

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-2478-2023 (O&M)

Reserved on: 09.02.2023

Date of decision: 21.08.2023

Sachin Sharma

..Petitioner

Versus

State of Punjab and another

.Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Hemant Hans, Advocate for the petitioner

Mr. R.S.Pandher, Sr. DAG, Punjab

ANIL KSHETARPAL, J

1. The petitioner wrote the recruitment examination for the post of the Assistant District Attorney. He challenges the correctness of the final/revised answer key and the public notice issued by the Punjab Public Service Commission. In substance, the petitioner alleges that the revised answer key is wrong as 7 questions have wrongly been withdrawn while awarding 4 grace marks for each question to every candidate and the answer key with respect to two questions is incorrect.

2. Heard the learned counsel representing the petitioner at length and with his able assistance perused the paperbook.

3. Learned counsel representing the petitioner submits that the court should itself examine the correctness of the revised answer key with the help of the subject experts as a patently wrong revised answer key has been published. It is also the case of the petitioner that the revised answer key with respect to question no.43 and 46 of set A is

incorrect. He, in support of the aforesaid contention, relies upon the judgment passed by the Supreme Court in '**Guru Nanak Dev University vs. Somil Garg and others (2005) 13 SCC 749** and '**Kanpur University and others vs. Samir Gupta and others**' 1983 (4) SCC 309.

4. This Court has considered the submissions made by the learned counsel representing the petitioner. The recruitment examination was held by the Punjab Public Service Commission, which is a constitutional body. Thereafter, a tentative answer key was published while inviting objections from the interested candidates with respect to the answers to be submitted by 11:59 pm on 10.11.2022. After considering the objections, the revised answer key was published on 05.01.2023.

5. This Court has carefully read the judgments passed by the Supreme Court in **GNDU's case (supra)** in which the Supreme Court in the peculiar circumstances of the case, directed that the marks for the questions, which have been withdrawn, shall be granted only to those candidates who attempted the said questions. It is evident that the aforesaid judgment has been delivered in the peculiar facts of the case, particularly when there was a difference of opinion between the CBSE and the Union Public Service Commission (UPSC) with respect to two questions. In that context, the Supreme Court directed reference to the subject experts while restricting the benefit of grace marks only to those candidates who had attempted the said questions. It is obvious that the aforesaid judgment is in the peculiar facts of the case and does not help the case of the petitioner.

6. The next judgment relied upon by the learned counsel representing the petitioner is in **Kanpur University's case (supra)**. In that case, the result of combined pre-medical test was in dispute. At that point in time, the concept of inviting objections, after releasing the preliminary answer key and referring the disputed questions to the subject experts, was not a usual practice. In that context, the Supreme Court examined the matter. Hence, the aforesaid judgment does not help case of the petitioner. Moreover, in a three recent judgments namely **Ranvijay Singh and others vs. State of Uttar Pradesh and others (2018) 3 SCC 357**, **Uttar Pradesh Public Service Commission vs. Rahul Singh (2018) 7SCC 254** and **Richal vs. Rajasthan Public Service Commission, (2018) 8 SCC 81**, it has been held that once a revised answer key has been published, in consultation with the subject matter experts, after considering the objections to the proposed answer key, the scope of interference by the Court gets limited.

7. Keeping in view the aforesaid facts and discussion, the result is inevitable. Hence, the writ petition is dismissed.

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

21.08.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE