



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106+254

CM-18219-CWP-2024 in/and
CWP-6606-2021 (O&M)

Date of decision: 26.11.2024

Beant Sandhu

..... Petitioner

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present:- Ms. Arzoo Modi, Advocate, for
Mr. Mohd. Yousaf, Advocate
for the petitioner.

Mr. T.P.S. Chawla, Sr. DAG, Punjab.

HARSIMRAN SINGH SETHI, J.(ORAL)

CM-18219-CWP-2024

This is an application for placing on record the replication on
behalf of the petitioner.

Application is allowed and the said replication is taken on
record.

CWP-6606-2021 (O&M)

1. In the present petition, the grievance being raised by the
petitioner is that the petitioner competed for the post of SST
Master/Mistress but, the petitioner has not been successful in getting herself
selected.



2. Learned counsel for the petitioner argues that in the written examination which was conducted for selecting the candidates, there were certain questions which were incorrect especially question No.2 of the Civics and question No.24 of the History. Learned counsel for the petitioner further submits that the petitioner raised the grievance *qua* answer to the said question keeping in view the options given but, without deciding the claim of the petitioner, the result has been finalized which is causing prejudice to the petitioner.

3. Upon notice of motion, the respondents have filed the reply, wherein, the respondents have stated that after the written examination, certain objections were received *qua* the written examination and the questions mentioned therein and the options provided and the said objections were sent to the experts of the Guru Nanak Dev University, Amritsar and keeping in view the report received even *qua* the questions which are being objected to by the petitioner, as per the report, the experts found that the options mentioned in the answer key are correct.

4. Learned State counsel submits that once the claim of the petitioner has been considered by the experts, this Court will refrain from looking into the said objections once again.

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

6. The issue which has been raised in the present petition is *qua* the certain questions, which were asked in the written examination for making selection to the post in question. The objections of the petitioner *qua* the said question has already been considered by the experts of the Guru Nanak Dev University and have given the report that the objections



are not maintainable. Once, the said experts have already looked into the aspect being raised in the present petition, this Court will not like to interfere with the opinion of the experts.

7. Further, the similar controversy came up for consideration before the Hon'ble Supreme Court of India in the case of '**Ran Vijay and others Vs. State of U.P. and others**' 2018 AIR (Supreme Court) 52, where, in para No.30, it has been held as under:-

“The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it; (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate”.

8. Keeping in view the above, wherein the Hon'ble Supreme Court has held that once the experts have already looked into the aspect, the Court should not interfere. Moreover, even if there is a gray area regarding the question, after the opinion of the experts, the benefit is to be given to



the selecting agency and not to the candidate.

9. In the light of above, no ground is made out for any interference by this Court in the present petition keeping in view the facts and circumstances of the present case and accordingly, the present petition is dismissed.

10. The pending miscellaneous application, if any, shall also stands disposed of.

26.11.2024
D.Bansal

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned	Yes / No
Whether Reportable	Yes / No