



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of Decision: 03.11.2025
LPA-3117-2025 (O&M)

SANJEEV YADAV ... APPELLANT
VS.
STATE OF HARYANA AND OTHERS .. RESPONDENTS
LPA-3121-2025 (O&M)

ANJEET KUMAR ... APPELLANT
VS.
HARYANA STAFF SELECTION COMMISSION AND ORS
... RESPONDENTS
LPA-3138-2025 (O&M)

KAPIL ... APPELLANT
VS.
STATE OF HARYANA AND OTHERS .. RESPONDENTS
LPA-3142-2025 (O&M)

AJAY KUMAR ... APPELLANT
VS.
STATE OF HARYANA AND OTHERS .. RESPONDENTS
LPA-3146-2025 (O&M)

SOURABH KUMAR ... APPELLANT
VS.
STATE OF HARYANA AND ANOTHER .. RESPONDENTS
LPA-3152-2025 (O&M)

VASEEM AND ANOTHER ... APPELLANTS
VS.
HARYANA STAFF SELECTION COMMISSION AND ORS
... RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Prashant Singh Chauhan, Advocate,
for the appellant.

Mr. Pankaj Middha, Addl. A.G.Haryana.

ROHIT KAPOOR, J.

1. The present batch of Letters Patent Appeals are directed against the decision of the learned Single Judge dated 19.08.2025, whereby the writ petitions filed by the appellants were dismissed, by way of a common judgment and order.

2. Shorn of unnecessary details, the brief facts involved are that the Haryana Staff Selection Commission (in short 'Commission') issued advertisement No.03 of 2021 for filling up the posts of 465 Sub-Inspectors in the State of Haryana, under various categories and the appellants applied for the said posts in pursuance thereto.

3. Subsequently a written test was conducted on 26.09.2021 and a provisional answer key was published on 13.10.2021. Objections were invited against the said provisional answer key, from the aggrieved candidates. Several candidates, including the appellants submitted their objections, which were considered and a revised answer key was published thereafter. The case of the appellants before the Writ Court was that there is a manifest error in the revised answer key and there are two possible answers for several questions or the wrong answer has been declared as the correct option for some of the questions, which has caused serious prejudice to them. If they are granted marks for the correct answers, they would come in the zone of consideration. Reliance was placed upon the material placed

on record, to show that the options in the revised answer key, were infact incorrect.

4. The learned Single Judge has noticed the contentions of the respondent-Commission, that the Commission is not an expert body and is dependent upon the opinion of experts. The objections received were forwarded to the Chief Examiner who sought opinion of experts, and it was in pursuance to such opinion that the revised answer key was published. The contention of the Commission, that all the selected candidates have already joined service and the Court ought not to interfere at this stage, was also noticed.

5. After referring to the judgments of the Hon'ble Supreme Court of India, in the case of 'U.P.S.C. and another Vs. Rahul Singh and another', (2018) 7 SCC 254, 'Ran Vijay Singh and others Vs. State of Uttar Pradesh and others', (2018) 2 SCC 357 and 'High Court of Tripura Vs. Tirtha Sarathi Mukherjee and others', (2019) 16 SCC 663, the learned Single Judge dismissed the petitions by observing as under:-

"10. From the reading of above cited judgments, it is evident that High Court cannot turn a blind eye if selection board has selected an answer which cannot be accepted at all. If there is doubt, the benefit of doubt must go to selection agency, however, in the absence of doubt, if opinion of selection agency is accepted, it would entail casualty of merit, miscarriage of justice and violation of Article 14 and 16 of the Constitution of India. Constitutional Courts are custodian of fundamental rights and assigned role of sentinel on the qui vive. One cannot be heard to claim that government job is his fundamental right, however, the moment he cuts the ice and crosses the cut off barrier, cannot be ignored on account of lapse on the part of government machinery because it would amount to violation of fundamental right of equality in job opportunities guaranteed by Articles 14 and 16 of the Constitution of India.

