

**THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
MUMBAI**

ORIGINAL APPLICATION NO.143 OF 2024

**DISTRICT: Sangali/Nashik
Subject: Selection**

1. Shri Abhishekh L. Pawar, Age 24 years,)
R/o Pawar Wada, Gavan,)
Tal. Tasgon, Dist. Sangali.)
2. Shri Vipul Rajesh Lalwani, Age 25 Years,)
R/o. Flat No.6, Akash Darshan Society,)
Jagtap Mala, Near Taran Talav, Nashik Road, Nasik.)
3. Shri Sandesh M. Girme, Age 28 Years)
R/o Shri Nagar, Sharda Nagar, Kopargaon,)
Tal. Kopargaon, District Ahmadnagar.)
4. Shri Atul Baban Rupanvar, Age 30 Years)
R/o. Bijwadi, Indapur, District. Pune.)...Applicants

Versus

1. State of Maharashtra, through its Secretary of)
Public Work Department, Mantralaya, Mumbai.)
2. The Chief Engineer of Public Work Regional)
Department, Mumbai, O/at 4th floor,)
Bandhkam Vibhag, 25, Marzban Path, Fort,)
Mumbai.
3. Tata Consultancy Services, though its Chief)
Officer, having it office at 9th floor, Nirmal)
Building Nariman Point, Mumbai 400 021.)....Respondents

Shri N. N. Pawar, the Counsel for the Applicants.
Ms. S. P. Manchekar, the Chief Presenting Officer for the Respondents.

CORAM : Justice Mridula Bhatkar, Chairperson
Shri Debashish Chakrabarty, Member (A)

DATE : 06.02.2024

JUDGEMENT

1. Heard Shri N. N. Pawar, learned Counsel for the Applicants and Ms. S. P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The Applicants prays that Respondent No.2- Chief Engineer of Public Work Department be directed with respect to recruitment for 532 posts of 'Junior Engineer' (Group B) to declare the 'Question ID No.630680511689' in 'Written Examination' as having ambiguity in the options provided and thus be cancelled and its marks awarded to Applicants.
3. The learned Counsel for Applicants mentioned that 'Respondent No.2' had published the Advertisement No.1/2023 in their Official Website for the recruitment of various cadres, out of which there are 532 posts for 'Junior Engineer (Group B)' wherein Applicants have participated for 'Written Examination'. The 'Respondent No.3- Tata Consultancy Services, Mumbai' had conducted the said 'Written Examination' on behalf of Respondent No.2 on 15.12.2023.
4. The learned Counsel for Applicants submitted that thereafter, Respondent No.2 had issued the 'Response Sheet' on 04.01.2024 upon receipt of which the Applicants took objections to (i) 'Question ID No.630680511689' and (ii) 'Question ID No.630680198673' on 06.01.2024.
5. The learned Counsel for Applicants further explained that in so far 'Question ID No.630680511689' is concerned, the question asked was "Choose the Antonym of word 'Alleviate' and the 4 options provided were as (1) 'Enhance', (2) 'Relieve', (3) 'Amend' and (4) 'Heighten'.
6. The learned Counsel for Applicants thereupon stated that as per (a) 'Oxford Dictionary' and (b) 'Cambridge Dictionary', the opposite meanings of 'Alleviate' is 'Enhance' and 'Heighten'. However, Respondent No. 2 has not considered the ambiguity of said 'Question ID No.630680511689' and did not issue second 'Response Sheet'. In so far as 'Question ID No.630680198673' is concerned, the Applicants had also taken an objection, however this was

considered by Respondent No.2 and they awarded 2 marks to candidates by issuing second 'Response Sheet' on 25.01.2024.

7. The learned Counsel for Applicants further stated that though Applicants made several attempts through 'email' and by personally contracting the office of Respondent No.2 and submitting their grievances, no action was taken and the Respondent No.2 published the 'Provisional Merit List' on 26.01.2024.

8. The learned Counsel for Applicant specifically explained that the Applicant Nos.1, 2 and 3 have chosen word 'Relieve' as antonym of word 'Alleviate' while Applicant No.4 has chosen word 'Enhance' as antonym of word 'Alleviate' which were not accepted by Respondent No.2 in respect of 'Question ID No.630680511689'.

