

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 09.07.2018****CWP No.4452 of 2018 (O&M)**

Jogender Singh & others

...Petitioners

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINAPresent: Mr. R.K.Malik, Senior Advocate, with
Mr. Sandeep Dhull, Advocate, for the petitioners.

Ms. Shruti Jain Goyal, DAG, Haryana.

Mr. Kanwal Goyal, Advocate, for respondent No.2.

Mr. Akshay Bhan, Senior Advocate, with
Mr. Abhishek Sanghi, Advocate,
for respondents No.3 to 6.

Mr. Anurag Goyal, Advocate, for respondents No.7 to 16.

RAJIV NARAIN RAINA, J. (ORAL)**C.M.No.5728 of 2018**Application is allowed. Replication to the written statement
filed by respondent No.2 is taken on record.**CWP No.4452 of 2018**

I have no reason to disregard the report of the three fair names of experts, all Professors in an institution beyond the borders of this Court and their opinion on the correctness or otherwise of the questions and answers set by the Haryana Public Service Commission in the Physics paper in an examination for direct recruitment and am of the view that the report submitted in sealed cover should not be made subject matter of dissection by the unsuccessful petitioners or by inviting yet another opinion of a set of

experts at their cost as suggested by Mr. R.K.Malik, learned senior counsel appearing for them. No mala fide or bias has been alleged against the experts earlier approached and the present report placed on dais today deserves not to be questioned to maintain sanctity of the selection process.

In all 14 questions have been found by the present experts to be ambiguous. 4 questions have been deleted, while answers of 10 questions have been revised and the result declared.

Mr. Malik says that with respect to 21 questions, which they allege are wrong and object to, no specific opinion was obtained from the experts.

A perusal of the experts' opinion produced by Mr. Kanwal Goyal appearing for the commission in sealed cover when opened shows that all the questions have been examined by the experts and they have been found in order. In a recent pronouncement in UPPSC through its Chairman & another Vs. Rahul Singh [Civil Appeal No.5838 of 2018 decided on 14.06.2018], the Supreme Court has guided in Paras.14 & 15 as follows:

“14. In the present case we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.

15. In view of the above discussion we are clearly of the view that the High Court over stepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant - Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of

the *prima facie* view that the answer given by the Commission is correct.”

This Court will not make a fishing inquiry into academic matters. 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 in public interest, 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 result of examination or its revision, 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 Assistant Professors (Physics) (College Cadre).

Accordingly, the petition is dismissed.

09.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

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