

2025:PHHC:021811



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

210

CWP-30688-2024

Date of Decision: 14.02.2025

LALIT

... Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

... Respondents

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

Present: Mr. Sanchit Punia, Advocate and
Mr. Manoj Dhankar, Advocate
for the petitioner.

Mr. Tapan Kumar, DAG, Haryana
for respondent No.1.

Mr. Gurnoor Sandhu, Advocate
for respondent No.2.

VINOD S. BHARDWAJ, J. (ORAL)

Seeking quashing of action of respondent-HPSC, whereby the marks of the screening test have been calculated out of 100 marks notwithstanding that seven incorrect questions had been deleted in the final key, the petitioner has approached this Court.

Learned counsel for the petitioner contends that the petitioner had applied for the post of Ayurvedic Medical Officer (Group-B) in Health and Ayush Department, Haryana against advertisement No.16 of 2024 dated 21.06.2024. He contends that as per the requirement prescribed in the announcement made by respondent No.2-Haryana Public Service Commission (hereinafter referred to as HPSC), a candidate has to secure a

minimum of 25% marks in the screening test, to be eligible to appear in the Subject Knowledge Test (SKT) and to participate in the subsequent stages of selection. It is further submitted that the petitioner appeared in the said examination/ screening test and the result of the same was declared on 09.10.2024. The answer key was eventually published by respondent No.2-HPSC and objections against the same were also invited. Thereafter, on scrutiny of objections, the respondent No.2-HPSC published the final answer key, wherein seven incorrect questions were deleted. As per the said final answer key, the petitioner has secured 24.73 marks. It is further submitted that owing to deletion of seven wrong questions, the calculation of securing the minimum 25% ought to have been done out of 93 marks instead of 100 marks, which has not been done by the respondent No.2-HPSC. Hence, the present petition has been filed.

A reply to the writ petition has been filed today by the counsel for respondent No.2-HPSC, copy whereof has been supplied to the counsel for the petitioner. The relevant extract of the said reply reads thus: -

“5. That the present Writ Petition is concerned with the first stage of selection process i.e., Screening Test, therefore the details of same are being discussed in brief. Clause 1 (b) of announcement dated 18.07.2024 provided that the Screening Test was to constitute of 100 MCQ questions where all questions carried one mark each. Accordingly Clause 1 (c) provided that the total marks would be 100. Further, as per sub-clause (g) one-fourth mark was to be deducted for each wrong answer. Even further, sub-clause (k) provided that a candidate was required to score minimum of 25% marks to clear the screening test.

6. That the petitioner had applied in response to the advertisement in SC category. Application form duly filled by the petitioner is annexed with the writ petition as Annexure P-2. As per announcement dated 18.07.2024 a screening test was conducted on 23.09.2024. Result of the Screening Test was declared on 09.10.2024 (Annexure P-5). The petitioner had remained unsuccessful in the Screening test therefore his Roll Number was not mentioned in the result dated 09.10.2024.

7. That subsequently the respondent Commission had published the final answer key (P-7) In the said answer key it was shown that 7 questions have been deleted and their answers were mentioned as "X". Thereafter Roll No. wise marks of all candidates who had appeared in the Screening Test were published (P-8). The grievance of the petitioner is that in the same, the candidates have been awarded marks out of 100, whereas they should have been awarded marks out of 93 as 7 questions were deleted. He claims that he has secured 24.73 marks as per final answer key. If his marks are calculated out of 93 instead of 100 he would fulfil the required condition of having scored at least 25% marks in the Screening Test and therefore he would be eligible to be called for next stage of the selection process.

8. That this contention of the petitioner is absolutely wrong. The petitioner had secured 23 marks out of 93 and thus he has secured 24.73% marks which is below the minimum cut off of 25% marks prescribed under Clause 1 (k) and (1) of the Announcement dated 18.07.2024 (Annexure P-3).”

No rejoinder or replication to the abovesaid reply has been intended to be filed by the counsel for the petitioner.

I have heard the learned counsel for the respective parties and have gone through the documents and other material available on record with their able assistance.

It is evident from a perusal of the material available on record that as per the terms and conditions of the advertisement published by the respondent No.2-HPSC, a candidate participating in the screening test was required to obtain 25% marks to move on to the next phase i.e. the Subject Knowledge Test and viva-voce. It has further not been disputed that seven questions had been scored off by the Experts and the final result was prepared only on the strength of scores obtained by the respective candidates out of 93 questions.

