubt, he is treated as having given the wrong answer and consequently the candidate is found disentitled to any marks.

21. Should the second circumstance be demonstrated to be present before the writ court, can the writ court become helpless despite the vast reservoir of power which it possesses? It is one thing to say that the absence of provision for revaluation will not enable the candidate to claim the right of evaluation as a matter of right and another to say that in no circumstances whatsoever where there is no provision for revaluation will the writ court exercise its undoubted constitutional powers? We reiterate that the situation can only be rare and exceptional.

22. We would understand therefore the conclusion in paragraph 30.2 which we have extracted from the judgment in *Ran Vijay Singh v. State of U.P.* only in the aforesaid light. We have already noticed that in *H.P. Public Service Commission v. Mukesh Thakur*, a two Judge Bench in paragraph 26 after survey of the entire case law has also understood the law to be that in the absence of any provision the Court should not generally direct revaluation.

23. xxxxxxxxx. Even in the judgment of this Court in *Ran Vijay Singh v. Rahul Singh* which according to the first respondent forms the basis of the High Court's interference though does not expressly stated so, what the Court has laid down is that the Court may permit revaluation inter alia only if it is demonstrated very clearly without any inferential process of reasoning or by a process of rationalization and only in rare or exceptional cases on the commission of material error. xxxxxxxxx."

14. In view of the aforesaid decisions, it therefore emerges as settled legal position that though revaluation, in the absence of there being any Rule/Scheme governing examination is not permissible in law, in exceptional cases where the key answers are found to be demonstrably wrong, injustice caused to candidates has to be undone. The course of action adopted in those cases which were approved by the Courts was that the complaints with regard to key answers of disputed questions have to be examined by committee of experts and if opinion of the committee reflects that key answers are demonstrably wrong, the answers given by the candidates is required to be re-assessed with reference to correct key answers.

15. What has been done by the petitioner in the present case is that upon receipt of the complaint of Krishan Swaroop Sharma that some of the key answers itself were not correct and/or vague and erroneous, answer keys have been re-framed and the answers given by the candidates have been re-assessed to arrive at a revised select list.

16. We however find that the committee of experts exceeded its power in respect of some of the questions while examining their answer keys though, in respect of some of the questions, the answer key has been found to be demonstrably incorrect. For this purpose, it would be relevant to re-produce the report of the Committee of experts as below:-

Ques. No.

Sub part of Question No.

Answer given in previous answer key

Answer framed by the committee

Remarks with reasoning over the Answer given in key and answer prepared by the committee

1.

2

N.S. Meena

N.S. Meen/ Mina or Narendra Singh Meena/Mina

As the question is about name of a person, the answer of the candidates such as Narendra Kumar Meena etc. are treated as incorrect

3

302 mm

203

It is evident from the question asked that answer is to be given in mm but answer given in inch etc. are treated to be incorrect

8

22.297 mm

22297

It is evident from the question asked that answer is to be given in mm but answer given in metre etc. are treated to be incorrect

2

5

No

Yes

As per page no.3/41 of Chapter I of Chemtech Manual the cycle time of BG Coach is 18 days therefore answer will be Yes

6

No

Yes

In one AC Coach there are two emergency window. Therefore Yes is treated as answer

3

1

Centre for Advance Maintenance Technology

Same

No Comments.

2

Modified Assured Career Progression

Same

No Comments

10

Computerized numerical controlled

Computerized numerical controlled or computer numerical controlled

Due to limited English language knowledge of the candidates new options have been added alongside answer given in the answer key

4

7

Circumstances

Same

No Comments

5

2

Depreciation

Depreciation /reduction in price

Taking into consideration Hindi Dictionary and daily practical knowledge new options have been added as per the expression formed by the candidates in their answer

6

lao/kZu] ifjorZu] :ikraj.k] la'kks/ku

lao/kZu] ifjorZu] :ikraj.k] la'kks/ku] lq/kkj] ifjofrZr cnyko] :i es a cnyko

Taking into consideration Hindi Dictionary and daily practical knowledge new options have been added as per the expression formed by the candidates in their answer

8

[खरीद@उपलब्धि

[kjhn@ miyC/kh@[kjhnkjh @miyC/k djuk

Taking into consideration Hindi Dictionary and daily practical knowledge new options have been added as per the expression formed by the candidates in their answer

9

1

3532.5 litre

1767.85 litre

Both the questions are not disputed as they were not objective type.

2

1.874 hours if Fatigue allowance is 25%

Same

15.86 hours if Fatigue allowance is 12.5%

Same

17. A close scrutiny of the exercise which has been undertaken by the expert committee reveals that what has been done by the committee is only partly permissible in law in view of the principles enunciated by the Supreme Court in the judgments referred to above whereas the other part of the exercise is not legally permissible.

The report of the scrutiny committee, as referred to above, shows that as far as Ques. No.1 Sub-Part-2 is concerned, the previous answer key quoted name of the officer as "N.S. Meena" whereas re-framed answer by the Committee is "N.S.

Meen/Mina or Narendra Singh Meena/Mina". The remarks given in the remarks column are that answer such as "Narendra Kumar Meena" are to be treated as incorrect.

18. The answer given by the O.A. petitioner—Anil Sharma was treated as incorrect because he has used the word Kumar which was prefixed by Narendra and suffixed by Meena. If the answers re-framed allows various options, it appears to be completely arbitrary to reject the answer given by Krishna Swaroop Sharma as incorrect.

