

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

CWP-16026-2020(O&M)

Date of decision: 06.10.2020

Karam Pal Singh

.....Petitioner

Versus

State of Haryana and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Kanhiya Soni, Advocate for the petitioner

Mr. Samarth Sagar, Addl. AG, Haryana

ANIL KSHETARPAL, J. (ORAL)

This writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of Certiorari quashing the impugned select list dated 3.9.2020 pursuant to a recruitment notice issued for appointment to the post of Clerks. In the present case, the writ petitioner claims that the answer key qua questions no. 3 and 27 is wrong. Questions no.3 and 27 are extracted as under:-

Question No. 3:- “the Agro Climatic Research Station of the Western Zone is located in:-

(A) Hisar (B) Ambala (C) Panipat (D) Bawal”

“ Question no.27 :-“in Gurugram of Haryana the Maruti Suzuki Pvt. Ltd. was the first Company that set up manufacturing unit in this city in :-

(A) 1970s (B) 1960s (C)1950s (D) 1980s”

It is not in dispute that after uploading the answer key, the

objections were invited and the petitioner did submit his objections. Sh. Samarth Sagar, Addl. AG, Haryana has appeared pursuant to supply of an advance copy of the writ petition and informed the Court that the Expert Committee, after consideration of the objections filed by various candidates including the writ petitioner, have rejected the same. It has further been pointed out that the correct answer to question no.3 is (D) (Bawal) as the question is with regard to the location of Agro Climatic Research Station of the Western Zone. He further pointed out that correct answer to question no.27 is A as the question was with respect to the approximate period when the manufacturing unit was set up in Gurugram.

Learned counsel for the petitioner relies upon certain material downloaded from Google to contend that the answer key with regard to the aforesaid two questions is wrong.

This Court has heard learned counsel for the parties and with their able assistance has gone through the paper book. At the outset it must be noticed that the jurisdiction of the court, while examining the correctness of the answer key is limited. The Court can interfere only if the Court finds unimpeachable or unrebuttable material to the contrary and is in a position to record a definite finding that such answer key is wrong. In the present case, this Court does not find that such finding can be recorded on the basis of material provided by learned counsel for the petitioner. The jurisdiction of the Court in such a situation has been explained by the Hon'ble Supreme Court in para 19 of '**Ranvijay Singh vs. State of Uttar Pradesh**' (2018) 2 SCC 357 which is been extracted

as under:-

“19. In *Kanpur University v. Samir Gupta* [*Kanpur University v. Samir Gupta*, (1983) 4 SCC 309] this Court took the view that: (SCC p. 316, para 16)

“16. ... the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct.”

In other words, the onus is on the candidate to clearly demonstrate that the key answer is incorrect and that too without any inferential process or reasoning. The burden on the candidate is therefore rather heavy and the constitutional courts must be extremely cautious in entertaining a plea challenging the correctness of a key answer. To prevent such challenges, this Court recommended a few steps to be taken by the examination authorities and among them are: (i) establishing a system of moderation; (ii) avoid any ambiguity in the questions, including those that might be caused by translation; and (iii) prompt decision be taken to exclude the suspect question and no marks be assigned to it.”

Keeping the aforesaid facts, this Court is of the considered view that the petitioner has failed to make out a case for interference. It may be noted here that learned counsel for the petitioner has at the end requested that a copy of the communication sent by the respondent be supplied to him. Sh. Samarth Sagar who appears for the State of Haryana is requested to forward a copy thereof to the learned counsel for the petitioner.

Thus, the writ petition is found without substance. Hence,

Dismissed.

06.10.2020

rekha

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No

(ANIL KSHETARPAL)

JUDGE