

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

114

**CWP No.11822 of 2021
Decided on : 06.07.2021**

Ashu Rani`

... Petitioner

Versus

The Registrar General, Punjab & Haryana High Court & another

... Respondents

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

Present: Mr. J.P.Dhull, Advocate, for the petitioner.

Ms.Divya Sharma, Advocate, for respondent No.1.

Ms.Kirti Singh, DAG, Haryana, for respondent No.2.
(The proceedings are being conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Article 226/227 of the Constitution of India seeks rechecking and rectification of the mistake of the marks allotted to her in the written examination Part-B (Descriptive Type) held on 10.11.2019 (Annexure P-9) regarding the 352 posts of Clerk in the Subordinate Courts of Haryana, advertised vide Annexure P-1 by respondent No.1 against the General Category, 183 posts were advertised.

It is the case of the petitioner that as per the information received from the respondent No.1, she has obtained 48 marks out of which, 38 marks are for objective test and only 10 marks for subjective test have been given in the written examination, for the said post.

Counsel for the petitioner has, while referring to Annexure P-5, thus, argued that the petitioner had secured typing speed of 42.30 and 8 marks in Excel out of 10 marks. However, while preparing the final merit-list, she has not come within the zone of consideration and the last selected candidate in the General Category has secured 50 marks and therefore, seeks re-consideration of the marking done in the subjective type examination held on 10.11.2019.

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

114

CWP No.11822 of 2021

-2-

Counsel for the petitioner has not been able to show that there is any legal right or rule which provides for re-checking or rectification of the marks allotted to the petitioner. It is settled principle that a writ of mandamus can only be issued if any such rule provides for the same. Even a perusal of the answer-sheet which has been appended as Annexure P-9 would go on to show that the petitioner has secured 10 marks out of 30.

The argument raised that only 2 marks were awarded for the question of essay which was of 150 words and for which, 10 marks was the maximum, is without any basis. It is settled principle that it is within the domain of the expert, as such, to assess the marking and the principle has been settled by the Apex Court. However, even if one would peruse the said essay which has been written by the petitioner on the topic 'Life after school', it is apparent that the petitioner's capacity to pen down in English language is limited and it is on such account she has obtained only 10 marks out of 30. Petitioner has only a right of consideration and no absolute right of appointment and in such circumstances, if she has not made the cut, for valid reasons, this Court does not feel that the present case is fit for interference under Articles 226/227 of the Constitution of India, in the selection process which has not been faulted for any other account.

Resultantly, in view of the above discussion, finding no merit in the present writ petition, the same is dismissed in limine.

July 06, 2021
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No