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

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CWP-29893-2024

Date of Decision: 06.11.2024

Vinod Kumar

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Vijay Lath, Advocate for the petitioner

Mr. Kanwal Goyal, Advocate for respondent no.2/HPSC

TRIBHUVAN DAHIYA, J. (Oral)

The petition has been filed, *inter alia*, seeking a direction to the second respondent to include the answers of certain questions in the Screening Test conducted on 13.10.2024 in response to advertisement 20 of 2024, dated 23.07.2024, for the post of Post Graduate Teachers (PGTs) in Commerce for Rest of Haryana cadre.

2. Learned counsel has contended that the petitioner correctly answered questions no.9, 48 and 100 in the Screening Test as per the master answer key notified by the Commission. However, the Commission later notified final answer key, Annexure P-16, and alphabet 'x' was mentioned therein as the correct answer to these questions. It came to the petitioner's notice that he was not given any marks for these questions, and was resultantly not shortlisted for the Subject Knowledge Test despite his answers being correct as



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per the master answer key earlier notified. This is arbitrary. Secondly, learned counsel has contended that the petitioner correctly answered questions no.20, 77 and 96 as per the master answer key earlier notified. However, vide final answer key of the subject, answers to these questions were changed. As per the books authored by R.K. Singla and D.K. Goyal, answers to these questions notified in the final answer key are incorrect. Therefore, the petitioner needs to be given marks for the correct answer given by him as per the master answer key.

3. Learned counsel for the Commission, on instructions, contends that alphabet 'x' in the final answer key notified by the Commission denotes that the said questions have been deleted from the question paper; it is in fact a cross mark. Resultantly, none of the candidates who appeared for the Screening Test were given any marks for the deleted questions. It is also contended that after the Test, the Commission notified the master answer key inviting objections from the candidates. The objections received were referred to the subject experts, and the final answer key was thereafter issued based upon their advice. The opinion of subject experts is to be accepted as correct, and this Court should not go into correctness of any particular answer. In support of the contention he has relied upon the Division Bench judgment in *Rajat Gupta v. State of Haryana and others*, rendered in LPA No.1316 of 2024.

4. Heard.

5. The petitioner's first grievance regarding marking of certain answers in final answer key by alphabet 'x' and not awarding any marks for the same is not sustainable in view of the undisputed fact that the said questions stand deleted from the paper book. And the Commission's decision to delete

these questions has been made uniformly applicable to all the candidates based



on the advice of subject experts. In case there was no indication that alphabet 'x' would denote deletion of question, that in itself cannot be a ground for Court to interfere in the matter as no prejudice has been caused to the petitioner on that account. Besides, marks cannot be claimed for the questions which stand deleted altogether. *Secondly*, so far as the objection regarding answers to questions no.20, 77 and 96 is concerned, the same is also not sustainable since the final answer key has been notified by the Commission only on the basis of advice received from the subject experts, which has not been imputed on account of any *mala fide*, arbitrariness or illegality. It need not to be interfered with by this Court as per the law settled in *Rajat Gupta* case; relevant paragraphs of the judgment are as under:

4. The law stands settled in this aspect, whereby the Apex Court has time and again held that the Court could not arrogate to itself the powers of the expert Committee. Reference can be made to *H.P. Public Service Commission Vs. Mukesh Thakur and others*, 2010 (6) SCC 759, *U.P.P.S.C. and others Vs. Rahul Singh and others*, 2018 AIR (Supreme Court) 2861, *Ran Vijay Singh and others Vs. State of U.P and others*, 2018 (2) SCC 357 *Vikesh Kumar Gupta and another Vs. State of Rajasthan and others*, 2021 (2) SCC 309.

5. In such circumstances, once in the order dated 06.02.2024 (Annexure P-14), which was subject matter of challenge before the learned Single Judge, there was specific stand as such that the matter had been referred to the expert Committee and the said Committee had opined upon the final Answer Key, the contention

that the other option was correct as such cannot be gone into by this Court.

6. In view of the reasons recorded above, there is no ground to entertain the petition, and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

06.11.2024
Payal/Maninder

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