

202 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25007-2025
DECIDED ON: 04.12.2025

SAHIL JAGLAN

....PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Ms. Himani Makkad, Advocate,
Mr. Raj Kumar Makkad, Advocate,
Mr. Himalya Makkad, Advocate
for the petitioner.

Mr. Mayuri Lakhanpal Kalia, DAG Haryana

Mr. DS Rawat, Advocate for the respondent no. 3.

SANDEEP MOUDGIL, J (ORAL)

1. Prayer:

The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking quashing of the corrigendum (revised result) dated 19.06.2025 (Annexure P-14) pertaining to SAS Part-I (OB) Examination, 2024, and for directing the respondents to award one mark against unmarked correct portion of the answer dated 02.04.2025 (Annexure P-7) submitted by the petitioner against Question No. II (a) of the paper Local Rules and Public Works Accounts Code (with Books) paper 2024 as per the correct answer given in Chapter 9 of the Haryana PWD Code and consequently permit the petitioner to participate in SAS Part-II Examination.

2. The conspectus of Facts:

The petitioner is serving as a regular Junior Auditor in the Rural Development Department, Haryana and is presently posted in the office of the Directorate at Chandigarh. Being eligible in terms of the applicable service rules and instructions, the petitioner submitted his application to appear in the Haryana Subordinate Accounts Service (HSAS) Part-I (Ordinary Branch) Examination, 2024, conducted in pursuance of the instructions issued by the respondent authorities. An admit card was issued to him and he was allotted Roll No. 24080478 for the said examination. The petitioner appeared in the HSAS Part-I (OB) examination held from 11.01.2025 to 15.01.2025, which included the paper titled Local Rules and Public Works Accounts Code (with Books) (hereinafter referred to as “Paper-V”).

In the said paper, Question No. II(a) required candidates to distinguish between “Scope of Sanction” and “Lapse of Sanction”. According to the petitioner, he attempted this question after leaving certain sheets blank and, while initially writing a wrong answer, struck out the earlier attempt and re-wrote what he claims to be the correct answer immediately below.

The result of HSAS Part-I (OB) Examination, 2024 was declared on 27.03.2025 (Annexure P-6), wherein the petitioner was shown at Sr. No. 461 with a total of 416 marks out of 600 but was declared “Fail” on account of having secured only 38 marks in Paper-V, i.e. below the required minimum of 45 marks in that subject.

The petitioner applied under the Right to Information Act, whereupon a copy of his evaluated answer script of Paper-V was supplied to him on 02.04.2025 (Annexure P-7).

On perusal of his answer script, the petitioner claims to have noticed that though the Examiner had awarded certain marks, including 6 marks for Question No. VII, the same had not been included in the total, and further that no marks whatsoever had been awarded to him for Question No. II(a), despite his answer being, according to him, correct at least on one side. The petitioner thereafter submitted a detailed representation dated 04.04.2025 (Annexure P-8) to respondent No. 2 (also emailed to respondent No. 3), pointing out the alleged errors in totaling and non-award of marks, and simultaneously applied for re-checking of his answer sheet.

During this period, the petitioner also obtained, under RTI, the answer sheets of two other candidates, namely, Shri Krishan (Roll No. 24081108) (Annexure P-10) and Shri Deepak Rawat (Roll No. 24081346) (Annexure P-11), and further relied upon the answer of another candidate, Ms. Suman Devi (Roll No. 24080254) (Annexure P-12). On comparison, he claims that his answer to the left portion of Question II(a) was verbatim identical to that of Shri Krishan and Shri Deepak Rawat and, at least to that extent, deserved parity in marking.

A subsequent representation dated 09.05.2025 (Annexure P-13) was thus submitted, enclosing the relevant pages of those answer sheets and reiterating his grievance regarding non-award of one mark for Question II(a) in addition to correction of totaling.

On consideration of the petitioner's grievance, the respondents undertook re-checking, whereupon it was found that 6 marks awarded for Question No. VII had indeed not been added in the total. Consequently, a corrigendum dated 19.06.2025 (Annexure P-14) bearing Endst. No. TA-HR (19T) 2025/3953 was

issued, revising the petitioner's marks in Paper-V from 38 to 44. However, even after re-checking, the Examiner maintained that the petitioner's answer to Question No. II(a) was incorrect and incomplete, and therefore awarded 0 marks for that question.

The petitioner thereafter submitted yet another detailed representation dated 30.06.2025 (Annexure P-15) to respondent No. 2 and while this representation was still pending consideration, the respondents initiated the process for HSAS Part-II Examination and invited online applications up to 18.08.2025. The petitioner, hoping for rectification of his result, filled the online form for HSAS Part-II on the last date i.e. 18.08.2025, but his documents could not be uploaded in view of his result continuing to show him as "Fail" in Part-I, rendering him ineligible.

Aggrieved by the same, the petitioner has approached this Court by way of the present writ petition under Articles 226/227 of the Constitution of India, seeking quashing of the corrigendum dated 19.06.2025 and a direction to award him one additional mark and permit him to appear in HSAS Part-II Examination.

