

CWP-17356-2025

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

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CWP-17356-2025

Date of Decision: 04.07.2025

Anshu

...Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

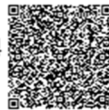
Present:- Mr. Sumit Sangwan, Advocate for the petitioner

Mr. Harish Nain, Assistant Advocate General, Haryana

Mr. Kanwal Goyal, Advocate, and
Ms. Sheena Dahiya, Advocate for respondent no.3/HPSC**TRIBHUVAN DAHIYA, J. (Oral)**

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the Screening Test result for the post of Assistant Professor (College cadre) Botany pursuant to advertisement 42/2024, dated 02.08.2024, on the ground that question no.39, 42 and 55 were wrongly deleted in the final answer key, and answer to question no.98 is wrong.

2. Learned counsel for the petitioner contends that the aforesaid three questions have been wrongly deleted. There was no dispute about their answers, and the provisional answer key give the correct answers to all these questions. He further contends that in the final answer key answer to question no.98 has been wrongly mentioned as option 'B'. The correct answer as per the material placed on record, including extract of a book "Plant Biotechnology – The genetic manipulation of plants", by Adrian Slater, Nigel Scott, and Mark



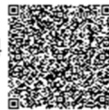
Fowler, is option 'C'. This has caused material prejudice to the petitioner who has secured 63.8021 marks, as against the cut-off of 64.84. The aforesaid questions have been correctly answered by her, and she deserves to be given marks for the same as well.

3. Learned counsel for the Commission, on the contrary, contends that after holding the Screening Test, provisional answer key was uploaded on the Commission's website on 05.05.2025 inviting objections from the candidates. All the objections received were sent to independent subject experts, and as per their report, the final answer key has been published on 30.05.2025 along with the Screening Test result. It is as per the opinion of the experts that aforesaid three questions, 39, 42 and 55, have been deleted and answer to question no.98 has been maintained as option 'B'. He has brought the subject experts' report in a sealed cover.

4. Heard.

5. The subject experts' report brought by learned counsel for the Commission has been perused which shows question nos.39, 42 and 55 have been deleted as per opinion of the experts being not properly framed. Regarding question no.98, the experts have opined option 'B' as the correct answer. In the face of opinion by experts, who are working on senior academic positions in different Universities, this Court finds nothing wrong in the action taken by the Commission in deleting the aforesaid three questions and maintaining option 'B' as the correct answer to question no.98. The report has been re-sealed and returned.

6. The reliance placed by learned counsel for the petitioner on an order, dated 27.05.2025, passed by the Division Bench in CWP-17608-2019 titled *Rustam Garg v. Punjab and Haryana High Court Chandigarh and others*,



as well as the Supreme Court judgment in *Siddhi Sandeep Ladda v. Consortium of National Law Universities and another*, 2025 SCC Online SC 1144, is of no help since the same were rendered on different facts. In *Rustam Garg* case, the Court found infirmity in the original assessment of a particular question by the experts, leading to appointment of another expert for re-evaluation. This is not so in the case at hand. In the second matter, *Siddhi Sandeep Ladda* case, the Court interfered on a situation where it found that academicians themselves have acted in a manner that adversely affected the career aspirations of lakhs of students. No such situation arises in the instant case.

7. This Court has already taken a view, in similar facts, that deletion or publication of final answer key on the basis of subject experts' opinion is not to be interfered with as a matter of routine, in the absence of any allegations of *mala fide* or violation of the prescribed procedure. It is appropriate to refer to the following observations by the Court in judgment, dated 08.01.2025, passed in CWP-30309-2024 titled *Amit and others v. State of Haryana and others*:

8. So far as deletion of eleven questions from the Screening Test is concerned, that also cannot be a ground in itself to set aside the test. It remains undisputed on record that after conducting the Test, the Commission invited objections from the candidates against the provisional answer key. The same were sent to the concerned subject experts and only on the basis of their opinion the answer key was finalised; the deletion of questions was also based on their advice. Thereafter, the result of Screening Test was prepared without assigning any marks for the deleted questions. Resultantly, all the examinees have been treated at par. Merely because some of them attempted the deleted questions and their answers were correct as per the provisional answer key, this would not give them any right to object to the deletion because, firstly, correct answer to the question(s) had not been finalised by



then and, secondly, in the face of experts' opinion against inclusion of those questions in the Test, a candidate had no right to claim marks against the same. It is not the petitioners' case that there is any bar on deletion of questions. Besides, there is no *mala fide* alleged against the subject experts, nor has any other document been placed on record discrediting their judgment in deciding the objections and/or recommending deletion of questions. In these circumstances, the Commission is within its rights to delete the questions based on the experts' opinion.

8.1. It will be beneficial to refer to observations of the Supreme Court upholding the deletion of questions in *Haryana Public Service Commission* case (*supra*), which are as under:

If the judgment of the Division Bench is allowed to stand, there will be no finality to the selection process. There was no allegation as such against the Expert Committee which was appointed by the Commission. The Expert Committee, in its wisdom has concluded that seven questions were either ambiguous or the answer keys were not correct. Accepting the said report, the Commission has proceeded with the selection process and results were announced. Thereafter, the candidates approached the High Court. Though learned Single Judge was right in agreeing for deletion of seven questions, was not justified in acting as an expert in the field and, therefore, the learned Single Judge's order relating to deletion of four questions also cannot be accepted.

Accordingly, the judgment of the learned Single Judge as well as that of the Division Bench stand set aside.

The appeal is, accordingly, allowed. The selection process made by the commission based on the First Expert Committee Report deleting seven



questions from consideration stands confirmed.
There shall be no order as to costs.

8. In view of the discussions, there is no merit in the petition, and the same stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

04.07.2025
Payal

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