



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

1. CWP-748-2018 (O&M)

and

2. CWP-2775-2018 (O&M)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Mr. Swapan Shorey, DAG Punjab.

HARSIMRAN SINGH SETHI, J. (Oral)

Present set of two writ petitions involve common question of law in the background of common set of facts and thus they are being decided by a common order.

In the present petition, the grievance being raised by the petitioners is that the petitioners competed for the post of Master/Mistresses Social Studies as advertised by the respondents and had appeared in the written examination which was held on 10.12.2017. As per the petitioners, the petitioners though meritorious could not get the cut off marks as, certain questions which were posed to the petitioner in the written examination did not carry correct answer key.

Learned counsel for the petitioner submits that the petitioners raised the said objection before the authorities concerned but without looking into the objections of the petitioner(s), the answer key was finalised and the result of the selection was prepared, which is causing prejudice to the petitioners.

The prayer of the petitioners is that the respondents be directed to correct the answer key of the written examination and thereafter, revise the result so as to consider the claim of the petitioners.

Upon notice of motion, the respondents have filed their reply. In the reply, the respondents have submitted that petitioner competed for the post of Social Studies Master/Mistresses and the written test was conducted on 12.12.2017.

It has been further mentioned that the objections raised by the University were referred by the Guru Nanak Dev University and the experts of the Guru Nanak Dev University after noticing the objections, found that the same was not valid and keeping in view the recommendations of the Guru Nanak Dev University, the answer key was finalised and result of the written examination and subsequently the selection was made.

I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

The question raised in the present petition also came up for consideration before the Hon'ble Supreme Court of India in ***Civil Appeal No.367 of 2017 titled "Ran Vijay Singh and ors. Vs. State of UP and ors."***, ***decided on 11.12.2017***. The relevant paragraph of the said judgment is 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.”

A bare perusal of the above would show that once objections of the candidate have been dealt with the experts and report of the expert is accepted, this Court will not interfere even if, there is any grey area after the subject expert opinion, as the benefit is to be given to the recruiting agency rather than to the candidate and in the present case, the experts had already answered objection in favour of the selecting agency.

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

Hence, the present set of two petitions stands dismissed.

Pending application, if any, also stands disposed of.

Photocopy of this order be placed on the file of other connected case.

03-12-2024
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES/NO
Whether reportable: YES/NO