

GAHC010029372020



**THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

Case No. : WP(C)/1037/2020

BHUPALI SAIKIA
W/O- TAJIN CHUTIA, R/O- VILL. BAKULBARI, P.O.- HOWLLOWDUNGA, P.S.
GOGAMUKH, DIST.- DHEMAJI (ASSAM), PIN- 787026.

VERSUS

THE STATE OF ASSAM AND 3 ORS.
THROUGH THE COMM. AND SECY. TO THE GOVT. OF ASSAM, EDUCATION
(ELEMENTARY) DEPTT., DISPUR, GHY.- 781006.

2:THE DIRECTOR OF ELEMENTARY EDUCATION
ASSAM
KAHILIPARA
GHY.-19.

3:THE MEMBER SECY.
EMPOWERED COMMITTEE ON ELEMENTARY TET
GOVT. OF ASSAM
SSA CAMPUS
KAHILIPARA
GHY.-19.

4:THE COORDINATOR OF EXAMINATIONS
BOARD OF SECONDARY EDUCATION
BAMUNIMAIDAM
GHY.- 781021.

5:THE SARBA SIKSHA ABHIJAN
ASSAM REPRESENTED BY ITS MISSION DIRECTOR
KAHILIPARA
GUWAHATI-1

Advocate for the Petitioner : MR. I H SAIKIA

Advocate for the Respondent : SC, ELEM. EDU

**BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR**

Judgement & Order (Oral)

Date : 20.03.2024

Heard Mr. K. Kalita, learned counsel for the petitioner. Also heard Mr. B. Talukdar, learned Standing Counsel for the Elementary Education Department appearing for the respondents no. 1, 2 & 3 and Mr. D. K. Roy, learned counsel for the respondent no. 4 as well as Mr. H. Barua, learned Standing Counsel representing the SSA, Assam.

2. The present proceeding has been instituted by the petitioner alleging that on account of wrong answer keys with regard to the questions no. 36 & 133 of Paper-I (Assamese Stream) pertaining to the Assam State Teacher's Eligibility Test for Lower Primary Schools, the petitioner was deprived of 2(two) marks and accordingly, she was declared to be not qualified in the said examination. The petitioner had participated in the said TET examination, 2019 and had secured 81 marks out of 150. The petitioner being a candidate belonging to the More Other Backward Classes (MOBC) category was required to secure 83 marks out of 150 marks for qualifying in the said TET examination. The petitioner has instituted the present proceeding questioning the answer keys with regard to two questions i.e., questions no. 36 & 133 of the said Paper-I (Assamese Stream). The questions along with the options being relevant

are extracted herein below:

“Question No. 36: If the area of a square is equal to the area of a rectangle having sides of length 9cm and 3cm, then the length of each side of the square is –

- (A) 3 cm (B) 9 cm (C) 27 cm (D) 81 cm”

“Question No. 133: For which poetical work compilation did Nirmalprabha Bordoloi win the Academy award for literature in the year 1983?

- A. Xudirgho Din Aru Rati B. Bon Foringor Rong
C. Xomipexu D. Dinor Pisot Din”

3. It is seen that with regard to question no. 133, the answer key as reflected option A to be the correct answer, however, it is contended by the petitioner herein that she had opted for option B. The petitioner further contends that the option A in the said question paper is wrong inasmuch as in place of ‘Xudirgho Din Aru Ritu’, it was projected as ‘Xudirgho Din Aru Rati’. The said error, according to this Court, is a typographical error and does not go to the root of the matter and accordingly, the petitioner not having opted for option A against the question no. 133, she would not be entitled to any marks against the same.

4. With regard to the question no. 36, the learned Standing Counsel for the Board of Secondary Education, Assam has placed before this Court, an opinion received from the Professor and Head of Department, (Mathematics) with regard to the options as given against the said question which pertains to the Mathematics subject.

5. On perusal of the opinion of the expert, it is seen that all the options that were laid out against question no. 36 were wrong. Accordingly, the petitioner and all others participating in the said examination would be entitled to one mark.

6. In view of the above, the petitioner would now be entitled to have one more mark added against the Mathematics subject, raising her marks from 15 to 16 and consequently, the total marks of the petitioner would now stand increased to 82. However, the petitioner still would not meet the cut off mark of 83. This Court would not like to comment any further in the matter and by making a declaration that the petitioner is entitled to one more mark in the manner indicated above, this writ petition stands disposed of.

7. The communication dated 13.01.2023, containing the opinion of the expert as submitted by the learned Standing Counsel for the SEBA, is kept on record and marked as 'X' for identification.

JUDGE

Comparing Assistant