

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

LPA No.755 of 2019 (O&M)
Decided on : 07.05.2019

Vikas Singh

..... Appellant

Versus

Registrar, Punjab and Haryana High Court,
Chandigarh and anr.

..... Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL**

Present : Mr. Abhimanyu, Advocate
for the appellant.

Manjari Nehru Kaul, J.

In this Intra Court appeal filed under Clause X of Letters Patent, the appellant has assailed the order dated 08.02.2019 vide which learned Single Judge dismissed the writ petition by the appellant.

2. The appellant applied for the post of Clerk in the Subordinate Courts of Haryana in pursuance to Employment notice No./advertisement No.19C/SSSC/HR/2016 dated 24.12.2016. The appellant thereafter appeared in the written examination for the said posts conducted on 26.03.2017, which consisted of both objective type test as well as descriptive papers comprising of General Knowledge and command of English language. However, the appellant was unsuccessful in the said examination and on his name not appearing in the merit list, the appellant sought information under the Right to Information Act, 2005 (for short RTI, 2005') dated 29.09.2018 and 30.11.2018 regarding the cut off marks in the General Category as also details of marks obtained by the successful

candidates in General Knowledge/English written examination. On 26.12.2018, the appellant yet again sought information under RTI, 2005 seeking the photocopy of his answer-sheets including the marks obtained by him and also sought information qua the marks obtained by the last selected candidate. As per information record under RTI, 2005, the appellant had secured total 50.75 marks (31.75 marks in Objective + 19 marks in Subjective total 50.75 marks). As per the appellant, on perusal of his answer-sheets received under RTI, 2005 it was revealed that there were cuttings/over-writing in the marks awarded to him by the Examiner and on further close scrutiny, it was obvious that “9” marks initially awarded to him for Question C had been altered to “6” marks. Feeling aggrieved, the appellant approached this Court by filing writ petition No.3468 of 2019.

3. Learned Single Judge vide order dated 08.02.2019 dismissed the writ petition by observing as follows:

“A bare perusal of the above answer leaves one in doubt that even 6 marks out of 10 were not deserving, given the quality of the response. I think the examiner was very generous in awarding 6 marks for the third question which carried 10 marks. Even if the petitioner is given 7 marks he fails to make the cut. He needs an extra three marks before he makes equal to the cut off. If the petitioner expects 9 marks out of 10 for this attempt, he is sadly mistaken.

In view of the above, I find no merit in this petition which is accordingly dismissed in limine.”

4. We have heard learned counsel for the appellant as well as gone through the material available on record.

5. After giving our thoughtful consideration to the submissions,

we do not find any perversity or infirmity in the observations of the learned Single Judge while dismissing the writ petition. A perusal of the scanned copy of Answer III rather reveals that the Examiner was very magnanimous in awarding even 6 marks for Question C. In fact had the Examiner actually awarded the appellant “9” marks it would have poorly reflected on the qualitative standard of the examination being conducted by Society for Centralized Recruitment of Staff in Subordinate Courts. Moreover, learned Single Judge was absolutely right in concluding that even if the appellant had been awarded “9” marks out of 10 in Question C, he still would not have made the cut.

6. As a sequel to the above discussion, we do not find any infirmity or perversity in the impugned order passed by learned Single Judge as the same is well reasoned one. Accordingly, the present appeal is dismissed.

7. An application bearing CM No.1798-LPA-2019 has been filed under Section 5 of Limitation Act, 1963 for condonation of delay of 24 days in filing the appeal. Since the appeal has been dismissed on merit, no further orders are required to be passed in the said application and the same is disposed of as such.

(AJAY KUMAR MITTAL)
JUDGE

(MANJARI NEHRU KAUL)
JUDGE

07.05.2019
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Whether speaking/reasoned:
Whether reportable :

Yes/No
Yes/No