



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

CWP-23136-2023 (O&M)

Date of Decision : 24-02-2025

**POST GRADUATE INSTITUTE OF MEDICAL EDUCATION AND
RESEARCH**

.....Petitioner(s)

VERSUS

CENTRAL INFORMATION COMMISSION AND ANOTHER

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amait Jhanji, Senior Advocate with
 Mr. Shashank Shekhar, Advocate
 for the petitioner.

Respondent No.2 in person
Mr. Arvind Sethi, Senior Panel Counsel.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the grievance being raised by the petitioner-The Post Graduate Institute of Medical Education and Research (hereinafter "PGIMER") is qua the impugned order dated 23.08.2023 (Annexure P-9) passed by the respondent No.1-Central Information Commission by which, the petitioner-Institute PGIMER has been directed to furnish the question-paper and the answer-sheet of the petitioner in respect of the recruitment for the post of Junior Auditor, which examination was held on 09.10.2022 on the ground that the same is contrary to the policy/order dated 02.2.2022 (Annexure P-1).

2. Learned Senior counsel for the petitioner Institute-PGIMER submits that the impugned order dated 23.08.2023 (Annexure P-9) passed by the Central Information Commission under the Right to Information Act,

2005 directing the release of the documents including question-paper and the copy of the answer-sheet of the respondent No.2-candidate is contrary to the terms and conditions of the advertisement dated 05.04.2022 (Annexure A-3) according to which, there is no provision of re-checking or re-evaluation and no query in this regard has to be entertained hence, the impugned order dated 23.08.2023 (Annexure P-9) passed by the Central Information Commission, may kindly be set aside.

3. The respondent No.2-candidate appears in person and submits that he competed for the post of Junior Auditor by appearing in CBT (Company Based Test) held on 09.10.2022 and as the aforementioned examination was conducted online, no question-paper or the answer-sheet was allowed to be retained by the candidate and once, the petitioner Institute-PGIMER sought objection to the proposed answer-sheet, the question-paper as well as the answer-sheet should have been given to the respondent No.2-candidate so that he could effectively raise the objection hence, the impugned order dated 23.08.2023 (Annexure P-9) passed by the Central Information Commission is perfectly valid and the writ petition may kindly be dismissed.

4. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. It is a conceded position that for the post of Junior Auditor on 09.10.2022, a Compute Based Test (CBT) was conducted which was objective type as the respondent No.2-candidate appeared for the aforementioned examination and the same was online examination where no physical question-paper or the physical answer-sheet was provided to the candidate. The candidates were required to attempt the questions online and

the answer-sheet was also to be deposited online and was not to be retained by the respondent No.2-candidate.

6. Once, the petitioner Institute-PGIMER published a tentative answer-key to the objective type question-paper which examination was conducted online, the candidate has to have the question-paper and the answers, which he/she might have attempted in order to check, whether the proposed answerkey is correct or the candidate has any objection to the same. In the absence of any question-paper or his answer-sheet, which is difficult to remember by any candidate, there will be no useful purpose of asking the objections to the said answer-key.

7. In the present petition, the respondent No.2-candidate is not asking for re-evaluation or re-checking of his answer-sheet. He is only asking for the grant of question-paper and his answer-sheet so as to effectively file objections to the tentative answer-key.

8. Though, as of now, even the selection has been finalised but, the petitioner Institute-PGIMER should have provided the said documents so as to allow the candidature to effectively raise objections to the tentative answer-key in case needed.

9. Learned counsel for the petitioner has submitted that the selection was finalised subject to the outcome of OA No.1319 of 2022, which is pending.

10. Keeping in view the totality of the circumstances, the grievance being raised by the petitioner Institute-PGIMER is not made out as, there is no request of the respondent No.2-candidate for re-checking or re-evaluation of his answer-sheet which is not permitted as per the terms and conditions of the advertisement hence, the impugned order dated 23.08.2022

(Annexure P-9) passed by the Central Information Commission is not arbitrary, illegal or contrary to any settled principle of law.

11. No ground is made for any interference by this Court in the facts and circumstances of the present case.

12. Present petition stands dismissed.

13. Pending application, if any, also stands disposed of.

24-02-2025

Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO