

2025:PHHC:101214



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

110

**CWP-15204-2025
Date of decision: 14.07.2025**

MOHIT

...Petitioner

VERSUS

HARYANA STAFF SELECTION COMMISSION

...Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.

Present: Ram Kumar Saini, Advocate for the petitioner.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking setting aside of the impugned office order dated 04.11.2024, passed by the respondent-Haryana Staff Selection Commission (hereinafter "HSSC"), whereby the petitioner's representation dated 04.10.2023 was declined and further seeking directions to the respondent to re-evaluate Question Nos.23 and 48 (Set C), for which petitioner claims not being awarded marks and seeking inclusion of his name in the list of selected candidates for the post of Social Education and Panchayat Officer (Advertisement No. 7/2015, Cat. No. 6), under the BC-B category, the present petition has been filed.

FACTS

2. Briefly, facts are that the respondent-HSSC issued Advertisement No. 7/2015 dated 10.07.2015, inviting applications for numerous posts including 61 posts of Social Education and Panchayat Officer (Category No. 6). The petitioner, being eligible under the Backward Class-B (BC-B) category, applied

for and appeared in the written examination held on 16.07.2017 (morning shift) at Karnal centre and was issued a C-Series question paper.

3. Upon declaration of the result on 07.12.2017, the petitioner's name did not appear in the list of successful candidates. The prescribed cut-off for the BC-B category was 140 marks, whereas the petitioner was shown to have secured 138 marks, rendering him ineligible for the next stage of selection.

4. Subsequently, the respondent published the official answer key for the C-Series paper. Upon careful perusal, the petitioner identified five questions whose model answers were demonstrably incorrect, thereby affecting his score. The petitioner specifically pointed out errors in Question Nos. 23, 48, 80, 87, and 96, detailing both the incorrect official answers and the correct alternatives supported by standard reasoning. The Commission revised the answer key of three questions viz. Question Nos. 48, 80 and 87 and retained the answers to question Nos. 23 and 96. After the revision, the cut-off marks in the category went up to 148 while the score of the petitioner was revised to 144. The petitioner is however, still aggrieved of the answers to Question Nos. 23 and 48. While the answers as per the answer key are 'B' and 'C' respectively, the petitioner claimed 'C' and 'D' respectively to be the correct answers. Since the issue is now confined to only two questions, the further discussion is confined to the same. The disputed questions are as under:

Q.23 Choose the pair that best represent a similar relationship as Petal : Flower.

- a. Salt : Pepper
- b. Tire : Bicycle
- c. Puppy : Dog
- d. Sandal : Shoes

Q.48 Which has the largest size?

- a. Sc3+
- b. Y3+
- c. La3+
- d. Ac3+

5. In light of these errors, the petitioner submitted a detailed representation to the respondent-Commission, highlighting the discrepancies and requesting for a re-evaluation of the disputed answers. Despite this, the respondent failed to address the petitioner’s objections in a reasoned or responsive manner. The petitioner approached this Court by filing CWP No.29426 of 2017, wherein he sought quashing of the result and prayed for a stay on the interview and selection process.

6. In response, the respondent filed a short reply dated 27.02.2020, acknowledging that all the above questions had been referred to the Chief Examiner, whose expert report recommended corrections to the answer key. The details of the question number, answer, revised answer key, answers of the petitioner and the Chief Examiners report are tabulated as under:

Sr. No.	Que. No.	Answer as per 1 st key	Answer as per revised key	Answer as per petitioner	Answer as per examiner report.
1.	23	B	B	C	B (relates to reasoning)
2.	48	D	C	D	D
3.	80	A	A	C	C
4.	87	A	A	D	D
5.	96	A	A	D	A

7. The Commission assured this Court to implement the Chief Examiner’s report.

8. When the writ petition came up for hearing on 19.09.2023, the Hon’ble Court, while disposing of the matter, recorded the statement of the

respondent that if the petitioners had any grievance regarding the revised answer key, they were at liberty to file a fresh representation, which would be considered afresh and decided by a reasoned speaking order.

