

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

CWP-28338-2022 (O&M)

Date of Decision:08.12.2022

Geetanjali Sharma @ Geetanjali

.....Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ARUN MONGA

Present: Mr. Abhinav Aggarwal, Advocate
for the petitioner.

Mr. Pankaj Middha, Addl.A.G., Haryana.

Mr. Kanwal Goyal, Advocate
for the respondent No.2-HPSC.

ARUN MONGA, J. (ORAL)

Petition herein, *inter alia*, is for issuance of a writ in the nature of Certiorari for setting aside result dated 09.08.2022 (Annexure P-5) and the Final Answer Key dated 30.08.2022 (Annexure P-8) and to refer the entire matter to Expert Committee to consider representations received by Commission *qua* examination of Haryana Civil Services (Executive Branch).

2. Succinct facts first, as pleaded in the petition. Haryana Public Service Commission published Advertisement No.3/2021 dated 26.02.2021 (Annexure P-2) for the recruitment of various posts of Haryana Civil Services (Executive Branch) and other Allied Services in different categories. Petitioner applied for the above said post and respondent No.2 conducted the Preliminary Examinations. Thereafter respondent No.2 sought objections after uploading the tentative Master Answer Key on the official website.

However, the Answer Key was not uploaded. Aggrieved from the above said action, the petitioner filed a representation dated 16.08.2022 (Annexure P-6). In the meantime, one candidate challenged the above said action of respondent No.2 in CWP No.18318 of 2022 titled **Naveen Kumar vs. State of Haryana and another** and respondent No.2 was directed to upload revised/final answer key. The said revised/master answer key (Annexure P-8) was uploaded on 30.08.2022. Petitioner again filed her objections alongwith a detailed representation dated 15.09.2022 (Annexure P-9), but till date no action has been taken. Hence, the present petition.

3. Grievance of the petitioner concededly arises on account of not taking any decision by respondent No.2 on her objections/representation after uploading of revised/master answer key. Earlier also, I had an occasion to deal with a similar issue in CWP No.21236 of 2022 titled **Naveen Kumar vs. State of Haryana and another**, decided on 19.09.2022, wherein I found no ground to interfere. The relevant extract of that order is reproduced hereunder:

“4. Challenge to the selection inter alia is premised on the ground that respondent-Commission deleted some questions which have more than one correct answers and said removal has lowered the percentile of petitioner as 2 out of the 5 removed questions have been correctly answered by him and the said approach is erroneous, arbitrary, illegal, cryptic and unconstitutional and for benefits of other candidates, who have not attempted or wrongly attempted the said questions. Even if the claim of the petitioner is accepted qua the questions which he had answered correctly, his grievance qua their deletion is misconceived, in view of the same having been deleted from the question papers by the HPSC. The stand of the petitioner flies in the face of the aforesaid deletion since all the candidates across board have been meted out with the uniform treatment of not being adjudged on their performance as no one was evaluated qua the said questions. To accord the benefit of the evaluation of

those questions only to the petitioner by denying the same qua other candidates would, no doubt, certainly amount to discrimination by way of judicial process as well as giving the petitioner an undue advantage. Needless to say, it is in the experts' domain to adjudge the questions framed by them vis-à-vis the answers whether or not the same are to be evaluated in case they find any discrepancy or if there are two possible answers qua the same after entertaining the objections from the candidates, as has been done in the present case. After inviting objections, same too were referred to the expert committee constituted at the relevant time and after having obtained their opinion, the answers, as per the final answer-key, were uploaded by the HPSC and it was on that basis that all the candidates have been evaluated across board. To sit in appeal over the report of the Committee would amount to assuming the powers of being an expert of an expert, which no doubt, in certain cases this Court may venture into, but instant is not the case deserving any such indulgence. Trite it is to say, it is not for this Court to superimpose its own views as against those of the experts. In the overall premise, it emerges that wherever the expert committee found that corresponding answers of certain questions were either ambiguous or there were two possible options, corrective measures have already been taken and those questions have been deleted. It is rather contradictory stand taken by the petitioner that while questions qua which he claim that he answered correctly, he wants himself to be evaluated and take advantage thereof."

3.1 In the instant case also, needless to say, it is in the experts' domain to adjudge the questions framed by them vis-à-vis the answers, whether or not the same are to be evaluated in case they find any discrepancy or if there are two possible answers *qua* the same after entertaining the objections from the candidates, as has been done in the present case. After inviting objections, same too were referred to the expert committee constituted at the relevant time and after having obtained their opinion, the answers, as per the final answer-key, were uploaded by the HPSC and it was on that basis that all the

candidates have been evaluated across board. To sit in appeal over the report of the Committee would amount to assuming the powers of being an expert of an expert, which no doubt, in certain cases this Court may venture into, but instant is not the case deserving any such indulgence. Trite it is to say, it is not for this Court to superimpose its own views as against those of the experts. Further at this stage, it is not in larger public interest to undo the entire selection process after a period of more than 4 months from the date of Preliminary Examination. In the specific facts and circumstances of the case, for the petitioner to make hue and cry at this stage, is hit by delay and laches. Not only that, having acquiesced to her *fate accompli*, the petitioner can not as a *volte face* turn around and challenge what she had earlier accepted.

4. In the premise, petition is dismissed.

(ARUN MONGA)
JUDGE

December 08, 2022
ashish

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