

**HIGH COURT OF JAMMU AND KASHMIR AT
JAMMU**

OWP No. 1159/2013
CMA Nos. 1063/2014, 1625/2013, 1014/2014, 2110/2013
C/w
Contempt (OWP) No. 158/2013

Date of decision: 02.09.2014

Sourav Goel Vs. J&K BOPEE and ors.

Coram:

HON'BLE MR. JUSTICE BANSI LAL BHAT, JUDGE

Counsel:

For the Petitioner(s): Mr. D. C. Raina, Sr. Advocate with
Mr. Arun Kumar, Advocate
For the Respondent(s): Mr. Anil Sethi, Advocate for R-1 to 3
Mrs. Seema Shekhar, AAG for R-4

i/	Whether to be reported in Press, Journal/Media	:	Yes/No
ii/	Whether to be reported in Digest/Journal	:	Yes/No

1. In this petition filed under Article 226 of Constitution of India read with Section 103 of the Constitution of Jammu and Kashmir, petitioner seeks the following reliefs:-

- (i) Writ in the nature of Certiorari quashing Notification No. 32-BOPEE dated 05.08.2013 pertaining to the selection for the MBBS & other professional courses.
- (ii) Writ in the nature of mandamus commanding the respondents to recast the merit of the petitioner for MBBS course for the year

2013-14 and consequently select the petitioner for the MBBS Course.

2. Petitioner, having passed his 10+2 examination from J&K Board of School Education in Medical Subjects with 83% marks submitted his application form for appearing in the Entrance examination. Entrance examination was held on 27-28th July, 2013. Vide Notification No. 32-BOPEE of 2013 dated 05.08.2013; provisional select list for MBBS and other courses was notified. Petitioner figured at serial No. 508 with merit of 165 marks in the list. According to petitioner, Counseling process for Govt. Medical College Srinagar/Jammu and SKIMS stands completed. However, process of counseling for ASCOMS is yet to be commenced. Respondents while notifying the select list have notified the answer key in response to the questions forming part of the examinations.

3. Petitioner has given the break-up in regard to availability of the seats in each Medical College as under:-

- i) Govt. Medical College, Jammu 150 seats
- ii) Govt. Medical College, Srinagar 149 seats
- iii) SKIMS 100 seats
- iv) ASCOMS (40+60) = 100

(i.e. 40 seats for BOPEE & 60 seats for ASCOMS)

4. According to petitioner, answer key published by the respondents carries wrong answers, including the incorrect options, in some cases. This he claims to have been verified from Books published by Experts. He has classified the errors in the answer key in the following four categories:-

CATEGORY-A: Indicates errors in the answer key published by the Board of Professional Entrance Examination (BOPEE).

CATEGORY-B: Indicates that none of the options as suggested alongwith questions is correct.

CATEGORY-C: Indicates that the question contains more than one option and the same being incorrect

i.e. question has more than one correct answer out of suggested options.

CATEGORY-D: Questions not correctly framed.

5. Petitioner has incorporated the following chart to indicate the number of questions, form of questions, suggested questions, answers shown as per key, actual correct answers and source.

Subject-**Biology**

Category-A error in the answer key published by BOPEE

Question No.	Answer As per BOPEE	Correct Ans.	Sources
24.genes that are involved in turning on or of the transcription of a set of structural genes are called. 1.Polymorphic-genes 2.Operator genes 3. Repressor genes 4. Regulatory genes	4	2	* Pradeep's test book of biology for class-12 th (page 11/188 to H/189) Twenty sixth edition) *Pradeep's text book of biology of class-XI)page IV/231) * Full marks biology for class XII published by Macmillan publisher's (page-153)
47. -In mitosis where does the chromosome duplication occur? 1.Interphase 2. Prophase 3.Late prophase 4. Late Telephase	2	1	*NCERT Book (page 171) class book XII * published in website- www.boosciweb.net written by blake barron Department chair professor in santa Barbara city

			college California
44-Where does the synthesis of ATP in mitochondria takes place? 1. In martrix 2. In intescristal space 3. Upon cristae 4. At outer membrane	3	1	*Pradeeps text Book of biology class CI vol. 2(27 edition 2013)(Page No. IV/160)
32.Dominant species represents most abundant	4	1	*NCERT-biology class XII by H.Y.Mohan ram (page No. 310-311) * Pradeep's text book biology

