

2025:PHHC:060088-DB



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

**LPA-1352-2025 (O&M)**

**Date of decision: 07.05.2025**

ASI PARVEEN KUMAR

.....Appellant

Versus

STATE OF PUNJAB & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH  
HON'BLE MR. JUSTICE ALOK JAIN**

Present:- Mr. Daljeet Singh Kahlon, Advocate for appellant.

**SUDHIR SINGH, J.**

**CM-3317-LPA-2025**

For the reasons given in the application, the same is allowed. Delay of 34 days in filing the appeal is condoned.

**LPA-1352-2025**

Challenge in the instant intra Court appeal is to the order dated 25.02.2025 passed by the learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before the learned Single Judge, the appellant had sought issuance of a writ in the nature of Mandamus directing respondents No.2 and 3 to constitute an independent Board to re-assess/re-check his paper. A further writ of Certiorari was sought quashing the result dated 24.10.224 (Annexure P-1 with the writ petition).

3. As per the facts on record, the appellant having been

selected as Special Police Officer (SPO) on 18.07.1992 was granted out of turn promotion as a Head Constable on 18.10.1993 under 10% quota. The respondent-Authorities had conducted a Lower School Course (LSC) promotion of the eligible candidates to the rank of Head Constable, wherein the appellant figured at Serial No.68. The appellant was found medically fit and had also cleared 1<sup>st</sup> and 2<sup>nd</sup> stages of the written test but in the final result declared, he could not make a rank. The appellant alleged that in the information obtained by him under the Right to Information Act, it was not clear as to what were the guidelines for assessing the indoor assessment test and the reason about no marks given to the appellant. It was further alleged by the appellant that even on the representation submitted by him for rechecking his answer sheets, no decision was taken by the respondent-Authorities.

4. As noticed above, the learned Single Judge after hearing the rival contentions of the parties, dismissed the writ petition, as noticed above.

5. It is argued by the learned counsel for the appellant that while passing the impugned order, the learned Single Judge has not taken into consideration that the respondent-Authorities did not formulate any criteria for not giving marks to the appellant for the questions attempted by him, whereas the fact remains that the appellant had attempted the question paper very well. It is further argued that the information obtained by the appellant under the Right to Information Act, 2005, clearly vindicates the assertions of the appellant that he has been treated unfairly and in an arbitrary manner

by the respondent-Authorities. It is further argued that even if the question paper was subjective in nature, then also, the paper checking Authority/Officer must follow some valid criteria for awarding or not awarding marks to the appellant. It is, thus, argued that the impugned order suffers from patent illegality and the same is liable to be set aside.

6. We have heard learned counsel for the appellant and have also gone through impugned order passed by the learned Single Judge.

7. A perusal of the impugned order would show that based on the rival contentions of the parties, it was observed by the learned Single Judge that in the written test conducted by the respondent-Authorities, the question paper was subjective in nature and did not contain Multiple Choice Questions (MCQs). It was further found that it was only in respect of the MCQs that the answer key could be made available, but as regards the subjective questions, the paper setters could not be called upon to release the answer key. It was observed as under:-

“6. The petitioner is primarily claiming that answer key was not released, thus, he has been prejudiced. The respondent conducted written test and all the questions were subjective instead of Multiple Choice Questions (MCQs). The answer key could be available had there been MCQs. The paper setters could not be asked to release answer keys of subjective questions. The

grievance of petitioner is misplaced. It is settled proposition of law that Courts cannot interfere in the checking of papers unless and until there is misuse of process of law. If there are mass level irregularities on the part of exam conducting authority or papers evaluators, the Court may interfere, however, on the asking of one candidate, the entire examination process cannot be doubted. The Court cannot send paper for re-checking to evaluator other than appointed by the Recruitment Agency. It was an internal test. The test was conducted by Police Authorities and all the candidates also are police officials. There is no allegation of favoritism on the part of respondents. There is no dispute that there are no provision for re-checking.”

8. Learned counsel for the appellant could not dispute the factum that the written exam contained the subjective questions. That being the position, we are in complete agreement with the finding recorded by the learned Single Judge, that the paper setters could not be called upon to release the answer key. It is settled law that assessment of answer to any subjective question, depends upon the writing intellect of a candidate and its appreciation by the subject expert/examiner and there cannot be any straight jacket formula to

frame a particular criteria to award any fixed marks for such answer. Thus, the appellant cannot be heard saying that he should have been given more marks for a particular question or questions attempted by him.

9. No other point has been urged.

10. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

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

**[ SUDHIR SINGH ]  
JUDGE**

**[ ALOK JAIN ]  
JUDGE**

07.05.2025

himanshu

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No