

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No. 106

Case No. : C. W. P.No. 7907 of 2015 (O&M)

Date of Decision : May 05, 2015

Amit Kumar

.... Petitioner

Vs.

Punjab State Power Corporation Ltd.
and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL.

* * *

To be referred to Reporters or not ?

Whether the judgment should be reported in the digest ?

* * *

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

* * *

DEEPAK SIBAL, J. :

Through the present petition, the petitioner seeks quashing of order dated 07.04.2015 (Annexure P-18), which has been passed by respondent no. 2 rejecting the representation made by the petitioner questioning the answer keys to various questions which were there in the written examination conducted by the respondent Punjab State Power Corporation Limited (hereinafter referred to as – the respondent Corporation) for selection to the posts of Assistant Engineer (Electrical).

The respondent Corporation, on 21.12.2014, had conducted a written test for recruitment to the posts of Assistant Engineer (Electrical). Thereafter, vide public notice dated 24.12.2014, all the candidates, who had appeared in the written examination, were asked to submit their representations, if any, with regard to any objection that they may have, relating to the questions set in the question paper or to any provisional answer keys to the questions, as displayed on the website of the respondent Corporation.

In pursuance to the above referred public notice, several representations, including the representation made by the petitioner, were received by the respondent Corporation and all these representations were then referred to a three-member Committee of Experts, set up by the Agency, which had conducted the test. After considering the representations made by the candidates including the petitioner, the Committee of Experts gave their decision on the basis of which the final answer keys and merit list was prepared on 20.02.2015. The final answer keys, not being to the satisfaction of the petitioner, led to another representation filed by him. When the petitioner's representation went undecided, he approached this Court through **C. W. P. No. 4223 of 2015** titled **Amit Kumar vs. Punjab State Power Corporation Limited and another**. In this writ petition, on March 11, 2015, the following order was passed :-

“Learned counsel for the

petitioner submits that at this stage, he wishes to withdraw the present petition, with liberty to make a comprehensive representation with regard to the grievance raised in the present petition, to respondent no. 2. He further prays that if such representation is made by him to respondent no. 2, he may be directed to decide the same within a time bound frame.

Finding the prayer made by the learned counsel for the petitioner to be reasonable, the present writ petition is permitted to be withdrawn at this stage, with liberty to the petitioner to file a comprehensive representation to respondent no. 2 with regard to the grievance raised by him in the present writ petition. If such representation is made by the petitioner, then respondent no. 2 is directed to take a final decision thereupon within three weeks from the date of receipt of such representation. The final decision so taken by respondent no. 2 be communicated to the

petitioner.

*Needless to say that in case the
petitioner is aggrieved by the final decision,
he would be at liberty to challenge the
same, in accordance with law.*

*Dismissed as withdrawn, with
liberty as aforesaid.”*

In pursuance to the above quoted order, the objections raised by the petitioner were re-considered and rejected through the impugned order dated 07.04.2015.

A perusal of the order impugned by the petitioner shows that questions no.8,43 and 85 of Set-A, to which the petitioner had filed his objections, had been scrutinized by the Committee of Experts and only after such scrutiny, the answer keys had been finalized.

In view of the facts given above, it is clear that the objections so raised by the petitioner have been considered twice over. The objections raised by the petitioner along with the objections of other candidates, have been considered and thereafter, on the basis of opinion of the Experts, the final answer keys have been determined. Once the Committee of Experts has gone into and rejected the objections so raised by the petitioner, I am disinclined to interfere, in exercise of jurisdiction under Article 226 of the Constitution of India, with the opinion expressed by the Experts. In this behalf, the following observations made by the Apex Court in **Kanpur**

University and others vs. Samir Gupta and others reported as **1983 (4)**

SCC 309 can be referred to :-

“16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the key-answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct.”

To the same effect is a recent judgment of this Court in **Saroj Bala vs. Board of School Education, Haryana** reported as **2014 (5)** **SLR 719**, wherein this Court has held as under :-

“8. This Court is not an expert to determine these matters as to which answer is correct. Thus, the answer prepared by the

examiner cannot be challenged by the petitioner by way of placing reliance upon the books and observations of the other authors.”

Nothing has been shown to me, which would, on the face of it, show that final answer keys so determined by the respondent Corporation, as per the decision of the Committee of Experts, are palpably wrong. Rather, it is the case of the petitioner that some of the questions, qua which he has raised objections, could possibly have two answers. It is not unknown that a question may carry two plausible answers, but if a Committee of Experts, after scrutinizing the objections raised, has picked up one answer out of the two to be more plausible than the other, then I am not inclined to interfere with such decision of the Experts.

In view of the above, finding no merit in the present writ petition, the same is ordered to be dismissed, with no order as to costs.

(DEEPAK SIBAL)
JUDGE

May 05, 2015
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