

**138 and 144 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.CWP-1590-2023 (O&M)

Mohiteshwar Pal Johri

....Petitioner

Versus

State of Punjab and another

..Respondents

2.CWP-1679-2023 (O&M)

Puneet Verma and another

....Petitioners

Versus

State of Punjab and others

..Respondents

Date of decision: 27.01.2023

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.R.K.Arora, Advocate for the petitioner
in CWP-1590-2023

Mr. Pradeep Virk, Advocate for the petitioners
in CWP-1679-2023

Mr. Vikas Arora, AAG, Punjab

ANIL KSHETARPAL, J (Oral)

1. By this order, two Civil Writ Petitions i.e CWP-1590 of 2023
and CWP-1679-2023 shall stand disposed of.

2. In these writ petitions, the petitioners assail the correctness of
the revised answer key published after deciding the objections with respect
to examination conducted for recruitment to the post of Assistant District
Attorney in the State of Punjab. The examination was in the form of
objective type paper with multiple choice questions. Initially, a

provisional answer key was published inviting the objections. Ultimately, as many as 7 questions were withdrawn while awarding 4 marks to all the candidates, whereas, the correct answer to question no.94 was changed to another option.

3. Since the questions are relating to the subject of law, therefore, with the able assistance of the learned counsel representing the petitioners, this Court has examined question no.94 alongwith the optional answers. The said question is extracted as under:-

*“8. That the **Question No.94** of which revised answer is given:-*

Assertion A:

The doctrine of resjudicata does not apply to the writs.

Reason R:

If a writ of Habeas Corpus is rejected by the Supreme Court, the same writ can be filed afresh before the High Court under Article 226 of the Constitution.

a) Both ‘A’ and ‘R’ are correct and R is the correct explanation of A.

b) Both ‘A’ and ‘R’ are correct and R is not the correct explanation of A.

c) A is true but R is false

d) A is false but R is true.”

4. It is evident that as per the revised answer key, option no.(d) is the correct answer. In the opinion of the Court, the revised answer key cannot be said to be wholly wrong.

5. In CWP-1590-2023, the learned counsel representing the petitioners has drawn the attention of the Court to question no.37, which reads as under:-

“37. An appeal

(a) Can be dismissed for default of the appearance of the appellant or his pleader.

(b) Can be dismissed for default of the appearance of the appellant.

(c) Can be dismissed for default of the appearance of the appellant’s pleader.

(d) Cannot be dismissed for default of the appearance of the appellant or his pleader.”

6. This question has been withdrawn. It is evident that the aforesaid question does not specify as to whether the question is with regard to civil appeal or criminal appeal, though question no.36, 38, 39, 40, 41 relate to Code of Criminal Procedure, 1908.

7. The scope of judicial review in such matters is limited. Hence, in view of the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

8. Dismissed.

9. All the pending miscellaneous applications, if any, are also disposed of.

27.01.2023

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE