

IN THE PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

LPA No.842 of 2015

Date of Decision: 28.05.2015

Amit Kumar

...Appellant

Versus

Punjab State Power Corporation Ltd. & others

...Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Ramandeep Singh Pandher, Advocate, for the appellant.

HEMANT GUPTA, J.

The instant letters patent appeal under Clause X of the Letters Patent is directed against an order passed by the learned Single Bench of this Court on 05.05.2015, whereby the writ petition disputing the final answer key was dismissed.

While dismissing the writ petition, the learned Single Judge has held that nothing has been shown, which would reveal that the final answer key as per the decision of the committee of experts is palpably wrong. It was noticed that even as per the appellant, some of the questions could possibly have two answers. It is for the committee of experts, who have finalized the answer key after scrutinizing the objections raised. Learned Single Bench did not feel inclined to interfere with the decision of the experts.

Before this Court, learned counsel for the appellant has vehemently argued that some of the questions have multiple correct answers, therefore, the decision of the experts to choose one of the correct answer is palpably wrong. In fact, in similar circumstances, there were multiple

answers to a question, the respondents have granted benefit of marks, but in respect of other questions, the benefit has not been granted. Thus, the respondents have adopted differential yard-sticks in respect of the questions of the same question paper.

The finalization of answer key, in these days, has become more and more contentious. Earlier, after a written test was conducted, all the candidates were asked to submit their respective representation, if any, with regard to any objection that they may have, relating to questions set in question paper or to any provisional answer keys to the questions, as displayed on the website of the respondent-Corporation. The representations of many candidates including the petitioner were referred to a three Members' Committee. Such Committee of Experts finalized the answer key on the basis of which merit list was prepared on 20.02.2015. Thereafter, the appellant submitted another representation, which went undecided. The writ petition filed by the appellant was withdrawn, when a direction was issued to the respondents to decide the representation. Pursuant to such order, the objections raised by the petitioner were re-considered and rejected vide impugned order dated 07.04.2015.

We find that the Committee of Experts has finalized the answer key after giving opportunity to all the candidates to submit their objections/representations. Thereafter, on a representation of the appellant, the matter has been re-examined and the answer key has remained unchanged. Whether the answer is correct or not, is for the experts to examine. This Court while exercising power of judicial review examines the decision making process and not the decision itself. The decision making process adopted by the respondents in finalizing the answer key cannot be said to be arbitrary, irrational or illegal.

The decision of the experts has to be respected. Therefore, mere fact that this Court could have taken a different view on the same set of questions is not a ground to dispute the answer key.

In view thereof, we do not find any error in the order passed by the learned Single Bench, which may warrant any interference by this Court in the present intra court appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

28.05.2015
Vimal

(HARINDER SINGH SIDHU)
JUDGE