

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 807 of 2022
Date of decision: 19.09.2022

Dr. Rambir

... Appellant

Versus

Kurukshetra University Kurukshetra, Haryana, through its Registrar
... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Dr. Naresh Kaushik, Advocate,
for the appellant.

ARUN PALLI, J.

This is an intra-court appeal, under Clause X of the Letters Patent, against an order and judgment dated 29.08.2022, vide which the writ petition preferred by the appellant, objecting to the answers of 13 questions in a Computer Based Test-Domain Knowledge Assessment (for short, 'CBT-DKA'), and assailing the final results, has since been dismissed.

The facts that are required to be noticed are limited.

Pursuant to an advertisement (P-1), issued by the respondent-University, 77 posts of Assistant Professor were advertised in different subjects. The appellant competed for selection to the said posts under two different subjects, i.e. Special Education and Perspective in Education, for which a single combined examination (CBT-DKA) was held on 12.08.2022. In terms of appendix-viii of the advertisement, in the event of domain knowledge test being conducted, a candidate was required to score 40% marks for consideration of his/her candidature. For the appellant failed to

secure the requisite marks, he was not short-listed for interview. Of the total 50 questions asked, he filed objections to the answer key/answers to question Nos. 9 and 16, upon depositing Rs.500/- as fee, for each of the objections. The Expert Committee examined the said objections and having found that the answer key/answers to those questions were correct, rejected the same. Being aggrieved, the appellant assailed the results of the combined test vide a writ petition, referred to above, which was dismissed, for the learned Single Judge concluded that on the basis of the material placed before the Court, the evaluation/opinion of the Expert Committee could not be disputed. Further, in the petition filed by the appellant, he had questioned the veracity of answer key/answers to 13 questions, whereas, he had actually raised objections to the answers to only question Nos.9 and 16, which were examined and rejected by the subject experts. Therefore, if the appellant was aggrieved qua answers to the other 11 questions, he ought to have filed objections even qua those questions.

We have heard learned counsel for the appellant, who has merely reiterated the submissions that were advanced before the learned Single Judge. As regards non-filing of objections to the answer key/answers of other 11 questions, he submits that it was merely a technicality, and if the answer key/answers to those questions were incorrect, the petition ought not to have been dismissed merely on that score.

Concededly, for each of the objections raised, a candidate was required to deposit Rs.500/-, to enable the authorities to have it re-evaluated/re-examined from the Expert Committee. It is not disputed either that the appellant had filed objections to question Nos. 9 and 16 only.

The matter was referred to the subject experts, who, upon due analysis/examination of those objections, found that the answer key/answers to the said questions were correct. Accordingly, the objections filed by the appellant were rejected. As concluded by the learned Single Judge, in the absence of any cogent and conclusive material to the contrary, the evaluation/opinion of the subject experts, rejecting the objections filed by the appellant, could not be interfered with. Upon being pointedly asked, nothing is brought to our notice either to deviate from the said conclusion. The position of law as regards interference by the Court in such matters is already settled by the Supreme Court in **Rishal and others Vs Rajasthan Public Service Commission and others (2018) 8 SCC 81; Uttar Pradesh Public Service Commission, through its Chairman and another Vs Rahul Singh and another (2018) 7 SCC 254; Ran Vijay Singh and others Vs State of Uttar Pradesh and others (2018) 2 SCC 357** and **Vikesh Kumar Gupta and another Vs State of Rajasthan and others (2021) 2 SCC 309**, wherein it was clearly held that once an expert body has been constituted and has examined the correctness of the answer key as well as the efficacy of the objections raised by a student, the Court cannot sit over the decision of such an expert body to decide as to whether its decision is correct or not.

As regards objections to the answer key/answers to the other 11 questions, needless to assert that the recruitments, based upon a competitive examination, are time sensitive. A definite time span is specified to enable the candidates, if aggrieved, to file objections to the question/answer key/answers. However, in the case at hand, nothing is discernable from the petition, nor a copy of the prospectus is appended to ascertain as to what was

the last date by which a candidate could file objections. And, the ramifications of not availing the said option in time. Concededly, the appellant never filed objections to those answers. As indicated earlier, he raked up an issue as regards veracity of the answers to those 11 questions, for the first time, in the writ petition filed by him. Therefore, in the given circumstances, the Writ Court was choice-less, but to reject the argument advanced in this regard.

It would be apposite to point out further that the Expert Committee, upon consideration of all the objections filed by the candidates, had corrected the answers to 06 questions (question Nos.32, 34, 43, 46, 49 and 50). Whereupon, the final results were declared, vide notification dated 22.08.2022.

In the wake of the position sketched out above, we are dissuaded to interfere with the impugned order and judgment, rendered by the learned Single Judge.

The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

September 19, 2022
AK Sharma

Whether speaking / reasoned:
Whether Reportable:

YES
YES/NO