

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Civil Writ Petition No. 23295 of 2019(O&M)
Date of Decision : 10.09.2019

Kamalpreet Kaur

... Petitioner

versus

State of Punjab & Ors.

... Respondents

CORAM:-HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jagtar Singh Sidhu, Advocate
for the petitioner.

Ms. Samina Dhir, DAG Punjab.

ARUN MONGA, J(ORAL)

1. *Inter alia*, issuance of a writ in the nature of *certiorari* has been sought herein to quash category-wise final merit list dated 08.08.2019(Annexure P-12) for filling up 92 posts of Senior Assistants in Department of Revenue, Rehabilitation and Disaster Management, Government of Punjab.

2. The claim of the petitioner is that the impugned merit list has been prepared arbitrarily after wrongly deducting her five marks. The petitioner submitted her objection to the wrong answer key published by the respondents. The objection was found to be frivolous and five marks were deducted while rejecting the same.

3. I have heard learned counsel for the petitioner and learned State counsel appearing for the respondents and also perused the contents of the writ petition alongwith annexures appended thereto, particularly, advertisement (Annexure P-3) vide which the said posts were advertised and I am of the view that no interference is called for in exercise of extra ordinary writ jurisdiction

vested under Article 226 of the Constitution of India.

4. Learned counsel for the petitioner contends that answer sheet of the petitioner, as contained at Annexure P-5, which was provided to her by the Punjab Public Service Commission, when compared with final answer-sheet, published vide public notice dated 09.05.2019(Annexure P-7 colly.), reveals that petitioner's answer, has been wrongly evaluated. He points out that petitioner had attempted 109 questions correctly and in accordance therewith, she deserved 272.5 marks. Whereas, in the final merit list, impugned herein, she has been awarded 267.5 marks.

5. While on facts, the arguments of learned counsel for petitioner is correct, but the same is devoid of any merit when tested in law. Clause 7(b) of the advertisement, *ibid*, clearly envisages that in case any objection filed by a candidate to the answer key is found to be frivolous, the same shall draw negative marking. The said negative mark will be given equal to the weightage of the question. For ready reference, said clause 7(b) of the advertisement is reproduced hereinbelow:-

“7. (a) XXX

(b) After the answer key is put on the PPSC website(after written examination), candidates will be permitted to raise objections if any. Candidates will be given four days to deliberate before putting up objections. Any objection found 'frivolous' may draw negative marking, equal to the weightage of the question.”

6. The aforesaid Clause 7(b) of the advertisement has not been challenged by the petitioner. She was well aware of the peril of filing frivolous objection to answer key. Still, she filed objections and now she cannot question the action of deduction of marks. Since the objection filed by the petitioner was found to be frivolous, five marks, equal to the weightage of the question, have been rightly deducted from the total marks secured by her. The intent of Clause 7(b), *ibid*, is to discourage the frivolous objections filed by unsuccessful candidates to

avoid unnecessary delay in declaring the result.

7. In view of the discussion above and the reasons contained therein, writ petition is dismissed.

8. No order as to costs.

10.09.2019
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(ARUN MONGA)
JUDGE

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| 1. | Whether speaking/ reasoned: | Yes/ No |
| 2. | Whether reportable: | Yes/ No |