

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CR No.6274 of 2015
Date of decision: 23.09.2015**

Haryana Staff Selection Commission through Secretary

....Petitioner

Versus

Rohit Mann and others

....Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. N.K. Sharma, DAG, Haryana
for the appellant.

Mr. Gurmohan Singh Bedi, Advocate
for the respondent No.1/caveator.

RITU BAHRI J. (Oral)

The present revision petition has been filed by the petitioner-defendant under Article 227 of the Constitution of India for setting-aside the order dated 10.07.2015 passed by Civil Judge (Jr. Division), Karnal.

The application filed by plaintiff-respondent No.1, under Section 75 Order 26 Rule 9, 10, 10-A read with Section 151 CPC was allowed and a direction has been given for appointment of Local Commissioner to re-calculate the marks of the last two candidates selected in the general category and the plaintiff is in selection process of Inspectors of Police (Male) in question before

the trial Court.

Learned counsel for the petitioner has argued that as per the judgment of Hon'ble Supreme Court in Civil Appeal No.907 of 2006 titled as ***“H.P. Public Service Commission vs Mukesh Thakur and another”*** decided on 25.05.2010, no revaluation of the marks can be directed by High Court.

After perusing the judgment passed by Hon'ble Supreme Court titled as ***“H.P. Public Service Commission vs. Mukesh Thakur and another”*** in Civil Appeal No.907 of 2006, decided on 25.05.2010, the Hon'ble Supreme Court has referred to judgment ***“Maharashtra State Board of Secondary and Higher Secondary Education and another vs Paritsoh Bhupesh Kurmarsheth, etc., AIR 1984 SC 1543***, followed in ***“Parmod Kumar Srivastava vs. Chairman, Bihar Public Service Commission, Patna and others”***, AIR 2004 SC 4116, has held that in the absence of any provision under the Statute or Statutory Rules/Regulations, the Court cannot generally direct revaluation.

In the present case, a perusal of the impugned order shows that in Paragraph 7 of the impugned order dated 10.07.2015, the Civil Judge (Jr. Division) while allowing the application has given the direction that the question-papers along with answer-sheets as well as OMR sheets of the last three candidates be sent for re-counting to the most senior professor deputed in Government College, Karnal. Definitely, the direction

is not to re-evaluate the answer-sheets as well as OMR sheets of the last three candidates. Hence, the direction given by Civil Judge (Jr. Division) is not against the judgment of “H.P. Public Service Commision's case (supra) passed by Hon'ble Supreme Court.

The direction is simply to re-calculate the OMR sheets and answer-sheets of the last three candidates.

No ground for interference is made out.

Accordingly, the revision petition is hereby dismissed.

(RITU BAHRI)
JUDGE

23.09.2015

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