

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

**CWP No.21354 of 2014
Dated of Decision: 23.09.2015**

Gurpiar Singh

-----Petitioner

Vs.

State of Punjab and others

-----Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

--

Present: Mr. R.S. Bains, Advocate
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

HARINDER SINGH SIDHU, J.

This petition has been filed praying for direction to quash appointment and selection list issued in response to the advertisement No.DLG/RC/2014/1 dated 18/19.02.2014 to fill the posts of Law Officer in various Municipal Corporations, Municipal Council-Nagar Panchayats Improvement Trusts and Punjab Water Supply Sewerage Board.

It has been alleged that some of the questions were wrongly posed and in respect of some questions answers given in the answers key were wrong.

In view of the reply filed on behalf of the respondents, the controversy narrowed down to five questions i.e. Question Nos.34, 38, 84, 89 and 93. Three of these questions namely,

Question Nos. 84, 89 and 93 related to subject of law and the other two namely Question No. 34 and 38 were mental ability questions.

Learned counsel for the petitioner fairly states that in view of the reasoning of the subject experts as stated in the written statement, he does not contest the answers in respect of three questions namely Question Nos. 84, 89 and 93. As per the written statement, Questions No. 34 was cancelled and hence there can be no dispute with regard to that question. Learned counsel for the petitioner however, seriously disputed the correctness of answer to question No.38 given in result sheet annexed with the petition.

The petitioner has secured 54.25 marks, whereas, three selected candidates, Amrik Singh has secured 62 marks, Mohit Singh has secured 57.50 marks and the last selected candidate namely Neelima Garg has secured 55 marks. In the examination, one mark was to be awarded for a correct answer and 1/4 mark was to be deducted for every incorrect answer.

In view of the difference of marks between the petitioner and the selected candidates, assuming the contentions of the petitioner were to be accepted, he would succeed only if respondent No.4 had correctly answered question No.38 and was awarded one mark for it. In view of this, learned counsel for the State was requested to seek instructions as to whether respondent No.4 had been awarded any mark for question No.38.

Today on instructions, Ld. State counsel states that respondent No. 4 had indeed attempted the question but wrongly.

Hence, not only was respondent No.4 not awarded any mark for question No.38, but .25 marks were deducted as negative marking for incorrect answer.

In view of this, even if the contentions of the petitioner with regard to answer No.38, were to be accepted, it would not affect the selection.

Accordingly, the writ petition is dismissed.

(Harinder Singh Sidhu)
Judge

23.09.2015
Atul