

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

CWP-21821-2018 (O&M)

Date of decision: August 09, 2022

Monu

....Petitioner

versus

Haryana Staff Selection Commission

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Arvind Seth, Advocate,
Mr. Jasbir Mor, Advocate for the petitioner.

Ms. Mamta Singla Talwar, DAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondent-Commission to correct the answer of Question No.99 of Question paper Series-A. Further a direction has been sought to re-draw the merit list after awarding correct marks to the petitioner in lieu of wrong answer of Question No.99 of Series-A of the written test held on 20.11.2016 (Evening Session).

2. Under challenge herein is yet again another public examination *qua* the post of Clerk, result of which attained finality on 14.03.2018. No doubt, unsuccessful candidates are disappointed and being unable to accept the outcome, end up challenging evaluation of their answers, as is the case by one of the candidates herein. Substantially, the challenge to his result including that of the selected candidates who are not party, revolves around

question No.99 of the examination, which involved knowledge of Hindi, and is reproduced below :-

“ 99. निम्नलिखित में किस/किन काव्य-पंक्ति/पंक्तियों में अनुप्रास अलंकार नहीं है?

1. चारु-चन्द्र की चञ्चल किरण खिल रही थी जलथल में
2. पूत सपूत सख्योअन सखय, पूत कपूत सख्योअन सखय
3. कनक-कनक तसो गुनी मादकता अधिकाय
4. वन्दो गुरु पद पदुम पराग, सुरुचि सुवास सरस अनुराग

- (A) 2 एवं 3
(B) 1 एवं 4
(C) 3
(D) सभी में अनुप्रास का प्रयोग है।

3. Learned counsel for the petitioner strenuously argues that correct answer to question No.99 aforesaid is option ‘C’ which is what the petitioner had attempted. And yet, he has been given zero marks for the same as against the stand of the respondent-Commission, which has chosen option ‘A’ in the revised answer-key as the correct answer.

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 it is 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 invitation for 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.

(ARUN MONGA)
JUDGE

August 09, 2022
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No