The contention of counsel for the petitioner that the evaluation had to be done out of 93 marks is only a bogey argument. The requirement of securing minimum marks on the percentile formula inherently imbibes that the percentage has to be determined on a score of 100. The conversion formula being universal, the final assessment of score has been accordingly undertaken. The petitioner had secured only 23 marks out of 93 questions and on evaluating it in percentile, it worked out to 24.73%, hence, he has failed to secure 25% marks.

The argument thus is based on a notion and reflects complete lack of understanding of the mathematical concept of 'per centile' in which 'percent' itself means 'out of 100'. The calculation of percentile is done as per universally adopted and applied formula and hence is to be applied uniformly to all. It is not the case of the petitioner that his 23 marks out of 93 would be more than 25% of the score. Besides, he has also failed to refer to

any clause of the advertisement or the instructions as per which the percentile would be taken to the nearest round figure.

In the absence thereof, the petitioner cannot be said to have scored the minimum bench marks to be permitted to participate in the further selection process.

I further find support in my aforesaid view from the judgment of the Delhi High Court in the matter of ***Dr. Jitender Kumar Versus Union of India and Another*** reported as ***2022 SCC Online Del. 2797***. The relevant extract of the same is reproduced hereinafter below: -

“19. NBE has employed extrapolation method for award of marks. In simple terms, extrapolation is estimation/prediction of a future value based on anterior performance or events. In present case, 05 marks, weightage of incorrect question, were deducted from 100 marks (total marks of paper-II). Candidate's total score was then calculated against 95 marks of 'valid' questions. On the basis thereof, candidate's performance was evaluated against score of 100. Insofar as need of extrapolation is concerned, it has been explained that although question No. 3B was deleted for evaluation purposes, its weightage (05 marks) has not been deducted from total maximum score (400 marks) as rules of DnB examination and Information Bulletin prescribe minimum/ qualifying marks out of 400 marks for the purpose of appearing for DnB practical examination.

20. The technically incorrect question was never evaluated by theory assessors. Therefore, question No. 3B was treated as null and void, and as such, no candidate was put to any disadvantage since marks were proportionately extrapolated. Petitioner secured 39 marks out of 95 in paper-II, which were extrapolated to 41 out of 100 as per his performance in

remaining questions. The following table, as included in NBE'S counter-affidavit, explains process of extrapolation:

S. No.	MARKS OBTAINED IN PAPER II (OUT OF 95)	EXTRAPOLATED MAKRS IN PAPER II (OUT OF 100)
1.	20.00	21.00
2.	20.50	21.50
3.	21.00	22.00
4.	22.00	23.00
5.	28.50	30.00
6.	29.00	30.50
7.	29.50	31.00
8.	30.00	31.50
9.	30.50	32.00
10.	31.00	232.50
11.	31.50	33.00
12.	38.00	40.00
13.	38.50	40.50
14.	39.00	41.00
15.	39.50	41.50
16.	40.00	42.00
17.	40.50	42.50
18.	41.00	43.00
19.	47.50	50.00
20.	48.00	50.50
21.	48.50	51.00
22.	49.00	51.50
23.	49.50	52.00
24.	50.00	52.50
25.	50.50	53.00

21. Petitioner finds the above unjustified on the ground that NBE has extrapolated the same marks to all students scoring

between 38-47 despite a difference of 10% therein. Mr. Singh has clarified that the tabulation is only illustrative, and value arrived at after extrapolation in paper-II, is added to candidate's total score in all papers of DnB theory examination. In case the final figure is in fractions/decimals, it is rounded off to the nearest whole number. Petitioner scored 39 out of 95 marks (about 41%); applying the method of extrapolation, he was awarded 41 out of 100 marks in paper-II, thereby maintaining the overall percentage i.e., 41%. No manifest irregularity, illegality or arbitrariness in this method of extrapolation is made out, prejudicing Petitioner.”

Under the given circumstances and in light of the foregoing reasons, I do not find that the petitioner is eligible to be considered for being permitted to participate in the Subject Knowledge Test having not cleared the screening test by scoring the minimum prescribed benchmarks.

The petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

FEBRUARY 14, 2025.
Rajender

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