



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

(232)

CWP No. 10020 of 2018

Date of Decision : 22.07.2024

Dilbag Singh Bhullar

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. D.S. Patwalia, Senior Advocate with
Mr. Gaurav Rana, Advocate and
Ms. Sehar Navjeet Singh, Advocate for the petitioner.

Mr. Arun Gupta, Deputy Advocate General, Punjab.

Harsimran Singh Sethi J. (Oral)

1. In the present petition, the grievance being raised by the petitioner is that the petitioner participated in pursuance to the Advertisement No. 1/2016 dated 19.07.2016 (Annexure P-1) for the post of Excise and Taxation Inspector but he has not been considered in the further selection process for the post in question.

2. Learned senior counsel appearing on behalf of the petitioner submits that as per the selection criteria mentioned in the advertisement, a written test was to be conducted and the petitioner appeared in the said written test. After the written test was conducted, the provisional answer key was published inviting objections from the candidates and the petitioner also raised objection qua question Nos. 8 and 34. Learned senior counsel further



submits that though, as per the reply filed by the respondents, all the objections including the questions objected by the petitioner were put to the Expert Committee but, the objection was rejected by the Expert Committee, hence, it can be safely said that without there being any application of mind, the objections filed by the petitioner have been overruled. Learned senior counsel further submits that in case, the benefit of two questions is given to the petitioner, the petitioner will make the grade for the post of Excise and Taxation Inspector.

3. After notice of motion, the respondents have filed the reply and in the reply, the respondents in paragraph No. 5 have stated that the objections raised by the present petitioner as well as by the other similarly situated candidates were put before the Expert Committee and the Expert Committee found no substance in the objections raised by the petitioner and copy of the Expert Committee's Report was also submitted. As per the respondents, after accepting the Expert Committee's Report, the final result of the written examination was declared, hence, petitioner cannot raise any grievance.

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

5. The question which arises for adjudication is whether, the High Court can sit over the judgment/decision of the Expert Committee or not. It may be noticed that the said question of law already stands decided by the Hon'ble Supreme Court of India in Civil Appeal No. 367 of 2017 titled as

Ran Vijay Singh & Others Vs. State of U.P. & Others, decided on



11.12.2017. In paragraph 30, following observations have been made by the Hon'ble Supreme Court of India, which are reproduced 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.”

6. A bare perusal of the above would show that as per the judgment of the Hon'ble Supreme Court of India, even if after the report of the Expert Committee there is a grey area, the benefit will go to the recruiting agency and not to the candidate, hence, the claim of the petitioner that the report of the Expert Committee is liable to be rejected, cannot be accepted.

7. Even otherwise, recently in SLP having diary No. 30367 of 2024 titled as ***Robin Sharma Vs. Haryana Public Service Commission decided***



on 11.07.2024, the Hon'ble Supreme Court of India upheld the judgment of this Court in CWP No. 9273 of 2024, decided on 10.07.2024 with the observation that once an Expert Committee's view has been accepted qua the objections raised to the answer key, no interference can be done by the courts.

8. Keeping in view the above, as in the present case, the objections raised by the petitioner is qua the question Nos. 8 and 34, no interference can be done by this Court in the facts and circumstances of the present case.

9. Dismissed.

10. Pending miscellaneous application, if any, also stands disposed of.

July 22, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No