

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****CWP No. 26672 of 2014 (O&M)****Date of Decision: 19.12.2018**

Sanjay Kumar

...Petitioners

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR.JUSTICE RAJIV NARAIN RAINA**

Present: Mr. V.K. Jindal, Senior Advocate with  
 Mr. A.K. Jindal, Advocate,  
 Mr. Gourav Jain, Advocate,  
 Mr. Santlal Barwala, Advocate,  
 Ms. Ritu Punj, Advocate,  
 Mr. Jitender Nara, Advocate  
 for the petitioner(s).

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Sunil K. Nehra, Advocate,  
 for respondent Nos. 9 to 13.

Mr. Sandeep Singh Sangwan, Advocate for  
 Mr. D. S. Rawat, Advocate,  
 for respondent No.3/HIPA in all cases.

Mr. R.K. Malik, Senior Advocate with  
 Mr. Sandeep Kumar Rana, Advocate,  
 for respondent Nos. 4 to 57 In CWP No.26672 of 2014.

Mr. Ram Niwas Sharma, Advocate for the respondents.

**RAJIV NARAIN RAINA, J. (Oral)**

This order will dispose of above-mentioned case as well as other writ petitions\* tabulated at the foot of the order, as common questions of law and fact are involved in them which can conveniently be decided by a common order.

Enough work has been done on the judicial side on this case beating answer books around the bush. An opportunity was given by the Haryana Institute of Public Administration (in short 'HIPA') to the candidates to examine their answer books and file objections, and if this does not satisfy them, nothing will.

The future of hundreds of employees depends on SAS Part-I and Part-II examination. After the examination conducted in the year 2014, HIPA has not conducted a fresh test because of the dust raised in this petition. There are no allegations of corruption in the conduct of the examinations conducted by a specialized agency (HIPA). Nothing has been revealed in the report even of the Lawyer's Committee set up by interim directions which might disturb the conscience in the evaluation. Some degree of human error is inevitable in any examination and especially of the kind where there are hundreds of candidates. Checking of papers cannot be done by one person when you have to deal with about 4000 answer sheets. There will inevitably have to be a margin of difference in evaluation standards, especially in subjective questions, between different paper checkers in the same examination and for the same subject and of the same question. No standardization is possible to be hermetically sealed. One has to go by the wisdom of the selecting agency and if its work is not wide off the mark or seriously discrepant, then Court is not to interfere for the mere asking and to keep this matter pending for no practical purpose and only for fishing and roving inquiry.

This Court draws strength from the decision of the Supreme Court in Ran Vijay Singh and others Vs. State of UP and others, 2018 (1)

SCT 334 dealing with revaluation and re-examination of answer sheets and disputed questions. The Supreme Court has carved out five cardinal principles in the judgment to be kept in mind by the Court in such situations which are reproduced as under:

*(i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;*

*(ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed;*

*(iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate - it has no expertise in the matter and academic matters are best left to academics;*

*(iv) The Court should presume the correctness of the key answers and proceed on that assumption; and*

*(v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.*

HIPA had done its best in bringing about transparency by putting a public notice for the complaining candidates to come forward and see their respective answer books. Those who did, availed the opportunity. Ms. Shruti Jain Goyal, DAG, Haryana informs the court that for SAS Part-I examination, 57 applications were received while for SAS Part-II 52 applications. These applications/objections were looked into by a Committee

constituted by HIPA. Therefore, an opportunity of fair hearing was given and the principles of natural justice stand satisfied. Candidates cannot nitpick nor will the Court will help them to. For these reasons, the petitions are dismissed.

13.12.2018  
kv

[RAJIV NARAIN RAINA]  
JUDGE

| Sr.<br>No. | Case No.              | Parties Name                                                  |
|------------|-----------------------|---------------------------------------------------------------|
| 1.         | CWP No. 26755 of 2014 | Narvir Singh Vs. State of Haryana and others                  |
| 2.         | CWP No. 3506 of 2015  | Vinod Kumar and another Vs. State of Haryana and others       |
| 3.         | CWP No. 4960 of 2015  | Jatinder Khurana and others Vs. State of Haryana and others   |
| 4.         | CWP No. 4978 of 2015  | Varinder Singh Vs. State of Haryana and others                |
| 5.         | CWP No. 5125 of 2015  | Jasvender Singh Vs. State of Haryana and others               |
| 6.         | CWP No. 7471 of 201   | Suman Lata and others Vs. State of Haryana and others         |
| 7.         | CWP No. 10547 of 2015 | Shamsher Singh Vs. State of Haryana and others                |
| 8.         | CWP No. 11012 of 2015 | Krishan Kumar Sahu and others Vs. State of Haryana and others |
| 9.         | CWP No. 12380 of 2015 | Jarnail Singh Vs. State of Haryana and others                 |
| 10.        | CWP No. 8239 of 2015  | Ved Parkash Dhull Vs. State of Haryana and others             |
| 11.        | CWP No.20929 of 2016  | Satish Kumar and others Vs. State of Haryana and others       |

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[RAJIV NARAIN RAINA]  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : No