

In the High Court of Punjab and Haryana, at Chandigarh**Civil Writ Petition No. 7312 of 2023****Date of Decision: 13.04.2023**

Rupinder Kaur

... Petitioner(s)

Versus

State of Punjab and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.Present: Mr. Arjun Shukla, Advocate
for the petitioner(s).Mr. Vishnav Gandhi, Deputy Advocate General,
Punjab.**Anil Kshetarpal, J.**

1. On 15.02.2023, a batch of 37 writ petitions was disposed of with the following order:-

“1. By this order, 37 Civil Writ Petitions (details whereof are given at the foot of the judgment) shall stand disposed of.

2. In continuation of the previous orders passed on the earlier dates of hearing, an additional affidavit of the Assistant Director, Education Recruitment Directorate, Department of School Education, Mohali, on behalf of respondent no.1 and 2 (in CWP-24047-2022) has been filed alongwith report of the subject experts from Guru Nanak Dev University in a sealed cover, which on the directions of the Court, has been opened by the Court Master. The report has been examined and answers to as many as 85 questions of the five different streams have

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been examined by the subject experts while giving the report.

As per the report, necessary steps are required to be taken by the competent authority.

3. *Sh.Sunil Kumar Nehra, Advocate has entered appearance on behalf of respondent no.4 (in CWP-24855-2022) and filed his reply, which is taken on record.*

4. *Let the report submitted by the 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 three weeks, from today, positively.*

5. *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 three weeks, from today.*

6. *With these observations, the writ petitions are disposed of.*

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

2. In compliance therewith, the Principal Secretary to the Government of Punjab, Department of Education, Punjab, has examined the report submitted by the Expert Committee consisting of the Subject Experts and have passed an appropriate order. The petitioner is not satisfied with the revised result uploaded on the website.

3. The learned counsel representing the petitioner contends that there can be only one correct answer to a question and that the Principal Secretary erred in concluding that all candidates who submitted answers in a way that entitles them to receive marks for two different answers were incorrect.

4. In this case, the test was held by giving multiple choices to the questions given in the answers. The candidates were required to mark in the OMR answer sheet. The Experts, after examining the answers, have found that out of four options, two answers are correct. Thus, the Principal Secretary has held that the candidates who have given any of the two correct answers shall be entitled to the marks. The scope of a writ Court is limited. On the intervention of the Court, the Subject Experts have examined the answers related to Zoology and Botany sections of the Science stream.

5. Keeping in view the aforesaid facts, no ground is made out to issue the writ. Hence, the present writ petition is dismissed.

(Anil Kshetarpal)
Judge

April 13, 2023
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No