IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

LPA-322-2025(O&M)
Reserved on : 13th of February, 2025
Date of Decision:3rd of March, 2025

ARJUN SINGH AND OTHERS .....Appellant (s)

V/s.

STATE OF HARYANA AND OTHERS .....Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present: Mr. Sarthak Gupta, Advocate
for the appellants.

Mr.Vivek Chauhan, Addl. A.G., Haryana.

Mr. Kanwal Goyal, Advocate and
Ms. Supriya Arora, Advocate
for respondent No.2- HPSC.

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SANJEEV PRAKASH SHARMA, J.

1. The present LPA assails the order dated 08.01.2025 passed by the learned Single Judge in CWP-29861-2024 and connected cases whereby the same were dismissed.

2. The Writ Petitioners in CWP-29861-2024 had prayed for quashing of screening test question paper held on 13.10.2024 for the post of Post Graduate PGT Teacher (Chemistry) and its final answer key published on 28.10.2024 with further directions to initiate independent enquiry by the Director General, Anti Corruption Bureau in the matter regarding corrupt practices adopted by the respondent No.2-HPSC in conducting the screening test.

3. Learned counsel for the appellants limits his arguments to the challenge made to the answer key and submits that the answers finalized by the respondent No.2-HPSC were *prima facie* demonstrably and patently wrong.

4. Learned counsel for the appellants submits that the correct answer to question No.82 was option (C) i.e. *Peroxy Acyl Nitrate*, and the same was treated as correct in the earlier examination of HTET-2020 in subject of Chemistry conducted by the Haryana School Education Board, where the said question is reflected at question No.97 and the answer/option (C) presently i.e. *Peroxy Acyl Nitrate*, was treated as the correct answer/option. In the revised answer key, the said answer was treated as "none of the above" resulting in the petitioner losing his rank and thereby been deprived of participation.

5. Learned counsel for the appellants submits that the result declared by the examining body is open to judicial review and further submits that the appellants could not have been deprived of the benefit of the correct answer which they had given to the concerned question.

6. We had issued notices in this Appeal and counsel had appeared on behalf of the respondent No.2-HPSC. He has placed before us the report of the subject experts for the subject of Chemistry in a sealed cover.

7. We have considered the submissions of learned counsel for the appellant.

8. To examine question No. 82, it would be apposite to quote the same, which is as under:-

"Q. 82: PAN is:

(A) Peroxy Aldehyde Nitrate

(B) Peroxy Ammonium Nitrate

(C) Peroxy Acyl Nitrate

(D) None of the above.

(E) Question not attempted."

9. The Expert Committee's report was perused by us and we find that the Expert Committee panel is consisting of three Professors of the Department of Chemistry of one of the credible Universities and all the objections raised by the various candidates, relating to the answers provided in the provisional answer key, to the various questions, were placed before it. The Committee after having examined the questions, and their respective answers provided in the original answer key, revised the answer key and also provided reasons for the recommendations.

10. With respect to the question No.82, the term "PAN" was held to mean "*Peroxy Acitime Nitrate*" which was not in the options and therefore, the Committee found that the correct option to question was (D) and not (C) as claimed by the appellants. Merely because the earlier answer key for the said question reflected the answer to "PAN" as "*Peroxy Acyl Nitrate*" would not mean that option (C) is correct. It is a settled law that two wrongs cannot make one right.

11. A common conclusion of the Expert Committee consisting of the Professors in the field of Chemistry would have to be presumed to be right. There is no occasion at all for this Court to believe and reach to a conclusion other than what has been arrived at by the said expert panel.

12. ***In Himachal Pradesh Public Service Commission Vs. Mukesh Thakur and Another***; *2010 (6) SCC 759* the apex Court held as under:-

> *"**20**. In view of the above, it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the question or evaluation of the answer, it could be for all the candidates appearing for the examination and not for respondent no.1 only. It is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court.Therefore we are of the considered opinion that such a course was not permissible to the High Court"*

13. In ***Kanpur University (Through Vice Chancellor) and Others*** Vs. ***Samir Gupta and others***; (*1983) 4 SCC 309*, the apex Court has held as under:-

> *"16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the key-answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body*

> *of men well-versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged text-books, which are commonly read by students in U.P. Those text-books leave no room for doubt that the answer given by the students is correct and the key answer is incorrect."*

14. In ***Manish Ujwal and Others*** Vs. ***Maharshi Dayanand Saraswati University and others***; *2005 (13) SCC 744*, the apex Court has found the key answers were palpably and demonstrably erroneous after the experts of both Jodhpur and Udaipur Universities stated that the key answers were erroneous and therefore, directed the result to be revised.

