

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

**C.M. No.937 of 2016 in/and
CWP No.19407 of 2012(O&M)
Date of decision:16.2.2016**

Amanpreet Singh

... Petitioner

Versus

Chairman, Punjab Mandi Board & anr.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Vishal Sharma, Advocate,
for the petitioner.

Mr. I.S. Sidhu, Advocate,
for respondent No.1.

Mr. Inderjit Singh Sidhu, Advocate,
for respondent No.2.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)
C.M. No.937 of 2016

Allowed as prayed. Main case is taken up for final disposal.

CWP No.19407 of 2012(O&M)

1. The selection process leading to appointments of Secretary Market Committee, Punjab Mandi Board, has been challenged on three-fold grounds. The first ground of challenge is with respect to wrong answer keys of questions No.10, 11, 13, 14, 31, 41, 43, 44, 62, 69, 72 & 79. The second challenge is to deletion of 5% marks for rural candidates, which is no longer pressed in view of the decision of Full Bench of this

Court in **Abhishek Rishi v. State of Punjab & ors.**, 2013(3) RSJ 464,

which is followed in CWP No.11844 of 2012 delivered on 12.5.2015 in **Anil Kumar Sharma v. Punjab State Agriculture Marketing Board & ors.** directly in the case of the respondent Board relating to the same recruitment process. Therefore, the second reason of challenge stands blunted. The third ground is that the petitioner is M.Sc. (Agriculture) and deserves 2 additional marks to be added to his score as per the criteria adopted, which has not been computed to increase merit position. Even assuming that the petitioner is correct in contending that he deserves additional 2 marks but at the same time he admits that as per merit with 2 marks added, he would still fail to make the grade by 1 mark for selection and appointment to the post of Secretary, Market Committee. Therefore, this ground is also not available to the petitioner as it would not make any material difference to the merit position to bring him within the zone of consideration for appointment.

2. We may come now back to the first issue of wrong answer keys to the questions posed in the written examination and whether they are required to be dissected and merit determined by C-DAC upset. The attention of this Court has been drawn especially to disputed question No.31 which asked candidates to answer what was the “effective MSP (Rs./Qtl.) of wheat during current season” i.e. 2011-2012. While the petitioner insists that the 4th option i.e. Rs. 1120 was the correct answer, the respondent-C-DAC which was the recruiting agency and paper setter appointed by the Punjab Mandi Board insisted that the correct answer was 1170, which included bonus offered by the Government @ Rs.50 per

quintal during the crop season 2011-2012.

3. The learned counsel for the petitioner has produced a document to show that the Punjab Mandi Board itself agrees that MSP was Rs. 1120. A newspaper item has also been pointed out appearing in the Tribune (TNS) with news heading “Wheat MSP hiked by Rs.165/ql., pulses by up to Rs.700/-.” To a casual reader it would not appear that the MSP for wheat was either 1120 or 1170 but on reading the close print it is found that Government had declared a bonus of Rs.50/- which sum had to be added to the MSP. The question raised was not what was the MSP, but was the “effective” MSP. The question was put rather intelligently and artfully in order to deceive candidates and get the best response by the use of the word “effective” price. The effective MSP was indeed MSP+bonus. The thread of the same reasoning follows suit in the other questions and should not detain the court to cull out the niceties therein.

4. Learned counsel for C-DAC has demonstrated in Court with reference to disputed question No.79 that the correct option was (1) whereas the petitioner insists it is (3). Anyone acquainted with the planetary system knows that the largest planet in our solar system is Jupiter and therefore, the answer key was correct in its descending order of sizes of planets put in different combinations.

5. Learned counsel for the petitioner then dwells on question No.62, which asked candidates to answer what was the “rate of Infrastructure Development Cess of wheat and rice in Punjab (%wise)”.

The C-DAC says that the correct option is (2) whereas the petitioner

insists that the correct option should be (1). In order to flaw the answer key, learned counsel for the petitioner submits a document, which he has got through the RTI, where Market Committee admits that the Cess was 2%, which is not any of the answer keys framed by C-DAC. When there is no certainty in the question then action cannot be faulted on needless dissection. The answer key does not seem too wide off the mark and no contemporaneous evidence has been placed in the writ file to disclose what the exact figure was or on which answer the Court should place faith and trust. A writ is not meant for making fishing inquiries on the correctness of questions and answers for an examination held for direct recruitment when those Q&As were put uniformly to all competitors. No other person has come to court complaining of wrong answer keys.

6. I do not see or read any cogent reason warranting interference in the matter and would accordingly dismiss the petition.

**(RAJIV NARAIN RAINA)
JUDGE**

16.2.2016
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