

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

CWP-226-2023

Date of decision : 18.05.2023

Kamalpreet Kaur

....Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. S.P. Soi, Advocate
for the petitioner.

Ms. Shivani Sharma, Dy. Advocate General, Punjab.

PANKAJ JAIN, J. (ORAL)

By way of instant writ petition filed under Article 226/227 of the Constitution of India, the petitioner prays for issuance of a writ in the nature of certiorari seeking quashing of result dated 23rd of September, 2022, the same being in violation of the rules (Annexure P-8).

2. While issuing notice of motion, following order was passed :

“On 16.01.2023, following order was passed :-

“Precise contention of counsel for the petitioner is that the result of the petitioner dated 23.09.2022 has been declared wrongly vide Annexure P-7. A bare perusal of vernacular at Annexure P-7 would show that the result has been valuated as under :-

Typed words = 437

Mistakes exempted = 35

Mistakes committed = 45 (more than 8%)

Result = Fail

It has been contended that while calculating 45

mistakes, 28 repetitions of words have also been calculated as mistakes whereas as per the Rule applicable the mistakes has been defined as under :

6	Every word typed wrongly will be counted as one mistake
7	If para is left in the paper but the candidate has not left it then it will be considered a mistake.
8	Ignoring Bindi and Lagga Maatra will be considered a mistake.
9	If a word is left untyped it will be considered a mistake.
10	Any cutting with pen or pencil will be considered a mistake
11	Leaving more than one space will ot be a mistake but if the words are typed without space within them then it will be considered half mistake, but in the case of the following leaving or not leaving a space will be considered half mistake every time : Leave space a. After (,) Comma (ArdhVishram) b. After (;) Semicolon c. After (I) Fullstop (PooranVishram) d. After (?) Question Mark (Prashan Chinh) e. After(:-) Colon Hyphen (Dobindi Dash) 2. Do Not Leave space a. Inside the brackets like (a) b. Inverted Commas (“ “) while starting and closing the words inside brackets. c. While giving (-) between the Compound words (Sanyukt Shabd) d. Before or after (.) decimal like 2.3 e. Between the numerical and percentage like 5% 3. Leave space before and after a. Before and after the bracket (outside bracket) b. Before and after the numericals.

State Counsel thus does not dispute that the repetition of word(s) cannot be counted as mistake as per the rule applicable and prays for time to seek further instructions.

On his request, adjourned to 30.01.2023.”

Today, learned counsel for the State on instructions from the requisite department still feels that the petitioner failed in the examination.

Notice of motion.

On asking of the Court, Mr. Charanpreet Singh, AAG, Punjab who is present in Court accepts notice on behalf of the respondents.

In the meantime, posts already ordered to be kept vacant in the earlier round of litigation in CWP-951-2017 be not filled till further orders.

To come up on 02.05.2023."

3. Reply by way of affidavit of Harbhajan Kaur, Assistant Director, Language Department, Punjab, Patiala has been filed on behalf of respondent No.4 today in Court which is taken on record, wherein the respondents have taken refuge under Rule 6 to count the repeated words as mistakes. Relevant Rule necessary for adjudication of the controversy in hand reads as under :

"6. Every word typed wrongly will be counted as one mistake."

4. The stand of the respondents is misconceived and is in divorce to Rule 1 which reads as under :

"1. The examination of Punjabi type will be at the speed of 30 words per minute and it is compulsory for the candidate to type 300 words. If the candidate repeats a line/word before typing 300 words then those words will not be counted in 300 words."

5. The Rule Making Body was conscious of the fact that repeated word does not amount to wrongly typed word and thus a specific provision has been provided under Rule 1 providing for that where any candidate repeats any line/word the same shall not be counted within 300 words. Thus the inference that can be drawn from joint reading of Rule 1 and Rule

6 is that a repeated word would not enure any benefit to the candidate as the same would not be counted within 300 words and at the same time if the word has been typed correctly it would not amount to a mistake.

6. In view of the above, the counting of 28 repeated words as mistakes by the respondents is set aside. Respondents are directed to publish the result of the petitioner strictly in accordance with the Rules as incorporated hereinabove within a period of four weeks from the date of receipt of certified copy of this order.

7. Accordingly, the writ petition is allowed.

May 18, 2023	(Pankaj Jain)
Dpr	Judge

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