

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 24.07.2018****CWP No.4054 of 2018**

Bimla & another

...Petitioners

Vs.

State of Haryana & another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mrs. Sangita Dhanda, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. DAG, Haryana.

RAJIV NARAIN RAINA, J. (ORAL)

Apart from filing short reply on behalf of respondent No.2, which is taken on record, Mr. Rathee has produced the result of the petitioners in a sealed cover. On opening the envelope, it is revealed that petitioners, namely, Bimla and Nirmala, have secured 106 and 112 marks in the final result for the post of Supervisor (Female) in BCA category, while the cut off is 120. Therefore, the petitioners have failed to make the cut. A photocopy of the result produced is retained on record.

However, Ms. Sangita Dhanda, learned counsel appearing for the petitioners, submits that the petitioners have challenged the answer key in respect of four questions i.e. Q.Nos.36, 76, 97 & 98 which if corrected would fetch her client (Petitioner No.2) 8 marks ($4 \times 2 = 8$) to bring her in the zone of consideration equaling 120 cut off.

All the four questions are reproduced below:

“36. Which among the following lake is visited the most by foreign tourist?

- (a) Dumdama
- (b) Badkhal
- (c) Sultanpur
- (d) Kotla

xx

xx

xx

76. Which is a Bhav Vachak Sangya of Mahan?

- (a) Mehnat
- (b) Mahanta
- (c) Mahauttam
- (d) Mehman

xx

xx

xx

97. Which of the following is a communicable disease:

- (a) Diarrhoea
- (b) HIV
- (c) Cancer
- (d) None of the above

98. What is the best age for Pre-School?

- (a) 1 year
- (b) 2 ½ years
- (c) 3 years
- (d) 4 years”

Heard Mrs. Sangita Dhanda and Mr. Harish Rathee, Sr. DAG, Haryana, on all aforesaid questions at considerable length.

Having considered the ambit of four options given to Question No.36, I am satisfied that option (c) i.e. Sultanpur is a wrong answer because it is not a lake in Haryana, it is a Bird Sanctuary located in District Gurugram. It was established in 1972 as the Sultanpur Bird Reserve and later on upgraded to National Park in 1989. Thus, the petitioners are not right in insisting that the answer should be Sultanpur. The correct answer most definitely is Badkhal Lake.

In respect of Question No.76, the answer most likely is 'Mahauttam' and not 'Mahanta' and the paper setters committed no palpable mistake.

Coming to Question No.97, the petitioner has answered option (B) i.e. HIV, but the correct answer would be option (D) i.e. "None of the above". HIV is non-communicable disease. HIV can be passed from one person to another through bodily fluids such as blood, semen, vaginal fluids, and breast milk. Even if we make an allowance that the answer that this is a communicable disease even then at best the petitioners can be awarded 2 marks, each question carrying 2 marks, but they still do not make the cut.

Similarly, the correct answer to Question No.98 is more likely option (B) 2 ½ years, whereas the petitioners attempted option (C) i.e. 3 years. Answer to this question is not that easy, but majority of parents choose pre-school admission in the age of 2½ years. No doubt, as argued by Mrs. Sangita Dhanda, some parents for some reasons may enroll kids in pre-school at 3 years of age, but 3 years is a time when most of the children start taking admission in kindergarten and elementary school. The reliance of Mrs. Dhanda on Annex P-13 i.e. a sheet showing age of child to be 3-4 years is misconceived, as it does not contain any Title or Header to disclose from which register it relates. It appears that this sheet is used to collect data of girl child, who are below 3-4 years. May be it relates to Nursery Class. Thus, no definite opinion can be formed from Annex P-13.

More so, this Court will not make a fishing inquiry into academic matters, questions and answer keys without firm basis. The academic matters are best left to the experts, as they are the best judge of right and wrong answers. It is, thus, best to put an end to this litigation since

it will bring no fruit by way of relief, as no interference is warranted in this case under Article 226 of the Constitution at the asking of the petitioning candidates who have failed to qualify in the revised result, the respondent Commission accepting bona fide errors in the question paper and the answer keys and finding just and proper solutions to fix the problem acting fair to all competitors in the pursuit of public employment against advertised posts of Supervisor (Female). Even if we give credit for last three questions accepting the view propounded by the petitioners that will bring them only 6 marks and they will still be short of the cut off by 2 marks rendering the exercise futile and academic. They would still not make 120 marks when question 36 is most definitely wrongly answered by option "Sultanpur" which is not classified or commonly known as a predominant lake in Haryana.

As a result of the above discussion and keeping in view the factual position, no ground for interference is made out.

Accordingly, the petition is dismissed.

24.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *No*