
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**1. Civil Writ Petition No.24869 of 2013
Date of decision: 7.9.2015**

Sonia Rattan & another

...Petitioners

Versus

State of Punjab and others

...Respondents

2. Civil Writ Petition No.23320 of 2013

Balraj Singh & others

...Petitioners

Versus

State of Punjab and others

...Respondents

3. Civil Writ Petition No.25907 of 2013

Amritpal Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

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

Present: Mr. G.S.Brar, Advocate for the petitioners.
(in CWPs No.23330 and 24869 of 2013.)

Mr. Lakhwinder Singh, Advocate for
Mr. P.S.Dhaliwal, Advocate for the petitioner.
(in CWP No.25907 of 2013.)

Mr. Aman Bahri, Addl. Advocate General, Punjab
for the respondents.

G.S.SANDHAWALIA, J. (Oral)

This order shall dispose of Civil Writ Petitions No.23320, 24869 and 25907 of 2013 as common question of facts and law are involved in these petitions. However, the facts have been taken from Civil Writ Petition No.24869 of 2013-Sonia Rattan and another Vs. State of Punjab and others for the purpose of deciding the present petitions.

In the present writ petitions, the petitioners seek the benefit of

four marks on account of four wrong questions/options given in the examination of PSTET 2012 held on 9.6.2013.

The case of the petitioners are that they sat in the said examination and the result was declared in the month of June, 2013. The petitioners having secured 87 to 89 marks are thus short of 1 to 3 marks for qualifying the said examination since 90 marks is qualifying criteria. However, in Civil Writ Petition No.23320 of 2013, petitioner No.4-Tarsem Singh secured 82 marks. Since he belongs to BC category and the qualifying marks for BC category is 83 marks and if he is given the benefit of 1 mark, he will also qualify the said examination.

Counsel for the petitioner has referred to question No.44 wherein on the basis of following paragraph, the answer had to be given. The paragraph reads as under:-

“Jehre Panj Sau Singha De Shaheedi Jathe Di Kahani Main Tenue Sunauni Chahuna Oh 9 February 1924 Nu, Jathedar Udham Singh Nagoke Di Agwai Heth Amritsaro Chaleya Si Par Udham Singh Nu Police Ne Amritsar Ei Giraftar Kar Leya. Us Pichon Jathe Di Agwai Bhai Sultan Singh Te S. Jagat Singh 'Meet' Nu Saunpi Gai.”

The question no.44 reads as under:-

“44. Nagoke Di Agwai Heth Amritsaro Kaun Chaleya Si?

- a) Bhai Sultan Singh
- b) S. Jagat Singh 'Meet'
- c) Nagoke
- d) Udham Singh.”

As per the answer key the correct answer is option D “Udham Singh”. However, from the narration of the paragraph, it is clear that sentence reads as “Jathedar Udham Singh Nagoke”. Thus prima facie option 'C' of question no.44 could be correct. It is apparent that the petitioners are entitled for the benefit of 1 grace mark having opted for the right option.

Similarly answers for question No.56 are confusing which read as under:-

“56. Bol Likhat Zaroori Hai

- a) Sikheyarthi Di Sunnan Di Yogya Parkhan Lai
- b) Sikheyarthi Diyan Shabdik Bhullan Labhan Lai
- c) Sikheyarthi Di Likhan-Gati Parkhan Lai
- d) Sikheyarthi Di Likhai Sudharan Lai”

As per the answer key, the correct option is 'A' which is the candidates hearing ability for the purpose of dictation (Bol Likhat). Option 'B' talks about the memory of said person whereas option 'C' talks about the speed and option 'D' talks about the handwriting. Thus, options 'B' to 'D' are also close/linked regarding the ability of candidate who is taking down the dictation and there is no one definite clear cut answer and as such candidates are liable to get confused as to which one of the answer would be correct and the submission that all four options can be opted is valid submission.

The 3rd question which apparently also is confusing is 104. The same reads as under:-

“104. A movie theatre has eleven rows of seats. The rows are numbered from 1 to 10. Odd numbered rows have 15 seats and even numbers rows have 16 seats. How many seats are there in the theatre.

- a) 150
- b) 166
- c) 175
- d) 155”

The reference to 11 rows in the first sentence and numbering is only mentioned from 1 to 10. In such circumstances, the candidates are bound to be confused as to how calculate the correct answer. As per the answer key, the correct option is 'D' but once the question itself is not clear the petitioners are liable to be given benefit of 1 grace mark on account of the said question.

Though the argument has been raised that it is not for this Court to go into the correctness of the opinion of the experts but once apparently the questions are confusing in that manner and there are several correct options, this Court will not shunt out the petitioners whose valuable rights are involved on such technicality. If the Court is not able to reach to an opinion then it can feel the requirement of the opinion of the experts. But once there is an apparent mistake on the face of record, the petitioners are liable to be given benefit.

Accordingly, the present writ petitions are allowed. The petitioners will be entitled to be given 3 grace marks on account of the aforesaid questions and their result be calculated again after giving the said benefit.

It is made clear that benefit of 3 grace marks will be given to

the petitioners only who have approached this Court within reasonable time and the said benefits will not be liable to be given to other candidates who have not approached this Court immediately thereafter since the examination was held in June, 2013 and a period of more than two years have elapsed.

A photo copy of this order be placed on the record of each connected case file.

September 07, 2015
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(G.S.SANDHAWALIA)
Judge