

2023:PHHC:068754

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

**CWP-10296-2023 (O&M)**  
Date of decision: 11.05.2023

Amandeep Kaur and others

....Petitioners

Versus

State of Punjab and others

..Respondents

**CORAM: HON'BLE MR JUSTICE ANIL KSHETARPAL**

Present:- Mr. Vikas Chatrath, Advocate for the petitioners  
Mr. Vikas Arora, AAG, Punjab

**ANIL KSHETARPAL, J (Oral)**

1. Once again a dispute with regard to the correctness of the revised answer key has been assailed. Initially, pursuant to the recruitment examination, a provisional answer key was uploaded, while inviting the objections from the candidates who participated in the said test. The candidates filed their objections which were referred to the National Institute of Electronics and Information Technology. After the examination of the objections, a revised answer key was uploaded, which led to the filing of the various writ petitions after noticing that the aforesaid institute has been assigned the work of holding the competitive examination. Hence, on the intervention of the Court, the State Government agreed to refer the matter to the subject matter experts. Thereafter, the writ petitions filed were disposed of on 15.02.2023 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. After having received information from the subject matter experts, the Principal Secretary, Education, Punjab, has once again examined the matter and prepared a revised answer key. The petitioners claim that the revised answer key is wrong and the opinion of the experts has not been accepted by the Principal Secretary.

3. Learned counsel representing the petitioner contends that the Principal Secretary was not authorized to form a different opinion than the one, suggested by the subject matter experts, without the prior leave of the Court.

4. In the considered view of the Court, the Principal Secretary, being a top functionary of the Department of Education while exercising the powers of the Government, is free to draw a conclusion, based upon various opinions and feedbacks received by her and there was no need to seek prior permission of the Court.

5. In this case, this Court in the first round has already interfered, resulting in the appointment of the subject matter experts. In such circumstances, this process cannot be permitted to be stretched endlessly. Once the information submitted by the various subject matter experts has been considered by the Principal Secretary while revising the result, this Court does not find it appropriate to interfere in the exercise of the jurisdiction under Article 226/227 of the Constitution of India. The scope of the judicial review in the cases of this nature has been laid down by the Supreme Court 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*.

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

7. Hence, dismissed.

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

11.05.2023

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

**(ANIL KSHETARPAL)**  
**JUDGE**