

CWP NO.4388 of 2017

#1# Manoj Kumar
2017.05.13 11:58
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IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP NO.4388 of 2017 (O&M)

Date of Order: 03.3.2017

Lovepreet Singh Baaz

....Petitioner

Versus

State of Punjab and Another

.....Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

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

JASWANT SINGH, J

The petitioner, who had competed for the post of Inspectors, Cooperative Societies advertised by respondent No.2- Punjab Public Service Commission vide Advertisement No.02 dated 30.7.2016 (**P.1**), has preferred this writ petition seeking a writ of Mandamus directing respondent No.2 to review the result of written test conducted on 27.11.2016 for the aforesaid post as Answer Key to a question is not correct; with directions to the respondents not to select the candidates on the basis of merit list (P.9 & P.10).

Learned counsel for the petitioner has contended that the respondents have not dealt the objections raised by the petitioner with reference to question No.68 of set B while revising the answer key (**P.8**) as the correct option is (d) instead of (a). It is contended that the petitioner has opted the correct answer i.e option (d) and therefore entitled to three additional marks thereby enhancing his merit to come within the zone of appointment against the advertised vacancy in the General Category.

Heard learned counsel for the petitioner and perused the paper book with his able assistance.

Respondent No.2-PPSC advertised 300 posts of Inspectors, Cooperative Societies out of which 136 posts were earmarked for General Category whereas rest were meant for reserved categories including the backlog.

As per clause 5 of the Advertisement **(P.1)**, it was made clear that the Commission shall hold a competitive examination, details of which is available on the website of the commission. Said Competitive Examination was conducted on 27.11.2016 and the petitioner was issued an Admit Card bearing Roll No.2911219906 in the General Category (Category Code 71).

It transpires that respondent No.2-PPSC issued a public notice dated 28.11.2016 (P.6) inviting objections till 05.00 PM on 02.12.2016 regarding the question booklet (Set A) and Answer Key (Set-A) and the same was duly uploaded on the website of the Commission. In pursuant thereto, the petitioner submitted his objections dated 01.12.2016 (P.7) including to that of the Question No.68 of Question Booklet (Set-B)=(equal to) Question No.100 of Set 'A', which was not mentioned in the above public notice.

A perusal of paper book reveals that respondent No.2-PPSC again issued a public notice dated 12.1.2017, which reads as under:

"Subject: Regarding the Final/Revised Answer Key of the Competitive Examination for the post of Inspectors Cooperative Societies in the Department of Cooperation, Government of Punjab.

It is for the information of all concerned candidates that vide Public Notice dated 28.11.2016, the question paper and answer key of the

ibid Exam were hosted on the Commission's website.

Further, vide Public Notice date 28.11.2016, objections/queries regarding the Answer key were invited from the candidates till 5 PM on 02.12.2016.

The queries/objections received from the Candidates regarding the answer key were referred to the Subject Experts and accordingly the Commission has decided to revise the answer key for the ibid examination as follows:

<i>Sr.No.</i>	<i>Question No.</i>	<i>Answer as per Revised Answer Key</i>
<i>1</i>	<i>18</i>	<i>A</i>
<i>2</i>	<i>76</i>	<i>C</i>
<i>3</i>	<i>83</i>	<i>D</i>
<i>4</i>	<i>90</i>	<i>Question withdrawn. Three marks awarded to all candidates.</i>

Dated: 12.01.17

Sd/- Manjit Singh Cheema, PCS

Secretary (Examination)

Punjab Public Service Commission

Patiala "

A bare reading of public notice dated 12.1.2017 shows that the answer key was revised for Question No.18, 76 & 83 to A,C & D instead of B,B & A respectively and question No.90 was withdrawn while awarding three marks in lieu thereof to all the candidates. The revised/final answer key (P.8 colly.) of the competitive examination dated 27.11.2016 was displayed on the website of the PPSC. Thereafter, the Revised Combined Result of the Competitive Examination was declared on 18.1.2017 (P.9) wherein the petitioner scored 237 marks and stands at Sr.No.146 of the Combined Result as there are some reserved category candidates, who have secured more marks than the petitioner. The petitioner has deliberately chosen not to annex the complete combined result and just annexed only one page thereof as Annexure P.9, which seems to be intentional on his part.

The question in issue i.e Question No.68 of question

booklet Set B, which is equal to Question No.100 of Set A, reads as under:

"68. Which was the largest Indian site of Indus Civilization?"

- (a) Mohenjodaro*
- (b) Lothal*
- (c) Chanhudaro*
- (d) Dholavira "*

The answer at option (a) stands mentioned in the answer key hosted by the PPSC, whereas it is claimed by the petitioner that the option (d) is the correct answer. It is claimed that Mohenjodaro is in Sindh Province (Pakistan) whereas Dholavira is in Gujarat on the banks of River Luni, which is the largest site of Indus Valley Civilization in India. It is settled principles of law that it is for the experts to examine and finalize the answer keys and ordinarily the Courts refrain from undertaking such an exercise. The PPSC had adopted a transparent manner by inviting objections and the record reveals that three answer keys were revised and one question stood withdrawn as reproduced above. There are no allegations of malafide or breach of any Rule or Regulation at the hands of PPSC while ignoring the alleged objections to the aforesaid Question No.68. Even on examination of the question, option (a) appears to be the correct answer. Still further, if the arguments of award of three additional marks is to be entertained, it would affect many candidates of their determined merit, who have not even been impleaded as party respondents.

Taking a cumulative view of the facts of this case, no ground for invoking the writ jurisdiction of this Court is made out.

In view of aforesaid discussion, present petition is dismissed being devoid of any merit.

March 03 , 2017
Manoj

(JASWANT SINGH)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>