

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

**COCp-875-2023 (O&M)
Date of decision: 31.07.2023**

Prabhjot Kaur and another

...Petitioners

Versus

Jaspreet Talwar

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. H. C. Arora, Advocate
for the petitioners.

Mr. Ajit Singh Natt, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

CM-5471-CII-2023

Allowed as prayed for.

Copy of the speaking order dated 02.03.2023 is taken on record
as Annexure P-6.

Main Case

The petitioners are alleging violation of the order dated 15.02.2023, passed by this Court in CWP-3639-2021, vide which, while disposing of the writ petition along with two other writ petitions, the following order was passed:

“1. By this order, three connected Civil Writ Petitions I.e CWP3639, 6279 and 4038 of 2021 shall stand disposed of.

2. Learned counsel representing the State has filed an additional affidavit of the Assistant Director, Education Recruitment Directorate, Department of School Education, Mohali, on behalf of respondent no.1 to 3 (in CWP-3639-2021). The report of the experts from Panjabi

University, Patiala, has been received in a sealed cover, which on the directions of the Court, has been opened by the Court Master. On a perusal thereof, it is evident that the subject experts have suggested changes in the answers of certain questions and have also recommended deletion of a few questions.

3. In this case, the dispute is with regard to the correctness of the revised answer key published by the recruiting agency. Let the report of the two members expert committee be considered by the Principal Secretary, Department of Education, Punjab and thereafter, an appropriate decision, in accordance with law, be taken, within a period of 15 days, from today, positively.

4. Report of the experts, in original, has been returned to the learned State counsel, while placing a photocopy of the same on the record. Learned State counsel has assured the Court that the necessary steps in this regard shall be taken within a period of 15 days, from today.

5. With these observations, the writ petitions are disposed of.

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

In the compliance affidavit, filed today by the Special Chief Secretary to Govt. of Punjab, Department of School Education, the following submissions are made in paragraph No. 4:

“That in this regard, it is respectfully submitted that the Department the of School Education advertised 3704 posts of Master Cadre in different subjects vide advertisement dated 28.02.2020. Total 7 questions/answer keys in Punjabi subject were challenged by way of various writ petitions pertaining to the State level written test conducted in pursuance to the

criteria mentioned in the advertisement dated 28.02.2020 for recruitment of Punabi Master/Mistress Cadre posts. The State level written test was conducted by Guru Nanak Dev University, Amritsar (GNDU). In the wake of the terms of the agreement with the GNDU, after receiving the objections from the candidates, the result was revised by the GNDU.”

It is further stated in the aforesaid affidavit that in pursuance to the order of the writ Court, the subject experts of Punjabi University, Patiala re-examined the disputed questions and sent the report qua disputed questions and their answer keys to the office of the deponent and it was stated that there were four disputes questions/answer key. In paragraphs Nos. 9 to 10 of the affidavit, the following submissions are made:

“9. That, as there was difference of opinion regarding the correctness of the disputed questions/answer keys of the reports of the subject experts of Guru Nanak Dev University, Amritsar and Punjabi University, Patiala. The then Principal Secretary to Government of Punjab, Department of School Education, in order to avoid any injustice to the any of the candidates and avoid travesty of justice and also to minimize the contradiction, decided to call the joint sitting of the subject experts of Punjab University, Chandigarh, Guru Nanak Dev University, Amritsar and Punjabi University, Patiala. The Registrars of the three Universities were requested to conduct the joint meeting of the subject experts on 24.02.2023.

10. That the subject experts after joint meeting declared that out of 7 disputed questions/answer keys in the Punjabi subject, the answer of only one question no. 12 of Punjabi subject Paper Series 'A' was changed from the option displayed in the revised answer key. The result

was revised of all the candidates for the subject of Punjabi Master/Mistress accordingly.

11. That in the light of order dated 15.02.2023 passed by the Hon'ble Court, the then Principal Secretary to Government of Punjab, Department of School Education had passed well reasoned speaking order dated 02.03.2023 (Annexure P-6) after considering the report of the subject experts of the three Universities, wherein the above said competent authority arrived at the conclusion that the result of all the candidates, who appeared in the recruitment of 3704 Master Cadre, in Punjabi subject, needs to be revised to the extent that one additional mark may be given to those candidates who had attempted question No. 12 of 'A' Series and opted for the correct option and one mark may be deducted from the score of candidates who opted for wrong answer to question No. 12 Series 'A' booklet, as decided by the Expert Committee in their meeting dated 24.02.2023. Hence, the respondent department has complied with the order dated 15.02.2023 passed by this Hon'ble Court in CWP No. 3639 of 2021.”

Learned State counsel submits that in order to come to a correct position and to find out the truth regarding answer key, the scope of the checking of answer key was expanded and more experts were appointed and thereafter, the result was declared by passing a speaking order.

Learned counsel for the petitioners submits that the respondent has violated the order dated 15.02.2023, passed by the writ Court in passing the speaking order dated 02.03.2023 as it was not within the domain of the Principal Secretary to Govt. of Punjab, Department of School Education, after the writ Court has issued directions considering the report of the two

experts.

After hearing learned counsel for the parties and going through order passed by the writ Court, the speaking order dated 02.03.2023 as well as the aforesaid affidavit, I find no merit in the submissions made by learned counsel for the petitioners as it is admitted case that against the posts advertised, hundreds of candidates have applied and have appeared in the examination, therefore, in order to bring equity and justice to all the candidates, if the expert committee, well within its wisdom, has decided to review the decision taken by the previous expert committee of two members, it cannot be said that they are in contempt of violating the order passed the writ Court.

Since the petitioners, well within their rights, can challenge the experts' report/speaking order, I find no willful disobedience on the part of the respondent.

Accordingly, the present petition is dismissed.

Rule stands discharged.

31.07.2023
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No