

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.2992 of 2017

Date of Decision:-16.02.2017.

Hemant Kumar

.....Petitioner

Versus

Punjab & Haryana High Court, Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Amit Jhanji, Advocate for the petitioner.

P.B. BAJANTHRI, J. (Oral)

1.) In the instant case, petitioner has questioned the validity of clause ii) - Important Instructions in the question paper relating to Spread Sheet Test for Departmental Promotion to the post of Clerk. Clause ii) of the Important Instructions reads as under:-

“ ii) No marks will be given for incomplete or partly correct answer.”

Learned counsel for the petitioner submitted that for the year 2014-15 there were no such instructions. On the contrary, what was the instruction is “2. No marks will be given for incomplete answer.” The said instruction still holds good for the year 2015-16. In view of the fact that the petitioner who was also candidate for the Departmental Promotion Test conducted in 2014-15 and who was permitted to participate in the process of selection to the year 2016, therefore, whatever, the criteria which is in

vogue in the year 2014 is required to be maintained for the year 2016 also. Therefore, Important Instructions item No.ii) i.e. *“No marks will be given for incomplete or partly correct answer”* is liable to be set aside and the Instruction *“2. No marks will be given for incomplete answer”* is to be applied for the selection process for the year 2016 also.

3.) Heard learned counsel for the petitioner.

4.) Promotion to the post of Clerk certain examinations are being held. One of the examination in the question paper certain important instructions have been given to the candidates those appeared for selection for the year 2014-16. There is a variation in the important instructions to the candidates. The petitioner has no right to seek particular important instruction to a candidate merely based on the fact that he was a candidate for the year 2014-15 and he was permitted to participate in the year 2016 selection and the selecting authority is required to stick on to the important instructions i.e. *“No marks will be given for incomplete answer”* instead of *“No marks will be given for incomplete or partly correct answer”* is not tenable. It is ultimately policy decision in the matter of fixing criteria for examination and selection for any post. Thus, the petitioner has not made out a case so as to interfere with the Important Instructions item No.ii), namely, *“No marks will be given for incomplete or partly correct answer”*.

5.) Petition stands dismissed.

(P.B. BAJANTHRI)
JUDGE

February 16, 2017.

sandeep sethi

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.