

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

LPA-893-2024 (O&M)

Date of decision:- 09.04.2024

Tushar

...Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE**
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Rajbir Singh Attri, Advocate,
for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

1. The present appeal is directed against the order dated 30.11.2023 passed by the learned Single Judge, whereby the challenge to the objections regarding the revised answer-key has been repelled by a reasoned order while disposing of 15 cases.

2. The appellant-writ petitioner is the solitary reaper who still wishes to further agitate for his grievances in spite of the law having been settled squarely against him regarding the jurisdiction of the Courts to go into the gambit of the dispute regarding the answer-keys which is within the purview of the subject experts. The learned Single Judge has considered the judgements of the Apex Court in Civil Appeal No. 5838 of 2018 decided on 14.06.2018 titled ***Uttar Pradesh Public Service Commission Vs Rahul Singh and another***; Civil Appeal No. 4695 of 2018 decided on 03.05.2018 titled ***Rishal and others Vs Rajasthan Public Service Commission and others***; Civil Appeal No. 367 of 2017 decided on 11.12.2017 titled ***Ran Vijay Singh and others Vs State of U.P. and others*** and Civil Appeal No. 7727 of 2019

decided on 30.09.2019 titled ***Haryana Public Service Commission Vs The State of Haryana and others***, whereby the law has been specifically laid down. In similar circumstances, while dealing with another selection process, we have also had the occasion to consider the law in a bunch of appeals the lead case being LPA-418-2024 titled ***Ankush Sharma Vs State of Punjab and others*** while upholding the order of another learned Single Judge on 21.03.2024 regarding a different selection process. Reliance was also placed upon the judgements of the Apex Court in ***H.P. Public Service Commission Vs Mukesh Thakur and others***, 2010(6) SCC 759, ***U.P.P.S.C. and others Vs Rahul Singh and others***, 2018 AIR (Supreme Court) 2861 and ***Vikesh Kumar Gupta and another Vs State of Rajasthan and others***, 2021(2) SCC 309 by us.

3. In the present case also, it has been noticed by the learned Single Judge that out of the five questions, which had been objected to, two objections were accepted by the expert body and they were considered with the open mind. Resultantly, the answer-key was modulated accordingly. The process as such was pertaining to the advertisement dated 15.06.2019 of 1624 posts of Junior Engineer. The argument is now sought to be raised that certain ineligible persons as such were also selected.

4. In the absence of any person having been impleaded and details having been mentioned in the writ petition, we are of the considered opinion that the argument is not liable to be accepted as the proceedings in the Writ Court are of original jurisdiction. Specific pleadings and averments have to be made out in paragraphs so as to give an opportunity to the State to deny the same. In the absence of having done so, the argument as now sought to be raised cannot be accepted. As noticed, the appellant-writ petitioner scored 54

marks out of 90 in the written exam and was given 5 marks out of 10 in the socio-economic criteria and, therefore, failed to make the cut-off for 60 marks for the EWS category. Having participated as such in the process and having not been successful he has filed the present appeal.

5. The learned Single Judge has dealt with all the legal issues which arose in the writ petition. It is not disputed that objections as such were called for and duly dealt with by the expert committee. The methodology which has been followed is not alien and it is within the purview of the examining body, namely, the Haryana Staff Selection Commission. Where the large number of persons as such are competing for the number of posts as mentioned above, there necessarily will be heart-burn since the competition levels are very high and even one mark difference can make the candidate ineligible with as many as scores of candidates having obtained the additional mark and coming within the zone of consideration. In such circumstances, the learned Single Judge has dealt with the issue in the proper perspective keeping in view the law which is well settled. The effort as such that the Court should examine the questions is not liable to be accepted as it is not for the Court to opine about the correctness of the answer-key which has gone through the rigmarole of the subject experts.

6. In such circumstances, there is no merit in the present appeal which stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

09.04.2024
Amodh Sharma

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No