

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

Letters Patent Appeal No. 1344 of 2019 (O&M)

Date of Decision: 26.08.2019

Sukhjeet Singh and others

.....Appellants

versus

State of Punjab and others

.....Respondents

**CORAM: HON'BLE MR.JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present : Mr. Harkirat Singh Sandhu, Advocate
for the appellants.

KRISHNA MURARI, CHIEF JUSTICE (oral)

This intra-court appeal under Clause X of the Letters Patent is directed against the judgment and order dated 12.07.2019 passed by the learned Single Judge whereby the writ petition praying for the following reliefs has been dismissed:-

- i) A writ in the nature of mandamus directing respondent No.4 to correct the option/answer in the question No.13 and 15 of Set-A (Annexure P-3) and having different numbers in other sets, which are factually incorrect and materially affecting the merit of the petitioners in the examination conducted for recruitment for the post of Senior Assistant in Department of Cooperation and Department of Revenue, Government of Punjab.
- ii) Any other writ, order or direction, which this Hon'ble Court may deem fit in the facts and circumstances of the present case may kindly be issued;
- iii) It is further prayed that further process of appointment may kindly be stayed during the pendency of the writ petition.

2. Challenge was basically on the ground that the answer key to questions No. 13 and 15 was incorrect and therefore, the objections raised in this regard have not at all been considered by the experts which have vitiated the final result.

3. Before the learned Single Judge, the original record was placed and on examination of the same, the learned Single Judge has returned the following findings:-

“2. Pursuant to the above order, learned Senior Counsel representing the respondent-State submits that Punjab Public Service Commission (PPSC) official has brought the original record under sealed cover. The said record has been opened in the Court. On perusal thereof, it has been found that the argument of learned counsel for the petitioners, that the objections filed by the petitioners qua the question papers, supra, were not dealt with by the experts, is factually incorrect.

3. I have seen the experts opinion where they have specifically stated that the objections filed by the petitioners have been considered and the same have been found frivolous and the answers suggested by them in the objections are incorrect.”

4. Once the original record has been examined by the learned Single Judge and it was found that the objections raised by the appellant-petitioner were duly considered by the experts and were found to be frivolous and the answers suggested by them were incorrect, there was hardly any scope for interference in the matter and the writ petition has rightly been dismissed.

5. Learned counsel for the appellant submits that no reasons have been supplied for holding the objections of the appellant-petitioner as incorrect and frivolous and he also submits that the appellants also supplied

the opinion of certain other experts which go to show that the answer-key to the said questions was incorrect.

6. Be that as it may, the issue stands settled by pronouncements of the Hon'ble Apex Court in the case of ***Ran Vijay Singh and others v. State of U.P. and others 2018(2) SCC 357*** as also in the case of ***U.P.P. S.C. through its Chairman and another v. Rahul Singh and another 2018(7) SCC 254***, wherein the Apex Court has held that when there are conflicting views, then Court must bow down to opinion of experts and the Courts cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of experts.

7. In the case of ***Ran Vijay Singh and others v. State of U.P. and others*** (supra), in paragraph-32 the Hon'ble Apex Court has deprecated interference in the matter by the Courts by observing as under:-

“It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. (emphasis supplied).”

8. In the case at hands, as observed hereinabove, the objections raised by the candidates to the certain answers in the answer key were considered by the experts and finding them to be frivolous and incorrect, were rejected. The learned Single Judge himself examined the same from the original record produced before him and thereafter came to the conclusion that the matter does not require any interference.

9. In view of the law propounded by the Apex Court and in the facts of the case we find no reason to take a view different from the one taken by the learned Single Judge also. The appeal does not require any interference and the same is devoid of merits and accordingly stands dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

26.08.2019
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Whether speaking/reasoned	√Yes/No
Whether reportable	Yes/No√