

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

CWP No.14905 of 2022

DATE OF DECISION : 15.07.2022

Sushil Kumar

...Petitioner

versus

Haryana Staff Selection Commission

...Respondent

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Vishal Garg, Advocate,
For the petitioner.

Mr. AmanBahri, Addl. AG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, seeks issuance of a writ in the nature of mandamus directing the respondents to declare the petitioner as successful in examination conducted by the respondents for the post of Clerks vide advertisement No.5/2019. Further prayer has been made for re-evaluation of OMR sheet on the basis of correct answers and give marks accordingly.

2. Petitioner is aggrieved, *inter alia*, qua his result declared by the respondent-Haryana Staff Selection Commission alleging that despite having given correct answers to three questions in particular i.e., Questions No.23, 43 and 31, he has not been awarded the deserved marks. resulting in wrong assessment of the answer sheets and thus, ousted him as having scored lessor marks than he ought to have, had he been correctly assessed for questions qua the aforesaid.

3. I have heard rival contentions of learned counsels for the parties.

4. It appears that his erroneous self-assessment misled the petitioner to institute the present writ petition. Illustratively, qua question No.23, he himself gave two answers from a multiple choice of four, whereas, only one option is permissible and therefore, he has rightly been awarded 'zero' for the same.

5. As regards question No.43, learned State counsel submits that petitioner has been given the benefit of his correct answer as he has been given one mark qua the same.

6. As regards question No.31, bare perusal of Article 243 of the Constitution of India along with Section 2 (15A) of Haryana Municipal Act, 1973, reveals that word 'municipality' has been used as general term for all Municipalities and includes all three i.e. Nagar Nigam (Municipal Corporation), Nagar Parishad (Municipal Council) and Nagar Palika (Municipal Committee). Whereas the question asked in the examination is very specific i.e. which of the three administers the small cities? The correct answer is Nagar Palika. The petitioner instead gave a general answer contained in option (d) 'Municipality', which is wrong. In the premise, he has rightly been not awarded one mark

7. No interference is thus warranted under judicial review of this Court.

8. Dismissed.

JULY 15, 2022
Shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No