

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

224

CWP No. 5739 of 2018
Date of decision: 31.01.2023

Monika

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rajeev Kawatra, Advocate for the petitioner.
Ms. Tanushree Gupta, DAG, Haryana.
Mr. Gobind Kanwar and
Mr. Kanwar Goyal, Advocate for respondent No. 2.

HARNARESH SINGH GILL, J.

The present petition has filed under Article 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari quashing the final result dated 15.01.2018 (Annexure P-6) issued by the Haryana Public Service Commission for the post of Assistant Professor (Chemistry) as there are three questions were deleted wrongly in the question paper in the subject of Assistant Professor (Chemistry).

Learned counsel for the petitioner states that vide Advertisement No. 10 dated 16.02.2016 issued by respondent No. 2- Haryana Public Service Commission, the posts of Assistant Professor in various subjects were advertised and the petitioner had applied for the post of Assistant Professor-Chemistry and allotted a roll number and written test was conducted on 09.07.2017. Petitioner had appeared in the written examination and in the written examination many questions had incorrect answers as per the answer key. The petitioner and other candidates

objections, the result of the written examination was declared on 07.11.2017. The petitioner was called for interview on 03.01.2018. On 02.01.2018, the Commission deleted the 9 questions in all the series of the booklet and the objections were raised to this. On 15.01.2018, respondent No. 2- Commission declared the final result.

Learned counsel for the petitioner further states that the petitioner is a Post Graduate with Ph.D degree and 5 papers written by the petitioner was also published. The petitioner also cleared National Eligibility Test (NET) and Junior Research Fellowship (JRF) examinations. Petitioner had secured 84.62 marks in the written examination but his candidature had wrongly been rejected because of the less interview marks. Learned counsel for the petitioner relied upon the judgment passed by the Hon'ble Division Bench of this Court in ***CWP 2943 of 2019 titled as Mahipal Singh and others versus State of Haryana and others, decided on 13.02.2019.***

Learned State counsel as well as learned counsel for the Commission states that the objections raised were duly considered and after considering all the objections all the questions were taken into account and the final answer key was revised and total 9 questions were deleted and thereafter the result was published on 15.01.2018 and the petitioner has scored 68.31 marks whereas the cut off marks is 78.76 in the said category.

I have heard the learned counsel for the petitioner and learned State counsel as well as learned counsel appearing for respondent No. 2.

The petitioner have applied for the post of Assistant Professor in Chemistry. The petitioner has appeared in the examination. Since 9 questions were found to be ambiguous by the Expert Committee and the

objections were called for and thereafter those 9 questions were deleted and the the final result was declared on 15.01.2018. The petitioner has secured 68.31 marks whereas the last candidate who have given appointment got 78.76 marks. Thus, the case of the petitioner has rightly not been considered.

Moreover the decision of the examining body is most suitable and is not open to judicial review and deleting of questions cannot be said to be arbitrary or unreasonable as per law laid down by Division Bench of this Court in *Varun Chandiok versus Haryana Public Service Commission and others 2016 (1) SLR- 227*.

Moreover, as per law laid down by Hon'ble Supreme Court in *Madras Institute of Development Studies and Another versus Dr. K. Sivasubramaniyan and others 2015 AIR (SC) 3643*, it was held that when a person who consciously takes part in the process of selection cannot turn around and question the method of selection.

No ground for interference is made out.

Dismissed.

31.01.2023

Rajeev (rvs)

(HARNARESH SINGH GILL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No