

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

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CWP-20693-2020

Date of decision: 16.02.2021

RAVI KUMAR AND ANR

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Mr. Neeraj Kumar, Advocate for the petitioners.
Mr. Samarth Sagar, Addl. AG, Haryana.

ANIL KSHETARPAL, J. (Oral)

The petitioners have filed this writ petition with the following substantive prayers:-

- i) Civil writ petition under Articles 226/227 of the Constitution of India praying for the issuance of a writ in the nature of certiorari for quashing the results dated 03.03.2018 (P/4) and 03.06.2019 (P/5) final result of the post of Heavy Vehicle Driver against Advt. No.04/2017 category No.01, whereas the test exam of Heavy Vehicle Driver dated 06.08.2018 and proper procedure was not followed by the HSSC in the final result.
- ii) Appropriate writ, order or direction especially writ in nature of mandamus for directing the respondents to revise the final result dated 03.06.2019 (P/5) and 2 post also be kept vacant for the petitioners according to advertisement 18.05.2017 (P-1) because it is totally injustice for those candidates who have applied for that posts in specific category otherwise the right of petitioners will be freeze, in the interest of justice.
- iii) It is still further prayed that a writ in the nature of mandamus for directing the respondents to stay the final result dated 03.06.2019 (P/5) till it is revised, because the petitioners are very hopeful that they would clear the exam after getting the grace marks and now the written result dated 03.06.2019 (P/5) was published without displaying the revised answer key, in pick and choose manner.
- iv) Further, issuance of writ in the nature of mandamus for directing the respondents to stay on the final result of selection/joining of candidates of above said post till the pendency of present writ petition as questions were out of syllabus/wrong questions/wrong answers/no answers/similar answers, in the interest of justice.
- v) Further issuance of writ in the nature of mandamus

directing respondents to consider the request notice for information asked by the petitioners regarding question No.56 and 70 dated 28.07.2020 (P/7) in the interest of justice.

vi) Further issuance of writ in the nature of mandamus directing respondents to provide marks as a grace marks because questions were out of syllabus/wrong questions/wrong answers/no answers in the interest of justice. It is still further submitted that waiting list may also be displayed or published because petitioners got 125 marks and last selected candidate has secure 126 marks so, petitioners are hopeful that they will be entitle for joining to the post Heavy Vehicle Driver.

From the reading of the petition, it is apparent that the main grievance of the petitioner is that the answers of two questions are wrong. On 14.01.2021, the following order was passed:-

Copy of notice dated 09.08.2017 under signatures of Secretary, Haryana Staff Selection Commission, Panchkula has been received, online.

Counsel for respondents would state that the same must have been forwarded by counsel for the petitioners, in compliance with the order dated 21.12.2020, passed by this Court

Perusal of notice reveals that answer key of written examination was uploaded on the website and candidates were invited to raise objection, if any, from 09.08.2017 to 12.08.2017 upto 5 PM.

Adjourned to 16.02.2021

Learned counsel for the petitioners admits that the petitioners did not object to the answer key of the written examination uploaded on the website while inviting objections from the candidates.

This Court has heard learned counsel for the petitioners at length. The petitioners applied for recruitment to the post of heavy vehicle driver pursuant to recruitment notice No.4 of 2017. A written test was held on 06.08.2017 and as noted above the answer key was uploaded and objections were invited between 09.08.2017 to 12.08.2017 upto 5.00 pm. The petitioners through writ petition now claim that the answers of two questions are wrong. It is admitted position that the petitioners could not secure enough marks to come in the list of selected candidates. The petitioners further claim that the respondents have failed to prepare the waiting list.

As regards wrong answers, it may be noted that the petitioners and other candidates have already been granted opportunity and since the petitioners failed to object at an appropriate time, the petitioners now after a period of more than three years cannot be permitted to raise this issue. It is not in dispute that after declaration of result of the written exam, the petitioners did participate in the interview in the year 2018 but never objected to the correctness of answers during all this while. The petitioners kept sleeping over the matter. As per the writ petition, the petitioners for the first time applied under Right to Information Act on 28.07.2020.

Keeping in view the aforesaid fact, the writ petition also suffers from delay and latches. Still further, now the petitioners cannot be permitted to turn around and question the correctness of the answers particularly when the objections were invited and consequently, opportunity has already been granted. With these observations, the writ petition is dismissed.

16.02.2021

ashok

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned:

Yes / No

Whether reportable:

Yes / No