1)First tree 2) shrub that appears for the time 3) herb that binds the soil and provides effect on physical organic matter to it 4) species having major effect on physical environment			Class XII page no. V/150
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Category B (Question containing no option correct)

Question no.	Ans as per BOPEE	Correct Ans.	Sources	
27- Sedentary sea anemone gets attached to the shell living of hermit crab the association is called. 1) Symbiosis 2) Commensalism 3)Parasitism 4)Ectoparositism	2	No correct option	Pardeep test book of biology class XII (Page no V/56 to V/57	

Category C-Question containing more that one option as correct

Question No.	Ans By BOPEE	Correct Answers	Sources
9. Rate of transpiration is measured by which of the following apparatus 1) Porometer 2) Repirometer 3)Ganongs Potemeter 4. Auxanometer	3	1& 3	Biological Science 3 rd edition written by freeman and Scott Published by Benjamin Cummins
35 Addition of LSD leads to 1. Hallucination 2. Damage to kidney 3. Damage to lungs 4. Mental and emotional disturbances	4	1& 4	Pradeep's text books of Biology XII class page no. III/54 Modern's abc of biology for class XII page no.507 written by Dr. B.B.Arora and A.K.Sabharwal
Question No.	Ans by BOPEE	Correct Answers	Courses
67 which of the following takes place in DNA finger printing ? 1) A positive identification can be made 2) multiple restriction enzyme digest generates unique fragments	3	All the given four options are correct	Pradeep's text Book of Biology Class XII page No.11/163 to 11/167

Subject: **Chemistry**

Category A- errors in the answer key
published by BOPEE

Question No.	Ans by BOPEE	Correct answers	Sources
37 which of the following			Pardeep's New Course

forces is the strongest 1) Hydrogen 2) Dipole-Dipole Forces 3) Vandes Wall's Forces 4) Co-ordinate bonding	1	4	Chemistry 18 th edition page 6/53 MTG-AIEEE Physical Chemistry Page 126
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Subject: Physics

Category-A (Error in answer key published by BOPEE)

Question No.	Ans by BOPEE	Correct answers	Sources
46. A bar magnet of pole strength 10 AM is cut into two equal part breadth wise. The police strength of each magnet is 1) 5Am 2) 10Am 3) 15 Am 4) 20 Am	2	No option is correct	JPNP objective physics by Sanjeev Gupta Page No. 1395 Pardeep's Fundamental physics Class XII Vol. I Page No. 3/151

Category-B (No option is correct)

Question No.	Ans by BOPEE	Correct answers	Sources
24. The Average pressure of an ideal gas is 1) $P = (1/3) m n V^2_{av}$ 2) $P = (1/3) m n V^2_{av}$ 3) $P = (1/3) m n V^2_{av}$ 4) $P = (1/3) m n V^2_{av}$ Whether symbols have their usual meanings	1	No option is correct	NCERT Physics for Class XI Page No. 323 and 324 Pradeep's Fundamental Physics for Class XI Unit IX 9/9 and 9/10 (Tenth Edition)
47 A conductor of Length 5 cm is moved parallel to itself with a speed of 2m/s perpendicular to a uniform magnetic field of 10 Wb/m. The induced e.m.f generated is 2) $2 \times 10^3 -v$ 2) $1 \times 10^3 -v$ 3) $1 \times 10^4 -v$		No option is correct	JNP objective physics by Sanjeev Gupta Page No. 1464 Concepts of physics by H.C Verma Part II Page 305

4) $2 \times 10^4\text{-V}$			
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Category:-C (Questions containing more than one option as Correct

70 Based on the I-V Characteristics of the diode we can classify diode as 1) Bi-directional device 2) Ohmic device 3) Non-Ohmic device 4) Passive element	3	1&3	NCERT Physics for Class XII Vol II Page No. 481-482
73 The length of antenna(L0 required to propagate a signal of wave length is given as:- 1) $L= \frac{2}{2}$ 2) $L= 22$ 3) $L= \frac{2}{3}$ 4) $L=\frac{2}{4}$	4	1& 4	Pradeeps Fundamental Physics Class-VII (Page 10/7)
Question No.	Answer by BOPEE	Correct answer	Source
25 According to equipartition law of energy each particles in a system of particles have thermal energy Equal to 1) $E= KBT$ 2) $E=(1/2) KBT$ 3) $E= 3K B T$ 4) $E=(3/2) K B T$	4	2,3,4	Pradeeps fundamental physics for Class XI (Tenth edition) written by K.L.Gomber and Page 9/11-9/13
3. The motion of a particle in straight line is an example of (i) Constant velocity motion (2) Uniform accelerated motion (3) Non-Uniform accelerated motion (4)Zero velocity motion	1	1,2,3	Pradeeps fundamental physics tenth edition page No. 2/7 and 2/30

motion			
Question No .	Answer by BOPEE	Correct answer	Source
75. The demodulator or detector circuit consists of: 1) Resistor 2) Transistor 3) Diode 4) Capacitor	3	All the four options are correct	Pradeeps fundamental physics Class XII Vol II Page No. 10/13 and 10/14 downloaded attachment from en.Wikipedia.org.

