

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Decided on : 27.9.2017

279 CWP-4721-2017(O&M)
SAVNEET KAUR ...PETITIONER

VS

STATE OF PUNJAB & ORS ...RESPONDENTS

282 CWP-21660-2017 (O&M)
PREETI JOSHI AND ANR . ..PETITIONERS

VS

STATE OF PUNJAB & ORS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AJAY TEWARI

Present: Mr.Parvesh K. Saini , Advocate
for the petitioner in CWP No. 4721-2017.

Mr. Kapil Kakkar, Advcoate
for the petitioners in CWP No.21660-2017.

Mr. H.S.Sitta, AAG, Punjab.

AJAY TEWARI, J.(Oral)

On 8.3.2017, the following order was passed;

Counsel for the petitioner has submitted that the petitioner had appeared in the Punjab State Teachers Eligibility Test-2016 (PSTET-II) conducted by respondent No.3 on behalf of respondent No.2 and secured 89 marks out of 150. She has challenged the correctness of the answer to the questions No.52, 59 and 119 and submitted that in case the answer to these three questions are declared incorrect and benefit is given to the petitioner then she will be in a position to pass the test as she requires only one more mark.

Notice of motion for 29.5.2017.

As per the reply filed the respondents have referred the objections filed by the petitioner to the agency which had conducted the examination. Yesterday I asked the Assistant Advocate General to ascertain from that agency whether the objections were referred to some other experts or to the paper setter. Today, Assistant Advocate General states that he has instructions to inform the Court that the agency conducting the examination has referred the objections to the paper setter. In **Jitender Kumar and another vs. Haryana Public Service Commission 2012 SCC online P&H 15657** decided on 30.10.2012, this Court had held that where objections are filed to the correctness of the questions or the answers it would be only fair to refer them to an independent expert.

In this view of the matter the action of the agency conducting the examination to refer the objections to the paper setter has to be held to be wrong and the petition is disposed of with a direction to the respondents to ensure that the objections filed be referred to an independent expert and after the report of the expert/s and their recommendations regarding remedial action to be taken, the final result be declared.

Counsel points out that during this interregnum the State of Punjab has advertised post of teachers for which the last date for application is 6.10.2017 and therefore it would be in the interest of justice to permit the petitioners to apply for those posts on provisional basis.

Assistant Advocate General states that rather than grant petitioners provisional right to apply it would be appropriate to set a time limit for

conducting the exercise of referring the objections to an independent expert and getting the report thereon.

I find this would be a more equitable alternative and consequently direct the respondents to conduct this exercise and declare the result on or before 4.10.2017 so that those candidates whose marks are now upgraded or who now make the cut, can apply for the job on or before last date which is 6.10.2017.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

27.9.2017
anuradha

(AJAY TEWARI)
JUDGE_

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No