

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

CWP-6026-2018 (O&M)

Date of Decision: 06.05.2022

Narender Bhukal

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Petitioner in person.

Mr. Saurabh Mohunta, DAG, Haryana.

Mr. Kanwal Goyal, Advocate and
Mr. Govind Tanwar, Advocate,
For respondent No.2-HPSC.

-.-

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of certiorari to quash the criteria (Annexure P-12) adopted by the respondent Commission for selection to the post of 'Assistant District Attorney' against the advertisement No.3 dated 13.06.2014 (Annexure P-1) as well as Public Notice dated 28.12.2015 (Annexure P-3).

2. Petitioner contends that action of the respondent Commission qua deleting questions No.11 and 46 of the Question Booklet for the series "B" is illegal. There was neither any ambiguity in said questions nor were these answered wrongly in the answer key. He submits that petitioner ought to have been instead awarded two marks for his correct answers. His name would then come in the merit list for appointment to the post of Assistant District Attorney against the reserve post for Scheduled Caste Category.

3. I have heard learned counsel for the parties and gone through the case file.

4. At the time of issuing notice of motion on 13.03.2018, his Court had confined the notice only with regard to challenge to questions No.11 and 46. No appeal was preferred against the said order of part issuance of notice. Meaning thereby, the rest of the claim of the petitioner as well as the corresponding relief was declined in limine. It cannot be re-agitated at this stage.

5. As regards, questions No.11 and 46 which are under challenge, I am not inclined to interfere in view of the Expert Committee's report, which was constituted by Haryana Public Service Commission owing to a large number of representations and objections received by the candidates at large, who were aggrieved qua the said questions. Relief sought herein is now to reverse the deletion of those questions, contending that it has resulted in adverse assessment of the petitioner. The said relief cannot be granted to the petitioner by singularly treating his case as different from other candidates. Rest of the candidates have been assessed across board by the uniform pattern as per recommendations of the Expert Committee. Reverting the deletion of questions only for the petitioner would result in inequitable treatment to the other candidates, who would be deprived of the similar advantage who are not before this court.

6. In any case, it is not for this Court to superimpose its own views and due credence has been given to the Experts Committee. It is within their domain expertise to opine on the subject.

7. In the premise, writ petition is dismissed.

(ARUN MONGA)
JUDGE

06.05.2022
Vandana

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