

**133 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-9827-2023 (O&M)

Date of decision: 08.05.2023

Preetinder Kaur

....Petitioner

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL

Present:- Mr. Sunny Singla and
Ms. Riti Aggarwal, Advocates for the petitioner

Mr. Vikas Mohan Gupta, Addl. AG, Punjab

ANIL KSHETARPAL, J (Oral)

1. This is second round of petition filed by the petitioner. The dispute is with regard to the correctness of the revised answer key uploaded by the recruiting agency on 28.04.2023. In the first round, as many as 37 the writ petitions were 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 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. Pursuant to the supply of the advance copy of the writ petition, Sh.Vikas Mohan Gupta, Addl. AG, Punjab, has entered appearance and produced a copy of the order passed on 15.03.2023, operative part whereof reads as under:-

“That in view of the above decision of the undersigned, the Additional Director, NIELIT, Chandigarh, Registrars of GNDU, Amritsar and Punjabi University, Patiala vide letters dated 24.02.2023 and 03.03.2023 were requested to send experts to conduct a joint meeting on 06.03.2023 at 12:30 p.m at the O/o Director, Education, Recruitment Directorate, SAS Nagar, Punjab. (Copy of letters dated 24.02.2023 and 03.03.2023 are annexed as Annexure-X)

That these subject experts conducted a

joint meeting on 06.03.2023. Subsequent to examining the dispute Hindi Question/ Answer Keys of B Series Booklet, the subject experts submitted their report dated 06.03.2023 whereby, they declared that out of 10 disputed question Nos. 14, 33, 58, 68, 74, 86, 94, 115, 117 and 130 of Hindi Subject as per Question Paper Booklet Series B answer of 01 (one) question No.74 stands changed from the options displayed in the revised answer key finalized by NIELIT after considering the objections, on the basis of which recruitment was done. The report of the subject experts dated 06.03.2023 is attached at Annexure Y.

In view of the above facts on file and perusal of relevant report dated 06.03.2023 submitted by the experts from Panjab University on behalf of NIELIT, Chandigarh, Guru Nanak Dev University, Amritsar and Punjabi University, Patiala, I, Jaspreet Talwar, IAS, Principal Secretary to Government of Punjab, Department of School Education, have arrived at the conclusion that the result of all the candidates who appears in the recruitment exam of 4161 Master Cadre, in Hindi subject, needs to be revised, to the following extent that:

(I) Since question No.74 of Question Booklet Series B is to be dropped as per the report of expert committee dated 06.03.2023, 1 (one) mark of this dropped question would be given to all the candidates. However, in order to avoid any duplication of marks for the same dropped question, the mark/score if already given to any candidate against this dropped question will be first deducted so that there is no undue advantage to any candidate as

decided by the Expert Committee in their meeting dated 06.03.2023.

(ii) There is no change in answers of Question Nos. 14, 33, 58, 68, 86, 94, 115, 117 and 130 as per expert committee report dated 06.03.2023 when compared with the revised key issued by NIELIT after considering the objections, so there is no need to change/revise the result of these questions.

Subsequent to the revision of result a public notice in this regard shall be published in newspapers along with the uploading of this revised result on the web site of the Department and login IDs of the affected candidates regarding change in their scores.

Candidates found eligible for selection on the basis of revised result, may be considered for appointment. Candidates who will not make their place in selection zone after revision of result, despite having been issued appointment letters, would be issued notices for cancellation of their appointment letters. The entire exercise of revision of result based on this order may be concluded within 45 days from the date of issuance of this order.”

3. Learned counsel representing the petitioner submits that subject matter experts of Guru Nanak Dev University have reported that the correct answer to question no.74 was option (d) whereas the revised answer key shows that option (b) is the correct answer. He submits that once an expert has opined, the respondents are bound to follow the same.

4. From a reading of the extracted portion of the order, it is

evident that the subject matter experts from the Panjab University, Guru Nanak Dev University and Punjabi University were requested to give their reports after examining the objections filed by the candidates. The Principal Secretary of the Department has formed an opinion based on the said reports. The scope of the judicial review in such matters is limited. Reliance in this regard can be placed on *In Vikesh Kumar Gupta vs. State of Rajasthan (2021) 12 SCC 309* and *Ran Vijay Singh vs. State of Uttar Pradesh (2018) 2 SCC 357*.

5. In view of the aforesaid facts, no ground to issue the writ, as prayed for, is made out.

6. Hence, dismissed.

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

08.05.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE