

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

LPA No.1280 of 2017 (O&M)

Date of Decision : 16.11.2017

State of Punjab and others

....Appellants

Versus

Rajinder Singh and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI

Present : Mr.P.P.S.Thethi, Addl. Advocate General, Punjab.

MAHESH GROVER, J. (Oral)

This appeal is directed against the judgment of the learned Single Judge dated 11.01.2017 granting the benefit of one grace mark to all the participants in the PSTET, 2014 examination, held on 24.08.2014. The learned Single Judge concluded that question No.112 was not free from doubt and even the Expert Committee that examined it could not themselves clear the air in this regard. The question talks about exception of the similarities of two religions- Jainism and Buddhism and as per the explanation given by the Committee, the correct answer key was given as option 'b' depicting that both had equal faith in Ahimsa. The learned Single Judge went on to note that justification given by the NYSA Communication Pvt. Ltd that the Buddhist religion was not that extreme, as such and the traditional Buddhists understanding of non-violence is not as rigid as the one followed in Jainism. The Committee members had concluded that option 'b' was the best option but they themselves as per the

opinion concluded such that both believe in Ahimsa though not to an equal extent.

From the perusal of the reasoning of the Expert Committee, we are of the opinion that ordinarily the correctness of an answer, if examined by an Expert Committee, should be accepted to arrive at an unimpeachable conclusion, but if the answers provided cannot be compressed into the options available to a student, then benefit of such ambivalent answers to a question should be given to all.

We, therefore, concur with the view of the learned Single Judge granting one grace mark and dismiss the appeal particularly when it is barred by a delay of 142 days which has been ascribed to procedures. We notice that the impugned judgment was received by the Director SCERT, Punjab on 30.01.2017 and filing of the appeal was deliberated upon for as long as three months i.e. till 26.04.2017 and the consent for the same was given on 16.05.2017. Thereafter the appeal was filed in July 2017. Such laxity in the procedures where for three months no decision was taken and even after taking it there was complete one month to obtain a consent is unacceptable as a justification for delay.

Dismissed both on merits as well as on delay.

(MAHESH GROVER)
JUDGE

16.11.2017
dss

(RAJ SHEKHAR ATTRI)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No