

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

CWP-29835-2017

Date of decision: 21.11.2022

ROHTASH

...Petitioner

VS

HARYANA STAFF SELECTION COMMISSION ...Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present:- None for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari for quashing answer key dated 03.08.2017, as well as revised answer key (Annexure P-6) to the extent that answers to the question Numbers 05, 06, 07 in Series No.09 are incorrect and answers given by the petitioner, are correct.

2. I have heard learned State counsel and gone through the case file.

3. 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 them to a Specially Constituted Committee of three experts and after receiving the report from the expert committee, revision, if any as required, is carried out and uploaded on the website of the Commission. It is not the case of

the petitioner that the procedure of seeking the report of the expert committee was not adopted.

4. I need not labour any further in view of the defence taken in return dated 28.03.2022 in Para-6 thereof, in which I do not find any irregularity and which is extracted herein below:

“6. That the main prayer of the petitioner in the writ petition is to quash the answer key dated 03.08.2017 as well as the revised answer key (Annexure P-6) to the extent that answer to the question numbers 05,06,07 in series No.9 are incorrect and the answers given by the petitioner is correct.

In this regard it is submitted that the written examination for the post in question was held on 30.07.2017. Thereafter, the answer key was published by the Commission on official website and objections were called regarding any question/answer vide notice dated 03.08.2017. It was specifically mentioned in the above said notice that:-

"The Commission has uploaded the answer keys of written examination of above mentioned post on the website of the Haryana Staff Selection Commission i.e www.hssc.gov.in. If any candidate has any objection regarding any answer, he/she may submit his/her objection to the commission by email on email address hsscecyobjection@gmail.com from 03.08.2017 to 06.08.2017 upto 5.00P.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, or Evening Session and write the set i.e 03,04,05&06 (Morning) and 07,08,09&10 (Evening) 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, the same were sent to expert. It is pertinent to mention here that the petitioner has also submitted objections in respect of answer key regarding numbers 05.06.07 in series No.9. Thereafter, the initial answer key has been revised and the Commission declared the result for written

examination for the post in question vide public notice dated 29.10.2017 based on revised/final answer key. The expert has sent the report regarding the objection raised by the petitioner which is reproduced as under:-

XXX

XXX

It is pertinent to mention here that the Respondent Commission has evaluated the OMR sheet of the petitioner on the basis of revised answer key and as per the revised answer key there is no change in answers with regard to the question nos. 05,06,07 in series No.9. So, in view of above petitioner was not entitled to marks for the question objected to by him as the result was prepared on the basis of the revised answer key for the post in question.”

5. Though only answers to three questions i.e., questions No.5, 6, and 7 have been challenged by the petitioner, learned counsel for the State submits that objections were invited across board from all candidates. *Qua* the objections received by the Commission, a specific stand has been taken that all the objections were forwarded to the Expert Committee. Regarding questions No.5, 6, and 7 in series No.09, the same too were sent to the Experts. After duly considering the same, the answer key was revised, and only thereafter did the Commission declare the revised result.

6. The answers to questions No.5, 6, and 7 since remained unchanged as per the Expert Committee's report, therefore, the petitioner has not been given any benefit of the incorrect answers given by him. Trite it is to say that it is not for this Court to sit in appeal over the views expressed by the experts which are in the domain of their expertise, as long as the necessary exercise has been carried out by the Commission by dealing with the objections submitted to them.

7. Neither any replication to the afore-noted stand of the respondents nor any additional affidavit of any kind has been filed to controvert the same. Therefore, factual narrative remains uncontroverted.

8. As an upshot of the above discussion, petitioner has since secured lesser marks than the last selected candidate and there being no irregularity in the procedure adopted by the HSSC, as noted hereinabove, I do not find any grounds for interference.

9. Dismissed.

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

(ARUN MONGA)
JUDGE

November 21, 2022

Vandana

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No