9. Pursuant to the liberty granted, the petitioner submitted a representation dated 04.10.2023, seeking reconsideration of Question Nos.23 and 96, the answers to which, as per the petitioner, remained incorrect despite the examiner's report. When no action was taken on the said representation, COCP No. 3586 of 2024 was filed wherein a compliance report was sought.

10. On 04.11.2024, the respondent produced Office Order dated 04.11.2024, which stated that the petitioner had secured 138 marks as per the original result, and subsequently 144 marks following revision. However, the revised cut-off after implementation of the updated answer key had increased to 148 marks. The order also noted that while benefit of Q. No. 96 was extended (as the correct answer was updated to option 'D'), the answer to Q. No. 48, which had been previously revised to option 'D' by the examiner, was inexplicably reverted to the earlier incorrect option C in the final answer key. Question No. 23 remained uncorrected throughout.

11. In view of the said order, the petitioner withdrew the contempt proceedings with liberty to challenge the impugned decision on merits. Hence the present petition.

ARGUMENTS

12. Learned counsel appearing on behalf of the petitioner has vehemently argued that the impugned action of the respondent-Commission in denying due consideration to the petitioner's objections regarding erroneous answers in the official answer key is arbitrary, irrational, and violative of Articles 14 and 16 of the Constitution of India. The submission, in essence, is

that the respondent has acted in disregard of its own expert report, resulting in the denial of legitimate marks to the petitioner and, consequently, his exclusion from the zone of selection, despite having secured merit otherwise.

13. It is submitted that having secured 138 marks in the written examination initially, the petitioner was shown to have fallen short of the cut-off. However, upon declaration of the official answer key, the petitioner, being academically proficient and aggrieved by patent errors therein, submitted detailed objections to specific questions, particularly Question Nos. 23 and 48, which, if rectified, would have enhanced his score above the revised cut-off of 148 marks. While the respondent-Commission initially accepted certain corrections recommended by the expert committee and the submissions recorded in earlier proceedings, it inexplicably chose to revert to incorrect options in respect of Q. No. 48 and completely ignored the objection pertaining to Q. No. 23, despite the petitioner having furnished cogent academic reasoning and authoritative sources in support of his claim.

14. Insofar as Question No. 23 is concerned, it is argued that the analogy-based reasoning question – “Petal : Flower :: ?” requires a clear understanding of part-to-whole relationships. The petitioner contends that the answer key indicating “Tire : Bicycle” (option B) as correct is demonstrably flawed, as the logical correlative is “Puppy : Dog” (option C), being of the same genus and logical analogy, where one is a formative stage of the other, akin to a petal being a part of a flower. The petitioner had answered this question correctly in accordance with standard reasoning principles, yet the benefit of marks was unjustly denied.

15. With regard to Question No. 48, which pertains to the ionic size of rare earth elements, the petitioner submitted that the correct option was Ac^{3+} ,

which was in fact accepted by the Chief Examiner in the expert report filed by the respondent in prior proceedings. However, in the final revised key published by the Commission, the option was again reverted to La^{3+} , contrary to expert advice, without assigning any reason for such deviation. The petitioner contends that such an act reflects non-application of mind and constitutes a serious procedural infirmity.

16. It is further submitted that the Hon'ble Court, in its order dated 19.09.2023, had granted liberty to the petitioner to submit a fresh representation, with a direction to the respondent to consider the same in accordance with law and pass a reasoned and speaking order. The petitioner duly submitted a representation dated 04.10.2023, specifically reiterating the aforementioned objections. However, the impugned order dated 04.11.2024 is wholly non-speaking and cryptic, as it summarily rejects the petitioner's grievance without dealing with the material contentions raised, thereby violating the principles of natural justice.

17. It has been pointed out that although the petitioner was initially awarded 138 marks, upon partial revision of the key, his marks were increased to 144. However, had the petitioner been granted marks for the remaining two disputed questions Nos. 23 and 48, he would have secured at least 148 marks, which is the revised cut-off for the BC-B category. Thus, the denial of such marks has a direct and determinative impact on the petitioner's exclusion from the zone of selection.