3. Contentions:

On behalf of the petitioner:

Learned counsel appearing for the petitioner submits that the entire controversy hinges upon the arbitrary and discriminatory non-award of one mark to the petitioner in Question No. II(a) of Paper-V despite the answer being correct at least to an extent. It is contended that two similarly situated candidates, namely Shri Krishan and Shri Deepak Rawat, have been awarded 2 marks and 1 mark respectively for materially identical answers, whereas the petitioner has been

awarded zero marks, thereby violating Articles 14 and 16 of the Constitution of India. It is further submitted that even the marking pattern adopted for one Ms. Suman Devi demonstrates that partial correctness was duly rewarded with proportionate marks, but the petitioner alone has been singled out for hostile treatment.

Learned counsel further submits that though initially a totaling error of 6 marks was committed by the Examiner, which was corrected later, the core illegality of not awarding marks for Question No. II(a) still continues, resulting in the petitioner failing by a margin of just one mark. It is urged that the petitioner otherwise secured exceptionally good marks in the remaining four papers and denial of eligibility for HSAS Part-II on such a hyper-technical and arbitrary approach causes grave and irreparable prejudice to his career after a wait of more than a decade for such examination.

It is lastly argued that the power of judicial review under Article 226 can be exercised where the decision of the examining body is manifestly arbitrary, unreasonable or suffers from unequal treatment, which is clearly made out in the present case.

On behalf of the respondent

Per contra, learned State counsel vehemently opposes the writ petition and submits that no right whatsoever has been infringed warranting interference under Articles 226/227 of the Constitution. It is contended that the petitioner has sought to project a purely academic and subjective grievance as a constitutional issue, which is impermissible in law.

It is further submitted that the petitioner committed a serious breach of the mandatory examination instructions by leaving seven blank pages in his

answer book before attempting a subsequent question, which itself rendered him liable for disqualification. Despite this, the Examiner acted with exceptional leniency in evaluating the subsequent answer and awarding 6 marks, which were later added through corrigendum. Thus, the petitioner has already been extended far more indulgence than what the rules strictly permitted.

Lastly, learned counsel further asserted that the petitioner was duly subjected to a lawful process of re-checking by a competent committee and the Examiner after reconsideration again found the answer to be incorrect. Therefore, the decision impugned neither suffers from arbitrariness nor mala fides, and the writ petition is liable to be dismissed.

Heard counsel for both parties.

4. The lis and the issues :

Principle of judicial restraint

At the outset, it is important to recognize the scope of judicial review in selection process. The jurisdiction under Articles 226 and 227 of the Constitution of India is extraordinary and discretionary, intended to ensure that the State and its instrumentalities act within the parameters of law, fairness, and reasonableness. It is well settled that judicial review is not an appellate function and in such matters, as settled in “*Union of India v. Pushpa Rani, (2008) 9 SCC 242*”, wherein the Apex Court observed that courts should not re-evaluate the merits of selection criteria or substitute their own view for that of the expert body unless there is patent illegality or procedural irregularity. Relevant extract of the same is as below:

“29. Before parting with this aspect of the case, we consider it necessary to reiterate the settled legal position that matters relating to creation and abolition of posts, formation and structuring/restructuring of cadres, prescribing the source/mode of recruitment and qualifications, criteria of selection, evaluation of service records of the employees fall within the exclusive domain of the employer. What steps should be taken for improving efficiency of the administration is also the preserve of the employer. The power of judicial review can be exercised in such matters only if it is shown that the action of the employer is contrary to any constitutional or statutory provision or is patently arbitrary or is vitiated due to mala fides. The Court cannot sit in appeal over the judgment of the employer and ordain that a particular post be filled by direct recruitment or promotion or by transfer. The Court has no role in determining the methodology of recruitment or laying down the criteria of selection. It is also not open to the Court to make comparative evaluation of the merit of the candidates. The Court cannot suggest the manner in which the employer should structure or restructure the cadres for the purpose of improving efficiency of administration.”

Furthermore, in “**Ashok Kumar Yadav v. State of Haryana, (1985) 4 SCC 417**”, the Supreme Court reiterated that where the recruitment process is conducted in accordance with the notified rules, the Court must exercise restraint and avoid interference merely because the candidate feels unfairly treated. In such matters judicial review is limited to examining whether the selection has been conducted in accordance with the prescribed norms and principles of equality under Articles 14 and 16 of the Constitution.

With this foundational principle, the Court now examines the facts of the present case and determines whether interference is justified. This court is faced with the following issues for determination in the present petition:

Issues for Determination

Issue no. 1: Whether violation of examination instructions by the petitioner disentitles him from discretionary relief?

Issue no. 2: Whether this Court can sit in appeal over the academic evaluation and reassess the answer of the petitioner in exercise of writ jurisdiction?

Issue no. 1: Whether violation of mandatory examination instructions disentitles the petitioner from discretionary relief under Article 226 of the Constitution of India?

