

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Civil Writ Petition No. 25333 of 2015(O&M)

Date of Decision: December 4 , 2015.

Khaminder Sharma

..... PETITIONER (s)

Versus

Punjab State Power Corporation Limited and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Hitesh Kaplish, Advocate
for the petitioner.

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?

LISA GILL, J.

Prayer in this writ petition is for directing the respondents to re-evaluate, re-check and re-mark the answer sheet of petitioner in departmental examination SAS-1 Paper-1 held on 04.07.2015 wherein petitioner has been awarded 40 marks and declared fail. It is submitted that no marks have been awarded to the petitioner for answers to questions No.2(b) and 5.

Provision for re-evaluation as contained in regulation 11-A of office order No.211/Reg266 dated 25.07.1974 as reproduced in para 7 of the writ petition reads as under:-

“c) On receipt of application, complete in all respects, in the office of the Secretary/Examination, re-checking of the particular paper/s will be made in the presence of the Secretary/Examination Branch. The checking will

be restricted to ensure whether the totalling of the answer book/s has been correctly made and no question or part thereof has been left by the Examiner unmarked. The re-checking is not intended for re-evaluating the answer book/s of the failed candidate.”

It is apparent that on petitioner's request, re-evaluation exercise has been undertaken by the respondents for re-checking of total as reflected in communication dated 16.09.2015, Annexure P1A. It is specifically mentioned that marking has been correctly done in respect to answer sheet of questions No.2 (b) and 5(a). Therefore to say that re-evaluation of his paper in terms of regulation 11-A has not been conducted, is incorrect.

Learned counsel for the petitioner seeks to draw attention of this Court to a model paper as well as the answer sheet attached with this writ petition in an attempt to submit that the answers have not been correctly evaluated and marked.

Disputed questions of fact are involved in this case and this Court would not tread this realm in exercise of jurisdiction under Article 226 of the Constitution. In terms of regulation 11-A, total of the marks etc. has been checked and found correct. No interference is called for by this Court in exercise of writ jurisdiction.

Accordingly, this writ petition is dismissed.

However, petitioner may avail any alternate remedy as may be available for redressal of his grievance, if any.

December 4, 2015.
'om'

(LISA GILL)
JUDGE