

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

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CWP-24281-2018 (O&M)  
Decided on :06.12.2023

Ketan Kumar . .Petitioner  
Versus  
State of Haryana and others . . . Respondents

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

PRESENT: Mr. Raghav Goel, Advocate,  
Mr. Kanwar Abhay Singh, Advocate and  
Mr. Govind Rana, Advocate  
for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana.

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**HARSIMRAN SINGH SETHI , J. (Oral)**

1. In the present petition, the grievance of the petitioner is that the answer depicted in the answer key qua the questions No. 25, 51 and 81 were wrong and without looking into the objections raised by the petitioner qua the answers to the said questions, the respondents have finalized the selection process for the post of Excise Inspector which is totally arbitrary and illegal.
2. In reply to the petition, the respondents in paragraph No. 7 of the reply have mentioned that the objections which were raised by the petitioner to the three questions alongwith other objections were put before the chief Examiner and after obtaining the report of the Expert Committee revised/final answer key was issued and the objections raised by the petitioners were rejected as there was no change in the answer depicted in the final/revised answer key and selection for the post in question has already been finalized and the candidates have already been recommended and appointed.
3. Learned counsel for the petitioner submits that the petitioner

has not been given the information rejecting the claim of the petitioner, hence, it cannot be said that the objections raised by the petitioner were considered and then final answer key was issued so as to assess the candidates for recommendation and appointment for the post in question.

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

5. It is a settled principle of law that the Court has no expertise in the academic matter and will not sit in appeal into the report given by the expert committee on any issue. In the present case, in paragraph No. 7 of the reply, it has already been mentioned that the objections which are raised by the petitioner were put before the Chief Examiner/Expert Committee and after getting the report of the expert, the final answer key was issued but objections raised by the petitioner did not find favour with the experts and the same were rejected.

6. Moreover, 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. & Others**', decided on 11.12.2017, has held that the candidate can raise the objection only before the Expert Committee and the report of the Expert Committee is to be accepted by the Court and even if, there is any doubt even after the Expert Committee's report, the benefit of doubt will go to the examination authority rather than to the candidate.

7. The relevant paragraph No. 30 of the said judgment is reproduced here under:-

*"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;*

*(ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.”*

8. Keeping in view the above, as in the present case also the objections were put before the Expert Committee / Chief Examiner and after getting the report qua the said objections raised by the petitioner, the answer key was finalized by the respondents-department, which answer key has been made applicable upon all the competing candidates, no ground is made out for interference by this Court in the present petition, hence, the present petition stands dismissed.

9. The present petition stands dismissed.

10. Civil miscellaneous application pending, if any, is also disposed of..

(HARSIMRAN SINGH SETHI)  
JUDGE

**06.12.2023**

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Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No