



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

213

CWP-7265-2016 (O&M)

Date of Decision : 03.09.2024

Harjinder Kaur

.. Petitioner

Versus

State of Punjab and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Mandeep Singh, Advocate
for the petitioner.

Mr. T.P.S. Chawla, Sr. DAG, Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present petition, the challenge is to the selection process by the petitioner qua the post of Punjabi Lecturer as advertised on 20.11.2015.

2. Learned counsel for the petitioner submits that the written test was conducted and objections were raised to the proposed answer key of the written examination and without dealing with the objections, the answer key was finalized, which answer key was made the basis for evaluating the written examination, hence, the selection made on the basis of the incorrect answer key and that too without dealing with the objections raised by the petitioner, is arbitrary and illegal.

3. Upon notice of motion, the respondents have filed the reply. In



the reply, wherein the respondents have stated that after the objections were received qua the proposed answer key, the matter was referred to the Guru Nanak Dev University, Amritsar and the expert of Guru Nanak Dev University, Amritsar went through the number of questions against which the objections were raised and keeping in view the advice given by the experts of the Guru Nanak Dev University, Amritsar, the answer key was finalized which was made the basis for evaluating the candidates qua their written examination and therefore, it is incorrect that the answer key was finalized without considering the objections raised.

4. Learned counsel for the respondent further submits that the issue raised in the present petition was also raised in **CWP-24683-2016**, decided on 27.08.2024 titled '**Santosh Rani vs. State of Punjab and others**', which judgment will be applicable in the facts and circumstances of the present case.

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

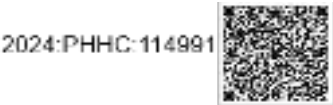
6. The only grievance being raised by the petitioner is that without dealing with the objections raised by the petitioner to the proposed answer key, the said answer key was finalized so as to evaluate the candidates qua their written examination, which assertion of the petitioner have already been rebutted by the respondent-State while saying that the objections so received against the proposed answer key of the written examination was placed before the experts of the Guru Nanak Dev University, Amritsar and keeping in view the report received from the experts of the Guru Nanak



Dev University, Amritsar, the answer key was finalized, which was made the basis for evaluating the candidates. Once, the expert opinion has been relied upon by the respondents to finalize the answer key which has been uniformly made applicable upon all, no grievance can be raised by the petitioner.

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. Keeping in view the settled principle of law noticed hereinbefore, once the experts have given the report qua the final answer key, which was made operational uniformly qua all the candidates, this Court will not like to interfere with regard to the opinion of the experts which has been uniformly applied on all the candidates.

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

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

11. Dismissed.

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

03.09.2024
Satyawar

(HARSIMRAN SINGH SETHI)
JUDGE

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