

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

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CWP-15818-2020

Decided on : 30.09.2020

Kaushilya Devi

... Petitioner

Versus

State of Haryana & others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Jasbir Mor, Advocate, for the petitioner.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Challenge in the present writ petition, filed under Article 226/227 of the Constitution of India, is to the notice dated 11.09.2020(Annexure P-21), for not calling the petitioner for interview for the post of TGT English BCA category against advertisement No.9/2015 dated 23.07.2015 (Annexure P-1) for which 93 posts were for the said category out of 694 posts.

The case of the petitioner is that questions No.7 & 9 of Paper Code-B are incorrect and if the same are to be reconsidered, she would come within the zone of consideration, since as per the revised answer key, she has got 90 marks in the written examination.

It is not disputed that the written examination was held on 07.02.2016 and the written objections were called for on 18.03.2016 (Annexure P-8) against the answer key which were to be given within 3 days. Petitioner duly gave the objections on 21.03.2016 (Annexure P-9) objecting to the correct option as option (c) for questions No.7 and 9 as per the respondents and proposing that the answer should be options (d) & (a), respectively for the said questions. Resultantly, the revised answer key was issued (Annexure P-10) whereby the respondents did not agree to the proposition held out by the petitioner while making the necessary corrections regarding other questions. Resultantly, the petitioner filed another representation (Annexure P-11) which is not dated, reiterating her earlier proposal.

There is nothing to show that there is any such procedure prescribed for a second opportunity to be given for revised answer keys and counsel could not point out any such option which was called for by the Commission. For the 4 long years, petitioner has sat on the said issue.

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It is not disputed that litigation was pending qua the said advertisement and now, eventually, vide communication dated 11.09.2020 (Annexure P-21), the Commission has declared the result of the successful candidates. The interviews are to be held on 05-06.10.2020, whereby the last candidate in the said category has got 92 marks which is the cut-off, which has led to the alleged cause of action.

It is settled principle that a writ has to be filed expeditiously and not at the convenience of the candidate who has chosen to sleep for 4 long years. Even otherwise, counsel could not point out the provision for the second objection against the revised answer key. An effort has been made by the counsel, vehemently, to ask this Court to examine the validity of the answer key for questions No.7 & 9. It is settled principle that the writ Court will not go into the issue as to the opinion of the subject experts regarding the validity of the answer keys which has already been looked into at one point of time as per prescribed procedure.

In such circumstances, no case is made out for exercise of the extraordinary writ jurisdiction and the present writ petition, accordingly, stands dismissed in limine.

**(G.S. SANDHAWALIA)
JUDGE**

SEPTEMBER 30, 2020

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Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No