18. Learned counsel further submits that the conduct of the respondent in publishing an answer key that contravenes its own expert's recommendation undermines the credibility of the selection process and opens it to judicial scrutiny.

19. No other argument has been raised nor any judgments cited.

20. I have heard the learned counsel for the petitioner and have gone through the material appended with the present petition with his able assistance.

CONSIDERATION

21. Before proceeding in the matter, it would be apposite to examine the settled legal position in matters pertaining to scope of Constitutional Courts in examinations and evaluation of answer sheets. The Hon'ble Supreme Court reiterated the settled principle of law that in matters pertaining to academic evaluation and the setting and assessment of questions in competitive examinations, the opinion of the Expert Committee is to be accorded primacy and deference in the case of **Ran Vijay Singh v. State of U.P.** reported as **(2018) 2 SCC 357** and has held as under:

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1. 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;

30.2. 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;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. 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.

(Emphasis supplied)

22. Furthermore, it is also well settled that this Court does not exercise appellate jurisdiction over academic decisions unless the same are shown to be palpably erroneous, irrational, or suffering from perversity. The Hon'ble Supreme Court, in **U.P. Public Service Commission v. Rahul Singh**, reported in (2018) 7 SCC 254, has authoritatively held that an answer key prepared by a

duly constituted subject experts enjoys a presumption of correctness. It was further observed that judicial interference with such expert-determined answers ought to be exercised with great circumspection, and only in cases where the answer to the question is shown to be manifestly wrong, plainly incorrect, or demonstrably inconsistent with well-established principles or authoritative knowledge. The operative part is as under:

“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.”

23. In the case of ***Vikesh Kumar Gupta and Another v. State of Rajasthan and Others*** reported as (2021) 2 SCC 309, the Hon’ble Supreme Court restated the well-settled principle of judicial restraint in matters concerning evaluation of answer keys by expert bodies. The Court held as follows:

“16. In view of the above law laid down by this Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the expert committee in its judgment dated 12-3-2019 [Bhunda Ram v. State of Rajasthan, 2019 SCC OnLine Raj 7416] . Reliance was placed by the appellants on Richal v. Rajasthan Public Service Commission [Richal v. Rajasthan Public Service Commission, (2018) 8 SCC 81] . In the said judgment, this Court

interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case.”

24. In ***State of Tamil Nadu and Others v. K. Shyam Sunder and Others*** reported as (2011) 8 SCC 737, the Hon’ble Supreme Court reiterated the importance of maintaining sanctity and deference to academic and expert determinations, particularly in the context of examinations and evaluation processes. The Court observed as under:

“V. Interference by the Court with expert body's opinion

42. Undoubtedly, the court lacks expertise especially in disputes relating to policies of pure academic educational matters. Therefore, generally it should abide by the opinion of the expert body. The Constitution Bench of this Court in University of Mysore v. C.D. Govinda Rao [AIR 1965 SC 491] (AIR p. 496, para 13) held that “normally the courts should be slow to interfere with the opinions expressed by the experts”. It would normally be wise and safe for the courts to leave such decisions to experts who are more familiar with the problems they face than the courts generally can be. This view has consistently been reiterated by this Court in Neelima Misra v. Harinder Kaur Paintal [(1990) 2 SCC 746] , Victoria Memorial Hall v. Howrah Ganatantrik Nagrik Samity [(2010) 3 SCC 732] , Basavaiah (Dr.) v. Dr. H.L. Ramesh [(2010) 8 SCC 372] and State of H.P. v. H.P. Nizi Vyavsayik Prishikshan Kendra Sangh [(2011) 6 SCC 597].”

