

236 (11 cases)

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

CWP-20090-2021 (O&M)

Date of decision: 15.11.2021

Naveen Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CWP-20116-2021 (O&M)

Gaurav Arora

...Petitioner

Versus

State of Haryana and another

...Respondents

CWP-20583-2021 (O&M)

Varinder Sharma

...Petitioner

Versus

State of Haryana and another

...Respondents

CWP-20705-2021 (O&M)

Ritu

...Petitioner

Versus

Haryana Public Service Commission and another

...Respondents

CWP-20786-2021 (O&M)

Tanveer Singh Jhajj

...Petitioner

Versus

State of Haryana and another

...Respondents

CWP-20915-2021 (O&M)

Ashish Nirban

...Petitioner

Versus

State of Haryana and others

...Respondents

CWP-21102-2021 (O&M)

Nitin Kumar and others

...Petitioner

Versus

State of Haryana and another

...Respondents

CWP-21321-2021 (O&M)

Shokeen and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CWP-21502-2021 (O&M)

Rubbal Dindyal

...Petitioner

Versus

State of Haryana and another

...Respondents

CWP-22414-2021 (O&M)

Vikas

...Petitioner

Versus

State of Haryana and another

...Respondents

CWP-22440-2021 (O&M)

Priyanka Yadav

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Sandeep Verma, Advocate,
Mr. Vikram Singh, Advocate,
Mr. Shireesh Gupta, Advocate,
Mr. Devender Singh Nirban and
Mr. Abhishek Nirban, Advocate,
Mr. Rao Ajender Singh, Advocate,
Mr. Naveen Sharma (Bhardwaj), Advocate,
Mr. Vivek Khatri, Advocate,
Mr. M.M.Pandey, Advocate,
Mr. Ramender Chauhan, Advocate,
Mr. Kshitij Sharma, Advocate,
for the petitioner (s).

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Kanwal Goyal, Advocate,
for the respondent-Commission.

ARUN MONGA, J. (ORAL)

Vide this common order, aforementioned bunch of petitions involving common questions of law and facts are being disposed of. CWP-20090-2021, for brevity is being treated as lead case.

Before advertizing further, it would be apposite to reproduce my earlier order dated 07.10.2021, which is self explanatory, as below:-

“Pursuant to order dated 01.10.2021, revised answer key as per opinion of the experts has been tendered in course of hearing in a sealed cover. Same has been opened and again re-sealed at the request of learned counsel for the respondent-HPSC as he submits that names of the experts should remain secret in the interest of secrecy, which is required to be maintained by the HPSC even for future examinations. Sealed cover has been handed back to Mr. Kanwal Goyal.

On a Court query, he submits that as far as benefit of revised answer key is concerned as per the experts’ opinion, the same has already been given across board to all the candidates and the result has been revised.

Adjourned to 25.10.2021.

In the meanwhile, revised result of the petitioners be also brought in the Court on the date fixed along with sealed cover containing the report.

Photocopy of this order be placed on the connected case files.”

Pursuant to above order dated 07.10.2021, learned counsel appearing for Haryana Public Service Commission has again tendered an Expert Committee’s report on the different streams of questions, which were disputed by the candidates in the various petitions before this Court, in a sealed cover. The same has been opened in course of hearing. For the reasons of secrecy qua the identity of the experts and the selection process in future, the report is not being shared with the learned counsel for the petitioners.

Having gone through the report, I am of the view that the Experts’ Opinion deserves to be accepted. Experts have themselves opined that with respect to question No.40 of Booklet Series ‘A’ pertaining to the

Constitution of India (Financial Bill), there is a possibility of more than one answer as per the answer key. The same has, therefore, been termed as ambiguous by them.

In view thereof, the report qua aforesaid question is accepted. It is expected of the Haryana Public Service Commission to delete the said question from the question paper. Accordingly, HPSC to revise the entire result by giving benefit of the deletion thereof, as if the said question was not evaluated qua any of the candidates. It would thus be irrelevant as to who attempted the same or left it blank, owing to the ambiguity. However, it may so happen that after the result is revised some of the candidates who were given the benefit of positive evaluation qua answer opted by them, may go out of the foray, while some others will get the benefit of deletion.

In the premise, as a one-time special case, Haryana Public Service Commission is permitted to allow all those candidates to take written examination, who have already been declared successful in the preliminary round.

The Expert Committee's report is put back in sealed cover and handed back to the learned counsel for HPSC.

No further directions/clarifications are required since it is not a case where Court ought to exercise its jurisdiction to interfere with the opinion of the Experts. In any case, the same generally should not be interfered as has been held in Apex Court's judgment in Civil Appeal No.7727 of 2019 decided on 30.09.2019, relevant whereof is reproduced herein below:-

“If the judgment of the Division Bench is allowed to stand, there will be no finality to the selection process. There was no allegation as such against the Expert Committee which was appointed by the Commission. The Expert Committee, in

its wisdom has concluded that seven questions were either ambiguous or the answer keys were not correct. Accepting the said report, the Commission has proceeded with the selection process and results were announced. Thereafter, the candidates approached the High Court. Though learned Single Judge was right in agreeing for deletion of seven questions, was not justified in acting as an expert in the field and, therefore, the learned Single Judge's order relating to deletion of four questions also cannot be accepted.

Accordingly, the judgment of the learned Single Judge as well as that of the Division Bench stand set aside.

The appeal is, accordingly, allowed. The selection process made by the Commission based on the First Expert Committee Report deleting seven questions from consideration stands confirmed. There shall be no order as to costs."

On a Court query, learned counsel for the respondent-HPSC submits that revised result will be declared as expeditiously as possible but not later than two weeks from today.

In view of the aforesaid, no further proceedings are required.

Writ petitions are accordingly disposed of.

Photocopy of this order be placed on the connected case files.

15.11.2021

vandana

(ARUN MONGA)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No