

CWP No. 24148 of 2021 (O&M)

2024:PHHC:113933



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(257)

CWP No. 24148 of 2021 (O&M)

Date of Decision : 02.09.2024

Amrit Singh

...Petitioner

Versus

The State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Madan Lal Saini, Advocate for the petitioner.

Mr. Swapan Shorey, Deputy Advocate General, Punjab.

Mr. M.K. Dogra, Advocate for respondent No. 3-University.

Harsimran Singh Sethi J. (Oral)

In the present petition, the grievance being raised by the petitioner is that the petitioner had raised certain objections to the proposed answer key but without adverting to the objections raised, the respondents have issued the final answer key so as to publish the result of selection to the post of ETT Teachers, which act on the part of the respondents is arbitrary and illegal.

The respondents have filed the reply, wherein, they have mentioned that after conducting the written test for the post in question, proposed answer key was issued and the objections were received including the objection to Question Nos. 2, 11 and 94 of the answer key, which were referred to the subject expert and after the opinion of the subject expert, the answer key was finalized and the result has been prepared in accordance with the final answer key, which is based upon the advise/ opinion of the subject



expert, hence, no grievance can be raised by the petitioner qua the final answer key or the result of the post in question.

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

As per the judgment of 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 case once, the objections have been considered by the Experts and respondents have accepted the opinion of the Experts, so as to finalize the answer key, the Court will have no jurisdiction to interfere with the opinion of the Experts. It has been further held that even if, there is a gray area after the recommendation of the Experts, the benefit of the same will go to the recruiting agency rather than the candidate. The relevant paragraph No. 30 of this 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.”

Keeping in view the above, as the respondents are on affidavit to state that the objections of the petitioner were put before the Expert Committee and on the basis of the opinion of the Expert Committee, the answer key was finalized which has been uni-formally made applicable upon all the candidates, no ground is made out for any interference by this Court in the present petition.

Dismissed.

September 02, 2024
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No