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RA-CW-173-2019 in
CWP-7243-2019

SUSHMA V/S STATE OF HARYANA AND ANOTHER

Present : Mr. P.C. Yadav, Advocate,
for the applicant-petitioner.

Mr. Saurabh Mago, AAG, Haryana.

The applicant-petitioner is seeking review of the order dated 18.03.2019 passed by this Court on the ground that she (petitioner) had given correct answer to question No.32, but the respondents had not given any mark for this answer. For reference, question No.32 is reproduced as under:-

“32. Tangri Nadi _____ ki sahayak Nadi Hai?
(A) Yamuna (B) Ghaggar
(C) Ganga (D) **Markand (✓)**”

Answer given by the petitioner to the above question was “D”. Further grievance of the petitioner is that there are many persons in the waiting list, who have secured same marks, but the petitioner's roll number has not been mentioned in the waiting list.

Upon notice of the review application, reply dated 26.07.2022 on behalf of respondent No.2, by way of affidavit of the Under Secretary, Haryana Staff Selection Commission, has been filed, wherein it has been stated that petitioner's answer to question No.32 was “D”, however, in the initial as well as revised answer key, its correct answer was “B”. In para no.6 of the reply, procedure followed by the respondent-Commission has been given, wherein it has been mentioned that **the Chief Examiner submits the Expert-Report to the Commission to evaluate the Answer/OMR Sheets on its report basis and to declare the result for written examination.** It is further stated that the Commission is not an expert body to decide the correctness of the answer. The Commission only relies upon the expert report of the Chief Examiner. As per evaluated answer/OMR sheet, answer to question No.32 was “B”, whereas the petitioner has given answer “D”. Therefore, the petitioner has been rightly not given any mark for this answer. The petitioner has secured 56.20 marks

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(i.e. 47.20 marks in knowledge test + 4 marks for Graduation + 5 marks under socio-economic criteria). The cut off for main list and waiting list for BCB category is 56.60 marks and 56.20 marks respectively. The petitioner has secured 56.20 marks, which is equal to the last selected candidate in the waiting list. However, she being younger in age, her roll number was not mentioned in the waiting list. As per Rule 12.16 Sub Rule 10 of the Amended Punjab Police Rules, **in case two or more candidates have the same aggregate score as well as the same score in Knowledge Test also, the order of merit shall be guided by the age of the candidate, i.e. the oldest being placed higher than the younger ones.** The date of birth of the petitioner was 18.08.1996, whereas the date of birth of the last selected candidate was 10.09.1991. Since, the petitioner was younger in age than the last candidate in the waiting list, her name could not be mentioned in the said list.

After hearing learned counsel for the parties and going through the reply, no case for reviewing the order dated 18.03.2019 is made out.

Dismissed.

(RITU BAHRI)
JUDGE

24.08.2022
ajp