

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.23604 of 2018

Date of Decision:-08.10.2018

Gagandeep Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Priyanshu Kamra, Advocate for
Mr. Vishal Mittal, Advocate for the Petitioner.

Mrs. Anu Chatrath Kapoor, Additional Advocate General,
Punjab.

JASWANT SINGH, J.(ORAL)

Petitioner had competed for appointment to the post of Clerk reserved for the category of Freedom Fighters pursuant to the advertisement No.4 dated 01.09.2016 (P-1). In the result declared of the written test on 06.05.2018, the petitioner is stated to have secured 41.75% marks and declared successful in the said category. The petitioner thereafter appeared in the mandatory qualifying typing tests in the subject of Punjabi and English conducted on 29.08.2018. The said typing tests were conducted on the computers at the Rayat & Bahra University during the period from 24.08.2018 to 31.08.2018.

The grievance of the petitioner raised is that while undertaking

the typing test in Punjabi, due to technical problems with the computer the

test could not be properly conducted.

Upon directions to the State Counsel to verify the facts, an affidavit dated 5.10.2018 of Dr. Kamal Kumar, Secretary Subordinate Services Selection Board, Punjab has been filed in Court. Copy of the same furnished to the opposite side. The para nos.5, 6 & 7 of the preliminary submissions of the aforesaid affidavit reads as under:-

“*The objections raised by the petitioner that when he started using computer for typing, then after only five minutes gap computer was hang totally and not responding in any manner. Then petitioner immediately called invigilator. But they did not bother about computer hanging/technical problem. It is brought to the notice of Hon'ble Court that candidates were provided 10 chunks (A paragraph of 32-34 words) for typing. Regarding the objection raised by the petitioner, it is respectfully submitted that according to the technical expert report (R-2) petitioner continued typing even after five minutes and typed upto 9th Chunk (A paragraph of 32-34 words), which clearly indicates that there was no problem with the computer. The time taken by the petitioner to type the chunks (A paragraph of 32-34 words) in Punjabi typing test is given below:-*

Chunk (A Paragraph of 32-34 words)	Typing Time spent (min:sec)	Cumulative time
1.	1:12	1:12
2.	0:58	2:10
3.	0:58	3:08
4.	1:05	4:13
5.	1:16	5:29
6.	2:03	7:32
7.	1:05	8:37
8.	1:09	9:28
9. (incomplete/skipped 14 words)	0:32	10:00
10. (Did not type)		

That it is further respectfully submitted that total 23 candidates appeared for typing test on that computer system and 12 candidates cleared the test. Out of the rest of 10 candidates who did not clear the test, no one raised any objection regarding any problem with the computer. A detailed list of all those candidates who appeared for the typing test on the computer system number 27, Lab 1 is given below:-

#	Roll Number	Name	Punjabi Speed (WPM)	Punjabi Accuracy (%)	Punjabi Result	English Speed (WPM)	English Accuracy (%)	English Result	Typing Test Result
28	10027	Radha	32	98.13	Qualified	32	98.93	Qualified	Qualified
520	10502	Mona Rani	31	99.06	Qualified	32	99.69	Qualified	Qualified
998	10977	Abhishek Mital	32	98.75	Qualified	33	99.7	Qualified	Qualified
1479	11452	Amarjot Singh	28	93.98	Not Qualified	32	97.26	Qualified	Not Qualified
1955	11927	Kailash Chander	31	98.74	Qualified	32	99.39	Qualified	Qualified
2433	12402	Harbans Singh	32	98.13	Qualified	32	98.48	Qualified	Qualified
2908	12877	Deepak Kumar	30	96.43	Qualified	32	98.47	Qualified	Qualified
3388	13352	Nitin Kumar Dhawan	32	98.75	Qualified	33	99.39	Qualified	Qualified
3864	13827	Kavita	32	99.53	Qualified	32	99.69	Qualified	Qualified
4346	14302	Gurwinder Kaur	31	99.06	Qualified	32	99.69	Qualified	Qualified
5319	15252	Karanveer Singh	32	93.44	Qualified	32	99.69	Qualified	Qualified
6277	16202	Amandeep	2	55.88	Not Qualified	29	95.32	Not Qualified	Not Qualified
6752	16677	Sonia Hans	31	98.42	Qualified	32	99.39	Qualified	Qualified
7704	17627	Jaswant Singh	25	92.66	Not Qualified	32	98.47	Qualified	Not Qualified
8179	18102	Bhupinder Kaur	23	92.05	Not Qualified	31	91.92	Not Qualified	Not Qualified
8655	18577	Jugraj Singh	29	96.6	Not Qualified	32	97.86	Qualified	Not Qualified
9130	19052	Gursharanpreet Kaur	31	93.98	Qualified	33	97.27	Qualified	Qualified
9606	19527	Arvinder Kaur	20	82.19	Not Qualified	30	90.52	Not Qualified	Not Qualified
10082	20002	Gagandeep Singh	26	78.48	Not Qualified	-	-	-	Not Qualified
504	90502	Ravinderjit Singh	16	97.33	Not Qualified	33	97.58	Qualified	Not Qualified
1936	91927	Ravinder Singh	0	0	Not Qualified	14	85.79	Not Qualified	Not Qualified
2888	92877	Jaswinder Kaur	29	93.62	Not Qualified	32	95.01	Qualified	Not Qualified
3364	93352	Prabhroop Kaur	24	78.61	Not Qualified	32	91.43	Not Qualified	Not Qualified

That it is further respectfully submitted that petitioner scored poorly even in Punjabi and English demo

tests. The petitioner made 8.15% errors, which is above the set limit in Punjabi demo typing test. In English demo typing test petitioner made 22.8% mistakes and his typing speed was only 14 words per minute whereas required typing speed was 30 words per minutes in both the typing tests. Petitioner got such a low score in both demo-typing test despite the fact that text of demo test was already made available on boards website approximately 15 days before the start of the test. ”

At the time of hearing, counsel for the petitioner has contested the factual stand as advanced in the affidavit, however, on instructions prays for permission to withdraw the present writ petition to enable his client to file a civil suit since disputed questions of facts are involved.

Dismissed as withdraw with aforesaid liberty of filing Civil Suit.

(JASWANT SINGH)
JUDGE

October 08, 2018
Vinay

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