6. According to the petitioner, respondents have jumbled 225 questions in four different series with different serial numbers, but the questions and answers remained the same. Petitioner claims to have submitted **18 questions** which were not carrying the correct answers or contain more than one correct option or other omission to the notice of Board of Professional Entrance Examination (for Brevity ‘Board’) for revising the provisional select list. The Board, on receipt of the representation of the petitioner and others revised the answer key dealing

only with 12 revised questions. **No revised key was published** and the other questions submitted by the petitioner were not revised. According to the petitioner marks awarded to him are not correct. He claims to be entitled at least to more than 21.6 marks which can make the grade of the petitioner up to 186.6 marks, thereby falling within the cut off limit for Government Medical College Jammu/ Govt. Medical College Srinagar and SKIMS. Thus, petitioner assails the impugned select list notified by the respondents. He claims serious prejudice to his rights.

7. Respondents 1 to 3 have filed objections pleading therein that the grievances of petitioner projected through the representation were looked into and sorted out by extending him benefit in respect of question No. 60 and 63 in Biology paper, 68, 28 & 33 in Physics paper and 47 in Chemistry paper. Grievance in regard to

other questions represented by the petitioner was found to be incorrect by subject Experts. It is further pleaded that **the representations made by interested candidates were consolidated and referred to two Experts in addition to paper setter for their opinion.** The key was revised and all answer sheets, inclusive of such candidates from whom there was no complaint, were evaluated according to the revised key. It is further pleaded that the benefit of revised key was given to all candidates who had appeared in the Common Entrance Test. It is pleaded that the petitioner is much below in merit and cannot surpass the students who figure above him in the merit list. As per the Board guidelines the candidates in CET were asked to submit representation within two days, if any, against question papers. The representations so received were sent to two subject Experts in each paper in addition to paper setter and

the key was revised in light of the opinion of the Experts. The benefit was given to all the candidates appearing in CET. It is further pleaded that the **petitioner has been selected for BDS Course as per his merit and rank and he has willingly accepted the admission in Dental College.** It is further pleaded that counseling for provisional admission in four Medical Colleges was conducted as per merit and no counseling was held exclusively with regard to ASCOMS for admission in MBBS Course. Seats of MBBS Course available in Medical College Jammu/Srinagar and SKIMS have been filled up. The Board also filled up 50 seats of MBBS for ASCOMS out of which 10 seats have been allotted to poor and backward category. **The Board displayed the answer key on the official Website after examination was completed.** Petitioner's representation in respect of questions in Physics, Chemistry and Biology papers was

examined by the subject Experts. He got the benefit of those questions which have been found correct by the subject Experts. Petitioner did not represent earlier against the question No's. 24, 27, 32 and 44 in Biology paper within the stipulated time of two days. **Petitioner has made the addition of new questions in the writ petition after having seen the revised key when he was called for re-totaling.** As per the subject Experts the answer to those questions given in the revised key was correct. It is further pleaded that out of 18 questions pointed out by the petitioner, 16 questions were not answered correctly. It is pleaded that the merit awarded to the petitioner as per the answers is correct and the petitioner is not entitled to any additional marks as his answers have been duly examined by the subject Experts with reference to citations of books referred by the petitioner in his representation viz-a-viz other standard text

books. Petitioner is much below in merit order and cannot surpass the candidates figuring above him in the merit list. The merit of all the candidates who appeared in the CET has to be kept in view while deciding the merit position of the petitioner. His case cannot be decided in isolation. It is pleaded that three Experts including the paper setter have revised the question paper and the matter cannot be re-opened for further examination, which will open a Pandora's Box and will go endlessly. It is pleaded that no error has been committed by the Board and the marks have been granted to all candidates upon consideration of their representations by subject Experts in regard to correct answerers. The Board has published the key on Board's Website, but not the revised key. However, **the revised key was shown to all the candidates who visited the Board's office for re-totaling of marks secured in CET.** The posting of

revised key on the Board's Website is a policy decision taken by the Advisory Committee. It is pleaded that the respondents have conducted the examination in a free and transparent manner in accordance with the undertaking given in PIL pending adjudication before this Court. It is pleaded that the opinion of the subject Experts for the questions raised by the petitioner cannot be disputed. Such answers being correct and the petitioner being well below the cut off marks, no seat could be reserved for him.

