

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

**CWP No.15705 of 2018 (O&M)**

**Date of Decision.27.07.2022**

Ravinder Singh

...Petitioner

Vs

State of Punjab and another

...Respondents

**CORAM:HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present: Mr. Naveen Batra, Advocate  
for the petitioner.

Ms. Akshita Chauhan, AAG, Punjab.

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**JAISHREE THAKUR J. (ORAL)**

This writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of a writ in the nature of certiorari for setting aside the revised answer key in respect of question No.86 of Question Paper Series 'A' and uphold the original answer key.

In brief, the facts are that the petitioner joined the Punjab Police Department as Constable on 21.12.2011 and was posted at Mobile Forensic Unit, Roopnagar. 224 posts of Constable were to be filled up for District Police Cadre and the petitioner being eligible for another departmental test applied for the same. The test was conducted on 20.05.2018 and the petitioner was issued question paper pertaining to Series A. One of the questions at Sr. No.86 pertained to offences committed under IPC for which the petitioner answered as option 'B', which was declared as correct answer. However, objections were raised to the said answer key and after considering the objections of the parties, the answer to question No.86 of Question Paper Series A was changed from option 'B' to option 'C'.

Learned counsel appearing on behalf of the petitioner would

contend that the question No.86 was correctly answered by the petitioner, however, the result has been changed without due notice to the petitioner. It is submitted that question at Sr. No.86 that had been asked was *“During Nakabandi, one Seema checked the car and asked the girl sitting on the driver seat namely Geeta to come out. Geeta came out and in anger slapped Seema and tore her uniform.”* The options given for answering the same were as under:-

*“A) 353 IPC*

*B) 353, 186 IPC*

*C) 353, 354, 186 IPC*

*D) 354, 186 IPC”*

It is further submitted that revised key including Section 354 IPC as an offence is not sustainable, as a bare reading of Section 354 IPC clearly states that offender would be a male person and not female. Geeta slapped the police officer and therefore, committed an offence under Sections 353, 186 IPC and not under Section 354 IPC, as the same only pertains to a male when he intends to outrage modesty of a female and therefore, since Geeta is female, the said Section would not be applicable.

Per contra, learned counsel appearing for the respondent-State would submit that Section 354 IPC starts with the word 'whoever' which includes both male and female and therefore, the option 'C' has rightly been declared as correct answer on revision of answer key.

I have heard learned counsel for the parties and have perused pleadings of the case. Section 354 IPC pertains to assault or criminal force to woman with intent to outrage her modesty. The question as posed pertained to one Geeta getting out of the car and slapping and tearing

uniform of a female police official. Tearing clothes of any woman would cause outrage to her modesty, be the act done by a male or a female. The word 'whoever' used in beginning of Section 354 IPC includes both male and female and therefore, the word 'he' as used subsequently has to be read to include both he/she. In the question posed, when Geeta stepped out of the car and slapped Seema and tore her uniform, Section 354 IPC would be attracted and therefore, there is no infirmity in the action of respondents in revising the answer key.

Consequently, the instant petition stands dismissed, being devoid of merit.

**(JAISHREE THAKUR)**  
**JUDGE**

**July 27, 2022**

Pankaj\*

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No