15. In ***Guru Nanak Dev University*** Vs. ***Saumil Garg and others***; *(2005) 13 SCC 749*, allegations were made with regard to the answer key provided for 21 questions were alleged to be incorrect whereafter the High Court had appointed a Committee from CBSE which opined that 21 answers were incorrect. Further, unanimously CBSE and Delhi University found that 8 answers were incorrect and therefore, the Supreme Court directed revaluation of answers and revised the result.

16. In ***Rajesh Kumar*** Vs. ***State of Bihar***; *(2013) 4 SCC 690*, the erroneous model answer key was directed to be corrected as the Expert Committee found the same to be erroneous.

17. In ***Rishal and others*** Vs. ***Rajasthan Public Service Commission and others***; *(2018) 8 SCC 81,* the Supreme Court, in the first round of litigation, had directed for appointing of an Expert Committee as the report of the earlier Expert Committee was not found to be correct, since it did not deal with the objections raised relating to the concerned questions

and relying on the comprehensive report of the Expert Committee, which was formed subsequently with the directions of the Supreme Court, the revised result was directed to be declared.

18. In ***Ran Vijay and Others*** Vs. ***State of U.P. and Others***; *2018 (2) SCC 357* the Supreme Court has held as under:-

> *"**30**. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) 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; (ii) 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 rationalization" and only in rare or exceptional cases that a material error has been committed; (iii) 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; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.*
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> ***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.*

33. *The facts of the case before us indicate that in the first instance the learned Single Judge took it upon himself to actually ascertain the correctness of the key answers to seven questions. This was completely beyond his jurisdiction and as decided by this Court on several occasions, the exercise carried out*

was impermissible. Fortunately, the Division Bench did not repeat the error but in a sense, endorsed the view of the learned Single Judge, by not considering the decisions of this Court but sending four key answers for consideration by a one-man Expert Committee."

19. In ***U.P. Public Service Commission and another*** Vs. ***Rahul Singh and Another***; *(2018) 7 SCC 254*, the Commission had got answer key moderated by two Expert Committees. The objections were invited to the said moderated answer key and thereafter another 26 members Committee was constituted to examine the objections whereafter, certain questions were deleted and answers were changed. The said result was again challenged before the Supreme Court and it has observed as under:-

*"**12**. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer 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. In Kanpur University case (supra), the Court recommended a system of - (1) moderation; (2) avoiding ambiguity in the questions; (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.*

13. *As far as the present case is concerned even before publishing the first list of key answers the Commission had got the key answers moderated by two Expert Committees. Thereafter, objections were invited and a 26 member committee was constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these committees consisted of experts in various subjects for which the*

examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answer is better or more correct.

14. *XXX XXXX XXXX*

15. *In view of the above discussion we are clearly of the view that the High Court over stepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant - Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of the prima facie view that the answer given by the Commission is correct."*

20. It is also a settled law that this Court would not interfere in technical matters in academic field unless there is any violation of law governing the said examination or there are allegations of malafide or arbitrariness.

21. In ***Haryana Public Service Commission*** Vs. ***State of Haryana and others*** in *Civil Appeal No.7727 of 2019*, the Expert Committee's report was accepted by the Commission which deleted 7 questions and result was declared. The learned Single Bench proceeded to set aside further four more questions and directed them to be deleted. The Division Bench appointed another Expert Committee in the LPA filed against the order. The matter travelled to the Supreme Court, wherein the apex Court vide its judgment dated 30.09.2019 examined as to whether another Expert Committee could be appointed and it was held as under:-

"if the judgment of the Division Bench is allowed to stand, there will be no finality to the selection process. There was no

allegation as such against the Expert Committee which was appointed by the Commission. The Expert Committee, in its wisdom has concluded that seven questions were either ambiguous or the answer keys were not correct. Accepting the said report, the Commission has proceeded with the selection process and results were announced. Thereafter, the candidates approached the High Court. Though learned Single Judge was right in agreeing for deletion of seven questions, ws not justified in acting as an expert in the field and, therefore, the learned Single Judge's order relating to deletion of four questions also cannot be accepted.

Accordingly, the judgment of the learned Single Judge as well as that of the Division Bench stand set aside."

