

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.18898 of 2014

Date of decision: 20.8.2015

Jyoti Dahiya

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Pawan Attri, Advocate for
Mr. Navin Sheoran, Advocate the petitioner.

Mr. Saurabh Girdhar, Assistant Advocate General, Haryana

Mr. D.K.Khanna, Advocate for respondent no.2.

G.S.SANDHAWALIA, J, (Oral)

In the present writ petition, direction is sought for to make correction in the answer of question no.30 set A of HTET Examination 2013-14 conducted by the Board of School Education, Haryana.

The case of the petitioner is that she is falling one mark short of qualifying marks having obtained 89 marks and qualifying marks were 90. The question No.30's key as per one which was provided by the Board was option No.1, namely, "assignment" whereas for the same question in the Central Teachers Eligibility Test held in 2011, the answer was "oral questions" and therefore, grace mark should be given.

In the written statement filed, the plea taken is that the said examining bodies are different and independent and have independent functioning. The opinion given by the committee of the subject expert is being disputed. That a public notice had been issued on 20.2.2014 in the newspapers that if any candidate has found some discrepancy after checking the question and answer key then he should send his complaint but no complaint/representation was received from the petitioner. However, other candidates had submitted representation about the correctness of answer of question no.30 which had been got analyzed from the committee of experts and they have given option no.1 is the correct answer. Not only subject experts from Haryana but experts outside Haryana working as Head of the Departments and Associate Professor

were associated in the various Universities. However, the petitioner failed to avail this opportunity and no representation was made by her till the last date.

The question of law thus arises as to whether this Court is to find fault in the recommendation of the academic experts.

The respondent has placed reliance upon a decision of Division Bench of this Court in **LPA No. 1956 of 2012 titled as 'Sameer Khurana VS. Board of School Education Haryana'** decided on 16.01.2013, of which the undersigned was a member of the Bench.

The issue in the said case was whether it was permissible for the Court to take upon itself the task of the Selection Board and examine discrepancies and inconsistencies in the question paper and evaluations thereof. It was also noticed that the Board had appointed a committee of 14 experts to examine the matter of discrepancies and the committee had come to the conclusion that there was no requirement to give any grace mark.

Keeping the said background while noticing the judgments of the Supreme Court in **'Basavaiah (Dr.) Vs. DR. H.L. Ramesh & others' 2010 (4) RSJ 154** and in **'Himachal Pradesh Public Service Commissions Vs. Mukesh Thakur and another' (2010) 6 SCC 759**, it was held that no fault could be found with the findings recorded by the learned Single Judge, who had also followed the same principle, that it was not for the Court to sit in the appeal over the decisions of the experts.

In view of above, the present writ petition is dismissed.

August 20, 2015
Pka

(G.S.SANDHAWALIA)
Judge