

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

**CWP No.14016 of 2020 (O&M)
Date of decision : 18.01.2021**

Dr. Jyoti Pali

..... Petitioner

versus

High Court of Punjab & Haryana & anr.

..... Respondents

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

Present :- Mr. Ashish Chopra, Advocate for the petitioner.

Mr. Kanwal Goyal, Advocate for respondent No.1.

Mr. Vivek Saini, Addl. A.G., Haryana.

AJAY TEWARI, J. (ORAL)

1 This petition has been filed by a candidate for the Haryana Civil Service (Judicial Branch) Main Written Examination-2019 praying that she is entitled to get full marks to question Nos.2 (vi) and (ix) and further claiming that in case she is given full marks for these questions she would have been successful in the written examination.

2 It is the plea of the petitioner that her paper be got re-evaluated. As regards the plea of re-evaluation a Division Bench of this Court in **Ishita Chadha Vs. The Hon'ble High Court of Punjab and Haryana and another, passed in CWP No.681 of 2021, decided on 13.01.2021** held as follows :-

“16. In the light of the above provisions as also the judgments passed by the Supreme Court on which reliance has been placed by counsel for respondent No.1 i.e. Pramod

Kumar Srivastva's case (supra), Secretary, All India Pre-Medical/pre-Dental Entrance Examination Versus Khushboo Srivastva's case (supra) and H.P. Public Service Commission Versus Mukesh Thakur's case (supra), where it has been specifically held that in the absence of the relevant rules/instructions, where there is no provision, a candidate is not entitled to nor can it be claimed or asked for re-evaluation of answer sheets. Hon'ble Supreme Court in Pranav Verma's case (supra) following the above said judgments has reiterated the same position.”

3 Resultantly, the plea that the paper be re-evaluated has to be rejected.

4 Learned counsel for the petitioner has then argued that this Court should itself see the correctness of the marking and apprise for itself whether the marks were wrongly deducted. It may be mentioned here that this very selection came before the Supreme Court in **Pranav Verma & others Vs. Registrar General of the High Court of Punjab and Haryana at Chandigarh & anr.**, 2020(1) S.C.T. 450. Para 9 the judgment is as follows :-

“9. Justice Sikri has evaluated the selection process as well as the evaluation method used in the Main Exam and opined under different heads as follows:

9.1 Selection Process – *It is observed that the selection process is prima facie faultless. The Co-ordinators of the exam were highly qualified persons i.e. Vice Chancellors of National Law Schools or very senior professors, who provided the question bank to the Recruitment Committee. On this basis, the Recruitment Committee formulated the question paper(s) for the Main Exam. Examination Centre-in-charge handed over answer scripts of 1195 candidates in sealed iron boxes to the Registrar-Recruitment. These iron boxes were kept under strict surveillance round the clock. Also, roll numbers were concealed on*

the answer sheets before evaluation. Many other adequate security measures were also ensured.

9.2 Evaluation Method – *To make an assessment on the evaluation method adopted in the Main Exam, Justice Sikri randomly selected scripts of 5 candidates who had qualified the exam and of 5 petitioners. These answer scripts had been provided to him in Delhi under strict security. Further, to ensure transparency, he checked answer sheets of some other candidates who had not qualified the Main Exam (other than petitioners) for which he visited the High Court of Punjab & Haryana on two occasions- 24.05.2019 and 11.06.2019.*

9.3 *The purpose to evaluate all the scripts was to compare the marks given to the qualified candidates with those who did not qualify by going through the quality of their answers. He also had a look at the list of marks obtained by all the candidates.*

9.4 Observations :

Justice Sikri in his report has observed that the evaluation done for Criminal Law, English and Hindi papers was appropriate.....

5 Moreover the Supreme Court in **Ran Vijay Singh & ors. Vs.**

State of U.P. & ors., 2018 AIR (SC) 52 laid down as follows :-

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it; (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; (iv) The Court

should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.”

6 More recently the Bombay High Court in **Sanjay Bhaskarrao Kale Vs. The Union of India & ors.,** Public Interest Litigation No.116 of 2016 decided on 20.01.2021 has held as follows :-

“3.An attempt is made by the petitioner by presenting this Public Interest Litigation to make us don the hat of an academician too and interfere in academic matters, a field of activity where we have little or no expertise.....”

7 Consequently, this plea is also rejected.

8 The writ petition is accordingly dismissed with no order as to costs.

9 Since the main case has been dismissed, the pending Misc. Application, if any, also stands dismissed.

(AJAY TEWARI)
JUDGE

(RAJESH BHARDWAJ)
JUDGE

18.01.2021

pooja sharma-I

Whether speaking/reasoned
Whether Reportable :

Yes/No
Yes/No