

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

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**CWP-16904-2020(O&M)
Date of Decision : 29.10.2020**

Aakriti Aggarwal

....Petitioner

vs.

Punjab and Haryana High Court and others

....Respondents

**CORAM : HON'BLE MR. JUSTICE AJAY TEWARI
HON'BLE MR. JUSTICE RAJESH BHARDWAJ**

Present :- Mr. S.K.Garg(Narwana), Senior Advocate with
Mr. Vishal Garg, Advocate for the petitioner.

Mr. Kanwal Goyal, Standing Counsel for respondent No.1.

AJAY TEWARI, J.

CM-10901-CWP-2020

For the reasons recorded, the application is allowed and copies of Annexures P-23 to P-26 are taken on record.

CWP-16904-2020

This petition has been filed challenging the action of the Punjab and High Court in considering the marks of the petitioner in question number 6 of paper 5 as '16' instead of '76'.

The brief facts are that the petitioner had applied for the Punjab Civil Service (Judicial Branch) competitive examination. Having succeeded in the preliminary examination, she appeared for the main examination. In paper number 5 which was in Punjabi language she got 47.5 marks. That paper was of 150 marks and question number 6 which was an essay question carried hundred marks. The examiner awarded 16 marks to the petitioner in question number 6 and that is how the total was 47.5 marks. The petitioner could not make the cut and therefore was not selected.

The precise contention of the learned Senior counsel for the petitioner is that actually the petitioner had been awarded 76 marks in the essay but while writing the marks on the top page the examiner inadvertently wrote 16 marks and that is how, the petitioner was deprived of a chance to serve in the Judicial Branch. His further contention is that a bare perusal of the answer sheet would show that the petitioner was awarded 76 marks in the essay but on the top page where the marks were to be written was wrongly written as 16. When the case came up for hearing the following order was passed :-

“Mr. Kanwal Goyal, Advocate for respondent No1.-High Court is present in Court. We have requested him to examine the range of marks which this particular examiner has given for this question and apprise this Court on the next date of hearing.

Adjourned to 16.10.2020.”

Today, Mr. Kanwal Goyal, Advocate for respondent No.1 has informed the Court that the highest marks which were awarded by the said examiner for question number 6 were 62 and that there were many examinees who had been awarded less than 10 (even two marks) for that question. He has further apprised the Court that the representation of the petitioner dated 24.8.20 was considered by the Recruitment committee (Subordinate Judicial Services) on 27th August 2020 and the said committee also obtained comments of the said examiner who confirmed that he had given 16 marks to the petitioner and not 76.

We have seen the photocopy of the answer sheet which the petitioner had obtained under RTI and which has been annexed as Annexure P-12. We noticed that this particular examiner had written 7 with slash in the middle at two places but where the marks are awarded the slash is not there.

Learned Senior counsel has argued that Annexures P-23, P-24, P-25 and P-26 are four other answer sheets where 7 has not been written with a slash. Therefore, it is clear that examiner did not always write 7 with a slash.

Learned counsel for respondent No.1 has explained that in fact the evaluation scheme was such that each question was evaluated by a different examiner but the same were filled up by the examiner who had evaluated the question number 6 and all the places in Annexure P-23 to P-26 where 7 has been written without a slash are marks of those questions which were not awarded by the said examiner and awarded by a different examiner.

In our considered opinion, the issue raised in the present petition is a pure question of fact. This question of fact has been examined by the Recruitment committee and the committee has taken the precaution of obtaining comments of the examiner also who had confirmed that the petitioner was awarded 16 marks for this particular answer.

In these circumstances, we find ourselves unable to quash the impugned order dated 15.9.2020. The petition stands dismissed.

Since the main case has been decided, the pending miscellaneous application, if any, also stands disposed of.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

29.10.2020
anuradha

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No