

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

262

CWP-6151-2021(O&M)

Date of Decision : 15.02.2024

Madan Lal

...Petitioner

Versus

State of Punjab and another

....Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Rajiv Sharma, Advocate
for the petitioner.

Mr. Swapan Shorey, DAG, Punjab.

AMAN CHAUDHARY, J.

1. The writ petition has been filed for quashing the scrutiny list dated 24.01.2021, Annexure P-15 prepared on the basis of wrong answer key. The petitioner, who had applied for appointment to the post of Master Cadre in Social Studies and had secured 144 marks out of 150 in the written test that was conducted on 09.01.2021. However, the cut off marks were 145 and he, thus, did not find place in the merit list. He had laid challenge to the answer key as regards question No.35 of Booklet series-B, the correct option for which, according to him, was the 'A', but as per the Key, it was 'B'. One post was kept vacant for him vide order dated 17.03.2021 passed by this Court in the present petition.

2. A short reply by way of an affidavit dated 09/10.01.2024 of Sh. Hapreet Singh, Assistant Director, Education Recruitment Directorate, Department of School Education, Punjab has been filed along with Annexure R-2 appended therewith. As per which, the said question was referred to a

Committee consisting of Prof.(Dr.) Rattan Singh, University Institute of Legal Studies, Prof.(Dr.) Monika Ahuja, Department of Law and Dr. Satnam Singh Deo, Department of Political Science, whose report was placed before the Coordinator of the recruitment Cell, the relevant of which reads thus:

“The proceedings of this committee were forwarded to Prof. (Dr.) Amit Kauts Coordinator of the Recruitment Cell of Guru Nanak Dev University, Amritsar i.e test conducting institute for comments. Prof. (Dr.) Amit Kauts in his comments on the proceedings observed that right answer of question No. 35 of Booklet series-B of the 3704 master cadre post (Social Studies) of test conducted on 9-01-2021 is UNIVERSAL ADULT SUFFRAGE i.e option (B) as per the subject expert appointed by the recruitment cell test conducting institute. He further observed that however, according to the expert committee constituted as per the orders of Hon'ble High Court which held its meeting on 30.10.2023, the option ((a)- Adult Suffrage) is correct and according to above situation, both options(a) and (b) may be considered.

In order to further deliberate on the issue a meeting of the committee was again conducted on dated 28-11-2023 in the office of Directorate Recruitment Directorate of School Education, Punjab. The above said members of the committee deliberated and reiterated their observation given in its meeting on 30.10.2023. As observed in its meeting on 30.10.2023, committee also opined that “*Many a time Universal adult suffrage and adult suffrage is interchanged.*”

Therefore, after considering the opinion of Prof. (Dr.) Amit Kauts, benefit may be given to the candidates who have marked option (A) as well as option (B) of question No. 35 of Booklet series-B of the 3704 Master Cadre post (Social Studies) of test conducted on 9-01-2021.”

3. Learned counsel would submit that in view of the above, the petitioner would receive 2 more marks, taking his score to 146, entitling him to appointment.

4. Learned Counsel for the respondent-State, was unable to controvert the given factual matrix. He however, on instructions, affirms that pursuant to order dated 17.03.2021, a post is kept reserved.

5. The claim of the petitioner was hinging on the correct answer to

question No.35, which in wake of the aforesaid decision, would fetch him marks. Thus, as a fall out thereof, the respondents are directed to consider him against the post reserved and in case found to be in merit, grant appointment alongwith consequential benefits, except arrears of pay and allowances. Necessary exercise be conducted within a period of 4 weeks.

6. The present petition stands disposed of, accordingly.

February 15, 2024

ps

Whether speaking/ reasoned

Whether reportable

(AMAN CHAUDHARY)

JUDGE

:

:

Yes/No

Yes/No