



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

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CWP-24683-2016 (O&M)

Date of Decision : 27.08.2024

Santosh Rani

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Ms. Shreya Kaushik, Advocate for
Mr. Brijesh Khosla, Advocate
for the petitioner.

Mr. Charanpreet Singh, AAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the grievance being raised by the petitioner is that the revised answer key (Annexure P-6), which has been made operational for issuing the final merit list be set aside and the answer key should be revised again so as to make selection for the post in question.

2. The petitioner competed for the post of Math Mistress as advertised by the respondents in the year 2015 (Annexure P-1). The petitioner appeared in the written examination and her marks were declared but keeping in view the number of posts advertised and keeping in view the marks obtained by the petitioner in the written examination, she could not qualify to be called for interview. Against the proposed answer key, the respondent asked for objections and the objections so received were put to



the expert committee and keeping in view, the view of the expert committee, the answer key was finalized and on the basis of the final answer key, the candidates' written examination was evaluated, which was the basis of the selection.

3. Learned counsel for the petitioner submits that as per the revised answer key, the petitioner has been caused prejudice as her marks have been reduced from 67 to 66, whereas 67 marks are required to qualify the examination and the petitioner has been ousted from the zone of consideration on the basis of the revised answer key, which act on the part of the respondent is arbitrary and illegal.

4. Upon notice of motion, the respondents have filed the reply. In the reply, the respondents have mentioned that the proposed answer key was circulated seeking objections and the objections so received, were placed before the expert committee and on the basis of the report of the expert committee on the answer key, the final answer key was prepared and the selection has been based upon the final answer key and merely that the petitioner has lost one mark on the basis of the revised answer key, cannot be a ground to set aside the answer key.

5. Learned counsel for the petitioner submits that though, it has been mentioned in the reply that the revised answer key is based upon the report of the expert committee, but no report of the expert committee has been appended along with the reply to satisfy whether, actually the revised answer key is based upon the expert opinion.

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



7. As per the settled principle of law by the Hon'ble Supreme Court of India in the case of AIR-2018 SC 52 titled “**Ran Vijay and Ors. vs. State of U.P. And Ors.**”, the examination body has to circulate the proposed answer key of the written examination and invite objections and those objections are to be considered by the expert committee and the answer key is to be finalized on the basis of the recommendations of the said expert committee. As per the judgment of **Ran Vijay** case (supra), even if there is a gray area after the recommendation of the expert committee, the benefit will go to the examining body and not to the candidate. The relevant paragraph 30 of the said judgment reads 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.”



8. In the present case, the respondents have followed the said process and as per the reply the answer key has been finalized on the basis of the recommendations of the expert committee, hence, the requirement under law has been observed by the respondents while conducting the selection for the post in question. The only argument which has been raised by the learned counsel for the petitioner is that no report of the expert committee has been appended. It may be noticed that the examinations are conducted in a manner which requires the secrecy of the process adopted to be maintained. The details of the process are withheld and that too for a valid purpose. In the present case, nothing has come on record to show that the averments made by the respondents that the answer key was finalized on the basis of the expert committee, is false in any manner. There is no replication, which has been filed by the petitioner to the written statement alleging that the contention of the State that the answer key has been finalized on the basis of the expert report is false. Once, the respondents on oath had mentioned in their affidavit that the answer key has been finalized on the basis of the recommendation of the expert committee, this Court will not like to doubt the said statement unless and until the petitioner places any material on record to show otherwise.

9. In the present case, no such material has been produced on record to doubt the averments made by the respondents that the answer key has been finalized on the basis of the recommendation of the expert committee.

10. No other argument has been raised by the parties.

11. Keeping in view the above, no ground is made out for

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interference by this Court.

- 12. Dismissed.
- 13. All pending applications, if any, stand disposed of accordingly.

27.08.2024

Satyawan

(HARSIMRAN SINGH SETHI)

JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No