

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(271)

CWP No. 2710 of 2023 (O&M)
Date of Decision : 18.10.2023

Shubham Vats and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ravinder Singh Dhull, Advocate for the petitioners.

Mr. Chanderhas Yadav, Advocate for the applicants
in CM-11347-CWP-2023.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance which is being raised by the petitioners is that answers to 26 questions have wrongly been provided in the answer key, hence, the answer key should be revised accordingly. The further prayer is that the written examination conducted for the post of Veterinary Surgeon should be re-conducted on the ground that the said examination is clouded with allegations of copying and the question paper was leaked prior to conduct of the examination on 15.03.2023. The further prayer is to hand over the enquiry to an appropriate authority qua the allegations with regard to paper leak.

2. Learned counsel for the petitioners argues that not only the answers to the questions as mentioned in the answer key, which questions the candidates were made to answer in the written examination, which examination was conducted on 15.03.2023 were incorrect and also that a large number of irregularities crept in while conducting the said written examination including the allegation of mass copying as well as the question paper was leaked prior to holding of the examination on 15.03.2023, hence, as the sanctity of the said written examination is under cloud, the said written examination needs to be conducted again or in the alternative, the appropriate authority should be directed to conduct appropriate enquiry into the allegations of copying as well as paper leak as being alleged in the writ petition.

3. Learned counsel for the respondent-Commission submits that qua the first prayer of the petitioners that the answers to 26 questions, which the candidates were made to attempt in the written examination held on 15.03.2023 were incorrect, it is submitted that after conducting the written examination, the Commission issued the answer key and invited objections from the candidates against the said answer key. The objections so received from the candidates, were put to the experts and it is only after the experts' opinion, the result of the written examination was declared, which act is in accordance with the judgment of the Hon'ble Supreme Court of India in Civil Appeal No. 367 of 2017 titled as ***Ran Vijay Singh and others Vs. State of U.P. & Others***, decided on 11.12.2017, hence, the said plea which is being taken by the

petitioners, is not correct keeping in view the facts and circumstances of the present case.

4. With regard to the allegations of mass copying and paper leak, learned counsel for the Commission submits that the Commission received various representations, which were sent to the Investigating Agency and the Investigating Agency is already looking into the said aspect for which, the State is in a better position to respond.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. In the present petition, the challenge is to the selection process, which process was undertaken by the respondent-Commission qua the post of Veterinary Surgeon in pursuance to the Advertisement No. 41/2022 dated 11.12.202.

7. Qua the first grievance raised by the learned counsel for the petitioners qua 26 questions, which according to the petitioners, did not carry right answers in the answer key, the said plea cannot be accepted keeping in view the statement of the learned counsel for the respondent-Commission, according to which, the objections raised by the petitioners or the other similarly situated candidates qua those very questions were put to the Expert Committee and the Expert Committee after considering the objections made by the candidates revised the answer key and recommended to the Commission, which recommendations were accepted by the Commission and the Commission has decided to declare the result of written examination on the basis of the revised answer key,

however, the result could not be declared so far due to the interim order passed by this Court.

8. Keeping in view the fact that the recommendations of the Expert Committee with regard to the objections raised have already been accepted by the Commission and it has been stated before this Court that while declaring the result of the written examination held on 15.03.2023, the revised answer key as re-commended by the Expert Committee will be implemented, no further grievance of the petitioners survives on the said account.

9. With regard to the allegations that there was mass copying and the paper in question was leaked, it has been stated by the learned counsel for the respondent-Commission that keeping in view the representations made by the petitioners to the Commission, the same have already been forwarded to the police and the police is looking into the allegations alleged in those complaints so as to find out the genuinity/truth behind the allegations alleged in those complaints. That being the position, no further orders are required to be passed by this Court at this stage as, the matter is already before the Investigating Agency qua the allegations being alleged in the present petition.

10. It may be noticed that once the police is investigating the allegation being alleged by the petitioners qua mass copying and paper leak, the same cannot be made a ground to stall the selection process but once, the allegations made by the petitioners are being investigated by the Investigating Agency, any selection which is to be made by the

respondents to the post in question will be subject to the outcome of the report of the said Investigating Agency.

11. Further, in case any report is submitted by the Investigating Agency before the appointment of the selected candidates, the State is directed to keep in mind the recommendations of the Investigating Agency while making the appointment and the same should be dealt with in accordance with law.

12. If the report of the Investigating Agency is not received upto the date of appointment, in the appointment order, it should be duly mentioned that the appointment in question will be subject to the outcome of the report of the Investigating Agency qua the allegation of mass copying and the paper leak and the State will be within its jurisdiction to take appropriate action in case, any recommendation is made by the Investigating Agency against any of the selected/appointed candidates.

13. Learned State counsel submits that next date for investigation is fixed for as 23.10.2023, wherein certain candidates have been called for so as to ascertain the factual position qua the allegations and any material, which the petitioners have in their possession to support the allegations, the same be submitted to the Investigating Agency for their consideration as the State is against manipulative selection being a welfare estate.

14. Keeping in view the above, the present writ petition is disposed of with the direction that any selection will be made, the same will be done in accordance with the observation made hereinbefore.

CM-11347-CWP-2023

As the main petition has been disposed of, no order is required to be passed in the present application.

Dismissed.

October 18, 2023
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No