

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

CWP-19229-2022 (O&M)

Date of decision: August 30, 2022

Surjit Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Jatinderpal Singh, Advocate for the petitioner.

Mr. Karan Puggal, DAG, Punjab.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Mandamus directing the respondents, in particular, respondent No.2 to appoint examiner for rechecking/ re-evaluation of answer-sheets of Para I and Paper VI for Departmental examination of 'Kanungos' for promotion as 'Naib Tehsildar'.

2. Pledged case is that petitioner was initially appointed as Patwari on 04.07.1988 and thereafter, on 31.10.2017, promoted as Kanungo. In the year 2021, respondent No.3 conducted the Departmental Examination of Kanungos for promotion to the post of Naib Tehsildar. Petitioner being eligible appeared in the said examination conducted from time to time. Result was declared on 25.03.2022 (Annexure P-6). Petitioner was declared successful in five out of total eight Papers, thereby leaving three papers, namely Paper I, VI and VII. Vide order dated 05.08.2022 (Annexure P-7), respondent No.2 had granted exemption to the petitioner from passing Paper-VII i.e. Urdu upon his having done requisite course of Urdu from Departmental of Language, Punjab.

Petitioner is left with only two papers, namely Paper-I and Paper-VI to pass. Petitioner secured 46 marks out of 100 (in Paper-I) and 35.5 marks out of 100 (in Paper-VI) as against the requisite passing marks of 50 marks in such papers. In view of policy dated 27.11.2020 regarding evaluation/ re-checking, petitioner applied for re-evaluation/ re-checking vide letter/ representation dated 29.03.2022 (Annexure P-9). Petitioner also submitted a fresh representation dated 10.08.2022 (Annexure P-10), but to no avail.

3. I have heard learned counsel for the parties and perused the record.

4. In the letter/instructions dated 27.11.2020 (Annexure P-4) issued by the office of Additional Chief Secretary-cum-Financial Commissioner Revenue, Punjab, Chandigarh, following conditions have been stipulated regarding re-evaluation/ re-checking of answering sheets for Departmental Examination of Kanungos/ Senior Assistant for promotion as Naib Tehsildar:-

“I am directed to inform that there is no provision for re-evaluation/ rechecking of answer sheets in The Punjab Naib Tehsildar Departmental Examination Regulations, 2020. However, in view of the principles of natural justice and not to deprive any candidate of their right to adequate justice, the Revenue Department has framed a policy regarding re-evaluation/ rechecking of answer sheets for Departmental Examination of Kanungos/ Senior Assistant for promotion as Naib Tehsildar, with the following conditions:-

Eligibility:-

a) Only in those cases where the last chance (mercy chance after the approval of competent authority) has been exhausted by the candidate.

OR

Remaining Service left of the candidates is less than 2 years.

b) In case, other than covered under (a) ibid only 2 Papers remain to be cleared i.e. where all other Papers have been previously cleared by the candidate.”

5. In view of the above, writ petition is disposed of with direction to respondents to consider and decide the representations dated 29.03.2022 and 10.08.2022 (Annexures P-9 and P-10, respectively) submitted by the petitioner

regarding re-evaluation/ rechecking. Needful exercise of passing appropriate orders, in accordance with law, be carried out within a period of 30 days from today.

6. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

August 30, 2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No