8. Learned counsel for the petitioner submits that as many as 17 wrong questions were pointed out by the petitioner in his representation while some other wrong questions were pointed out by the other candidates appearing in CET. However, Board has got the secret opinion which was neither shared with the petitioner nor with this Court, whereas revised key was also not published. It is further submitted that for

MBBS there are three papers of 75 marks each and each question has four responses. As per the brochure selection was made subject to modification. Where the key is incorrect, fresh evaluation is to be made. Mr. Raina learned senior counsel submits that two booklets were published by Experts immediately after the CET was over. 17 questions were pointed out as being wrong. It is submitted that the opinion of Experts sought by the respondent-Board pointed out six errors which were rectified. Thus, the matter was required to be referred to an independent Expert for re-evaluation, final selection being consequential thereto.

9. Mr. Anil Sethi, learned counsel for the respondent-Board submits that the representations of the petitioner and other interested candidates with regard to wrong questions/errors have been considered by two subject Experts in addition to the paper-

setter and benefit of six correct answers has been given to the petitioner, who figures very low in merit and could not make it to the cut-off point. The issues raised by the petitioner are covered by Qazi Basra's case and same cannot be re-opened at regular intervals as observed by the Hon'ble Division Bench in the same case.

10. Heard and considered.

11. Learned counsel for the petitioner relied upon a number of authorities, the relevant one's being referred to herein below.

12. In ***Convener, MBBS/BDS Selection Board and ors v. Ghandan Mishra and anr*** reported in (1995) Supp (3) SCC 77 the Hon'ble Apex Court, while dealing with matter pertaining to conducting of examination for selection of candidates for admission to MBBS/BDS Courses for Academic year 1993-94 with petitioner

alleging that some of the objective type questions in the entrance examination contained incorrect propositions and the key answers were manifestly fallacious and wherein the High Court with the consent of parties constituted an Expert committee of five persons to examine the correctness of key answers, set aside the admission of candidates made to course on the basis of list declared defective by the High Court.

13. In ***Rajesh Kumar and ors v. State of Bihar and ors*** reported in (2013) 4 SCC 690, the Hon'ble Apex Court was dealing with a case pertaining to selection for appointment to 2268 posts of Junior Engineer (Civil). The selection process comprised of a written objective type examination held by the Staff Selection Commission. The evaluation of the answer scripts was assailed by 13 unsuccessful candidates. The High Court referred the "model answer key" to Experts

and based on the report of the two Experts, High Court found that 41 model answers out of 100 were wrong, thus entire examination was held liable to be cancelled. In Letters patent Appeal Division Bench of the High Court modified the order passed by the learned Single Judge and directed fresh examination in Civil Engineering only, further holding that those appointed on the basis of impugned selection shall be allowed to continue and given chance to appear in another examination. Upholding the view of Division Bench of the High Court, the Hon'ble Apex Court held that the Division Bench was perfectly justified in holding that the result of examination pertaining to 'A' series question paper was vitiated and thus was bound to affect the result of the entire examination qua every candidate. Once the result was vitiated by the application of a wrong key, any appointment made on the basis thereof would also be rendered unsustainable. The

Hon'ble Apex Court further held that in view of the nature of defects in the answer key appropriate course would be to correct the key and get the answer scripts evaluated on the basis thereof. This process would not give any unfair advantage to any one of the candidates. The re-evaluation was considered as a better option.

