

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(220)

CWP-24186-2018

Date of Decision : December 11, 2023

Yogesh Sharma

.. Petitioner

Versus

Haryana Staff Selection Commission

.. Respondent

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Navnit Sharma, Advocate, for
Mr. R.S. Dhull, Advocate, for the petitioner.

Mr. Saurabh Mohunta, Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the grievance of the petitioner is that certain questions were incorrect in the written examination which was conducted while selecting the candidates for the post as advertised vide Advertisement dated 01.12.2015 (Excise Inspector).

2. Learned counsel for the petitioner argues that the petitioner had raised the grievance qua the answer to certain questions and without adverting to the said objections, the selection process has been finalized, which has caused prejudice to the petitioner.

3. In reply to the writ petition, the respondents have mentioned that certain objections were raised qua certain questions with regard to the written test which was conducted while making selection to the post of Excise Inspector and the objections received were forwarded to the Chief

Examiner and after considering all the objections, a report was submitted by the Chief Examiner, which report was taken into account to amend the answer key and the amended answer key was implemented for preparing the result of the written examination and therefore, once the petitioner claim has already been evaluated as per the revised answer key, which was put into operation keeping in view the Expert Committee's report, no further grievance can be raised by the petitioner.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The question whether, the Court can adjudicate upon the grievance being raised qua the answer to the questions raised in the written examination, has already been settled by the Hon'ble Supreme Court of India while passing order in ***Civil Appeal No.367 of 2017 titled as Ran Vijay Singh and Others Vs. State of U.P., decided on 11.12.2017.*** The paragraph 32 and 34 of the said judgment are as under:

“32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present

appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination – whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.

34. Having come to the conclusion that the High Court (the learned Single Judge as well as the Division Bench) ought to have been far more circumspect in interfering and deciding on the correctness of the key answers, the situation today is that there is a third evaluation of the answer sheets and a third set of results is now ready for declaration. Given this scenario, the options before us are to nullify the entire re-evaluation process and depend on the result declared on 14th September, 2010 or to go by the third set of results. Cancelling the examination is not an option. Whichever option is chosen, there will be some candidates who are likely to suffer and lose their jobs while some might be entitled to consideration for employment”.

6. The claim of the petitioner is to be examined as per the settled principle of law noticed hereinbefore. In the present case, the objections raised by the petitioner have already been sent to the experts and it is only after the report of the experts, the final answer key was published by the respondents and all the candidates including the petitioner has also been evaluated by the same answer key as recommended by the experts after considering all the objections. That being so, no further adjudication can be

done by this Court qua the grievance that answer in the answer key remain vague even after the report of the expert.

7. As per the judgment of the Hon'ble Supreme Court of India, even if there is a grey area after the report/opinion of the expert committee, the benefit will go in favour of the Commission and not to the candidate. That being the settled position of law, this Court will not like to interfere in the selection process undertaken, which has already attained finality since long.

8. Dismissed.

December 11, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No