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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1326-2019 (O&M)
Date of Decision: 15.02.2024

Satish Kumar

. . . . Appellant

Vs.

State of Haryana and others

. . . . Respondents

CORAM: HON’BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON’BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Ashwani Verma, Advocate
for the appellant.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. D.S. Rawat, Advocate
for respondent No.3.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The appellant by way of this letters patent appeal has challenged the judgment dated 19.12.2018 passed by Hon’ble Single Judge in CWP No.20929 of 2016 and has prayed to grant him one more mark than that awarded by the examiner on the submissions that he had answered all the questions correctly and there was no room for deducting one mark in the answer of question No.4 of the subject which has resulted in ousting him from selection. He states that he should have been granted 10 out of 10 marks.
2. Learned counsel submits that the manner in which the examiner has given marks reflects that he has not individually granted marks to the appellant whereas the question contained several sub-questions and he answered each

and every sub-question specifically and correctly. For each sub-question carried out 2 marks, he would therefore get in all the 10 marks.

3. We have carefully considered the submissions and also perused the order passed by the Hon'ble Single Judge, and find that the Hon'ble Single Judge has considered the aspects and also referred to the judgment passed in the case of ***Ran Vijay Singh and others vs. State of UP and others, 2018 (1) SCT 334***, which laid down the five principles which required to be noticed before this Court would enter into the arena relating to the examination result. The cardinal principle No.3 with regard to the fact that the Court should not at all reevaluate or scrutinize the answer sheets of the candidate as it has no expertise in the matter and academic matters are best left to academics, would have an application to the present case. The same principle was followed by the Apex Court earlier in the case of ***H.P. Public Service Commission vs. Mukesh Thakur and another, AIR 2010 SCC 2620*** wherein it held as under:

“24. The issue of re-evaluation of answer book is no more res integra. This issue was considered at length by this Court in Maharashtra State Board of Secondary and Higher Secondary Education & Anr. Vs. Paritosh Bhupesh Kurmarsheth etc.etc. AIR 1984 SC 1543, wherein this Court rejected the contention that in absence of provision for re-evaluation, a direction to this effect can be issued by the Court. The Court further held that even the policy decision incorporated in the Rules/Regulations not providing for rechecking/verification/re-evaluation cannot be challenged unless there are grounds to show that the policy itself is in violation of some statutory provision. The Court held as under:

".....It is exclusively within the province of the legislature and its delegate to determine, as a matter of policy, how the provisions of the Statute can best be implemented and what measures, substantive as well as procedural would have to be incorporated in the rules or regulations for the efficacious achievement of the objects and purposes of the Act...The Court cannot sit in judgment

over the wisdom of the policy evolved by the legislature and the subordinate regulation-making body. It may be a wise policy which will fully effectuate the purpose of the enactment or it may be lacking in effectiveness and hence calling for revision and improvement. But any draw-backs in the policy incorporated in a rule or regulation will not render it ultra vires and the Court cannot strike it down on the ground that in its opinion, it is not a wise or prudent policy, but is even a foolish one, and that it will not really serve to effectuate the purposes of the Act....."

- 4. Having noticed above, this Court finds that there is no provision also available in the Rules for revaluation of the answer sheets.
- 5. In view thereof, no relief can be granted to the appellant.
- 6. The appeal stands **dismissed** accordingly.
- 7. All pending applications also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

February 15, 2024

Mohit goyal

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |