

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

CWP-17937-2021

Date of Decision: 26.10.2021

LOVEPREET SINGH

...Petitioner

Versus

HARYANA PUBLIC SERVICE COMMISSION AND ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vikram Sharma, Advocate
for the petitioner.

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

Mr. Saurabh Mohunta, D.A.G., Haryana.

(Presence marked through video conference).

ARUN MONGA, J. (ORAL)

Petitioner, an aspirant to be appointed on the post of Assistant Engineer (Civil), having competed un-successfully, had earlier also forayed into assailing the selection process, is yet again before this Court. This time, *inter alia*, seeking issuance of a writ in the nature of *certiorari* to quash a report of an Expert Committee, which had recommended to delete questions No.25 and 62 in the General Ability Paper, as they caused certain confusion and ambiguity per their expert opinion. Further prayer is to issue a *mandamus* directing the respondents to restore the aforesaid two questions

and grant marks to the petitioner qua the same as he claims to have answered the same correctly.

2. Having heard the rival contentions of learned counsel for the petitioner and learned counsel for respondent No.1-Haryana Public Service Commission, who has appeared on advance service of the petition, I find no grounds to interfere, on the short ground that it is a settled position that wisdom of the Expert Committee ought not to be ordinarily substituted with that of the Court. No doubt, in certain situations the Court is compelled to act as an expert of experts. However, instant is not a case of the kind. Particularly, given that the said selection process has already understood the judicial scrutiny in the previous round of litigation, wherein, having got the knowledge of aforesaid questions as well as the recommendations of the Expert Committee's report, the same was neither challenged at that stage nor even otherwise pleaded in the writ petition. Instant petition is hit by principle of *res judicata*.

3. More so, even otherwise the selection process pertains to an advertisement dated 17.11.2015 qua which the written examination took place on 08.09.2020 and the selection process was also finalized on 01.01.2021, and pursuant thereto, all the vacancies have also been fulfilled. The candidates have already joined. Even though, it transpires that one seat is lying vacant in BCA category, in which the petitioner had competed. Since, in the preceding part of the order, I have already opined that the prayer of the petitioner to reject the recommendation of the Expert Committee, cannot be acceded to and in absence thereof, he is stated to have not qualified for the interview, having not got the requisite marks for the same and his claim on the said vacant post cannot therefore be considered.

- 4. Being so, no grounds to interfere on either front are made out.
- 5. Dismissed.

October 26, 2021
gurpreet

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No