



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF JULY, 2024

BEFORE

THE HON'BLE MR JUSTICE S SUNIL DUTT YADAV

WRIT PETITION NO. 16700 OF 2024 (EDN-RES)

BETWEEN:

1. THANMAY U
S/O C UMASHANKARA
AGED ABOUT 18 YEARS,
R/O NO.7, MYLARA LINGESHWARA NILAYA,
OPP EAGLE BAKERY
GANESHA SAW MILL ROAD,
T DASARAHALLI,
BENGALURU-560057.

...PETITIONER

(BY SRI. THANMAY U-PARTY IN PERSON)

AND:

1. THE STATE OF KARNATAKA
SECRETARY TO GOVT,
SCHOOL EDUCATION AND
LITERACY DEPARTMENT,
M S BUILDING,
BENGALURU-560001.
2. KARNATAKA EXAMINATION AUTHORITY
+ CET CELL
REPRESENTED BY
CHIEF EVALUATION OFFICER,
18TH CROSS, ROAD,
SAMPIGE ROAD,
MALLESHWARAM
BENGALURU-560012.

...RESPONDENTS

(BY SRI. VIKRAM HUILGOL, ADDL. ADVOCATE GENERAL A/W
SMT. NAVYA SHEKAR, AGA FOR R1;
SRI. N.K.RAMESH, ADVOCATE FOR R2)





THIS W.P. IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYED TO DIRECT THE R-2 TO CONDUCT THE COUNSELLING FOR ENGINEERING SEATS BASED ON THE RANK LIST PREPARED INCLUDING ALL THE 180 QUESTION IN PCM (PHYSICS, CHEMISTRY, MATHEMATICS) SUBJECTS AS MENTIONED IN ANNEX-F1, F2, AND F3 WITH RESPECT TO PETITIONER. DIRECT THE R-2 TO PROVIDE RELATIVELY HIGHER MARKS TO PETITIONER AS PETITIONER STUDIED IN CBSE WHILE CALCULATING THE RANK, CONSIDERING THE DIFFICULTY LEVEL OF CBSE PAPERS OVER PUC PAPERS. GRANT AN INTERIM ORDER TO DIRECT THE R-2 TO RELEASE A RANK LIST WHICH INCLUDES ALL THE 180 QUESTIONS IN PCM SUBJECTS BEFORE THE COMMENCEMENT OF COUNSELLING FOR ENGINEERING COLLEGES WITH RESPECT OF PETITIONER.

THIS PETITION IS COMING ON FOR ORDERS, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Petitioner has sought for issuance of writ in the nature of mandamus to direct the 2nd respondent to conduct counselling for Engineering seats based on the rank list prepared including all the 180 questions. A further direction is also sought in the nature of mandamus to the 2nd respondent to provide higher marks to the petitioner, while calculating the rank list considering the difficulty level of CBSE papers over PUC papers.



2. The main grievance of the petitioner is that before the process of evaluation, respondents have excluded certain questions and the evaluation is now confined to the questions apart from the questions that have been expunged. It is the case of the petitioner that such exclusion would prejudice the petitioner.

3. Master Thanmay U - petitioner arguing in person has submitted that if he was aware that such questions would be expunged, he would have devoted his time in answering other questions rather than spending time on the questions which have been expunged. It is further submitted that questions that have been expunged, extend to 50 out of 240 questions in four subjects. It is so substantial so as to have prejudiced many of the candidates including the petitioner who have spent time in answering such of the 50 questions.

4. Sri. Vikram Huilgol, learned Additional Advocate General appearing for the State has filed a memo for production of documents and pointed out that the



Government has set up a committee to examine 'out of syllabus' questions in CET 2024 and the Committee has come up with a clear finding that the questions that have been excluded are questions outside the syllabus. It is submitted that the syllabus was already made known to the students and accordingly, the action of exclusion of questions has been resorted to.

5. After hearing both sides, it is clear that the action of the State is after considering the complaints stated to have been made regarding the questions asked which were outside the syllabus. If that were to be so, asking of questions outside the syllabus which syllabus was in the public domain is perfectly justifiable.

6. However, what needs to be taken note of and also asserted by the KEA as well as the State, is that such questions outside the syllabus ought not to have been asked at the first instance at all. Needless to state the apprehension of the petitioner as also of other students that, such exclusion of questions has caused prejudice



insofar as the candidates would have adjusted the time depending on the questions that they are in a better position to answer, is an aspect that is to be taken note of appropriately in order to avoid such situations in future. The Court cannot enter into the aspect of validity of decision taken by the Government based on the applicable syllabus which is the decision of the experts. Needless to state that such mistakes ought not to occur in future. The KEA and the State are required to take adequate measures to avoid such situations in future.

7. It is the contention of the State that individual grievances may not have the effect of unsettling the entirety of the process which stand of the State also requires acceptance.

8. Insofar as the other prayer as regards providing higher marks to the petitioner who has studied in CBSE while calculating the rank considering the difficulty level of CBSE papers over PUC papers and appropriate equalization needs to be resorted to, these are matters



that is to be kept open for appropriate consideration at policy level by the Government. However, it would not be practical to pass any direction in that regard as regards the present year.

9. With the above observations, the petition is disposed off.

**Sd/-
JUDGE**

VP