

**LPA-770-2017 (O&M)**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**LPA-770-2017 (O&M)**

**Date of decision : 25.10.2018**

Vikram Bhatia

... Appellant

Versus

Punjab Public Service Commission and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER  
HON'BLE MR. JUSTICE AMIT RAWAL**

Present: Mr. Atul Lakhanpal, Senior Advocate with  
Mr. Ashish Verma, Advocate  
for the appellant.

Ms. Anu Pal, DAG, Punjab.

Mr. D.S. Patwalia, Senior Advocate with  
Mr. A.S. Chadha, Advocate  
for respondent No.4.

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**MAHESH GROVER, J. (ORAL)**

This appeal is directed against the judgment of learned Single Judge dated 27.04.2017.

The petitioner had applied for the post of Project Manager in the General Category and appeared in preliminary examination having objective types questions. The dispute has arisen on account of valuation of one question (hereinafter referred to as 'offensive question'), which is extracted hereinbelow:-

*"13. Number of Red list categories of species recognized by IUCN is:*

*a) 8*

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- b) 9*
- c) 11*
- d) 5"*

After declaration of result, objections were filed against correctness of the answer key qua the offensive question and the matter was referred to the Expert Committee, which opined the correct answer to be as option 'B' indicating 9 categories in red list recognized by IUCN.

Learned counsel for the appellant contends that there was cogent material which he has placed on record and persuaded us to go through, which indicates the correct answer to be '8 Categories', whereas learned counsel for respondent No.4 also refers to the source material issued by IUCN to indicate correctness of the expert's opinion.

Learned Single Judge after noticing the dispute concluded in favour of the recent report of IUCN to be more authenticate and worthy of reliance. The claim of the petitioner was dismissed, which is now the cause of grievance to him in the present appeal.

After hearing learned counsel for the parties and noticing that the dispute centres only around singular question, which is based on material by IUCN, there would hardly be any reason for this Court to interfere. A perusal of the offensive question shows that it refers to the red list categories of species recognized by IUCN. Consequently, the most credible information, in this regard, would be the literature given out by IUCN itself.

We do find that there are various reports of the said body over a period of time, where number of categories have fluctuated some what. This is not difficult to understand as these issues are always subjected to continuous research and discovery by the experts themselves. It is quite

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possible that more species are discovered over a period of time, resulting in variation of list.

It is, therefore, expected of a candidate, who is attempting such an examination to be well conversed with the latest literature of categories given out by IUCN. Be that as it may, even otherwise, it is now settled law that once the Expert Committee has given its opinion, the Courts should be reluctant to interfere with it on the simple logic that they cannot substitute their opinion in place of the subject experts. There is no malice attached to the examination process and it is for this reason also that the Courts would lean towards the correctness of the examination process, unless it is shown that the process has been defiled on account of misdoings.

We find no such things manifesting themselves from the facts of the case. Even if we assume that the question was vague, it was applied uniformly to all.

Having regard to the aforesaid facts, we decline interference and dismiss the appeal.

**( MAHESH GROVER )**  
**JUDGE**

**( AMIT RAWAL )**  
**JUDGE**

**25.10.2018**  
Yogesh Sharma

Whether speaking/reasoned    **Yes/ No**

Whether Reportable            **Yes/ No**