

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(1). CWP No. 3265 of 2018 (O&M)  
Date of Decision: April 20, 2022

SUCHITA .... Petitioner(s)  
Versus

STATE OF HARYANA AND OTHERS ..... Respondent(s)

(2). CWP No. 5389 of 2018 (O&M)

PROMILA .... Petitioner(s)  
Versus

STATE OF HARYANA AND OTHERS ..... Respondent(s)

(3). CWP No. 12230 of 2018 (O&M)

MEHAR SINGH .... Petitioner(s)  
Versus

STATE OF HARYANA AND OTHERS ..... Respondent(s)

(4). CWP No. 6638 of 2018 (O&M)

PRATIMA KUMARI .... Petitioner(s)  
Versus

STATE OF HARYANA AND OTHERS ..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Sant Lal Barwala, Advocate  
for the petitioner in CWP-3265-2018.

Mr. Sunil K. Nehra, Advocate  
for the petitioner/s in CWP Nos.5389, 12230 and 6638 of 2018.

Mr. Sandeep Singh Mann, Addl. AG, Haryana.

Mr. Kanwal Goyal, Advocate  
for respondent no.2 in CWP Nos.5389, 12230 and 6638 of 2018  
and for respondent no.3 in CWP-3265-2018.

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LISA GILL, J.

This order shall dispose of CWP-3265-2018, CWP-5389-2018, CWP-12230-2018 and CWP-6638-2018, as an identical question arises for consideration in all these three writ petitions which have been taken up together for hearing and decision with consent of learned counsel for the parties.

Prayer in these writ petitions is for setting aside final result dated 15.01.2018, issued by the Haryana Public Service Commission, for the post of Assistant Professor (Chemistry), pursuant to advertisement No.10 dated 16.02.2016, on the ground that three questions have been wrongly deleted from the question paper.

Petitioners in all these writ petitions applied for the post of Assistant Professor (Chemistry) pursuant to the above mentioned advertisement. They took the written test, which was conducted on 09.07.2017. It is submitted that in the written examination petitioners found that a number of answers as uploaded in the answer key, were incorrect. Objections are stated to have been filed by the petitioners. It is submitted that without considering the objections submitted by petitioners and other candidates, result of written examination was declared by the respondent-Commission on 07.11.2017/15.01.2018. All petitioners cleared the written examination and were called for interview, however, they did not come within the selection zone. Grievance raised by the petitioners is that respondent-Commission deleted 09 questions whereas there are only 06 questions, which were incorrect. As far as 03 questions, which have been

deleted, the same being correct, benefit thereof should have been afforded to the petitioners and said 3 questions should not have been deleted. There is a further prayer for directing the respondent-Commission to seek opinion from an independent Expert Committee regarding 03 questions and that candidates be called for interview thereafter as per revised merit and final result be declared again.

Written statement/short reply has been filed in all the writ petitions on behalf of the respondents including the respondent-Commission. It is specifically mentioned in the written statement that on receipt of objections from numerous candidates including the petitioners, same were placed before an Expert Committee, comprising of Professors from reputed Universities and all 100 questions including the questions qua which representations were made, were placed before the Expert Committee for review and their comments. It is further stated that the Commission got verified all the questions from the Expert Committee and on receipt of report of the Expert Committee, it was found that answers to 09 of the questions were either incorrect/ambiguous or wrong, therefore, all the 09 questions were deleted and result was prepared on percentile basis and declared on 07.11.2017. The entire selection process, it is stated, was conducted in the most fair and transparent manner. Dismissal of writ petitions is sought.

Learned counsel for the petitioners are unable to deny that the matter is squarely covered against the petitioners in terms of decision dated 30.09.2019 of the Hon'ble Supreme Court in Civil Appeal No.7727 of 2019,

titled *Haryana Public Service Commission Vs. The State of Haryana and others*, which arises out of the selection process for the post of Assistant Professors flowing from the same advertisement which is the subject matter of these writ petitions with the only difference that selection in the said case was for Assistant Professor in the subject of geography and in these cases it is for Assistant Professor in the subject of Chemistry.

Brief facts leading to filing of Civil Appeal No.7727 of 2019 are that Writ Petition No. 14544 of 2017 was filed with the contention that out of 100 questions, 46 were either wrongly answered as per answer key relied upon by the Commission or were ambiguous questions. A co-ordinate Bench of this Court concluded that respondent Commission in that case referred not only 46 questions but all 100 questions for appraisal before the Expert Committee. The Expert Committee narrowed down the incorrect questions to 07 and their deletion was thus ordered. Co-ordinate Bench concluded that 04 more questions need to be discarded and while accepting the writ petition to this extent, directed that result be prepared after calculating the percentile of marks.

Thereafter, LPA No.1973-2017 arising from the said writ petition was decided on 27.09.2018, wherein it was directed that another Committee of Experts be constituted to examine the matter qua these questions, especially while observing that learned Single Judge was in error in taking upon himself the job of examining the correctness of the answer key.

Appeal (Civil Appeal No.7727/2019) preferred against the said order was accepted by the Hon'ble Supreme Court on 30.09.2019 while observing that *“If the judgment of the Division Bench is allowed to stand, there will be no finality to the selection process. There was no allegation as such against the Expert Committee which was appointed by the Commission. The Expert Committee, in its wisdom has concluded that seven questions were either ambiguous or the answer keys were not correct. Accepting the said report, the Commission has proceeded with the selection process and results were announced. Thereafter, the candidates approached the High Court. Though learned Single Judge was right in agreeing for deletion of seven questions, was not justified in acting as an expert in the field and, therefore, the learned Single Judge's order relating to deletion of four questions also cannot be accepted.*

*Accordingly, the judgment of the learned Single Judge as well as that of the Division Bench stand set aside.*

*The appeal is accordingly, allowed. The selection process made by the Commission based on the First Expert Committee Report deleting seven questions from consideration stands confirmed. There shall be no order as to costs.”*

Gainful reference in this regard can also be made to the Division Bench judgment of this Court in ***Nishant Dutt Vs. Punjab & Haryana High Court, 2021(2) SCT 607*** and decision dated 14.01.2022 in CWP-698-2022, titled ***Penaaz Dhillon Vs. State of Haryana and others.*** Learned counsel for the petitioners are unable to point out anything to the contrary.

No other argument has been addressed.

These writ petitions are accordingly dismissed being devoid of  
any merit.

**April 20, 2022**

Sunil

**(Lisa Gill)**  
**Judge**

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| Whether speaking/reasoned: | Yes/No |
| Whether reportable:        | Yes/No |