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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-18365-2023 (O&M)
Date of Decision:23.08.2023

MOHIT KAMBOJ

.....Petitioner

V/s.

**STATE OF PUNJAB THROUGH ITS CHIEF SECRETARY, PUNJAB
AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. Sukhdev Kamboj, Advocate,
 for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner has preferred this Writ Petition challenging the final answer key published by the respondents for the written examination in respect of recruitment to the post of Clerk (Legal) stating that in the subject of Punjabi language, one answer was wrong and the correct answer which the petitioner claims should be treated as correct. Accordingly, marks should have been allotted to him as if such marks would have been allotted, he would have qualified the said written examination.

2. Learned counsel for the petitioner submits that he had submitted a representation after the tentative answer key was published, but his objection was not accepted and the final answer key has been published wherein the same answer, which was objected by the petitioner, has been continued to be the correct answer.

3. Learned counsel for the petitioner submits that this Court ought to direct the respondents to formulate an independent Expert Committee for the said purpose which may now declare the fresh result.

4. I have considered the submissions of the learned counsel for the petitioner.

5. The apex Court in the case of “Himachal Pradesh Public Service Commission Vs. Mukesh Thakur and Another”; (2010) 6 SCC 759 has held as under:-

“20. In view of the above, it was not permissible for the High Court to examine the question papers and answer sheets itself, particularly, when the Commission had assessed the inter se merit of the candidates. If there was a discrepancy in framing the question or evaluation of the answer, it could be for all the candidates appearing for the examination and not for Respondent 1 only. It is a matter of chance that the High Court was examining the answer sheets relating to Law. Had it been other subjects like Physics, Chemistry and Mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court. Therefore, we are of the considered opinion that such a course was not permissible to the High Court.

So far as the second issue is concerned, the Court had issued a direction while disposing of the writ petition observing as under:

Therefore, we direct that in future, under the above referred circumstances no other petition on same and similar grounds shall be entertained by this Court.”

6. This Court cannot act as an expert body and would not go into the veracity of answer of a particular question paper relating to any competitive examination as being correct or incorrect. The concerned examining body is expected to take decision at their own level.

7. In the present case, this Court finds that the examining body after having published the tentative answer key, had invited objections and

after having received the objections placed the matter before their own Expert Committee. Thereafter, final answer key has been published as per the recommendations of the Expert Committee.

8. Therefore, there is no further scope to again re-examine the said answer key. The recommendations of the concerned Expert Committee cannot be doubted by this Court and finality is required to be attained to said competitive examination and the result published thereto.

9. There can always be two opinions in relation to an answer to a particular question, however, if the expert Committee reached to a particular conclusion, this Court will not substitute its opinion to that of the Expert Committee and change the answer key. Such a scope is not available under the power of judicial review with this Court.

10. The petitioner has not challenged the recommendations of the Expert Committee nor has he alleged any malafide against the examining body. In view thereof, the answer key, which is applicable to all the candidates equally, shall have to be considered to be final.

11. In view of the aforesaid, the Writ Petition is misconceived and is accordingly **dismissed.**

12. Pending application(s), if any, stand disposed of accordingly.

August 23, 2023
Ess Kay

[SANJEEV PRAKASH SHARMA]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>