IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.4842 of 2012
Date of Decision: March 03, 2015

Dalbir Singh

...Petitioner

Versus

The Director, Treasury and Accounts Department, Chandigarh & others

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Sandeep Singal, Advocate, for the petitioner.

Mr.Ravi Pratap Singh, AAG, Haryana, for respondent Nos.1 & 3.

None for respondent No.2.

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AMIT RAWAL, J. (Oral)

The prayer in the present writ petition is for issuance of a mandamus directing the respondents to re-check the answer-sheet (Annexure P-3) of the petitioner by evaluating the answers to question Nos.2 and 14.

Learned counsel appearing for the petitioner contends that the petitioner was working as Senior Auditor with respondent No.1-The Director, Treasury and Accounts Department and for the next promotional post in the hierarchy, i.e., for Assistant Accounts Officer. As per the rules made, the examination was to be conducted by Director General, Haryana Institute of Public Administration (HIPA) as per the schedule. The paper was of 100 marks and in order to qualify the examination, the candidate had to secure 80 marks in aggregate in the practical and as well as in theoretical paper. It has been contended that the examination was held by respondent No.2 in the year 2011 and the petitioner appeared in the following papers against Roll No.L110730:-

> "(i) Act of the Legislature and Statutory Rules (Theoretical);
> (ii) Act of the Legislature and Statutory Rules (Practical);
> (iii) Rules and Regulations (Theoretical); and
> (iv) Rules and Regulations (Practical)."

The question paper has been annexed with the writ petition as Annexure P-1.

The contention of the petitioner is that as per the information sought under the Right to Information Act, vide which the petitioner has been supplied the answer sheet, it appears that the answers given against question Nos.2 and 14 have not been evaluated by the examiner. It is the case of the petitioner that in case the aforementioned answers against question Nos.2 and 14 had been evaluated, he would have obtained the minimum passing marks, i.e., 80 in aggregate and 40 in each paper.

Notice of the writ petition was given to all the respondents, but however, none has put in appearance on behalf of respondent No.2 despite service.

Learned State counsel appearing on behalf of respondent Nos.1 and 3 informed the Court that the examination for the promotional post of Assistant Accounts Officer had been conducted by respondent No.2.

I have heard the learned counsel for the parties and appraised the averments made in the writ petition as well as in the annexures attached with the writ petition.

From the perusal of the answer sheet (Annexure P-3), it is evident that the answers given by the petitioner against question Nos.2 and 14 have not been evaluated/touched by the examiner. The petitioner, though has been promoted to the post of Senior Accounts Officer, but since he has not cleared the paper, he has not been granted the pay scale of such post.

The present writ petition is disposed of with a direction to respondent No.2 to re-check the answer sheet of the petitioner, particularly question Nos.2 and 14 and evaluate the total result after examining the aforementioned questions.

It is made clear that in case the petitioner, after evaluation of question Nos.2 and 14, obtains 40 marks in respect of subject of Rules and Regulations (Practical), then the order with regard to the consequential benefits to which the petitioner is found entitled to, be passed.

March 03, 2015 **(AMIT RAWAL)**
ramesh **JUDGE**