



244

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-6111-2022

Date of Decision: 15.01.2026

Amit

...Petitioner

Versus

State of Haryana and Another

...Respondents

CORAM: HON'BLE MR. JAGMOHAN BANSAL.

Present:- Mr. Mahavir Singh, Advocate
for the petitioner

Mr. Ravi Partap Singh, DAG Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of answer key to the extent of Question Nos. 9, 38 & 57 issued with respect to Advertisement No.3/2021 for the post of Sub Inspector.

2. Pursuant to Advertisement No.3/2021, the petitioner applied for the post of Sub Inspector. The selection process comprised (a) written test, (b) Physical Screening Test (for short 'PST'), (c) Physical Measurement Test (for short 'PMT') and (d) scrutiny of documents. The merit list was to be drawn on the basis of marks obtained in the written test as well as marks of additional qualification and Socio Economic Criteria.

3. The petitioner appeared in the written test held on 26.09.2021. On 19.10.2021, the respondent uploaded answer key on its website and invited objections from candidates. A number of candidates submitted their objections with respect to different questions, however, the petitioner did not raise any objection. He was called for PST, PMT and scrutiny of documents. He was



awarded 67.20 marks which included 59.20 marks of interview, 3 for higher qualification and 5 under Socio Economic Criteria. Many unsuccessful candidates filed complaints against selected candidates alleging that they have filed false documents while claiming benefit under Socio Economic Criteria. The respondent scrutinized documents of different candidates including petitioner. 30 candidates including petitioner came to be ousted because they had wrongly claimed marks under Socio Economic Criteria. The petitioner's father was in government job still he filed affidavit to the effect that there is no member of his family who is in government job, thus, he is entitled to 5 marks under Socio Economic Criteria. He started raising question about authenticity of answer key.

4. Learned counsel for petitioner submits that answer of Question Nos. 9, 38 & 57 was incorrectly determined by respondent. He has given correct answer still was denied marks.

5. *Per contra*, learned State counsel submits that respondent received objections from different candidates with respect to answer key uploaded on website. The matter was referred to Chief Examiner who sought opinion of subject experts. Answer key was revised as per opinion of experts. There was no revision of answer of Question Nos. 9, 38 & 57. The revised result was declared on 28.02.2022. The petitioner was selected, thus, was not aggrieved at that stage, however, started raising objection the moment his candidature was rejected on account of denial of 5 marks under Socio Economic Criteria.

6. Heard the arguments and perused the record.

7. From perusal of record, it is evident that petitioner claimed 5 marks under Socio Economic Criteria. He claimed that nobody from his family is or was in government job. On inquiry against many candidates including



petitioner, it was found that petitioner's father was in Delhi Police, thus, he wrongly claimed 5 marks under Socio Economic Criteria. He was selected, however, was denied post on account of denial of 5 marks under Socio Economic Criteria. He scored 67.20 marks which included 5 marks under Socio Economic Criteria. As soon as 5 marks under Socio Economic Criteria were deleted, his marks became less than cut-off marks. The petitioner is guilty of filing false documents still has approached this Court seeking revision of answer key.

8. The petitioner has doubted answer to three questions. For the ready reference, all the questions in dispute are reproduced as below:

<i>Questions in dispute</i>	<i>Answer given/ticked by petitioner</i>	<i>Answer as per Commission</i>
<i>Q. 9 - Who among the following former DGPs of Haryana, died recently?</i>	<i>Option A - (S.S. Bajwa)</i>	<i>Option C – (Lachhman Das)</i>
<i>Q. 38 - What is the temperature required for sowing wheat crops?</i>	<i>Option B - (15°C to 18°C)</i>	<i>Option A – (21°C to 22°C)</i>
<i>Q. 57 - When did the Indian Government repeal the Article 370 in the State of Jammu & Kashmir?</i>	<i>Option C - (6th August, 2019)</i>	<i>Option B – (5th August, 2019)</i>

9. Before dwelling into issue involved, it would be apposite to have bird's eye view of judicial precedents.

10. The Supreme Court in ***U.P.P.S.C & Another V/s Rahul Singh & Another, 2018 AIR (Supreme Court) 2861*** while advertng to correctness of



answers key has held that the law is well settled that onus is on the candidate to not only demonstrate that the answer key is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers.

11. In ***Ran Vijay Singh (Supra)***, the Supreme Court while dealing with the question of re-evaluation or scrutiny of answer sheets has held that :

"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 reevaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalization" 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."

12. In ***High Court of Tripura V/s Tirtha Sarathi Mukherjee & Others, (2019) 16 SCC 663***, the Supreme Court has held that a grave injustice may be occasioned to a writ applicant in certain circumstances. The case may

arise where despite giving the correct answer no marks are awarded. If there is



any doubt, the doubt should be resolved in favour of the examining body rather than in favour of the candidate. The wide power under Article 226 of the Constitution of India may continue to be available even though there is no provision for re-valuation in a situation where a candidate despite having giving correct answer and about which there cannot be even the slightest manner of doubt, he is treated as having given the wrong answer and consequently the candidate is found dis-entitled to any marks.

13. Petition in hand needs to be adjudicated in the light of law enunciated by Hon'ble Supreme Court because there are no particular statutory provisions governing the issue involved.

14. 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 Articles 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.

15. A Constitution Bench in ***S.P. Gupta V/s 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 armory 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.

16. 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. Thus, the Commission has no process to ascertain the correctness of an answer at its own level and therefore has no option but to rely upon the report of the Chief Examiner. The revised answer key supplied by the Chief Examiner has been made applicable to all the candidates and evaluation of OMR answer sheets have been done accordingly.

17. In reply to Question No.9, the petitioner ticked Option A which is factually incorrect. The answer opted by Commission is correct. It was Mr. Lachhman Das, DGP who had died recently whereas petitioner opted Mr. S.S. Bajwa. Question No.38 was a technical question. As per petitioner, 15°C to 18°C temperature is required for sowing wheat crop whereas as per respondent, required temperature is 21°C to 22°C. It is a pure technical question. This Court cannot substitute opinion of experts. As per petitioner, answer of Question No.57 is 6th August, 2019 and as per respondent, 5th August, 2019. Parliament



passed bill of amendment of Article 370 of Constitution of India on 5th August, 2019 and President issued notification on 6th August, 2019. The subject expert formed an opinion that 5th August, 2019 was right answer of the said question. A number of candidates had participated in the selection process and there is no candidate except petitioner who is disputing answer chosen by respondent.

18. In the wake of law laid down by Hon'ble Supreme Court, the fact that respondent referred the matter to Commission who further forwarded the matter to the Chief Examiner and there is no allegation of *mala fide*, this Court is not inclined to invoke its extraordinary writ jurisdiction with respect to impugned answer key.

19. In the aftermath, the instant petition is hereby dismissed.

20. Pending application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

15.01.2026
SDK

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