25. At the threshold, what this Court is called upon to determine is the scope and permissibility of judicial review in matters involving the correctness of answers provided in an official answer key to a competitive examination. The central issue is whether the presence of an expert opinion entirely ousts the jurisdiction of this Court to undertake any scrutiny, or whether limited intervention is permissible in law. Upon a careful analysis of the judicial dicta rendered by the Hon'ble Supreme Court in matters concerning judicial review of academic evaluations, particularly those pertaining to answer keys in competitive examinations, the legal position that crystallizes may be summarized as under:

- (a) The scope of judicial review in educational matters, especially where the assessment and determination by subject experts are concerned, is exceedingly limited and circumscribed by principles of institutional deference;
- (b) Ordinarily, Courts ought not to interfere with academic decisions rendered by duly constituted expert bodies, as such bodies are presumed to possess the requisite expertise and domain knowledge necessary to adjudicate upon matters of scholastic evaluation;
- (c) In proceedings challenging the correctness of an answer key, the presumption in law operates in favour of the key's validity, and it is to be treated as correct unless the contrary is clearly established;
- (d) That said, judicial intervention is not absolutely barred. In rare and exceptional cases, where the impugned answer is shown to suffer from an error that is manifest, self-evident, and apparent on

the face of the record, and which requires no complex inferential reasoning to detect;

(e) Such error must be demonstrably and objectively incorrect, to the extent that no reasonable body of informed persons, well-versed in the subject, could have possibly arrived at the same conclusion. In such circumstances, writ Courts are not only empowered but, indeed, obliged to intervene in order to prevent injustice and uphold fairness in public examinations.

26. In other words, the law strikes a balance between the autonomy of expert bodies in academic matters and the duty of the Constitutional Courts to ensure fairness and legality in public examinations. While this Court must refrain from supplanting its own views over that of duly constituted expert committees, it is equally true that in those rare and exceptional instances where an answer is manifestly erroneous and results in demonstrable injustice to a candidate, judicial review is not only permissible but necessary to uphold the rule of law and prevent the perpetuation of an error.

27. Chief Justice Y.V. Chandrachud, speaking for a bench of three Hon'ble judges in the case of **Kanpur University v. Samir Gupta**, (1983) 4 SCC 309, observed as follows:

“15. The findings of the High Court raise a question of great importance to the student community. Normally, one would be inclined to the view, especially if one has been a paper-setter and an examiner, that the key answer furnished by the paper-setter and accepted by the University as correct, should not be allowed to be challenged. One way of achieving it is not to publish the key answer at all. If the University had not published the key answer along with

the result of the Test, no controversy would have arisen in this case. But that is not a correct way of looking at these matters which involve the future of hundreds of students who are aspirants for admission to professional courses. If the key answer were kept secret in this case, the remedy would have been worse than the disease because, so many students would have had to suffer the injustice in silence. The publication of the key answer has unravelled an unhappy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system of examinations which they conduct. What has failed is not the computer but the human system.

16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged textbooks, which are commonly read by students in U.P. Those textbooks leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.”

17. Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the medical colleges in U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those textbooks. Those textbooks support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong.”

(Emphasis supplied)

28. In view of the aforesaid judicial precedents, it was incumbent upon the petitioner to place on record cogent and credible material such as authoritative academic texts or expert opinions to substantiate the allegation that the answer key adopted by the Commission was erroneous. The burden of proof lies squarely on the petitioner to establish that the key suffers from demonstrable and manifest error, failing which the constitutional courts are not expected to supplant the views of duly constituted expert bodies.

29. This Court is constrained to observe that the petitioner has not succeeded in discharging the burden of establishing any manifest error, patent illegality, or demonstrable mistake in the answer key released by the respondent-Commission.

30. Now advertent to Question No.23 first which was on the reasoning. The relationship comparable to what ‘petal’ is to a ‘flower’ had to be selected.

The petitioner opted 'Puppy : Dog'. The correct answer was 'Tyre : Bicycle'. The petitioner has given his answer assuming 'petal' as a young one of flower' and by equating 'petal' with a 'bud'. It is common knowledge that 'sepal', 'petal', 'stigma', 'stamen', and 'pistil' are all parts of a flower just as a 'tyre' is a part of 'bicycle'. The petitioner though draws support for his answer from the Hindi translated question paper, where 'kali' has been mentioned in place of 'petal'. However, such manner of applied and implied answers would not be ordinarily gone into by the Court since the suggestive answer by respondents cannot be said to be palpably false and incorrect. Once the answer key reflects a correct answer and the same has been universally applied, the Courts would not set aside an answer because in a translated version, the other view may also be correct. The same cannot thus be held as a manifest error as would render the decision incorrect. The law would thus require a constitutional Court to exercise a restraint.

