

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

**CWP No. 9767 of 2015
Decided on : 10.08.2015**

Mukesh Kumar

... Petitioner

Versus

Board of School Education Haryana

... Respondent

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

Present : Mr. Mani Ram Verma, Advocate
for the petitioner.

None for the respondent.

G.S. Sandhawalia , J. (Oral)

The prayer made in the present writ petition is for declaring the petitioner qualified in the result of HTET 2013-14.

The case of the petitioner is that Question No.123, Set B, Subject Code No. 101, Level 3, PGT was not a correct answer and, therefore, he has been prejudiced.

It is submitted that the question in dispute was that "When progressive writer Sangh was established". According to the petitioner counsel answer is 1935 in Paris. As per the respondent-Board the year would be 1936. The contention of the petitioner is that he has secured 89 marks, short of one mark for qualifying the benefit of passing and the benefit of one mark should be given.

In the written statement filed the plea is taken that prior to declaration of result, the answer of all questions put in the keys

of Level-3 (PGT-Hindi) category were got analyzed from the Committee of Subject Experts constituted by the Board. No discrepancy was found and the result was declared on 20.02.2014. The necessary key of all questions of all categories were uploaded on the website of the Board and representations were received and it was again analyzed by the Committee of Experts that there is no discrepancy regarding the said question and the key is correct. The committee of experts consisted of Professors, Associates Professors of various Universities of Haryana as well as outside Haryana who had been associated.

The question of law thus arises as to whether this Court is to find fault in the recommendation of the academic experts.

The respondent has placed reliance upon a decision of Division Bench of this Court in LPA No. 1956 of 2012 titled as 'Sameer Khurana VS. Board of School Education Haryana' decided on 16.01.2013, of which the undersigned was a party.

The issue in the said case was whether it was permissible for the Court to take upon itself the task of the Selection Board and examine discrepancies and inconsistencies in the question paper and evaluations thereof. It was also noticed that the Board had appointed a committee of 14 experts to examine the matter of discrepancies and the committee had come to the conclusion that there was no requirement to give any grace mark.

Keeping the said background while noticing the

judgments of the Supreme Court in '**Basavaiah (Dr.) Vs. DR. H.L. Ramesh & others'** 2010 (4) RSJ 154 and in '**Himachal Pradesh Public Service Commissions Vs. Mukesh Thakur and another'** (2010) 6 SCC 759, It was held that no fault could be found with the findings recorded by the learned Single Judge, who had also followed the same principle, that it was not for the Court to sit in the appeal over the decisions of the experts.

In view of above, the present writ petition is dismissed.

AUGUST 10, 2015

Naveen

**(G.S. SANDHAWALIA)
JUDGE**