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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 11017/2018 & C.M. No. 42874/2018

GUNJAN SINDWANI

..... Petitioner

Through: Mr.Kirti Uppal, Sr. Adv. with Mr.
Gurinder Pal Singh and Mr. Mohit
Bhandari,Advs.

versus

REGISTRAR GENERAL HIGH COURT OF DELHI

..... Respondent

Through: Mr. Amit Bansal, Sr. Standing
Counsel with Ms. Seema Dolo, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE A. K. CHAWLA

ORDER

14.11.2018

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The petitioner has preferred the present writ petition to seek a writ of *mandamus* directing the respondent to re-evaluate the answer sheet of the petitioner and grant the justified marks. The respondent i.e. Registrar General of High Court of Delhi notified vacancies for the post of Administrative Officer (Judicial) /Court Master and for conduct of examination for the said posts in 2017 vide notification dated 17.05.2017. The petitioner appeared in the said examination. On 12.04.2018, the result of the said examination was declared; the petitioner did not qualify the said examination. She applied for copy of the answer sheets under the Right to Information Act on 13.04.2018 and was provided the same on 08.05.2018.

After perusing her answer sheet, she submitted a representation on 22.05.2018 seeking revaluation of her answer sheet on the premise that in respect of certain questions, she had not been fairly marked. The representation of the petitioner was rejected on 20.09.2018 and, consequently, she preferred the present writ petition.

At the outset, Mr. Bansal, who appears for the respondent on advance notice submits that under the examination scheme revaluation is not permissible. He submits that the relief sought by the petitioner cannot be granted in the light of the judgment of the Supreme Court in *H.P. Public Service Commission v. Mukesh Thakur & Anr.*, Civil Appeal No. 907/2006, decided on 25.05.2010.

Learned Senior Counsel for the petitioner has submitted that in respect of certain identified questions, the petitioner has not been correctly marked and he has taken us through the said questions and the answers given by the petitioner with a view to persuade us to require the respondent to have a re-look at the answer scripts of the petitioner.

We have perused the said questions; the provision of law on the basis of which the questions were framed, and; the answers given by the petitioner. In our view, it cannot be said that in respect of any of those questions, the evaluation made in respect of the answers given by the petitioner is strikingly unfair. As observed by the Supreme Court in *Mukesh Thakur* (supra), in an examination process of subjective kind, all the examinees would have been subjected to the same rigour. Merely because the questions in the examination-in-question relate to the field of law, would be no reason for us to sit in the position of the examiners and reevaluate the same to determine whether the marks given to the petitioner

are justified or not.

In these circumstances, we find no merit in this petition.

Dismissed.

VIPIN SANGHI, J

A. K. CHAWLA, J

NOVEMBER 14, 2018

N.Khanna