

In the High Court of Punjab and Haryana, at Chandigarh

Civil Writ Petition No. 2959 of 2023

Date of Decision: 17.02.2023

Ajay Sharma

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mohit Sadana, Advocate
for the petitioner(s).

Mr. R.K.Kapoor, Additional Advocate General,
Punjab, for the respondents.

Anil Kshetarpal, J.

CM-3032-CWP-2023

1. While taking the documents (Annexure P11 to P17) on record,
the application is allowed.

CWP-2959-2023

2. On 14.02.2023, the following order was passed:-

“The petitioner prays for issuance of writ in the nature of Certiorari to quash the notice dated 20.01.2023 whereby the list of candidates shortlisted for interview has been displayed. The petitioner claims that without uploading the revised answer key and cut off marks on the official website of the PPSC, the interviews for selecting candidates to the post of Deputy District Attorney have been started.

On the other hand, Sh. Vikas Arora, learned Assistant

Advocate General, Punjab submits that the Punjab Public Service Commission (PPSC) did not find any substance in the objections filed by the candidates and hence the result has been compiled on the basis of the tentative answer key already uploaded on the official website of PPSC. However, he prays for some time to file affidavit in this regard.

List on 17.02.2023 for further hearing, in the urgent list.”

3. In compliance thereto, an affidavit of the Secretary (Examinations), Punjab Public Service Commission, Patiala, has been filed during the course of hearing, reiterating the stand of the learned Assistant Advocate General, Punjab.

4. The learned counsel representing the petitioner has drawn the Court's attention to question No. 38 of the question paper to contend that confession in police custody is not provided in Section 25 of the Indian Evidence Act, 1872 (hereinafter referred to as “the 1872 Act”). Hence, the question as framed is incorrect.

5. With the able assistance of the learned counsel representing the petitioner, the Court has examined Section 25 and 26 of the 1872 Act. These are the provisions with regard to confession by the accused. Section 25 of the 1872 Act provides that no confession made to the police officer shall be proved as against the person accused of any offence, whereas, Section 26 provides that no confession made by any person whilst he is in the custody of the police officer shall be proved as against such person unless given in the immediate presence of a Judicial Magistrate. On the conjoint reading of

provision and the opinions may differ as to the extent of section.

6. The scope of judicial review in such matters is limited in view of the judgments passed by the Supreme Court in *Vikesh Kumar Gupta v. State of Rajasthan and Others (2021)2 SCC 309* and *Ran Vijay Singh and Others v. State of Uttar Pradesh and Others (2018) 2 SCC 357*. The Punjab Public Service Commission had, initially, uploaded a tentative answer key while granting an opportunity to file objections. As per the affidavit, the objections received were referred to the body of Subject Experts and as per their opinion, the Punjab Public Service Commission decided not to revise the provisional answer key.

7. Keeping in view the aforesaid facts, at this stage, no ground is made out to issue the writ. Hence, the present writ petition is dismissed. However, the petitioner shall have the liberty to challenge the selection after it is finalized.

(Anil Kshetarpal)
Judge

February 17, 2023
“DK”

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