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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7484-2021 (O&M)

Date of Decision : 18-10-2024

KULDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. B.S Bajwa, Advocate with
Mr. Manthan Pathania, Advocate
for the petitioner.

Mr. Arun Gupta, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

In the present petition, the grievance being raised by the petitioner is that the petitioner had competed for the selection to the post of Hindi Master/Mistress as Advertised vide Advertisement dated 28.02.2020, copy of which has been appended as Annexure P-1 and the petitioner appeared in the written examination. Thereafter, the provisional answer key was published seeking objections from the candidates against which, the petitioner had also raised grievance qua Question No.131 and as per the petitioner without deciding the said objection, the answer key was finalised and the result of the written examination was prepared which is causing prejudice to the petitioner hence, the respondents be directed to first consider the objections raised by the petitioner to the answer key and thereafter

revise the result of the written examination and consider the candidature of the petitioner.

Upon notice of motion, the respondents have filed reply. In their reply, the respondents have stated that after the provisional answer key was issued, certain objections were received and the said objections were sent to the Expert in the Guru Nank Dev University, Amritsar and the Gurunanak Dev University, Amritsar, sent a report qua all the objections including the question No.131 on 15.06.2021, wherein the correct answer is of Question No.131 was mentioned as “B” and not “A”, as being claimed by the petitioner and thereafter, the answer key was finalised and the result was declared hence, the petitioner cannot raise any grievance qua the final answer key or the result of the written examination.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

It may be noticed that the Courts does not have the jurisdiction to interfere with the result of the written examination especially where there exists a report of the subject expert. The said question of law has already been decided by the judgment of the Hon’ble Supreme Court of India in ***Civil Appeal No.367 of 2017*** titled ***“Ran Vijay Singh and ors. Vs. State of U.P and ors.”***, decided on 11.12.2017. The relevant paragraph of the said judgment is as under:-

“30. 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."

A bare perusal of the above would show that even if, there is any grey area after the subject expert opinion, the benefit is to be given to the recruiting agency rather than to the candidate and in the present case, the experts had already answered objection in favour of the selecting agency.

Keeping in view of above, no ground is made out for any interference by this Court.

Hence, the present petition is dismissed.

Pending application, if any, also stands disposed of.

18-10-2024

Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO