

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

**CWP No.26908 of 2016 (O&M)
Date of decision : 03.02.2023**

Deepak Gupta Petitioner

versus

Punjab State Transmission Corp. Ltd. & anr. Respondents

CWP No.6942 of 2017 (O&M)

Harmandeep Singh Petitioner

versus

Punjab State Transmission Corp. Ltd. & anr. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Mohit Jaggi, Advocate
for the petitioner (CWP-26908-2016).

Ms. Manpreet, Advocate for
Ms. Snighda Sood, Advocate
for the petitioner (CWP-6942-2017).

Mr. Vikas Mohan Gupta, Advocate
for respondents No.1 & 2 (CWP-26908-2016) and
for respondent No.1 (CWP-6942-2017).

Mr. Arun Nehra, Advocate
for respondent No.3 (CWP-26908-2016)
for respondent No.2 (CWP-6942-2017).

PANKAJ JAIN, J. (ORAL)

This order shall dispose off above mentioned two writ petitions.

For convenience the facts are being taken from ***CWP No.26908 of 2016*** titled as

Deepak Gupta Vs. Punjab State Transmission Corporation Ltd. & anr.

By way of present writ petition filed under Article 226/227 of the Constitution of India, petitioner prays for writ in the nature of Mandamus directing respondents to re-examine the answer key of the questions set in the examination by constituting a Board of eminent/reputed experts having knowledge and adequate experience in the field.

The petitioner was an applicant to the 100 posts of J.E. (Electrical) put to recruitment by the respondent vide public notice dated 16.08.2016 (Annexure P-2). The selection was based upon written test. The petitioner participated in the same but could not make to the merit list.

The grievance raised in the present petition relates to dispute regarding the answer key which as per the petitioner is wrong. Respondents in the written statement have submitted that initial answer key was uploaded and objections were invited from the candidates. The same were dealt with by the subject matter experts and on rechecking the same it was found that one question i.e. question No.11 was found to be incorrect and resultantly to maintain uniformity across the Board one mark for the same was awarded to all the candidates despite that such exercise the petitioner still has fallen short of the merit. It has been further stated that the objections raised *qua* other questions were placed before the subject experts and the same were dealt with and no ambiguity was found in the answers resultantly, no relief can be granted. The issue with respect to interference in answer key at the hands of a Constitutional Court while exercising writ jurisdiction is well settled. Apex Court in the case of ***H.P.Public Service Commission Vs. Mukesh Thakur & anr. (2010) 6 SCC 759*** while culling out the specific issue held as under :-

“12. In the facts and circumstances of the aforesaid case, three basic questions arise for consideration of this Court:-

(i) As to whether it is permissible for the court to take the task of Examiner/Selection Board upon itself and examine discrepancies and inconsistencies in the questions paper and valuation thereof.”

Answered the same in the following terms :-

“19. In view of the above, it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the question or evaluation of the answer, it could be for all the candidates appearing for the examination and not for respondent no.1 only. It is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court.”

In view of the aforesaid fact once the objections raised by the candidates have been dealt with by the examining body, this Court cannot sit as an expert in this matter.

Resultantly, both the writ petitions are dismissed.

(PANKAJ JAIN)
JUDGE

03.02.2023

Pooja sharma-I

Whether speaking/reasoned	Yes
Whether Reportable :	No