

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

**CWP-2835-2019 (O&M)
Date of decision: 20.04.2022**

Surender Singh	s	...Petitioner
	Vs.	
State of Haryana and another		...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Deepak Sonak, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

What is challenged before this Court is result of selection declared by the Haryana Staff Selection Commission (for short 'Commission') for the post of Patwari wherein the petitioner has been declared unsuccessful by virtue of revised answer key *qua* question No.18.

2. Succinct facts first. Petitioner applied for the post of Patwari under the BCB Category. He appeared in the written examination. A list of shortlisted candidates for interview was uploaded on website, but the name of the petitioner was not in the shortlisted candidates. Petitioner was informed vide letter dated 08.07.2017 that he was not called for the interview on account of having scored lesser marks in the written examination i.e. 154 out of 200 as against the 158 marks being scored by the last shortlisted candidate in BCB category. Petitioner challenged the order/letter dated 08.07.2017 by filing CWP No.17205 of 2017 in which respondents

objections by some of the candidates. On 23.05.2018, it was informed that they have uploaded the revised answer key. He submits that on perusal of revised answer key, petitioner found that answer provided for question No. 18 (Set-B) is incorrect. He submits that petitioner marked the correct answer, therefore, he should have been granted two additional marks. He also came to know from the revised answer key that his answers to 78 questions are correct and, accordingly, his total score would come to 156 marks. He submits that petitioner is not at fault, it is the respondent Commission, who has not disclosed the revised answer key till May 2018 (after the final selection). He should not be made to suffer for the fault of respondent No.2. He is seeking an addition of two marks, whereby his final score would be 158 which would take him in the zone of consideration as the last shortlisted candidate in BCB category has secured 158 marks. Hence, the instant petition.

3. I have heard the rival contentions of the learned counsel for the parties and perused the record.

4. The answer to the question No.18 is the bone of contention. It has been vociferously argued by the learned counsel for the petitioner that the answer to the same ought to have been '30 days' as per the pre-revised answer key and that the answer could not have been 'none of the above' as per revised answer key. I am of the view that merits of this contention cannot be gone into under the extraordinary writ jurisdiction. It is for the respondents to see as to what would be the

answer even though most certainly being a question of mathematics, there cannot be two answers to one question.

5. Be that as it may, writ petition has been filed claiming violation of fundamental rights. To that extent, I do not see any merit since revised answer key has been applied across board to all the candidates, who had appeared and therefore, it cannot be argued that there has been any discrimination or arbitrariness qua the petitioner vis-à-vis others. Furthermore, it is not for this Court to superimpose its own views over what has been opined by the experts who are examiners while setting the questions and deciding the answers thereof.

6. Assuming as contended that the answer as per the revised key is wrong, it would be highly inequitable to grant benefit thereof to the petitioner alone. All other candidates who have also answered the said question have been evaluated accordingly and have been awarded marks, would be adversely affected by such a relief, if granted to the petitioner alone.

7. In the premise, no grounds to interfere. Dismissed.

20.04.2022
vandana

(ARUN MONGA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No