

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(226)

CWP-4161-2018

Date of Decision : August 22, 2023

Chetan

.. Petitioner

Versus

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Arvind Seth, Advocate, for the petitioner.

Mr. Harish Rathee, Sr. Deputy Advocate General, Haryana.

HARSIMRAN SINGH SETHI J. (ORAL)

1. Present petition has been filed challenging the result of the written examination, which was held by the respondents in pursuance to the Advertisement No. 6 of 2016 qua appointment to the post of Industrial Extension Officer.

2. Certain facts needs to be mentioned for the correct appreciation of the issue in hand:

3. Respondent No.3 issued an Advertisement No.6 of 2016 advertising various posts and under the category No.2, the post of Industrial Extension Officer was advertised. Keeping in view the eligibility qualification mentioned therein, the petitioner, who fulfilled the same, applied for the said post. As per the Advertisement, the selection was to be conducted on the basis of the written examination and the candidates, who cleared the written examination, keeping in view the number of posts

advertised, were to be called for interview and the final selection was to be made after adding the marks of the written test with that of interview.

3. The petitioner appeared in the written examination on 12.09.2017. After the written examination, the answer key of the written examination was published by the respondents inviting objections from the candidates and the petitioner raised an objection qua Question No.93. As per the petitioner, the correct answer to the Question No.93 is option “B” whereas the answer key published by the respondent-Department provided the correct answer as option “C”.

4. The objections received were forwarded by the respondent-Department to the examiner for his consideration and after going through proper consideration, the answer given in the answer key qua Question No.93 was changed from option “C” to option “D”. Keeping in view the amendments made to the answer key, the respondent-Department declared the result of written examination and short listed the candidates to be called for interview, however, the petitioner was not called for interview as he secured 154 marks whereas the last selected candidate to be called for interview has secured 156 marks. Hence, the petitioner was not called for further selection process.

5. Learned counsel for the petitioner submits that without considering the claim of the petitioner qua the objection raised qua Question No.93, the result of written examination has been prepared which has caused prejudice to the petitioner as he was declared unsuccessful in the written examination.

6. Upon notice of motion, the respondents have filed the reply wherein, the respondents have conceded the fact that the petitioner and some other candidates filed objections qua Question No.93 which was put

to the examiner and examiner realizing his mistake, has corrected the answer from option “C” to option “D” and thereafter, written result was prepared on the basis of the revised answer key. Hence, as the petitioner could not get the minimum marks secured by the last selected candidate to be called for interview, no grievance can be raised by the petitioner.

7. Learned counsel for the respondents submits that the selection process for the post in question has already attained finality and the selected candidates are already working.

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

9. It may be noticed that though initially in the writ petition, the stand of the petitioner was that without adverting to the objections raised by the petitioner qua Question No.93, the result has been finalized but after the reply filed by the respondents, the argument being raised by the learned counsel for the petitioner is that the objection should have been placed before the Expert and not before the examiner as the examiner was interested party and would not have changed the initially prescribed correct answer so as to maintain his position.

10. The argument being raised by the learned counsel for the petitioner cannot be accepted on the ground that in the present case, though the matter was referred to the examiner once again by the Commission but examiner realizing his mistake, has accepted the objections and corrected the answer from option “C” to option “D” hence, it cannot be said that the objections raised by the petitioner were not considered objectively by the examiner in the facts and circumstances of the present case.

11. Learned counsel for the petitioner relies upon the judgment of the Coordinate Bench of this Court in ***CWP No.8015 of 2017 titled as***

Ramandeep Kaur vs. Council of Scientific and Industrial Research (CSIR) decided on 28.09.2017 to contend that the objections received are to be sent to independent subject expert and not to the examiner.

12. Though, there is no quarrel with the said proposition but in the facts and circumstances of the present case where even the examiner considered the objection raised by the petitioner with open mind and accepted his mistake and corrected the answer from option “C” to option “D”, it cannot be said that the petitioner suffered any prejudice on account of sending the objections to the examiner rather than to an independent expert.

13. In the facts and circumstances of the present case, the objection raised by the petitioner and the similarly situated candidates qua Question No.93, has been considered with open mind and rather the objections stand accepted though not to the liking of the petitioner, who still could not make the grade so as to be called for interview. Hence, in the facts and circumstances of the present case, no interference is called for by this Court in the process adopted by the respondents in conducting the selection process which has already attained the finality and the candidates have already been selected and are working.

14. Dismissed.

August 22, 2023
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : Yes