

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

LPA-932-2022 (O&M)

Date of decision : 25.05.2023

Monu

.....Appellant

Versus

Haryana Staff Selection Commission

....Respondent

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Amit Jhanji, Senior Advocate, with
Mr. Sachit Singla, Advocate,
for the appellant.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

1. This appeal has been filed by the appellant being aggrieved by an order and judgment dated 09.08.2022, whereby the writ petition (CWP-21821-2018) preferred by him has been dismissed.

2. The brief facts leading to the filing of the petition are that pursuant to an advertisement (P-2) issued by the respondent in the year 2015, the appellant applied for the post of Clerk. He appeared in the written examination on 20.11.2016. The result (P-6) was published on 09.10.2017. The appellant secured 152 marks and being successful, he was called for interview. However, subsequently on a query being raised by some other candidate in respect of correctness of answer in the model answer-key in respect of question No. 99 of question paper Series-A in the subject of Hindi, the expert committee examined the matter and

thereafter changed answer to the said question, as a result of which the revised result was declared on 15.03.2018 and the appellant could not get the appointment. Thereafter, the appellant obtained the revised answer-key under the provisions of the Right to Information Act, 2005, and approached the respondent challenging the correctness of answer to question No. 99 of question paper Series-A in the subject of Hindi, determined by the expert committee. As the appellant's efforts did not yield any result, he filed writ petition before this Court, challenging the act of the authorities in changing answer to said question No. 99 and his resultant disqualification.

3. Learned Single Judge, after examining the matter and considering the return filed by the respondent, took note of the fact that correctness of answer given to question No.99 of question paper Series-A in the subject of Hindi was examined by a panel of three experts and the model answer-key was revised on the basis of the opinion of the expert committee. Learned Single Judge dismissed the petition on the ground that the matter has been examined by an expert committee and the Court cannot sit over the same and express any opinion to the contrary. Learned Single Judge has also held that change in answer to question No.99 was applied to all the candidates and, therefore, no case of discrimination is made out. It has been further held that the appellant approached the Court after lapse of six months of declaration of the result and, in such circumstances, the petition could not be entertained.

4. Learned senior counsel appearing on behalf of the appellant submits that the respondent – Commission in its reply, did not specifically state as to whether the expert committee constituted by the

authorities comprised of a person who was a subject-expert, i.e. a person who was expert in the subject of Hindi. He submits that in such circumstances, as the answer to question No.99 given by the appellant was in accordance with the material that he had taken into consideration and had studied, therefore opinion of the expert committee should be ignored. He further submits that answer to the said question was changed by the authorities without giving any opportunity to the appellant and, therefore, the learned Single Judge has erred in dismissing the petition.

5. We have heard learned senior counsel for the appellant and perused the record.

6. The law regarding the scope of interference in such matters has been laid down by the Supreme Court in **Rishal and others Vs Rajasthan Public Service Commission and others (2018) 8 SCC 81;** **Uttar Pradesh Public Service Commission, through its Chairman and another Vs Rahul Singh and another (2018) 7 SCC 254;** **Ran Vijay Singh and others Vs State of Uttar Pradesh and others (2018) 2 SCC 357** and **Vikesh Kumar Gupta and another Vs State of Rajasthan and others (2021) 2 SCC 309**, wherein it has been held that where the matter has been examined by the experts, the Court is not required to examine the correctness of the expert opinion. In the instant case, admittedly, the matter was referred to an expert committee, which has given its opinion, on the basis of which answer to question No.99 of question paper Series-A in the subject of Hindi was revised. In such circumstances, we are of the considered opinion that no fault can be found with the reasoning recorded by the learned Single Judge in this regard. It is further noted that advertisement in the instant case was issued in the year 2015;

the examination was held in the year 2016; the result was published in the year 2017; the revised result was declared in the year 2018; and selections from the select list have also been made. In such circumstances, we do not find that any meaningful purpose would be served by taking up the issue by this Court at this stage.

7. The appeal being bereft of merit is, accordingly, dismissed.
8. All the pending applications stand disposed of.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

May 25, 2023
ndj

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