

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No. 5512 of 2022 (O&M)

Date of Decision:02.06.2022

Sanjeet Kumar

.....Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Mazlish Khan, Advocate
for the petitioner.

Mr. Harish Nain, AAG., Haryana.

LISA GILL, J(Oral).

Petitioner seeks quashing of the final result (waiting) dated 15.09.2021, Annexure P-9, for the post of TGT Physical Education qua advertisement no. 3/2015 category 2. There is a further prayer for direction to the respondent-Commission to declare answers of three questions i.e., question no. 30, 39 and 79 in the booklet Set-C as declared in first answer key to be correct, consequent revision of the answer key and inclusion of petitioner in the final result (waiting).

Brief facts necessary for adjudication of the matter are that petitioner is stated to have submitted his application for the post of TGT (Group-C Services) pursuant to issuance of advertisement no. 3 of 2015 and taken the written examination held on 20.12.2015 with question booklet Set-

C being allotted to him. Answer key was released by the respondent-Commission. Objections submitted by candidates in respect to the answer key were considered and revised answer key, it is stated was released by the respondent-Commission, wherein grace marks were afforded regarding two questions. Result for the post of TGT Physical Education was declared on 04.01.2019 with the cut off marks for the general category Male being 108 marks and Female 94 marks. However, vide memo dated 05.03.2019, it was decided to convert SBC post to the un-reserved/general category. Remaining final result was declared on 05.12.2019 with the cut-off for general category Male being 104 marks and for Female 84 marks. It is further pleaded that the respondent-Commission uploaded the remaining final result (waiting) on 15.09.2021, wherein cut-off marks are 99. It is stated that as per information received through RTI application, petitioner as per the first answer key secured 76 marks in the written examination and 14 in viva/interview and as per the revised answer key, two grace marks have been given, therefore, petitioner secures 80 marks in the written examination.

Argument raised by learned counsel for the petitioner is that in the revised answer key, answer to three of the questions i.e., question no.30, 39 and 79 in booklet Set-C are incorrect. Respondent-Commission never invited any objection against the revised answer key, which, was stated to be a totally illegal and unjustified action. It was submitted that in case petitioner is afforded the benefit of marks for these three questions, he would be securing 100 marks which is higher than the last selected candidate in the waiting list.

Learned counsel for the petitioner referred to the answers to said questions in the revised answer key to submit that they are at variance with the answers given in the NCERT books of Class-9 and 10th. It is thus

prayed that the respondent-Commission should declare the answers to said three questions as declared in the first answer key to be the correct ones and consequently revise the result and include the petitioner in the final waiting list.

I have heard learned counsel for the petitioner and have gone through the file with his able assistance.

At the outset, it is to be noticed that perusal of the file does not reveal the petitioner to have submitted any objections to the first answer key. Objections, if any filed by the petitioner are not on record neither is there any specific averment in this respect. Pleading in this respect as appearing in para no.7 of the writ petition reads as “the respondent-Commission on the basis of objection invited by the respondent-Commission from the post applied for the mentioned post including the petitioner, the respondent-Commission release the answer key”.

Be that as it may, even if for the sake of arguments it is presumed that objections were submitted by the petitioner, it is a matter of record that revised answer key was released by the respondent-Commission much prior to declaration of the final result on 04.01.2019, though exact date of release or issuance of the revised answer key is not available on record nor was necessary information available with learned counsel for the petitioner.

Learned counsel for the petitioner is unable to deny that since issuance of the revised answer key and even after declaration of the final result in January 2019, petitioner never raised any objection whatsoever regarding the revised answer key. Writ petition is liable to be dismissed on the ground of delay and latches itself.

Furthermore, there is another aspect which learned counsel for the petitioner is unable to address i.e., the question of court assuming the role of an expert. It is a settled position of law that it is not for the Court to venture into the realm of experts. Once objections were invited by the respondent-Commission and admittedly considered by the experts and the revised key released, there is no ground whatsoever for interference by this Court, at this stage. Gainful reference in this regard can be made to the Division Bench decisions of this High Court in **Penaaz Dhillon Vs. State of Haryana and others, CWP No. 698 of 2022, decided on 14.01.2022** and **Nishant Dutta Vs. Punjab & Haryana High Court through Registrar General, Sector-1, Chandigarh and two others, CWP No. 1945 of 2021, decided on 06.04.2021**. Furthermore, petitioner has admittedly not raised any objection to the revised answer key all this while, therefore the argument at this stage that no objections were invited the second time by the Commission is indeed a fallacious one, hence rejected.

Keeping in view the facts and circumstances, no ground for any interference is made out.

No other argument has been raised.

Accordingly, this writ petition is dismissed with no order as to costs.

02.06.2022
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No.

Whether reportable : Yes/No.