

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

CWP No.2120 of 2015
Date of decision:9.2.2015

Ms. Tanya Rohilla

....Petitioner

VERSUS

The Registrar, Punjab and Haryana High Court and others
.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. M.L. Rohilla, Advocate for the petitioner.

HEMANT GUPTA, J.(Oral)

The challenge in the present writ petition is to the result declared on 29.01.2015 of the Preliminary Haryana Civil Services (Judicial Branch). The preliminary examination, a short-listing examination, was conducted on 10.01.2015 by giving 125 Objective Type Multiple Choice Questions. After putting proposed answer-key on the website, it has been decided to delete five questions out of the total 125 question i.e. Question Nos.10, 40, 108, 109, 114 from Code 'C' set.

Apart from the challenge to the deletion of five questions, the petitioner challenges the final answer-key in respect of Questions No.42 and 120 for Code 'C' set. The said questions read as under:-

“42. 'A' beats his wife. She fell down and became unconscious. Believing her to be dead and to save himself from being arrested for murder A hanged her on the fan with rope. Post mortem report disclosed her death from hanging. A is liable for:

- | | |
|-----------|----------------------|
| a) murder | b) culpable homicide |
| c) hurt | d) grievous hurt. |

120. Raju is cutting wood with an axe at a place where children are playing. The axe flies off and kills and nearby child. Raju is liable for:

- | | |
|------------------------|----------------------|
| a) murder | b) culpable homicide |
| c) death by negligence | d) no offence.” |

The final answer is ‘b’ in respect of Question No.42 and in respect of Question No.120, the final answer is ‘d’.

According to the petitioner, the correct answer of Question No.42 is ‘d’ i.e. grievous hurt and that of Question No.120 is ‘c’ i.e. culpable homicide.

The deletion of five questions and the final answer key in respect of question No.42 has been examined today in a separate writ petition bearing CWP No.2117 of 2015 titled Ankita Mittal Vs. State of Haryana and others. For the reasons recorded therein, we do not find any merit to the final answer key in respect of such question.

In respect of Question No.120, again we find that the final answer prepared by the examining body cannot be said to be incorrect. Death by negligence means an offence which may fall within the ambit of Section 304-A of the Indian Penal Code. The answers finalized by the examining body cannot be said to be incorrect or wholly arbitrary which may warrant interference in the writ jurisdiction of this Court.

Consequently, we do not find any merit in the present writ petition. The same is dismissed.

(HEMANT GUPTA)
JUDGE

FEBRUARY 9, 2015
‘D. Gulati’

(HARI PAL VERMA)
JUDGE