

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.20751 of 2025
Date of Decision: 30.12.2025

Mehak Sharma

.....Petitioner

Versus

State of Himachal Pradesh & Ors.

.....Respondents

Coram

Hon'ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting?

For the Petitioner: Mr. Bhim Raj Sharma, Advocate.

For the respondents: Mr. Rajan Kahol, Additional Advocate General with Mr. Ravi Chauhan & Mr. Anish Banshtu, Deputy Advocates General, for the respondents No.1 to 3-State.

Mr. Vikrant Thakur, Advocate, for respondent No.4.

Sandeep Sharma, J. (Oral)

By way of instant petition, petitioner has prayed for the following main reliefs:-

"a. Direct the respondents to re-check the answers to Question Nos.6, 13 and 37 of Series-B and revise the final result (Annexure P-4) of the Female Police Constable Recruitment process qua the petitioner.

b. Direct the respondents to consider the petitioner for addition of 2.75 marks consequential selection, in the interest of justice."

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Bhim Raj Sharma, learned counsel representing the petitioner, is that petitioner

has not been wrongly awarded marks for attempting Question Nos. 6, 13, and 37 of Series-B.

3. Precisely, the facts of the case, as emerge from the pleadings, adduced on record by the petitioner are that respondent No.2, vide Advertisement Notice No.25/10-2024 dated 04.10.2024, issued an advertisement for the recruitment of 380 posts of Female Constable in different districts and invited applications for the same. Petitioner herein, being fully eligible, participated in the selection process and qualified the physical tests for the post of Police Constable (Female) held on 15.02.2025 at Police Lines, Jhalera, District Una, Himachal Pradesh. Petitioner was called to appear in the written examination scheduled on 15.06.2025. Though petitioner secured 65.50 marks, but was unable to secure place in the merit list on account of the fact that cut-off for the unserved category was 68.25. As per petitioner, difference of 2.75 marks is solely attributable to an incorrect answer key.

4. Having regard to the aforesaid issue raised on behalf of the petitioner, this Court specifically called upon Mr. Vikrant Thakur, learned counsel for respondent No.4, to have instructions.

5. Pursuant to afore direction issued by this Court, Mr. Thakur, learned counsel for respondent No.4, apprised this Court that petitioner had submitted objections qua Question Nos.6, 13 and 37,

which, along with objections raised by the other candidates, were forwarded to the subject expert. He submitted that provisional answer key was uploaded on the official website of the Commission on 17.06.2025 and objections were invited from candidates w.e.f 17.06.2025 to 22.06.2025. In total, 1200 objections were received from the concerned candidates against 22 questions, which were forwarded to the subject expert for his opinion, including the question challenged by the petitioner. He submitted that out of three questions, objection qua one question was found to be genuine and accordingly, the petitioner as well as other similarly situate persons were awarded marks qua the same, whereas objections qua other remaining two questions were not found genuine, as such, petitioner herein was not awarded any marks in respect thereof. Mr. Vikrant Thakur, learned counsel for respondent No.4, submitted that this Court, in similar facts and circumstances, has passed judgment dated 21.11.2025 in CWP No.17697 of 2025, titled as ***Veeku Vs. State of H.P and Others***, wherein prayer for re-evaluation of Question No.83 was made and this Court, having taken note of instructions dated 20.11.2025 issued by H.P. Public Service Commission, proceeded to hold that wisdom of subject expert cannot be laid challenge, rather same needs to be respected, otherwise selection process would never be concluded. Lastly, Mr. Vikrant Thakur, learned counsel for respondent No.4,

submitted that after taking note of opinion given by the subject expert qua objections raised by the candidates including petitioner, HP Public Service Commission has revised the merit list and as of today, selection process stands culminated.

6. Having heard learned counsel for the parties and perused judgment rendered by this Court in **Veeku** (supra), this Court finds merit in the afore submissions raised on behalf of respondent No.4. Since objections qua two Question Nos.6 & 13 of Series-B were not found to be valid and genuine by the subject expert, there was otherwise no occasion, if any, for the respondent/Commission to award marks qua the same to the petitioner. It is also not in dispute that qua question No.1, answer whereof was found incorrect by the Expert Committee, petitioner along with other similarly situate persons has already been awarded marks.

7. Though Mr. Bhim Raj Sharma, learned counsel for the petitioner, attempted to argue that subject expert has not given correct opinion qua Question Nos.6 & 13, however, this Court is not persuaded to accept the aforesaid submission for the reason that wisdom of subject expert cannot be laid challenge as has been held by Hon'ble Apex Court in catena of cases. This Court, in similar facts and circumstances, has passed detailed judgment in **Veeku** (supra). Relevant paras whereof are reproduced herein below:-

“6. Precisely, the question which needs to be determined in the case at hand is “whether opinion given by subject expert can be disputed on the basis of material adduced on record by the party, who is aggrieved on account of opinion given by the expert?”.

