



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

**Serial No. 240+241**

**Decided on:04.12.2025**

**1) CWP-33277-2025**

Pinky Devi and others . . . Petitioners

Versus

State of Haryana and others . . . Respondents

AND

**2) CWP-33347-2025**

Deepak and others . . . Petitioners

Versus

State of Haryana and others . . . Respondents

AND

**3) CWP-35114-2025**

Ankit Sharma . . . Petitioner

Versus

Haryana Public Service Commission . . . Respondent

**CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

Present: Mr. R. S. Dhull, Advocate and  
Mr. Navnit Sharma, Advocate  
for the petitioners in CWP-33347-2025.

Mr. Sarthak Gupta, Advocate and  
Mr. Saurabh Gupta, Advocate  
for the petitioners in CWP-33277-2025.



Mr. Abhishek Sindhvani, Advocate  
for the petitioner in CWP-35114-2025.

Mr. Parveen Mehta, Additional Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate and  
Ms. Sheena Dahiya, Advocate  
for the respondent/Commission.

**TRIBHUVAN DAHIYA, J.(ORAL)**

The petitions are being decided together as common questions of law on similar facts arise for consideration therein.

2. The facts have been noticed from CWP-33277-2025, which has been filed *inter alia* seeking a writ of *certiorari* quashing the screening test for the post of Assistant Professor Mathematics in response to advertisement 56/2024 conducted on 28.09.2025, the final master answer key for the test dated 14.10.2025, and also the result dated 14.10.2025. Further, a writ of *mandamus* has been sought directing the respondents to re-conduct the screening test in a fair and transparent manner.

3. The petitioners are applicants for the post in question, and have appeared for the screening test conducted on 28.09.2025. Thereafter, a model answer key was uploaded on the Commission's website on 29.09.2025, inviting objections from the candidates. The objections received were sent to the subject experts, and following their advice the impugned final answer key along with test result was uploaded on 14.10.2025.

4. Learned counsel for the petitioners contended that the process of conducting the screening test was vitiated as there were numerous errors in the answer key which led to deletion of thirteen questions. Besides, five questions, namely questions no.2, 5, 22, 35 and 77, were out of syllabus. Such

a large number of errors calls for cancellation of the test itself. Particularly



when the Commission itself has filed an affidavit, dated 06.01.2023, Annexure P-10, before this Court in CWP-5119-2018 titled *Nikhil Kharab v. State of Haryana and others* that whenever more than fourteen questions of a test are required to be deleted, it will re-conduct the test. In the instant case, thirteen questions have already been deleted and at least five more are out of syllabus, which would require their deletion. Therefore, the threshold of fourteen deleted questions for conducting a re-test has been reached.

4.1. *Secondly*, it has been argued that questions 37 and 45 have four statements each, and while answering the candidates are required to choose the correct statement(s). Question 45 reads as under:

45 Consider the following Statements:

1. If all the zeroes of a polynomial lie in a half plane, then zeroes of derivative also lie in the same half plane.
2. If all zeroes of a polynomial lie in the unit circle then zeroes of derivative lie in closed unit disk  $\{z \in \mathbb{C} : |z| \leq 1\}$ .
3. If all zeroes of a polynomial are reals then zeroes of derivative are also reals.
4. If all zeroes of a polynomial are purely imaginary then zeroes of derivation are also purely imaginary.

How many of the statement given above are correct?

- (A) Only one statement      (B) Only two statements  
(C) All three statements      (D) All four statements  
(E) Question not attempted

Both the questions are on similar pattern and contain the same four answer options. Accordingly, answer C is apparently incorrect, as the questions have four statements and not three. This calls for deletion of the question. In support of the contention, learned counsel has relied upon the law laid down



in *Guru Nanak Dev University v. Saumil Garg and others*, 2005 (13) SCC 749.

4.2. *Thirdly*, it was submitted that a large number of wrong questions in the test have denied level playing field to the petitioners, as they had to spend considerable time in solving those questions which ultimately were deleted. And the candidates who had not attempted those questions, did not face this disadvantage. Accordingly, wrong inclusion of questions has resulted in loss of opportunities of the petitioners to take the test in a proper manner which has prejudiced the right to equality and fairness.

5. *Per contra*, learned counsel for the Commission contends that the process of conducting the screening test has been duly approved by a Division Bench of this Court in LPA-1338-2012 titled *Haryana Public Service Commission v. Jitender Kumar and another*. The Commission had filed an affidavit before the Court regarding the procedure to be followed for conducting examination which was considered to be in consonance with the directions issued in the case. Relevant paragraphs of the judgment are as under:

3. These appeals are preferred by the Commission challenging the aforesaid directions. The matter was taken up on various dates. It is not now necessary to go into the issue raised in these appeals having regard to a very fair and equitable stand taken by the Commission in order to resolve the dispute and redress the grievances of the respondents herein. The affidavit of Shri I.C. Sangwan, Secretary of the Commission is filed wherein decision taken by the Commission is disclosed and the Commission intends to proceed in the following manner:

"5. That H.P.S.C. has taken a decision that it will send those representations already received before and after the publication of answer key as mentioned in Annexure A-1



to the Committee of Experts in the respective subjects alongwith answer key and syllabus relating to the concerned subjects to consider the aforesaid representations and to submit the reports to the Commission about the questions/answers found to be discrepant by the Committee of experts in the respective subjects.