9. The learned Counsel for Applicants then referred to 'Oxford Dictionary' in which the meaning of word 'Alleviate' is defined as under “-

'alleviate – make less severe (pain, suffering, etc.) (based on Late Latin alleviatus 'lightened') alleviation n.'”

10. The learned Counsel for Applicants then also referred to 'Cambridge Dictionary' in which 'Synonyms' and 'Antonyms' of the word 'Alleviate' is mentioned as:-

“Alleviate – Synonyms -relieve and Antonyms – heighten, enhance. “

11. The learned CPO on behalf of Respondent No.2 produced copy of 'Expert Opinion' which has been taken on record. Learned CPO submitted that word 'Relieve' was wrong option for 'Antonym' of the word 'Alleviate' and therefore 'Relieve' was not considered as correct answer for 'Question ID No.630680511689'.

12. The learned CPO further submitted that as per 'Expert Opinion', the correct 'Antonym' of the word 'Alleviate' is word 'Heighten' and not 'Enhance'. Therefore, the word 'Enhance' is rejected and also not considered as correct answer for 'Question ID No.630680511689'.

13. The learned Counsel for Applicants finally submitted that if at all there are two options which are similar like the word 'Heighten' and the word 'Enhance' which are both shown as 'Antonyms' to 'Alleviate', in 'Cambridge Dictionary' then there have identical meanings and hence there is ambiguity in 'Question ID No.630680511689'.

14. We have checked respective 'Answer Sheets' with Respondents in respect of 'Question ID No.630680511689' which was 'Choose the Antonym of word 'Alleviate' and saw the answers given by each Applicants, we found that Applicants No.1, 2 and 3 have chosen word 'Relieve' which is not antonym of word 'Alleviate' in 'Cambridge Dictionary' and Applicant No.4 had chosen word 'Enhance' which is 'Antonym' of the word 'Alleviate' as mentioned in 'Cambridge Dictionary'. However, considering the submission of learned CPO, we would like to rely on 'Expert Opinion' about of word 'Enhance' which states that 'Enhance' is not the correct or appropriate 'Antonym' for word 'Alleviate' but it is the parallel word 'Heighten'. The 'Expert Opinion' is as follows :-

"The primary meaning of "alleviate" is to make something less severe or bearable, such as alleviating pain or discomfort. In contrast, "heighten" means to increase in intensity or make more severe. For example, while a medication might alleviate symptoms of a disease, stress could heighten those same symptoms."

15. In the case of **RAN VIJAY SINGH & ORS, Vs. STATE OF UTTAR PRADESH & ORS, (2018) 2 SCC 357**, the Hon'ble Supreme Court referred to the decision in the case of **KANPUR UNIVERSITY Vs. SAMIR GUPTA**. We further relied on the judgment of the Hon'ble Supreme Court in the case of

“19. *In Kanpur University v. Samir Gupta, this Court took the view that:*

“16.....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 rationalization. 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.”

In other words, the onus is on the candidate to clearly demonstrate that the key answer is incorrect and that too without any inferential process or reasoning. The burden on the candidate is therefore rather heavy and the constitutional courts must be extremely cautious in entertaining a plea challenging the correctness of a key answer. To prevent such challenges, this Court recommended a few steps to be taken by the examination authorities and among them are (i) establishing a system of moderation, (ii) avoid any ambiguity in the questions, including those that might be caused by translation; and (iii) prompt decision be taken to exclude the suspect question and no marks be assigned to it.”

16. The Hon’ble Supreme Court of India in **RAN VIJAY SINGH’S** case (supra) has further observed as under:-

“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 rationalization” and only in rare or exceptional cases that a material error has been committed.”

17. We are thus of the considered view that the Court or Tribunal should be restrained in deciding the matters relating to the correct ‘Option’ amongst the probable answers given for Multi Choice Questions in ‘Written Examination’. Thus, we concur with the ‘Expert Opinion’ that the word ‘Heighten’ is the appropriate ‘Antonym’ for the word ‘Alleviate’. Therefore, we disagree with the contentions of Applicant in respect of ‘Question ID No.630680511689’ in ‘Written Examination’ conducted by Respondent No.2-Chief Engineer of Public Work Department in respect to recruitment for 532 posts of ‘Junior Engineer’ (Group B).

18. Hence, in this stage itself, we dismiss the Original Application with No Order as to Costs.

Sd/-
(Debashish Chakrabarty)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place: Mumbai
Date: 06.02.2024
Dictation taken by: VSM
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