
AIR 1999 AP 138 : (1999) 2 ALD 217 : (1999) 2 ALT 244

Andhra Pradesh High Court

Case No: Writ Petition No. 15858 of 1998

D. Aarati Deendayal

APPELLANT

Vs

Convenor,
EAMCET-Examination,
Hyd. and others

RESPONDENT

Date of Decision: Feb. 16, 1999

Citation: AIR 1999 AP 138 : (1999) 2 ALD 217 : (1999) 2 ALT 244

Hon'ble Judges: Bilal Nazki, J

Bench: Single Bench

Advocate: Mr. D. Devender Rao, for the Appellant; Mr. C. Kodanda Ram, Mr. T.S. Harinath and Government Pleader for Education, for the Respondent

Judgement

Bilal Nazki, J.

The petitioner was a candidate for the qualifying examination to M.B.B.S. She appeared in EAMCET-1998 examination on

14th May, 1998. Time schedule to the examination was from 2.30 p.m. to 5.30 p.m. She submits that she was given the paper at 2.20 p.m., 10

minutes time was given for reading the instructions and she started answering the questions at 2.30 p.m. She found repetition of question No.51

and question No.75 at about 2.55 p.m. She informed the Invigilator and the Invigilator told her to continue answering the other questions, in the

meantime, according to the petitioner, for next 40 minutes three Invigilators repeatedly one after the other came to her and asked about her

problem. Thereafter it was realised that there was a mixing of question sheets of different codes, code-B and D were mixed disproportionately in

all the subjects when only questions of code B should have been in the question papers. This was the mistake committed by the Invigilators and

first respondent. Thereafter, between 3.35 p.m. and 3.45 p.m. another Invigilator came and handed over her a new "B" code paper and she was

asked to answer the questions contained in the new paper book. According to the petitioner she was also asked to erase all the answers that she

has marked in three subjects. In between, the petitioner, according to her, lost time of more than one hour fifteen minutes. Record has also been

produced. There are two question books but the answer sheet is only one. The petitioner states that she pleaded for extra time but it was not given

to her. Eventually she could not get the requisite rank for admission. She has filed this Writ petition and seeks a direction to the respondents that

she should be admitted to M.B.B.S.

2. The facts narrated above are almost admitted. However, a plea has been taken in the counter that when the mistake was pointed out by the

candidate she was directed by the invigilating staff to answer the questions printed in the first book till another question paper book was provided

to her. It is also submitted that, in fact mere were two such other candidates who had faced the same difficulty and a second booklet was given to

them at 3.30 p.m. It is also stated that the candidate noticed the defect in the paper at 3.00 p.m. It is also stated that, between 2.30 p.m. and 3.00

p.m. the petitioner would have not attempted more then 30 to 35 questions and at 3.00 p.m. she had been asked to answer questions in the pages

with code AM 98B of the defective booklet given to her. So, the case of the respondents is that she did not lose much time. It is also stated that

the candidate attempted 199 questions out of 200 questions, therefore it is obvious that because of loss of time she did not suffer. It was stated

during the arguments also by the learned Counsel for the respondents that even if she is given marks for the unstamped question, even then she

would not make a grade which would entitle her for admission.

3. Somewhat similar case was decided by the Supreme Court in C. Tulasi Priya v. A.P. State Council of Higher Education 1998(6) Supreme 184.

In that case, the petitioner had been able to answer 170 out of 200 questions and because of loss of time she had not able to attempt 30 questions.

The Supreme Court ruled that the marks obtained by her out of 170 questions would have been 94.555%, therefore they directed that her over all

rank should be fixed on the basis that she obtained 94.555% out of 200 questions.

4. The principle applied by the Supreme Court cannot be applied to the present case. The candidate has attempted 199 questions out of 200

questions and even if she is given one mark for the unstamped question, even then, she cannot get admitted to the Medical College. But, this is not

the whole story about the case. One can imagine and visualise the plight of a candidate who finds himself placed in possession of a defective

question book after half an hour of such an important examination for which he or she prepares for a year or two and on the result of which his or

her life depends. Psychologically such a candidate would lose the self control and also the whole concentration. Even the most brilliant candidate in

such a situation can become nervous and only such candidate would realise and feel the agony and pain. In such circumstances no candidate is

expected to answer questions correctly, even if he knows the correct answers.

5. Therefore, I have no doubt in my mind that whatever the marks the petitioner had obtained are not the true reflection of her capacity and

capability. Her capacity and capability to answer questions correctly must have got impaired with the incident with which she was confronted with

for no fault of hers. This Court cannot in the present circumstances say whether the candidate would have made the grade, or, not made the grade,

had not the mistake been committed by the respondents. Therefore, this Court is also in a precarious position as to what relief can be granted to

the petitioner who decidedly and admittedly has suffered at the hands of the respondents. The petitioner may get another chance of competing and

get selected if she has merit, but it remains a fact that she has lost a year and she has suffered the agony. There is also another concern of this

Court that such mistakes should not happen in future so that the career of the students is not spoiled.

6. Keeping in view the fact that the petitioner will have to get coaching again and also keeping in view the agony she has undergone, I am moulding

the relief claimed in this petition and I direct the respondents to pay a compensation of Rs.50,000/- to the petitioner. This amount shall be paid

within two months to the petitioner by the Government of Andhra Pradesh. They shall however be at liberty to consider whether this amount

should be recovered from the EAMCET authorities who were responsible for the mistake or pay it from the State Exchequer.

7. This Writ petition is allowed in the terms as directed above. No order as to costs.