

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-1880-2023 (O&M)

Date of decision:- 20.02.2024

Surender Singh

...Appellant(s)

Versus

State of Haryana and another

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE G.S. SANDHAWALIA, ACTING CHIEF JUSTICE**
HON'BLE MS. JUSTICE LAPITA BANERJI

Present: Mr. Aditya Yadav, Advocate,
for the appellant.

Mr. Deepak Balyan, Additional Advocate General, Haryana.

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G.S. SANDHAWALIA, A.C.J. (ORAL)

CMs-4724 & 4725-LPA-2023

For the reasons mentioned therein, the delay of 343 days in re-filing and 133 days in filing the appeal is condoned.

The applications stand disposed of.

LPA-1880-2023

1. Consideration in the present appeal is to the order passed by the learned Single Judge in CWP-2835-2019 filed by the writ petitioner (appellant herein) which was dismissed on 20.04.2022.

2. The learned Single Judge chose not to interfere in the issue whether the answer to question No. 18 was correct and whether the action of the respondents as per the revised answer key was justified. The reason which weighed with the learned Single Judge was that the revised answer key had been applied across the board to all the candidates and, therefore, there could not be any discrimination or arbitrariness qua the writ petitioner. It was accordingly held that it was not for the Court to super-impose its views over

what had been opined by the experts who were examiners while setting the questions and deciding the answers. It was accordingly held that all other candidates who had also answered the said question had been evaluated accordingly and had been awarded marks and if any such relief was to be granted various persons would be adversely affected. An attempt was also made to get the order reviewed unsuccessfully on 05.09.2022 by filing a review application, wherein it was held by the learned Single Judge that there was no error apparent on the record, but merely an attempt to re-argue the case by reasoning it in different words.

3. Learned counsel for the appellant has submitted that as per the stand of the respondents themselves, they had uploaded the answer key on 21.05.2016 and invited objections. The revised answer key was uploaded on 20.12.2017 by the Commission after the result had been declared on 22.07.2017 and, therefore, the writ petitioner had been adversely affected by the revision since in the initial answer key the correct answer was option 'A' for the question concerned.

4. A perusal of the paper book would go to show that the writ petitioner had applied for the post of Patwari under BCB Category pursuant to the advertisement issued way-back in 2015. Apparently, he had fallen short of two marks and, therefore, repeatedly agitated for his grievance.

5. The stand of the respondents in the short reply filed before the learned Single Judge was to the extent that the expert committee had examined the objections to the answer key and reliance was accordingly placed upon the judgement of the Apex Court in ***Uttar Pradesh Public Service Commission through its Chairman and another Vs Rahul Singh and another***, 2018(7) SCC 254. The view which has been taken by the learned Single Judge is a

consistent view as per the law laid down by the Apex Court in ***Ran Vijay Singh and others Vs State of Uttar Pradesh and others, (2018) 2 SCC 357; Himachal Pradesh Public Service Commission Vs Mukesh Thakur and another, (2010) 6 SCC 759 and Vikesh Kumar Gupta and another Vs State of Rajasthan and others, (2021) 2 SCC 309*** as well as the Coordinate Bench of this Court in ***Khatri Saurabh Satyapal Vs Haryana Public Service Commission and another, 2009(2) SCT 362.***

6. In LPA-4941-2018 titled ***Pawan Bishnoi and another Vs State of Punjab and others***, decided on 02.06.2022, the Coordinate Bench of this Court of which one of us (G.S. Sandhawalia, J.) was a member was also seized of the similar issue regarding the revision of the correct answer key as well as re-casting of the final merit list.

7. Even Special Leave Petition (Civil) Diary No. 37217 of 2022 filed by the appellants against the aforesaid judgement in LPA-4941-2018 was also dismissed by the Apex Court on 03.01.2023 and an attempt as such to take us through the material (A-2 to A-4) on record to convince us would again mitigate against the settled principles.

8. Keeping in view all the judgements as referred to above and the case law on the subject, it was noticed that on an earlier occasion in LPA No. 1956 of 2012 titled ***Sameer Khurana and others Vs Board of School Education Haryana and others***, decided on 16.01.2013, interference was not done regarding the questions which had been examined by the expert committee. The learned Single Judge is, thus, well justified in coming to the conclusion that the revised answer key was applicable across the board for all candidates and was the level playing field and, therefore, interference at the belated stage would only rock the boat.

9. In such circumstances, we are not inclined to interfere in the present appeal.
10. The appeal being meritless, accordingly, stands dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

20.02.2024
Amodh Sharma

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