



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

CWP No. 25631 of 2024

Date of Decision: 18.12.2024

Gurjinder Singh

....Petitioner

VS.

State of U.T.Chandigarh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Akshit Mehta, Advocate
for the petitioner

Ms. Madhu Dayal, Advocate and
Ms. Aashna Gill, Advocate
for the respondents

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 20.09.2024 whereby his objection with respect to Question No. 47 of Part-A in Question Paper Booklet Code B has been declined.

2. The petitioner pursuant to Advertisement No. 5/2023 dated 09.02.2024 applied for the post of TGT (Punjabi). There were 19 posts for Punjabi subject. He appeared in the written test. The respondent had prepared four different sets for the same question paper. The respondent uploaded Answer Key on its site. A number of candidates submitted their



objections. The petitioner also submitted his objection with respect to Question No. 47 of Part-A in Question Paper Booklet Code B. The respondent constituted a Committee which examined objections of the candidates including petitioner. The Committee formed an opinion that answer uploaded on the website is correct and there is no need to change the Answer Key.

3. Mr. Akshit Mehta, Advocate submits that from the perusal of material relied upon by respondent, it is evident that answer selected by respondent is incorrect. None of the answers of aforesaid question is correct and respondent has wrongly declared that option 'C' is the correct answer.

4. Ms. Madhu Dayal, Advocate during the course of hearing produced report of Expert Committee which examined all the objections. She submits that from the perusal of report of the Committee, it is evident that they had received 69 objections and Answer Key of each question was re-examined. No infirmity in aforesaid question was found. Except petitioner no other candidate has raised objection with respect to aforesaid question which indicates that, at the most, there is doubt about the answer which cannot permit this Court to re-visit opinion of the experts.

5. I have heard counsel for the parties and perused the record with their able assistance.

6. The Hon'ble Supreme Court in **U.P.P.S.C and others Vs. Rahul Singh and others, 2018 AIR (Supreme Court) 2861** while advertizing with correctness of answers key has held :

"12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is



totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers.”

7. Supreme Court in **Ran Vijay Singh and others Vs. State of U.P and others (2018) 2 SCC 357** while dealing with the question of revaluation or scrutiny of answer sheets has held :

“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 reevaluation 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.

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the



examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination – whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.”

8. Relying upon plethora of judgments, a Division Bench of this Court vide judgement **dated 01.06.2023** in **CWP No.11695 of 2023** titled as **“Navdeep Kaur vs. State of Punjab and others”** has held that in the absence of allegations against the expert panel or *mala fide* on the part of respondent, the Court cannot re-examine answers key and interfere in the matter.

9. In the wake of law laid down by Hon'ble Supreme Court, a Division Bench of this High Court and the fact that respondent constituted a committee which had examined all the objections and there is no allegation of *mala fide*, this Court does not find it appropriate to invoke its extraordinary jurisdiction. The Court cannot invoke jurisdiction just because there is difference of opinion qua answer of a particular question.

10. Dismissed.



11. The document produced by Ms. Madhu Dayal, Advocate during the course of hearing are returned.

(JAGMOHAN BANSAL)
JUDGE

18.12.2024
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	