

CWP-22250-2015 (O&M)

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

**CM-12075-CWP-2022 IN/AND
CWP-22250-2015 (O&M)
Date of decision: August 10, 2022**

Baru Ram and another

...Petitioners

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Rajiv Kumar Saini, Advocate for the petitioners.

Mr. Saurabh Mohunta, DAG Haryana.

ARUN MONGA, J. (ORAL)

CM-12075-CWP-2022

For the reasons stated in the application, the same is allowed.

Replication is taken on record, subject to all just exceptions.

Main case (O&M)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for quashing/ setting aside impugned selection list dated 27.09.2015 (Annexure P-9) prepared by respondent No.2. Further a writ in the nature of Mandamus has been sought directing the respondents to consider the result of the petitioners with regard to the answers of questions No.34, 52 and 85 of Paper C, on the basis of which impugned list has been prepared.

2. In somewhat similar circulates, I have already had an occasion to deal with a similar controversy involved herein vide **CWP-21821-2018** titled **Monu versus Haryana Staff Selection Commission**, which was dismissed vide order dated 09.08.2022, relevant whereof is as below:-

“4. First the merits of the aforesaid contention. To be noted, as a Standard Operating Procedure, once the answer-key is uploaded on the website, Commission invites objections from the candidates across board, in case they have any grievance qua the same. Objections so received are then forwarded to the Chief Examiner, who in-turn forwards it to Specially Constituted Committee of three experts and after receiving the report from the expert committee, revision, if any required, is carried out and uploaded on the website. It is not the case of the petitioner that the procedure of seeking expert committee report was not adopted, but he is aggrieved that the revised answer key was not uploaded on the website. Qua the said grievance, I need not labour any further in view of the defence taken in the return in Para-6 thereof, in which I do not find any irregularity and which is extracted herein below:-

“6. That it is pertinent to mention that the written examination was held on 13.11.2016, 20.11.2016, 27.11.2016, 04.12.2016 & 11.12.2016 and after the holding of written examination, the Commission uploaded the answer keys of written examination. It is pertinent to mention here that the Commission invited the objections from the candidates vide notice dated 20.05.2017 (Annexure R-1/1). It was specifically mentioned in the above said notice that:-

“The Commission has uploaded the answer keys of written examination of above mentioned posts on the website of the Haryana Staff Selection Commission i.e. www.hssc.gov.in. If any candidate has any objection regarding any answer key, he/she may submit his/ her objection to the Commission by email on email address hsscsecyobjection@gmail.com within 5 days i.e. from 20.05.2017 to 25.05.2017 upto 5:00 P.M. After that no objection will be entertained by the Commission. The candidates are advised to clearly mention the name of the post, Advt. No., Category No., Date of Examination along with Morning and Evening Session and write the said i.e. A, B, C

or D of the question paper on which the objection is raised otherwise objection will not be considered. The objections shall be considered by the Commission and its decision in this regard shall be final and evaluation of the paper shall accordingly be done.”

After the receipt of objections including the objection on question no.99 which is under challenge, the same were sent to expert. On the basis of revised key, the candidates were shortlisted for interview in which the petitioner was also shortlisted. It is pertinent to mention here that due to lesser marks than the cut off, the petitioner was not selected in the final result of the General Category. However, the petitioner falls in waiting of General Category as admitted by the petitioner in para 13 of the writ petition. It is further submitted that there is no provision to consider objection received on revised the answer key. Hence, in view of the submission made above, it is submitted that the petitioner is trying to take undue benefit from the Hon’ble Court.”

5. *In the aforesaid background, it may also be noted that in order to avoid litigation in perpetuity, it is understandable that process of inviting objections can only be undergone at the first stage when the answer-keys are uploaded and to expect that for every revised answer-key, there should be another round of inviting objections, is completely unacceptable particularly when the revised answer-key is on the basis of an expert committee’s report. Trite to note that it is not for this Court to sit in judgment over the experts, to say the least.*

6. *As regards argument that the revised answers were not uploaded by the Commission, though denied verbally in course of arguments, even if assumed to be correct, I am of the view that the same is quite insignificant on two counts; (i) it is not the case of the petitioner that the evaluation of question No.99 across board did not take place as per the revised answer-key, and therefore, it is not the case of any hostile discrimination. Every candidate has been evaluated based on the revised answer as per the expert committee’s report; and (ii) the essential purpose of uploading the answer-keys on the website is to avoid any opaqueness for carrying out the evaluation of the questions of the candidates, and it is in this context, the objections were invited across board from the candidates and the procedure adopted thereafter has already been noted herein above.*

7. *In the premise, once objections had been invited and duly taken note of by the expert’s committee, thereafter, to accept that for every revision that may take place pursuant to acceptance of advice of the expert committee should also necessarily be subjected to further objections, will result in a never ending process, needless to say result in never ending litigation as well.*

Not only that, the entire examination process in that pursuit will necessarily result into derailing of the selection process/ appointment of those who have been successful as their cases would also have to be put on hold.

8. In the parting, I may also like to observe that in all selection processes, it is expected of the candidates to stay vigilant and take expeditious steps for the grievance, if any. In this case as already noted, the result was declared on 14.03.2018, appointment letters were issued to the successful candidates and on the other hand, petitioner took steps and filed this petition after a lapse of 6 months of declaration of the result. Be that as it may, the delay is not being held against the petitioner since in view of the merits having already been dealt with. Be that as it may, delay is being noted only in passing reference since the merits of the case have already been discussed and I do not find any grounds for interference on that ground as well. Petition is accordingly dismissed.”

3. I see no reason as to why the instant petition be also not dismissed in view of my aforesaid opinion. In view thereof, I need not labour all over again and the petition being devoid of merits is dismissed.

4. Pending applications, if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 10, 2022

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No