6. That on receipt of the reports from the Committee of Experts subject-wise, Commission shall consider the report and shall delete the Questions/Answers found to be discrepant and will prepare and declare the result as per report of the Expert Committee on percentile basis as soon as possible.

7.       xxx               xxx               xxx

4.               xxx               xxx               xxx

5. It is, thus, stated that the Expert Committee(s), which is to be constituted as per the directions of the learned Single Judge, would go into all these questions and take the decision in the manner indicated above.

6.               xxx               xxx               xxx

7. Since the aforesaid proposal/procedure/mode suggested by the Commission essentially takes care of the directions of the learned Single Judge, nothing survives in these appeals which are disposed of with the directions that the Commission shall take the steps in accordance with the lines stated in the affidavit and now as indicated in this order.

5.1.       *Secondly*, it has been contended that the objections received by the Commission in response to announcement, dated 29.09.2025, were sent to independent subject experts, and the final answer key as well as the result was prepared based on their advice, after deletion of thirteen questions of the test. He further contended that the petitioners were not entitled to object to questions no.2, 5, 22 and 35 as being out of syllabus since such an objection



was not raised by them or by any other candidate for that matter. Only question 77 was objected to on the ground of being out of syllabus, but as per advice of the experts it was within the prescribed syllabus. Also, there was no objection to question 37, and only question 45 was stated to be vague. This objection was also sent to the subject experts, who did not recommend any deletion or correction of the question and opined, “*as the statement/4 is false so correct option is C*”. He has produced the report of Subject experts dated 11/12.10.2025, which has been perused.

5.2. *Thirdly*, learned counsel has contended that the affidavit filed by the Commission in *Nikhil Kharab* case (*supra*) was regarding a scheme of examination which was different from the scheme in question. He has referred to the Commission’s reply in that regard which reads as under:

- (ii) It is submitted that the contents of affidavit filed in CWP No. 5119 of 2018 are not at all applicable to the facts of present case. In the said case, the scheme of examination was a Multiple Choice Question (MCQ) examination followed by interview. Since, the marks of the MCQ examination were to be added by the Commission, therefore a conscious decision was taken for such examinations that in case there are more than 14 questions which are deleted, then the examination would be taken again. In the present set of examination, the scheme is screening test (MCQ based) followed by Subject Knowledge Test and interview. The marks obtained in Screening test are not to be added in the final result. Meaning thereby, the candidates who are able to come within four times the zone of consideration and have also secured minimum benchmark of 25% will participate in the next stage of examination which determines their inter-se merit. Thus, the context of examination is very important for any decision that is taken.



For the current pattern of examination viz. Screening Test, Subject Knowledge Test and interview, the decision as quoted in corresponding paragraphs of writ petition are not applicable. Therefore, there is no threshold to scrap the examination in case 14 questions or more are to be deleted.

5.3. Lastly, he has relied upon the Judgment passed by a Division Bench of this Court in CWP-3074-2015 titled *Varun Chandiok v. Haryana Public Service Commission and another*, which has dealt with a similar issue and rejected the challenge to answer key of certain questions on the ground of being incorrect, vague or incapable of having correct answers, etc.

6. Submissions made by learned counsel for the parties have been considered.

7. This Court has perused a report, dated 11/12.10.2025, by independent subject experts who hold senior academic positions in the State institutions of higher learning. They have examined every objection received from the candidates and given reasons for each of the recommendations. The correctness of every question objected to has been decided as per the advice given/recommendation. Similarly, the issue as to whether any particular question is to be deleted or considered out of syllabus, has also been decided as per the advice. The Commission has not used its own wisdom in doing so. And there is no reason for this Court to differ with the experts' advice tendered after considering objections to the model answer key. It has been reiterated by the Courts time and again that experts' opinion deserves to be accepted unless it is *mala fide*, erroneous or has been rendered for extraneous reasons, which is not the case at hand. There is no allegation of *mala fide* or *any* wrong-doing on the part of any of the experts. It also remains a fact that



answer key, inviting objections, taking advice of subject experts and preparing the final answer key on that basis, has been approved by the Division Bench in *Jitender Kumar* case (*supra*).