7. Though by now it is well-settled that opinion of expert cannot be substituted, unless same is found to be contrary to the record or same is totally wrong on the face of it, but even otherwise, books adduced on record by learned counsel representing the petitioner in support of his contention clearly reveals that both ‘वर्ण’ and ‘ध्वनि’ are correct answer to the question, but further explanation given in the aforesaid books qua aforesaid word reveals that ‘वर्ण’ is shortest written form i.e. ‘अ’ and ‘ध्वनि’ is shortest verbal form i.e. speaking ‘अ’ from the mouth. Since question No.83, detailed hereinabove, only called upon candidate to answer the shortest form of language i.e. “भाषा की लघुतम इकाई”, no wrong can be said to have been committed by the expert while rendering opinion that ‘वर्ण’ is the shortest form of the language.

8. Leaving everything aside, by now it is well-settled that wisdom of subject expert cannot be laid challenge, rather same needs to be respected, otherwise selection process would never be concluded. Reliance in this regard is placed upon judgments passed by the Hon’ble Apex Court in Ran Vijay Singh and Ors v. State of Uttar Pradesh and Ors, 2018 (2) SCC 357 and Bihar Staff Selection Commission and Others v. Arun Kumar and Others, 2020 (6) SCC 362, wherein it has held as under:

30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:
30.1. If a statute, Rule or Regulation governing an examination permits the reevaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it; 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 rationalisation” and only in rare or exceptional cases that a material error has been committed; 30.3. The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; 30.4. The Court should presume the correctness of the key answers and proceed on that assumption; and 30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate. 31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.”

9. While categorically ordering that Court should not at all reevaluate or scrutinize the answer sheets of a candidate, Hon'ble Apex Court held that such job should be left to the academicians, who are the experts. Besides above, Hon'ble Apex Court also held that Court should presume the correctness of the answer key and proceed on that assumption and in the event of a doubt, benefit should certainly go to the subject expert, rather than to candidate

10. Similarly, in Arun Kumar Case (supra), Hon'ble Apex Court deprecated the intervention of the High Court whereby it had taken over job of reevaluating the answers. In the aforesaid judgment, Hon'ble Apex Court while concluding that job of evaluating the paper must be left to the experts, categorically observed that exercise, if any, taken by the Court would drastically alter the final result, and not only a large

number of candidates recommended, selected and appointed would be ousted, but it would also result in alteration in service. Relevant Para of the aforesaid judgment reads as under:

“18. It is thus argued that any modification in the result, in compliance with the order passed in the impugned judgment or in terms of the report of the committee, would result in administrative chaos as well as in “a tsunami of litigation”. The exercise would drastically alter the final result, and not only a large number of candidates recommended, selected and appointed would be ousted but it would also result in alteration in service and inter-se seniority position of a large number of candidates already appointed and working for the past six years. It is stated that even confining the result to the candidates who were in litigation before the High Court or this court will not help, as candidates who had not claimed revision of result will, on the principles of parity, claim appointment and those already appointed will claim change in services as per their revised merit position and /or inter-se seniority in the services.”

11. Since in the case at hand, there is nothing on record to suggest/depict that objection raised by the petitioner was not considered or was not forwarded to the expert, and thereafter result was compiled/prepared on the basis of opinion/report submitted by the subject expert, no illegality or infirmity can be said to have been committed by the Commission while sticking to the answer approved by the subject expert.

8. Crux of the afore judgment passed by this Court, which is based upon various judgments passed by Hon’ble Apex Court, is that task of evaluating the answer sheets must be left to the experts because in that regard, exercise, if any, taken by the Court would drastically alter the final result. Admittedly, in the case at hand,

objections raised by the petitioner have been take note of and subsequently, based upon the opinion rendered by the experts qua disputed questions, petitioner has already been awarded one mark.

9. Leaving everything aside, respondent/Commission, after having taken note of opinion given by the Expert Committee, has already finalized final merit list, as such, it would be totally unjust and unfair to tinker with the same at this stage because in that event, respondent/commission shall not be able to conclude the selection process.

10. Consequently, in view of the detailed discussion made hereinabove as well as law taken into consideration, this Court finds no merit in the present petition and accordingly, same is dismissed being devoid of any merits. Pending applications, if any, stand disposed of.

December 30, 2025
(sunil)

(Sandeep Sharma),
Judge