The Ques. No.1 Sub-Part-3, as dealt with, shows that original answer key was demonstrably wrong, without involving any inferential process of reasoning or by a process of rationalisation.

Re-framed answers of Ques. No.1 Sub-Part 8 is also in the same category.

However, as far as Ques. No.2 Sub-Part 5 is concerned, it was, "in one A.C. Coach", POH is of 18 days and the answer of the respondent (O.A. petitioner) was "No". While re-framing the answer key, which necessarily was required to be with reference to the question, remarks column shows that question itself was re-framed and in place of "POH" it was substituted by "cycle time" of BG Coach. What therefore transpires is that first the question was re-framed and then key answer was stated to be "Yes".

As far as Ques. No.2 Sub-Part 6 is concerned, question was, "two emergency windows are attached in an A.C. Coach", the answer given was "No". The answer has been re-framed as "Yes" without reference to the authentic and approved provision/technical specification whereas the petitioners have referred to letter dated 19.05.1998 of the Railway Board. Moreover, one more document dated 11.12.2012 of Deputy CME/ Design-I has been placed on record by the O.A. petitioner which records as below:-

"Rail Coach Factory, Kapurthala

Dated:11.12.2012

No. MD11231

Sub: Information sought under RTI Act 2005

Ref: Letter No. PIO/RTI/RCF/1678 dated 10.12.2012

Reference above, it is stated that self generating AC3T sleeper coach of ICF design, WGACCN is manufactured as per RDSO approved layout no. CSC-1722. In this RDSO approved layout, provision of 04 nos of emergency window is indicated. Coaches are manufacture accordingly.

Encls : RDSO lay out no. CSC-1722

Dy. CME/D-3

PIO and Sr. PRO

(Suraj Prakash)

Dy. CME Design-I"

19. The aforesaid two materials which were placed on record by the O.A. petitioner, could not be controverted by the petitioner (herein "Railways") with reference to any other material and therefore, it is not known on what basis answer key of Ques. No.2 Sub-Part 6 was framed as "Yes".

20. It is thus clear that as far as re-framing of answer keys of Ques. No.2 Sub-Part 5 and Sub-Part 6 is concerned, it cannot be characterized as correcting an answer key which is demonstrably wrong and that too, without any inferential process of reasoning. Therefore to that extent, the action of the examining authority (Railways) is not in accord with the principles which have been stated hereinabove, permitting re-framing of answers key only when they are demonstrably wrong without any inferential process or reasoning.

21. Curiously enough and rather acting in utmost unfairness, as far as Ques. No.3 Sub-Part 10, Ques. No.5 Sub-Parts 2, 6 & 8 are concerned, those have been re-framed by adding new options which were never in the question paper and which were not available for any of the candidates appearing in the examination including respondents to exercise options. This exercise of first re-framing the question itself and then changing the answer key, has been rightly observed by the Tribunal to be unfair. It certainly does not fall in the category of undertaking course correction in respect of those answer keys which were demonstrably wrong without any inferential process of reasoning or by a process of rationalisation so as to be carved out as rare or exceptional cases.

22 Learned Tribunal has very aptly observed that such revision/re-framing by addition of options as valid answers where such options were clearly not given to examinees at the time of original examination, is completely unsustainable in terms of both logic as well as principles of fair play and militates against the basic concept of fairness and equal opportunity as well as the objectivity of the entire examination process.

23 As an upshot of the aforesaid discussion, we are of the firm view that major part of the exercise of re-framing of answer keys was not permissible under the law and it did not fall in the category of rare and exceptional cases where key answers are found to be demonstrably wrong without any inferential process of reasoning or by a process of rationalisation. The element of subjectivity which was introduced and doubt having been created, the action of the respondents except in re-framing key answers of two questions namely Ques. No.1 Sub-Part 3 and Ques. No.1 Sub-Part 8 was illegal and impermissible in law.

24. Yet another reason why the action of the petitioner—Railways cannot be sustained in law is delay in undertaking the exercise of re-framing of key answers on the basis of complaints.

Admittedly, the examination was held on 29.10.2010, eventually leading to selection of O.A. petitioner, sending him for training and then posting after completion of training vide order dated 31.01.2012. After one year, a show cause notice was given to the O.A. petitioner Anil Sharma on 28.01.2013.

The stand taken by the petitioner that there was no time limit fixed for the scrutiny of complained key answers cannot be accepted. Even assuming that a limited exercise of correcting demonstrably wrong key answers and re-assessment was permissible under the law, such exercise is required to be completed within a reasonable time and not after many years of the examination and certainly not one year after the selections are made, training is completed and posting order given to successful candidates. It is in interest of all that finality is attached to the results of the examination and same cannot be allowed to be tinkered with on the basis of the complaints after complaints where the selection list is implemented by sending the successful candidates for training and then posting them also on the higher post. It would be highly unfair and unjust to disturb the selection list after a long lapse of time. This is one additional reason why the exercise, as undertaken by the petitioner—Railways warranted interference by the Learned Tribunal.

25. At this stage, even though a smaller part of the exercise could be said to be permissible by application of principles enunciated as discussed hereinabove, majority of the exercise does not fall in line within the permissible course of action. At this stage, therefore, we are inclined to put quietus to the matter rather than directing the authorities to undertake third round of exercise of re-assessing the candidates once again.

26. For the reasons mentioned hereinabove, we are not persuaded to interfere with the conclusion arrived at by the Tribunal.

27. In the result, the petition fails and is accordingly dismissed.