



(213)

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

CWP-27841-2023 (O&M)

Date of decision:- 03.12.2024

Richa

...Petitioner(s)

Versus

Punjab Public Service Commission and others

...Respondent(s)

CORAM: **HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE**
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Salil Dev Singh Bali, Advocate,
for the petitioner.

Ms. Arundhati Kulshreshtha, Assistant Advocate General, Punjab.

Mr. Sanjeev Sharma, Senior Advocate,
with Ms. Ashima Mor, Advocate (through video conferencing),
Mr. Gyan Parkash Saini, Advocate,
Mr. Sandeep Singh, Advocate,
for respondent No. 3.

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SHEEL NAGU, C.J. (ORAL)

1. The petitioner, who was an aspirant for appointment to the post of Civil Judge (Entry Level) pursuant to advertisement dated 06.09.2022 (Annexure P-1) under Economically Weaker Section (EWS) Category, is before this Court praying for the following reliefs:-

- (i) *Issue of writ/order/direction in the nature of Certiorari for quashing Clause 11 of Advertisement dated 06.09.2022 (Annexure P-1) for appointment of eligible candidates through Punjab Civil Service (Judicial Branch) Examination – 2022 in the peculiar facts and circumstances of the case*

being violative of Articles 14, 16 & 19 of the Constitution of India and further principles of natural justice.

(ii) Issue of writ in the nature of Mandamus directing the respondent to forthwith re-evaluate/reassess the answer papers of the petitioner's main examination paper as there are apparent assessment mistakes/errors in the answer-sheet of the petitioner and Clause 11 of the Advertisement dated 06.09.2022 (Annexure P-1) only allows rechecking and not re-evaluation.

2. The challenge herein is, essentially, based on the ground that in regard to Question Nos. 4 (1) and (7) in English language and Question Nos. 5 (6), (8), (9) and (10) in Punjabi language, less marks have been awarded than what was due to the petitioner. The relevant answer-sheets have been annexed as Annexures P-6 to P-8.

3. It may be stated at the very outset that relevant Rules/Regulations for appointment to the post of Civil Judge (Entry Level) do not permit re-evaluation or scrutiny of an answer-sheet.

4. The petitioner wants this Court to re-evaluate the answers given to the aforesaid questions in the two subjects which may not be warranted in terms of the bar contained in the relevant Rules/Regulations against re-evaluation.

5. Had it been a case where a particular answer had not been evaluated at all or the question was so absurd/incorrect/out of syllabus that no man of ordinary prudence could have answered this Court could have interfered. Facts reveal that petitioner had secured merely 473 marks out of total 950 marks, whereas a minimum of 475 marks were required for advancing to the next stage in the recruitment

process i.e. viva voce. This Court, thus, in its limited jurisdiction under Article 226 of the Constitution of India cannot interfere with the discretion exercised by the evaluator while awarding marks.

6. The Apex Court has time and again held that matters of this nature are best left for the experts with minimal Court's interference.

In *Ran Vijay Singh Vs State of Uttar Pradesh* (2018) 2 SCC 357, it was held by the Apex Court that when a statutory provision prohibits re-evaluation, it cannot be ordered to be undertaken and that 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 Court may permit re-evaluation or scrutiny, if it is demonstrated very clearly, without any inferential process of reasoning or a process of rationalization and only in rare and exceptional cases that a material error has been committed.

In *Registrar General, High Court of Delhi Vs Ravinder Singh* 2023 LiveLaw (SC) 553, the Apex Court reiterated the view taken in *Ran Vijay Singh's* case (supra).

In *Pranav Verma and others Vs The Registrar General of the High Court of Punjab and Haryana at Chandigarh and others* (WP(Civil) No. 565 of 2019) decided on 13.12.2019, the Apex Court took note of the fact that in the absence of any provision under the statute or statutory Regulations/Rules, Courts should generally not direct re-evaluation.

It was, thus, held as under:-

“24. The alternative prayer of the petitioners for revaluation by an Independent Expert Committee is not worth acceptance. Firstly, for the reason that these 107 posts are already lying vacant for a considerable long period and the re-evaluation would further delay it. Secondly, Justice Sikri has thoroughly examined the fact situation before recommending the award of grace marks. Thirdly, there is no provision for re-evaluation in the Recruitment Rules and any such direction would run counter

to the mandate of this Court in H.P. Public Service Commission v. Mukesh Thakur (2010) 6 SCC 759, laying down that in the absence of any provision under the statute or statutory rules/regulations, the Courts should not generally direct re-evaluation.”

In *Pramod Kumar Srivastva Vs Chairman, Bihar Public Service Commission, Patna and others* 2004(6) SCC 714, the above-cited view has been reiterated by the Apex Court in the following terms:-

*“7. ... Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for revaluation of his answer book. There is a provision for scrutiny only wherein the answer books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science paper. **In the absence of any provision for revaluation of answer books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for revaluation of his marks. [Emphasis added]**”*

7. In view of the aforesaid, this Court declines interference and the petition, accordingly, stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

03.12.2024
Amodh Sharma

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