31. In the said background, even if the contention of the petitioner for question No.48 is accepted, for the sake of testing the argument, yet, the petitioner's tally would be 146 marks. The presumption which the petitioner has built his case upon is that the persons who were selected had all attempted the wrong answer for which benefit of marks has been extended to them. Even otherwise, the petitioner has not referred to any authoritative material to support his argument and has proceeded to argue as if a reverse burden lies on the examining body to establish that a candidate is incorrect. The same is not a correct approach in law. A primary onus still lies on the candidate to show that the answer is palpably incorrect. No such material has been placed before this Court.

32. It is not sufficient for a candidate to merely express disagreement with the official answer key or rely upon personal interpretation or speculative inferences. In the present case, a close examination of the pleadings and material on record reveals that the petitioner has not cited any authoritative source such as standard academic treatises or expert committee reports to conclusively establish that the answer(s) marked correct by the Commission are, in fact, erroneous. The challenge mounted is based solely on the petitioner's subjective understanding and conjecture, which by itself, cannot serve as a valid legal ground for judicial review.

33. This Court is, therefore, left to reasonably presume that the Commission, in issuing the revised final answer key, must have engaged in due deliberation and, quite plausibly, consulted other experts or panels competent in the relevant subject. Such revisions are presumed to be undertaken in the interest of fairness and accuracy and would not be lightly interfered with in the absence of compelling evidence to the contrary.

34. The jurisdiction of this Court does not extend to adjudicating competing interpretations in academic matters without the aid of verifiable and objective sources. Mere presumption or belief, however sincerely held, cannot be the foundation for issuing a writ of mandamus or directing any correction in the answer key. Therefore, even if the petitioner's contention were to be accepted as plausible, in the absence of material proof, no judicial relief can be granted.

35. This court vide judgment dated 28.05.2025 in **CWP 19486-2021 titled as Lakshay Chahal v. HSSC & Ors.** expressed its concern regarding the proliferation of petitions assailing answer keys or selection outcomes without any substantive foundation. It has been consistently observed that such

litigations, premised solely on conjecture, personal dissatisfaction, or unverified claims, serve only to encourage similarly ill-founded challenges in the future. This trend, if left unchecked, not only undermines the sanctity of expert determinations made by duly constituted bodies but also places an unwarranted burden on the judicial system, diverting valuable judicial time from matters of greater constitutional and public importance. The relevant part is extracted as under:

“40. It is further disconcerting that such petitions, filed with misplaced confidence and without adequate legal or academic foundation, have the tendency to encourage similarly ill-founded litigation by other unsuccessful candidates. This results in an undue burden on the judicial system and a diversion of precious time and resources from matters involving genuine constitutional or legal questions.”

36. Further the result was declared in the year 2017 and already 8 years have elapsed since then. The respondents first revised the answer key and then also obtained report from the Chief Examiner before further revision to the answer key. The process of expert opinion having been followed twice, the process of selection needs to be finally rested. The same cannot be kept pending indefinitely and multiple referrals for a slightest of doubts would make the process unending the Courts are thus expected to exercise restrained and draw a line. It would not be appropriate for this Court to usurp the domain of academic bodies and undertake a re-evaluation of the answer key or the petitioner's responses. Permitting such an exercise would set a precedent fraught with the risk of inviting routine and baseless challenges to standardized evaluation processes, thereby undermining the integrity of competitive examinations.

Accordingly, in the absence of cogent and convincing material to substantiate the allegations of error, the petitioner’s challenge to the answer key has to be held to be without merit and not making out a case for judicial review under Article 226 of the Constitution.

37. Accordingly, the writ petition stands dismissed in *limine*.

JULY 14, 2025.
Rajender

(VINOD S. BHARDWAJ)
JUDGE

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