

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

**CWP No. 5745 of 2017 (O&M)
Date of Decision:17.10.2022**

Deepak Sharma

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Ms. Meena Bansal, Advocate
for the petitioner.

Mr. Mohit Kapoor, Additional Advocate General, Punjab.

Mr. Mrigank Sharma, Advocate, for SGPC, Amritsar.

Mr. Ajaivir Singh, Advocate, for Registrar,
Punjabi University, Patiala.

JAISHREE THAKUR, J.

1. The instant writ petition has been filed for issuance of a writ in the nature of Ceriotrari quashing the revised answer key (Annexure P/8) and final result of the Constable Operator (Annexure P/7) as declared by the respondents on their Website with a further prayer for issuance of a writ in the nature of Mandamus directing the respondent—State to appoint the petitioner as Constable.

2. In brief facts are that vide advertisement No. 1/2016, published on 14.8.2016, the respondent—state invited applications for recruitment to fill up 388 vacancies of Constables, out of which, 244 vacancies were to be filled up for Constable Operator, 72 vacancies for filling up Constable Hardware and Constable Software respectively in the Information

Technology and Tally Communication Wing of Punjab Police. The petitioner having necessary qualifications and eligibility applied online and underwent the selection process. The written examination was conducted on 5.11.2016. The written examination consisted of 100 marks consisting of multiple questions. Part I comprised of 30 marks and questions were to be from General Knowledge and Environmental Science. Part II comprised of 30 marks having questions from test of Quantitative Aptitude & Reading Comprehension and Part III comprised of 40 marks having questions from different Syllabi. In the test Booklet of Paper-1, question No. 31 was asked with four options, which reads as under:-

“When Akal Takht was built?”

- 1) 1606
- 2) 1607
- 3) 1608
- 4) 1609”

The result of the written test conducted on 5.11.2016 was uploaded on the Website and as per the uploaded result, the answer to question No. 31 was option No. 4 i.e. Akal Takht was built in 1609. The petitioner had opted for option No.4. The respondents had invited objections and after receipt of objections, the respondents uploaded the revised answer key and the answer to question No. 31 was changed to option No.1 i.e. Akal Takht was built in 1606, instead of option No. 4 as given by the petitioner. The petitioner thereafter filed a representation dated 29.12.2016 raising objection to the amended answer key by relying upon several text books and publications. With the amended result, the petitioner did not get the requisite marks for selection to the post of Constable, which has led to the filing of the writ

petition.

3. Learned counsel for the petitioner would contend that the petitioner had rightly answered to question No. 31 by ticking option No. 4, meaning thereby the answer to the question was that the Akal Takht was built in 1609. However, as per the revised key answer, the option No.4 has been held to be incorrect and option No. 1 i.e. Akal Takht was built in 1606 was held to be correct answer. Learned counsel would argue that there is enough material available on the record to establish that the correct answer would be that the Akal Takht was built in 1609.

4. Pursuant to the notice of motion having been issued, a reply has been filed on behalf of the respondents, wherein it is categorically submitted that the petitioner did not come in the zone of consideration and therefore, he could not be placed in the merit list. It is submitted that question No. 31, as admitted by the petitioner had been wrongly answered and, therefore, no marks could be granted for the same. It is submitted that initially the answer to question No. 31 in paper of General Knowledge was 'D' i.e. Akal Takht was built in 1609, however, as some candidates raised objections to the said answer and a Committee of Expert was constituted by National Institute of Electronics & Information Technology (NIELIT), who considered the objections and other record and then concluded that the correct answer to question No. 31 in the General Knowledge is option No. 1 i.e. Akal Takht was built in 1606.

5. Learned counsel for the respondents would submit that an Expert Committee has gone into the question as to what would be the correct answer as to “when the Akal Takht was built” and the Expert

Committee has opined that the correct answer is that the Akal Takht was built in 1606 (i.e. option No. 1). It is submitted that once an Expert Committee has gone into this issue and has given its firm opinion, then courts should not substitute its own views for that of examiner. In support of his arguments, he has relied upon **Ran Vijay Singh and others Versus State of U.P. and others (SC) 2018 (1) S.C.T. 334.**

6. I have heard learned counsel for the parties and with their assistance have perused the pleadings and the case law.

7. Admittedly, the petitioner herein participated in the recruitment process for enlisting constables in the Information Technology and Tally Communication Wing of Punjab Police. The petitioner undertook written examination. To question No. 31 in the test booklet of paper-1 i.e. when Akal Takht was built, the petitioner had answered by tick marking option 'D', meaning thereby the Akal Takht was built in 1609. This answer was revised as objections were received from certain candidates and the NIELIT, who had been given the task of conducting the said examination, appointed an Expert Committee to go into the issue and on the basis of the report received from the said Committee, the answer was revised to option No.1 i.e. Akal Takht was built in 1606. This Court is not in a position to give its opinion on merit of the case as to when the Akal Takht was built i.e. whether it was built in 1606 or 1609 and the Expert Committee has already deliberated over the issue and has given a definite answer i.e. option No. 1 is correct answer to question No. 31 in paper of General Knowledge. In this regard, it would be appropriate to refer to the judgments as rendered by the Supreme Court to the effect that the courts should refrain their hands

from giving their own opinion over and above the opinion given by an Expert Committee. The judgments of the Supreme Court in this regard are **Kanpur University through Vice Chancellor and others Versus Samir Gupta and others (1983) 4 Supreme Court Cases 309, Rishal and others Versus Rajasthan Public Service Commission and others (2018) 8 Supreme Court Cases 81, Uttar Pradesh Public Service Commission, through its Chairman and another Versus Rahul Singh and another (2018) 7 Supreme Court Cases 254, Sarita Meena Vs. State of Rajasthan 2021 (1) RLW 650 and Prafull Kumar Tiwari Versus State of Chhattisgarh, WPS No. 5286 of 2020 decided on 18.3.2021.** Consequently, once the Expert Committee, well versed in the subject, has given its definite opinion that the Akal Takht was built in 1606, this Court is not inclined to sit in the judgment of appeal over the same.

8. For the reasons afore-stated, the writ petition is dismissed.

17.10.2022

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**(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned :	Yes
Whether Reportable :	No