A Constitution Bench in S.P. Gupta v. Union of India, 1981 Supp SCC 87 has observed that if there is one principle which runs through the entire fabric of the Constitution, it is the principle of the rule of law. It is the judiciary which is entrusted with the task of keeping every organ of the State within the limits of the law and thereby making the rule of law meaningful and effective. It is to aid the judiciary in this task that the power of judicial review has been conferred upon the judiciary and it is by exercising this power which constitutes one of the most potent weapons in armoury of the law, that the judiciary seeks to protect the citizens against violation of his constitutional or legal rights or misuse or abuse of power by the State or its officers. The judiciary stands between the citizen and the State as a bulwark against executive excesses and misuse or abuse of power by the executive.

11. The respondent has pleaded that Commission is not an Expert Body. It has further pleaded that in the present world of digitalization and internet, the answer to different questions may differ from site to site and book to book. The Commission is dependent upon report of Chief Examiner/Expert Body.

12. As laid down by Supreme Court, in case of doubt, the benefit of doubt should be given to Selection Committee, however, in the absence of doubt/ambiguity, the candidates cannot be deprived of marks of correct answer. In the case in hand, there is no question pointed out by petitioners, answer of which selected by respondents, can be declared as manifestly absurd or incorrect. There is only doubt and as per petitioners more than one options are correct.

13. In the wake of law laid down by Hon'ble Supreme Court; the fact that respondent referred the matter to Chief Examiner who further forwarded the matter to an expert committee; there is no allegation of mala fide; all the candidates have already joined and a period of more than three years from the date of result has passed away, this Court does not find it appropriate to set aside answer key uploaded by respondent and doubted by petitioner.

14. In the wake of above factual position, this Court is of the considered opinion that the instant petitions deserve to be dismissed and accordingly dismissed.”

6. Learned counsel appearing on behalf of the appellants has reiterated the contentions made before the learned Single Judge and has adverted to the material placed on record to demonstrate that the opinion of

the experts, was incorrect. Our attention has been drawn particularly to question No.20 in LPA no.3117-2025, and the answer in the revised answer key, to contend that as per the literature and material placed on record, the same is incorrect. It is further contended that Courts have intervened in matters, where on the very face of it, there are errors in the answer key.

7. Per contra, learned counsel for the Respondent-Commission has controverted the submissions made on behalf of the appellants and has argued that in the absence of *mala fide* having been alleged, this Court would refrain from interfering with the decision taken by the experts/academics, while exercising the powers of judicial review.

8. We have heard learned counsel for the parties, and have gone through the material available on record, with their able assistance.

9. The law regarding scope of judicial review in matters pertaining to the correctness of answer keys, is no longer *res integra*. The Hon'ble Supreme Court of India in the case of **Ran Vijay Singh (supra)**, has *inter alia* observed 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 scrutinize 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.”

10. We are not convinced that the present appeals can be termed as ones falling in the category of rare and exceptional cases, warranting interference by Constitutional Courts. Undisputedly, the final answer key issued by the respondent-Commission, is based on the opinion of the experts, which ordinarily would not be interfered with. The appellants have failed to show that the facts and circumstances involved, are akin to the facts involved in the judgments, wherein Courts have chosen to interfere, despite the opinion of experts to the contrary. Once, there is no allegation of

mala fide or wrong-doing on the part of the Commission or the experts, then, the learned Single Judge rightly refused to interfere in the matter, while exercising its powers under Article 226 of Constitution of India.

11. We are also in agreement with the view taken by the learned Single Judge that, when the period of more than three years from the date of result has passed and all the selected candidates have already joined service, then, setting aside the revised answer key, at this stage would not be warranted.

12. In that view of the matter, we do not find any substance in the present appeals and the same are dismissed accordingly.

13. All pending applications, if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)	(ROHIT KAPOOR)
JUDGE	JUDGE
03.11.2025	
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Whether speaking/reasoned	: Yes/No
Whether Reportable	: Yes/No