The crux of the petitioner's contention is that he has discriminated against as he has not been correctly marked for his answer submitted against Question no. II(a). However, from the pleadings and the original answer sheet placed on record, it is an admitted position that the petitioner left as many as seven blank pages in his answer book before attempting the next question. This conduct is not a minor procedural lapse but a direct contravention of the mandatory instructions issued to the candidates which were binding in nature as annexed as P-21 of the present writ petition which clearly mandates that:

“Instructions to Candidates:

No. 13 – The candidates are required to write on both sides of the answer sheets. No page should be left blank in between; and

No. 30 - Any candidate disregarding these instructions will be liable to be disqualified”.

Despite such an explicit prohibition, the petitioner consciously chose to leave seven pages blank. It is a settled principle of law that a candidate who violates the fundamental conditions of an examination cannot claim equity or invoke the extraordinary jurisdiction of the High Court.

In “***Maharashtra S.B.O.S. and H. S. Education v. Paritosh***”, (1984)

4 SCC 27, the Supreme Court categorically held:

Viewed against this back-ground we do not find it possible to agree with the views expressed by the High Court that the denial of the right to demand a revaluation constitutes a denial of fair play and is unreasonable. The Board is a very responsible body. The candidates have taken the examination with full awareness of the provisions contained in the Regulations and in the declaration made in the form of application for admission to the examination they have solemnly stated that they fully agree to abide by the

regulations issued by the Board. In the circumstances, when we find that all safeguards against errors and mal-practices have been provided for, there cannot be said to be any denial of fair play to the examinees by reason of the prohibition against asking for revaluation.

Thus, it must be kept in mind that the Court should be extremely slow in interfering with the evaluation system adopted by academic bodies. Procedural regulations governing examinations must be strictly adhered to. Similarly, in **“Union of India v. N. Chandrasekharan, (1998) 3 SCC 694”**, the Supreme Court held that *“This Court indicated that in matters such as these, which reflect matters of policy, judicial wisdom is judicial restraint.”*

In the facts of this case, the petitioner disregarded the explicit instructions applicable to every candidate, and therefore cannot be exempted and be granted any relief that would disadvantage those who adhered to all prescribed requirements.

This Court is, therefore, of the considered opinion that the petitioner, having violated the very foundation of the examination instructions cannot be permitted to invoke the equitable jurisdiction of this Court to seek academic indulgence. Owing to this reasoning, the first limb of the contentions of the petitioner fails. Now this court shall deal with the next limb of the argument of the petitioner.

Issue no. 2: Whether this Court can sit in appeal over the academic evaluation and reassess the answer of the petitioner in exercise of writ jurisdiction?

The gravamen of the petitioner’s claim rests upon a demand for judicial reassessment of his answer to Question No. II (a) and award of one additional mark so as to cross the qualifying threshold. This Court finds such a prayer to be wholly impermissible in law. The law on judicial restraint in academic

matters and evaluation of answer scripts, as discussed above, is settled beyond any scope of ambiguity.

The apex court in “*Himachal Pradesh Public Service Commission v. Mukesh Thakur, (2010) 6 SCC 759*”, it was categorically ruled:

19. In view of the above, it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the question or evaluation of the answer, it could be for all the candidates appearing for the examination and not for respondent No. 1 only. It is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court.

20. Therefore, we are of the considered opinion that such a course was not permissible to the High Court.

Thus, courts are not expected to examine the correctness of answers or evaluate answer scripts as that would amount to assuming the role of an examiner. In the present case, the petitioner’s answer to Question No. II (a) went through multiple layers of reconsideration wherein the Examiner consistently found the petitioner’s answer to be incorrect and unsupported by the relevant rule, warranting zero marks. This clearly demolishes the allegation of arbitrariness.

The jurisdiction under Article 226 is not an appellate jurisdiction over academic decisions. This Court cannot substitute its own opinion for that of a subject expert and granting the relief sought would convert this constitutional court into a super examiner, which the law strictly prohibits.

Accordingly, this Court holds that the present writ petition is nothing but an impermissible attempt to seek re-evaluation under the cloak of constitutional remedies. Therefore the second issue is also decided against the petitioner.

6. Conclusion:

From an overall consideration of the issues posed before this court for adjudication, I have reached a clear and definitive conclusion. The petitioner failed to comply with mandatory instructions governing the examination and the answer under challenge underwent several layers of review before the final decision was taken. There is no substantiated allegation of mala fides or violation of any statutory provision. Otherwise also, established legal principles also prohibit judicial intervention in matters of academic assessment. Moreover, sentiments of sympathy cannot be permitted to dilute or override the binding rules governing examinations.

Owing to these circumstances, the writ petition does not warrant interference under the writ jurisdiction of this court. The petition is, therefore, liable to be dismissed in its entirety. All pending miscellaneous applications, if any, also stand disposed of.

04.12.2025*anuradha***(SANDEEP MOUDGIL)
JUDGE**

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