

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-1182-2019 (O&M)

Date of Decision: March 04, 2020

Neelam

... Appellant

Versus

State of Haryana and another

... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. M.S. Rana, Advocate,
for the appellant.

Ravi Shanker Jha, Chief Justice (Oral)

CM-2594-LPA-2019

For the reasons mentioned in the application, delay of 46 days in re-filing the appeal is condoned.

Application stands disposed of.

LPA-1182-2019

This appeal has been filed by the appellant-petitioner being aggrieved by an order dated 14.01.2019 passed in CWP-7897-2016 by which the petition filed by the appellant claiming two grace marks in lieu of the discrepancy in the model answers of questions no. 35 and 52 of Set-D of the Haryana Teachers' Eligibility Test 2014-15 Level-1 (PRT) held in November, 2015, has been dismissed.

The learned Single Judge taking note of the fact that objections to the answers to the aforesaid questions were referred to a committee of experts which has given an opinion to the effect that there is no discrepancy in the answers to questions no. 35 and 52 and taking note of a decision of this Court to the effect that no grace marks could be given out of sympathy, dismissed the petition.

Learned counsel appearing for the appellant submits that apparently all the options given in the question paper for question nos. 35 and 52 were wrong. It is submitted that in such circumstances, this Court should allow the appeal directing the authorities to grant marks to the appellant for answers of the aforesaid two questions and thereafter, increase 89 marks obtained by the appellant by adding two marks to the same. It is submitted that had the respondents done so, the appellant would have qualified.

Having heard learned counsel appearing for the appellant, it is observed that it is an undisputed fact that the discrepancy in the answers to questions no. 35 and 52 was referred to a committee of experts consisting of Head of the Departments, Professors, Associate Professors, Assistant Professors working in the various Universities/Colleges/NCERT etc. in the State of Haryana and other States and that the

committee of experts after examining the answers of the aforesaid questions has given an opinion that there is no discrepancy in respect of the answers of questions no. 35 and 52 Set D. The Supreme Court in the case of *Ran Vijay Singh and others vs. State of Uttar Pradesh and others (2018)2 SCC 357* has held that where expert bodies, academic or otherwise, applied their mind and given an opinion, the Courts should usually not interfere with the same.

Quite apart from the above, it is also observed and noted that as per the appellant's own admission, all the options to questions no. 35 and 52 Set-D of Level-I (PRT) were and are wrong.

In view of this admitted assertion of the appellant, question of granting any marks for the answers given by the appellant of the aforesaid questions does not arise as that would amount to awarding marks to the appellant for giving the wrong answers is not permissible in law. We are also of the considered opinion that in cases of eligibility examinations where selection is based on fraction of marks, the concept of awarding grace marks which is available in the regular examination in the schools and colleges is not available or permissible and therefore, in such circumstances, the observations in this regard made by the learned Single Judge are in accordance with law and do not call for any interference.

The appeal filed by the appellant being meritless is, accordingly, dismissed.

(Ravi Shanker Jha)
Chief Justice

March 04, 2020
vkd

(Arun Palli)
Judge

Whether speaking / reasoned	:	Yes / No
Whether reportable	:	Yes / No