

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.1737 of 2016

Date of Decision: 28.01.2016

Dev Kumar

... Petitioner

Versus

State of Punjab and another

... Respondents

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

Present: Mr. H.C. Arora, Advocate,
for the petitioner.

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

RAJIV NARAIN RAINA, J. (Oral)

1. This Court has examined, not only with the help of Mr. H.C. Arora appearing for the petitioner but also with the help of learned counsel present in Court waiting for their cases as to what could possibly be the best answer to the three questions disputed in this petition of which it is said the answer key is wrong and incorrect. These are questions No.4, 38 and 57.

2. There was some doubt with respect to question No.38 which searched for an answer to one of the questions posed at the combined PCS and Allied Services examination to the effect: "Dhaki Rijey Koi Na Bujhey". The correct answer according to the petitioner is "Bhet Rakhana" but the Punjab Public Service Commission prefers the answer closer to be "Andar Khate Sahee Jana". It may be recorded in this order that the petitioner's view point found favour in court by lawyers well versed with the Punjabi language when requested help by the Court.

3. Even assuming that the correct answer is “Bhet Rakhana” and not “Andar Khate Sahee Jana” even then to the mind of this Court, it would not materially alter or effect the result of the selection as the mistake would be universal to all candidates and would not vitiate the result. It is not such a flaw as would invite intervention of the writ Court persuading it to issue either a writ of certiorari or mandamus to interdict the answer and hold up the selection process.

4. In any case and without going into an autopsy of the idiom [Muhavara]: “Dhaki Rijey Koi Na Bujhey” it is left open to the Punjab Public Service Commission which is an autonomous constitutional body regulated by its own wisdom to consider whether Question No.38 should or should not be deleted from the count of questions required to be answered to draw merit. This is only a suggestion of the Court and is not to be treated as a direction.

5. With these observations this court is of opinion that no interference is called for in this petition on the fate of a single question. The other two disputed questions at serial No 4 and 57 thrashed out in Court are of no significance nor would they impact the result of the selection or the result of the petition and broadly the answer key is sustainable as assigning the appropriate answers to the questions, which even Mr. Arora was unable to wriggle out from.

6. Accordingly, the petition stands disposed of without any directions as to interference in the selection process as to the issue raised which process is making headway towards the final recommendations on merits for appointment to Register B [direct recruitment] etc. as may be

made by the Commission to State Government.

(RAJIV NARAIN RAINA)
JUDGE

28.01.2016
manju