

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.23642 of 2016
Date of Decision: 06.08.2018

Atul Jhahria

.....Petitioner

Vs.

Haryana Public Service Commission

.....Respondent

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present:- Ms.Bhupinder Kaur, Advocate, for the petitioner.

Mr.Kanwal Goyal, Advocate, for the respondent.

RITU BAHRI, J. (ORAL)

Petitioner is praying for issuance of a writ in the nature of certiorari to quash the result dated 28.07.2016 declared by the respondents for filling up five temporary posts of Assistant Professor (College Cadre) in the subject of Geology (Annexure P-4) advertised on 16.02.2016 vide advertisement No.10 (Annexure P-1) as the result has been declared by the respondents without deciding the objections filed by the petitioner qua the correctness of answers to the seven questions displayed by the respondent Commission on its website on 03.07.2016 inviting objections from the candidates and constitute a committee in this regard.

Pursuant to the advertisement dated 16.02.2016, the respondent/Commission advertised 164 posts of Assistant Professors (College Cadre) HES-II and petitioner has made his application and participated in the written examination on the given date and venue. After conducting the written examination during 30.06.2016 to 01.07.2016, the respondent/Commission displayed the answer keys of the questions given to the candidates in various subjects, result of the written examination was displayed on 28.07.2016 (Annexure P-4). The petitioner through his father filed an application under RTI with the respondent/Commission seeking information about (i) marks obtained by the petitioner in the test(ii) what was the cut off line for interview (iii) answer key was displayed by HPSC in

net. As per information (Annexure P-5), the interview for various posts advertised vide Annexure P-1 was being conducted by the respondent/Commission. However, the date of interview for the post of Assistant Professor (Geology) has not been declared and in case the answer key is corrected as per the objections raised by the petition qua seven questions out of 100 along with proof, this would change the merit and there are all chances of success of the petitioner in the written examination. An objection of alleged wrong questions/answers were invited. The prayer in the writ petition is for setting aside the result Annexure P-4 on the ground that objections filed qua correctness of 7 questions which have not been decided. In response to the same, reply has been filed by HPSC wherein, it has been mentioned in paragraph 4 that Commission had received numerous representations which were jointly sent to an Expert Committee formed on 13.07.2016 (for Geology), comprising of three Professors from Reputed Universities of concerned subjects and all the questions of question booklet of Series 'A' including the questions qua which representations were made were sent on 13.07.2016 itself (for geology), wherein, in the report it was mentioned as follow for Series 'A' question booklet:

- “(X) i) Q.No.60-there is no unique answer in the given option. The option 'd' is the closest answer and the options 'a' & 'c' cannot be ruled out.
- ii)Q No.79-Option 'b' as per answer key is not scientifically correct.
- iii) Q No.8- The key given is not correct.
- iv) Q No.14-The given option 'd' is not unique answer and the options 'b' & 'c' can be equally correct.
- (Y) i) Q.No.29- 'b' is the correct option instead of 'd' as given in the answer key.
- ii)Q No.93-Closest answer is option 'c' instead of 'b' as given in the answer key.”

The Committee found that four questions as mentioned as serial No.(X) were deleted and answer key of two questions, as mentioned at serial

No.(Y) was corrected. Thereafter, Commission published the revised result on 16.11.2016 (Annexure R-1) wherein, the remaining two questions were also deleted and the candidates were accordingly assessed on the basis of remaining 94 questions after deleting six questions/answers and revised result was prepared on percentile basis. Even the name of the petitioner do not fall within the selection zone under the revised result also. As such, the objection of the petitioner have been looked by the Committee and in view of the above, the Commission has not violated any of the directions given by this Court in judgment Annexure P-6 and P-7.

In view of the above, the present writ petition is dismissed.

(RITU BAHRI)
JUDGE

06.08.2018
anil

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