8. The argument by learned counsel for the petitioner(s) that inclusion of wrong and vague questions in the test has denied a level playing field to the petitioners, is also without substance. The entire exercise of conducting the test, right from the appointment of paper setters till handing over the question papers prepared by them to candidates in the examination hall, is under a cover of secrecy. The question papers remain under seal, and see the light of the day only in the examination hall. This is the standard procedure followed by the Commission for conduct of examination, as submitted on its behalf. Accordingly, until objections to the model answer key and the questions are received and positively considered by an expert body, it cannot be said the same are incorrect or vague or out of syllabus. In case the petitioners attempted those very questions which were later deleted from the test based upon the advice of independent experts, no prejudice can be said to have been caused on that account. These are vagaries of the examination process and their fall-out is inevitable. These unforeseen eventualities cannot be a basis to question the process of examination which is otherwise fair and reasonable. Moreso, when it is nobody's case that the inclusion or deletion of wrong questions was a deliberate attempt on the part of the Commission or the experts.

9. Besides, a similar issue, including the Supreme Court judgment in *Guru Nanak Dev University* case (*supra*), has been considered by the Division Bench in *Varun Chandiok* case (*supra*), holding that the examining body is best suited to decide whether a question is vague or its answer is





incorrect. And that in exercise of judicial review the Court is only to examine the decision making process.

In Guru Nanak Dev University's case (supra), the Punjab Medical Entrance Test conducted by the appellant-University was subject matter of consideration. The writ petitions were filed before this Court by some of the candidates raising a grievance that the key answers in respect of 21 questions were incorrect. The High Court appointed the Central Board of Secondary Education (CBSE) to examine the correctness of key answers. The report was submitted to the effect that 10 key answers out of 21 were incorrect. Thereafter, the High Court directed that key answers in respect of 200 questions deserves to be re-examined without cancelling the entire Entrance Test. It was ordered that the majority view of the Committee appointed by the High Court would be the basis of the revised/correct key answers. In an appeal, the Hon'ble Supreme Court sought report from the CBSE as well as from the Delhi University on the correctness of 10 key answers. The Court found that out of such questions, 8 questions are demonstrably erroneous, whereas in respect of 2 questions, benefit of doubt as per law well settled has to go in favour of the examining body. The Hon'ble Supreme Court directed that the key answers of such questions should be re-examined by the University in the light of the reports of the CBSE and the Delhi University.

The Court also found that 7 questions are so vague as that they are incapable of having a correct answer. The University has given credit to all the students, who had participated in the Entrance Test. Such course was not found to be proper. Having said so, the Court found that the reasonable procedure would be to give credit only to those, who attempted such questions or some of them. The University was directed to revise the result accordingly.

We do not find that the said judgment provides any assistance to the arguments raised. The action of the University



in giving credit to all the students, whether they have attempted the questions or not, was found to be unjustified. In the present case, the examining body has taken a conscious decision that credit or discredit of such questions shall not be given to any student irrespective of the fact whether a student has attempted such questions or not. Therefore, all students have been assessed on the basis of 120 questions rather than on the basis of 125 questions. Numerous eventualities can be conceived as a result of such decision; such as, a candidate, who has answered the questions correct, has been deprived of the marks, whereas a candidate, who has not understood the questions correctly and not attempted the same or attempted wrongly, would stand to benefit.

In a writ petition, we are not to examine the numerable circumstances, which may ensue as a result of deletion of such questions. As a part of judicial review, the jurisdiction of this Court is to examine the decision making process. Whether the decision making process of deleting the questions is so arbitrary, unreasonable or irrational that it cannot be sustained. The examining body is the most suitable to decide, whether such questions are vague or the options are incorrect or not possible. Such decision of the examining body has to be respected. The decision of the examining body that questions need to be deleted cannot be said to be arbitrary, unreasonable or irrational, which may warrant interference by this Court in exercise of its writ jurisdiction.

We find that the argument of learned counsel for the petitioner to be contradictory, when the petitioner seeks deletion of three questions i.e. 78, 83 & 125. Again, whether the question should be deleted or not depends upon the opinion of the examining body. The decision of the examining body to delete some questions or not to delete other questions cannot be said to be violative of any principle of natural justice or arbitrary or irrational, which may warrant interference in any manner.



10. This Court is in agreement with the reasoning given by the Commission that its earlier decision to hold a re-test in case more than fourteen questions are to be deleted, has been with reference to a different scheme of examination where the marks obtained in a test are to be counted for drawing the final merit list. The instant case pertains to a distinct scheme where the screening test, the petitioners have been subjected to, is a qualifying test, and its marks are not to be added for selection.

11. In view of the discussion, there is no merit in these petitions and the same are hereby dismissed.

12. A photocopy of this order be placed on the connected files.

**04.12.2025**

*Mehak*

**(TRIBHUVAN DAHIYA)**  
**JUDGE**

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