

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

CWP-13221-2017 (O&M)

Date of decision: 24.11.2022

Kanta Devi

...Petitioner

VS

State of Haryana & ors

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Madan Pal, Advocate and
Mr. Sanjeev Kumar Aaryan, Advocate,
For the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petitioner herein, *inter alia*, is before this court for issuance of a writ in the nature of mandamus, directing respondent No.3 to evaluate her answer sheet without negative marking for the post of Supervisor (female).

During the writ proceedings while issuing notice of motion on 02.06.2017, following order was passed:

“Contends that advertisement does not contain any negative marking but vide instructions (Annexure P-5) incorporated the negative marking which is given at the time of the examination, therefore, the aforementioned fact was not apprised to the petitioner and the similar other situated candidates.

Notice of motion for 25.07.2017.

Result of the written test shall be subject to the outcome of the writ petition.”

Subsequently matter was heard by another coordinate Bench presided by Rajiv Narain, J. (as he then was in this Court) who passed the following order:

“Short reply filed in Court today. The reply is not on affidavit. However, contents have been read. The same is taken on record.

In paragraph 6 of the reply, the Commission admits that on the reverse of the question booklets (OMR sheets), the condition of deduction of marks for wrong

answers was incorporated inadvertently. The ramifications of the statement are disturbing to the mind of the Court. Today an oral argument has been addressed by Ms. Shruti that at the time of examination, an announcement was made that there would be no negative marking. An affidavit be filed by the Commission stating full facts including number of candidates who appeared in the examination, number of applicants for the post of Supervisors (Female), number of successful candidates in each category.

Meanwhile, the petitioner(s) would sit with the Secretary of the Commission with their OMR sheets and answer keys and calculate the number of marks by both methods, one by negative marking and the other without negative marking. Petitioner(s) to appear before the Commission on 1.2.2019 at 3.00 P.M.

List again on 8.2.2019.

To be shown in the Urgent List.

A photocopy of this order be placed on the record of the connected file.”

Apropos, the evaluation of the petitioner's answer sheet was carried out all over again through both modes as noted in the court order. It transpires that as per the result declared after the rechecking, petitioner has either way secured lesser marks than the last selected candidate in the category she had applied. Performance of the petitioner and the result of the selected candidates is not possible to be assessed by way of judicial review in the extraordinary writ jurisdiction. It is not for this Court to sit in appeal over the marks awarded by the Examiner(s), who are the experts in their respective domains.

Being so, no grounds are made out to interfere.

Dismissed.

(ARUN MONGA)
JUDGE

November 24, 2022

vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No