14. Learned counsel for the respondents relied upon a Division Bench authority of this Court bearing LPA No. 223/2013 (OWP No. 1266/2013) titled **J&K Board of Professional Entrance Examination and others versus Qazi Basra and others**, decided on 6th March, 2014 pertaining to Common Entrance Test, conducted by J&K Board of Professional Entrance Examination on 27/28th July, 2013, wherein it was alleged by the writ petitioners that at least 11 answers keys were wrong. After receiving representations from aggrieved candidates, same were referred to two Experts in addition

to the paper setter for their opinion. The answer keys in respect of few questions were revised and answer scripts of all candidates were evaluated and benefit of revised answer key was given to all candidates. The writ Court allowed the aggrieved writ petitioners to file representation indicating the questions and answers sought to be re-evaluated on the basis of revised answer keys. University of Kashmir was directed to appoint Experts body of minimum three members each in Biology and Chemistry departments, headed by respective HOD's, to re-evaluate the answer scripts of writ petitioners with further direction to examine whether any of the questions in the aforesaid papers were defective or erroneous. The direction was assailed in LPA and the Hon'ble Division Bench dealing with the question of referring the issues raised in respect of answer keys to the Experts every time a candidate projects grievance held as under:-

“14. A question of fundamental importance which arises for consideration of the Court is to whether the BOPEE can be, in all circumstances, asked to refer the issues raised in respect of answer keys to the experts any time and every time a candidate projects grievance. The answer has to be no. A candidate, who takes a competitive examination/test, will never be satisfied with the result of such examination/test, in case he/she does not get berth of his/her choice in a particular professional course/discipline/stream or in a college. If such tendency will be encouraged by directing for revaluation of questions and answer keys at regular intervals, then selection process will never come to a logical end. In such circumstances, the selection process will always remain conclusive. The selection process has to be concluded within remain inconclusive. The selection process has to be concluded within reasonable time and in a fair manner. In view of the mandate contained in the MCI Regulations and the judgments of the Hon’ble Supreme Court, a time frame

has been fixed for concluding the selection process. In respect of MBBS/BDS course, 30th September of every year is the last date of making of admissions. However, in view of law laid down by the Hon'ble Supreme Court in case titled *Asha Appellant versus Pt. B. D. Sharma University of Health Sciences and others-Respondents*, reported in (2012) 7SCC 389 in rare and exceptional cases, admission can be granted even after cutoff date or can be directed to be granted in the next academic session.

15. In the facts of this case, the BOPEE, after receiving representations referred the matter to the Committee of two experts and the paper setter and after receipt of the report from them, marks were awarded to the candidates. The selection process would stand concluded after fresh exercise was conducted by the experts in respect of questions and answer keys, about which doubts were raised. Thus, there was no further scope for issuance of direction for referring the questions and answer keys, which have been projected by the respondent-writ petitioner in the writ petition or which she would project in

her representation along with answer keys/revised answer keys, to the experts and/or paper setter. Such a direction has the effect of keeping the selection process wide open and providing chance to other candidates, not satisfied with their merit position, to seek similar reliefs.

16. The respondent-writ petitioner has been provided opportunity to project as many questions as she wishes by filing representation. Such course, if permitted to be adopted, will not stand on the touch stone of Article 14 of the Constitution, as other similarly circumstanced candidates are denied similar opportunity. Adopting of such a course will result in affecting the academic discipline and will keep the selection process open to regular interjections, which course cannot be countenanced in law.

17. The clouds of uncertainty cannot be allowed to hover on such an important selection process. The impugned order suffers from yet another serious infirmity because the Secrecy which is required to be maintained in making admissions in such type of

professional courses, will be jeopardized as the experts, sought to be appointed, can be easily identified. Maintaining secrecy is the hallmark of conducting such type of competitive tests.

18. In the facts and circumstances of this case and for our above recorded reasons, the directions issued by the learned writ Court, which are impugned in this Letters Patent Appeal (LPA), are held to be unwarranted and illegal. The Appeal is, accordingly, allowed and the impugned order dated 29-11-2013 is set aside. Consequently, OWP 1266/2013 also stands dismissed along with connected CMPs.”

15. It is not in controversy that BOPEE conducted the entrance examination for MBBS and other courses for the year 2013 on 27-28th July in terms of notification No. 32-BOPEE of 2013 dated 05.08.2013. It is also not denied that the petitioner appeared in the entire examination test and his name figured at serial No. 508 with merit of 165 marks out of total 225 marks. Petitioners claims to have

verified the correctness of the answer key published by the respondents from various books ,authorship whereof is attributed to some Experts in the field. His contention is that answer key published by the respondents carried wrong answers including incorrect options in some cases. He indicated such errors classifying the same in four categories. His further contention is that he submitted 18 questions which were not carrying the correct answers or contained more than one correct answer or other omissions. According to petitioner, respondents have dealt with only 12 revised questions while the revised key has not been published. Thus the petitioner disputes the correctness of marks awarded to him and according to him he was entitled to at least 21.6 marks more making the grade of petitioner up to 186.6 marks. Thus, the petitioner assails the selection list notified by the respondents where the cut off merit in

