

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

CWP-9455-2021 (O&M)

Date of decision: 12.05.2021

JAGJEET SINGH AND ORS.

... Petitioners

Versus

STATE OF PUNJAB AND ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Baldev S. Mann, Advocate for the petitioner.

ANIL KSHETARPAL, J.

Through this writ petition filed under Articles 226/227 of the Constitution of India, the petitioners pray for issuance of a writ in the nature of certiorari to quash the order (15.03.2021) of the Punjab Public Service Commission (in short 'the Commission'). This order has been passed pursuant to the directions issued by the Court on 15.01.2021 in CWP No.1015 of 2021.

Some facts are required to be noticed. On the requisition of the Department of Education, the commission issued different recruitment notices inviting applications for 173 posts of Principal, 337 posts of Head Master/Head Mistress and 75 posts of Block Primary Education Officer. The petitioners are alleged to written the combined competitive examination held for the aforesaid posts. The question paper was an objective type multiple choice question paper consisting of 120 questions for total 300 marks. In other words, for each correct answer the candidate will be

awarded 2.5 marks. As per the case of the petitioners, four sets of question papers having common questions however, put in different seriatim were given to the candidates. The petitioners claim that in Section A of Set A of the question booklet, the questions No.1 to 7 and 20 to 35 were beyond the notified syllabus.

As per the case of the petitioners, the Commission had notified the following syllabus:-

Topics	No. of questions	Marks
Logical Reasoning and Mental Ability	40 questions	100 marks
Current Affairs & General Knowledge including History, General Science, Geography, Polity, Economy, Child Rights and the related regulation, Education Policy of Union & State Govt., Counselling of Students, Administration & Management of Schools, Union & State Govt.'s social welfare schemes, Nutrition, Sanitation & Health and English and Punjabi.	80 questions	200 marks
Total	120 questions	300 marks

It is the case of the petitioners that the questions No.1 to 7 and 20 to 35 do not fall in the subject/topic of Mental Ability as these questions are relating to the subject of arithmetic. The petitioners previously filed CWP No.1015 of 2021 which was disposed of on 15.01.2021, operative part whereof reads as under:-

Without going into merits of the case and expressing any opinion on the claim being raised by the petitioners in the present writ petition or in the representation/legal notice, the present writ petition is disposed of with a direction to respondent No.4 to decide the legal notice dated 23.12.2020 (Annexure P-11) within a period of six weeks from the receipt of the copy of this order by passing an appropriate speaking order.

The Commission has passed the order on 15.03.2021, operative part where of reads as under:-

In connection with the above noted case, this Commission had set up a Committee of the two Subject Specialists for obtaining their opinion about the relevant questions/Syllabus and the opinion received from them is as under:-

As per opinion of the Subject Specialist No.1:-

“All pertain to Reasoning. All the questions of General Mental Ability are as per the Syllabus and no specific Mathematical Formula is required to solve them. These questions can be solved with simple application of mind and basic Common Sense.”

As per opinion of the Subject Speaking No.2:-

“Question paper has been set as per the prescribed syllabus and fall within the ambit of the Reasoning and General Mental Ability.”

After receiving the report of the concerned subject specialists, this case was considered in the meeting dated 10.03.2021 of the Hon'ble Commission and after considering the same, it was decided not to take any further action on your representation/legal notice.

Heard learned counsel for the petitioner and with his able assistance perused the paper book.

Learned counsel has reiterated that the aforesaid questions were out of syllabus. He has also contended that the Commission has failed to deal with the objections raised in the demand notice dated 23.12.2020.

This Bench has considered the submissions, however, find no substance therein. It may be noted here that scope of judicial review in such

matters is limited. The Court does not sit in appeal against the decision of the Commission which is a constitutional body for recruitment of public servants.

On careful reading of the order passed by the Commission on 15.03.2021, it is apparent that on the receipt of the objections and the directions of the Court in the previous writ petition, the Commission had set up a Committee of two subject specialists/experts for their opinion. The separate concurring opinions have already been extracted above. After the receipt of the opinions, the Commission took a decision. In these circumstances, there is hardly any scope for interference in exercise of jurisdiction under Article 226 of the Constitution of India unless the attention of the court is drawn towards a perversity or violation of the a statutory provision.

In any case, this Bench with the assistance of learned counsel for the petitioner, has also gone through the question paper. On careful perusal thereof, it is apparent that questions No.1 to 7 and 20 to 35 in Section A are based upon Mental Ability with regard to oral calculations. For solving the aforesaid questions, the normal knowledge of calculation is sufficient to arrive at the answers. As per the syllabus, Section A is relating to Logical Reasoning and Mental Ability. Learned counsel while drawing attention of the Court to annexure P-12, submits that in Civil Services Aptitude Test, the basic numerical skills, numbers and percentages have been specified in a different sub head. He, hence, contends that the aforesaid questions are not covered under the topic Logical Reasoning and Mental

Ability. It may be noted here that annexure P2 is syllabus of paper II of Civil Services Aptitude Test. For paper II, the syllabus has been divided into five sub heads/sections. That itself is not sufficient to conclude that the questions which have been objected to by the petitioners do not fall within the ambit of the topic of Mental Ability.

With regard to second argument of learned counsel, it may be noted that in the demand notice, the petitioners have objected to the questions on the ground that these were beyond the syllabus notified. Therefore, learned counsel is not correct in contending that the points raised by the petitioners have not been examined with by the Commission.

Keeping in the view aforesaid discussion, this Bench expresses its inability to accept the argument of learned counsel for the petitioner.

Hence, the writ is dismissed.

12.05.2021

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Whether speaking/reasoned:
Whether reportable:

(ANIL KSHETARPAL)
JUDGE

Yes / No
Yes / No