22. In ***Sukhnoor Singh*** Vs. ***Haryana Public Service Commission and Another***, CWP-8510-2024 decided on 10.07.2024, which is also noticed by the learned Single Bench in the impugned order, the Division Bench of this Court has relied on the opinion of the Expert Committee and refused to entertain further objections raised. The same was challenged in SLP No.30367 of 2024 titled as ***Robin Sharma*** Vs. ***Haryana Public Service Commission and Others*** and the apex Court vide order dated 11.07.2024, has held as under:-

*"**1.** XXX XXXX XXX*

***2**. Having considered the basis of the impugned judgment which relies upon the view obtained from the Expert Committee, we see no reason to interfere. The Special Leave Petition is accordingly dismissed."*

23. We have also considered a similar issue in *LPA-202-2025* titled as ***Gurjinder Singh*** Vs. ***State of Union Territory Chandigarh and Another*** recently decided on 23.01.2025, wherein having taken into consideration the aforesaid judgments, we have observed as under:-

*"**3.** We have been handed over the original Report and the Minutes of Meeting addressing the objections received by them against the General Question Paper of TGT Part-A Common Examination held on 01.08.2024 which reflects that the objections were addressed to and a Punjabi subject expert along-with Exam Section was assigned for resolving the objections received whereafter the Report was prepared and the Expert Committee has found that no change is required in Question No.47 Part A Set B. The original answer key has been found to be correct and no change has been advised by the Expert Committee. The Expert Committee has also made certain changes in relation to some other questions. Thus, we find that there has been an application of mind at the level of the Expert Committee. As regards the contention of learned counsel that the interpretation as taken by the Expert Committee is perverse as the document relied upon answers otherwise, we are unable to accept the contention as it is settled law that the concerned examiner or the expert, would have the expertise to reach to a particular conclusion. It is not uncommon that there may be different conclusions drawn by certain experts however one has to put an end to such controversies and if an expert has been called whose expertise is not under question before us, and he has given his opinion there is no occasion for this Court who does not have any expertise in that regard to differ from his opinion or to question his opinion. The entire basis of examination is that we have to faith in our examiner and the experts. If a different view is taken, all the examinations would be under a*

scanner and there would be no end to such questions being raised by the candidates. The views taken by Hon'ble the Supreme Court in Ran Vijay Singh and others vs. State of U.P and others (2018) 2 SCC 357 and Uttar Pradesh Public Service Commission &Ors. vs. Rahul Singh &Ors., 2018 AIR (SC) 2861 are on the same aspect."

24. In a recent judgment delivered by the Co-ordinate Division Bench of this Court in *CWP-4917-2025* titled as ***Diksha Kalson*** Vs. ***State of Haryana and others*** decided on 28.02.2025, relating to Haryana Civil Service (Judicial Branch) Examination, where a candidate (petitioner therein) had demanded re-evaluation on the basis of the answer given to a particular question. In the said judgment, the Division Bench has followed the observations made by this Court in the case of ***Jasmine*** Vs. ***State of Haryana and others***, *(CWP-4826-2025; Neutral Citation No.2025:PHHC:026023)*, which are as under:-

"xxxx xxxx xxxx

"While a writ Court is endowed with wide and plenary jurisdiction, empowered to administer justice and uphold Constitutional rights, it must exercise such authority with due caution and judicial restraint. The Court must remain mindful of the fundamental principle that its intervention should not transgress the boundaries of functions conferred upon other institutions or authorities, particularly in matters such as the evaluation of examinations. The evaluation process is an exercise of specialized discretion entrusted to the examiner, and it is not the writ Court's role to encroach upon this domain. As an age old adage goes:

"The Judicial Arm should not reach where its grasp is neither necessary nor appropriate"

Thus, the Court's intervention must be reserved formatters where justice demands it, not guided by an emotive appeal at the instance of an unsuccessful candidate. Any undue interference by the writ Court would be overstepping the judicial boundaries and would tantamount to usurping the discretion entrusted to the examiner. It would undermine the integrity and autonomy of the evaluation process, thereby disrupting the delicate balance of institutional roles. The writ Court ought not to interfere due to an individual dissatisfaction with the evaluation when no ex-faciedefect is detectable. Concomitantly, if an evaluation is clearly deficient, surely the writ Court cannot turn a Nelson's eye to such an ex facie defect. It is only in a case where the evaluation appears to be grossly incorrect, even from the standpoint of a common-man or common sense, that the Writ Court ought to interfere."

25. We find that in the present case, the Expert Committee was formed for examining the objections raised and since the constitution of the Expert Committee was of the Professors in the subject and they have reached to a particular conclusion which we have noticed hereinabove, this Court would not sit over and examine the report of the Expert Committee, as we are not experts in the field, unless there is an allegation of malafide or malice against the Expert Committee.

26. In view of the aforesaid, this LPA stands ***dismissed***.

27. The Bench Secretary is directed to return the Expert Committee's report in a sealed cover to the learned counsel for the respondent No.2-HPSC.

28. All pending applications in this case are disposed of accordingly.

[SANJEEV PRAKASH SHARMA]
JUDGE

[MEENAKSHI I. MEHTA]
JUDGE

March 3, 2025
Ess Kay

Whether speaking / reasoned : Yes / No
Whether Reportable : Yes / No