open merit category in MBBS is 177, 176.6 and 177 for Government Medical College, Jammu, Srinagar and SKIMS respectively. Disputing the factual position respondents pleaded that the representations of petitioner, whenever made, were looked into and his grievances were sorted out. Reference is made to the benefit extended in regard to two questions out of 9 questions in Biology paper, 03 questions out of 8 questions in Physics paper and one question out of two questions represented against in regard to Chemistry paper. Other suggestions represented by the petitioner were found to be incorrect by the subject Experts. **It emerges from the pleadings of respondents that all representations from interested candidates were consolidated and referred to two Experts in addition to the paper setter for their opinion. According to BOPEE guidelines the Board has the power to review the provisional selection list in**

case of any bonafide error, lapse, mistake, fraud, misrepresentation or glaring injustice that occurs or is brought to its notice at any stage of selection process or even after the admission. Each question is provided with four responses of which only one is most appropriate answer. According to BOPEE guidelines the interested candidates appearing in CET are required to make representations against the question papers within two days. The representations, in the instant case, are said to have received both at Jammu and Srinagar. Same are said to have been consolidated and placed before a Committee of two Experts in addition to the paper setter. This mechanism is provided to look into all possible errors that may have crept in to cover all categories of errors in question papers, or in the answer key. The respondents are specific in their plea that the key was

revised in light of opinion of Experts and its benefit was extended to all candidates including those who did not make any representations. It is thus manifestly clear that a mechanism exists to rectify the errors and revise the answer key based on the opinion of subject Experts sitting together with the paper- setter with further provision for re-evaluation of all the answer scripts in the light of revised key. The stand taken by BOPEE is that in the instant case question papers together with the representations were sent through secret agency to two Experts in addition to the paper setter for their opinion and the answer key was revised accordingly. It is, therefore, abundantly clear that question papers have been examined by the two subject experts in addition to the paper setter. The decision whether a question is correct or not, falls in the realm of subject Experts and the

decision taken by the subject Experts sitting together with the paper setter has to be treated as final. The Court cannot substitute its own view in place of the view taken by the Experts. Nor would it be prudent to re-open such decision with grievances pouring in time and again thereby opening a Pandora's Box. This would have the result of re-opening of the selection process every time a grievance is projected and subjecting all selection made to re-evaluation with most undesirable consequences of jeopardizing interests of selected candidates. After all there has to be an end to the selection process and it cannot be the subject of re-evaluation each and every time a candidates seeks to assail the selection process. Guidelines of BOPEE providing a mechanism for entertaining representations within two days against wrong question papers or wrong answer

key fairly enough addresses the issue of errors having occurred in the question papers or in the answer key. The errors found necessarily warrant revising of the answer key and consequent re-evaluation of answer scripts. Plea raised by the respondents that the benefit of errors detected was extended to the petitioner together with all candidates irrespective of the fact that such candidates had or had not represented against such wrong questions or wrong answer keys, takes care of the anomalies and does not warrant referring the matter to Experts beyond the mechanism of BOPEE guidelines. The Committee of subject Experts and the paper setter are said to have examined the answers given by the petitioner with reference to the books referred to by the petitioner in his representation. In regard to publication of revised key the respondents have

specifically pleaded that in accordance with past practice BOPEE posted answer key on BOPEE's Website. The revised key was shown to all those candidates including the petitioner who visited the BOPEE office for re-totaling of marks secured in CET. There is hardly any scope to dispute the correctness of proposition advanced on behalf of respondents that the opinion of subject Experts cannot be disputed and questioning of the correctness of answers decided by the Experts with regard to 17 questions raised by the petitioner in the writ petition is not warranted.

16. The ratio of judgment delivered by Hon'ble Division Bench of this Court in Qazi Basra's case (Supra) squarely applies in the facts and circumstances of instant case. Referring the matter to subject Experts in supersession of the mechanism provided in BOPEE guidelines is fraught

with serious consequences as the identity of Experts would become public thereby imperiling the integrity of the institution and compromising with secrecy required to be maintained in making admission in such type of professional courses.

17. I do not find any merit in the petition, and the same is, accordingly, dismissed along with connected CMAs.

Interim direction, if any, shall stand vacated.

Connected Contempt No. 158/2013 shall also stand dismissed.

(Bansi Lal Bhat)
Judge.

Jammu
02.09. 2014
‘BIR”