106 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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CWP-4690-2025
Date of Decision: 09.09.2025

Sandeep Singh and Another

...Petitioners

Versus

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sarthak Gupta, Advocate and
Ms. Sanya Shangari, Advocate
for the petitioners.

Mr. Sanjeev Kaushik, Addl. A.G., Haryana.

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JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of answer key dated 11.12.2024 to the extent of answers of Question No.11 and 69 of Series B of written examination for the post of Scientific Staff (Group-C) for Forensic Science Laboratory.

2. The petitioners pursuant to Advertisement No.5/2023 dated 29.09.2023 applied for the post of Scientific Staff (Group-C) for Forensic Science Laboratory. They were issued Admit Card. They appeared for written examination held on 26.11.2023. The respondents released answer key on 07.12.2023. The objections were invited. The petitioners submitted their objections *qua* answers to Question Nos.11 and 69. The respondent without adverting to objections of petitioners declared result on 28.06.2024. The respondent on 11.12.2024 declared final answer key.

3. Mr. Sarthak Gupta, Advocate submits that petitioners have received costs of Rs.25,000/- as ordered by this Court. He further submits that matter was referred to Chief Examiner and opinion of experts was obtained after filing of instant petition. The experts have justified their answer and have not adverted to objections raised by petitioners. The answer opted by petitioners was correct still respondent had opted for incorrect answer. At the most, there could be two answers. In the case of two possible answers, benefit should be given to petitioners. The respondent was supposed to either cancel questions itself or grant marks to everyone who had opted answer as selected by respondent or as pleaded by petitioners.

4. *Per contra*, learned State counsel submits that matter has been examined by Experts and there is no mistake in answer key as alleged by petitioners.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. From the perusal of record, it comes out that dispute is confined to answer of Questions No. 11 and 69 of Series 'B'. The said questions are reproduced as below:-

> *"**11. Find the odd one out**:*
> *(A) 3*
> *(B) 5*
> *(C) 7*
> *(D) 9*
> *(E) Unattempted*
> *XXX XXX XXX XXX*
> ***69. Find the odd one out: 362, 482, 551, 263, 344, 284***
> *(A) 551*
> *(B) 284*

(C) 482

(D) 344

(E) Unattempted

7. As per petitioners, the correct answer to Question No.11 is option ‘D’ and Question No.69 option ‘D’ whereas the respondent has declared option ‘C’ of Question No.11 and option ‘B’ of Question No.69 as correct answer.

8. The Hon’ble Supreme Court in ***U.P.P.S.C and another Vs. Rahul Singh and another, 2018 AIR (Supreme Court) 2861*** while adverting to correctness of answers key has held that 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 ***Ran Vijay Singh and others Vs. State of U.P and others (2018) 2 SCC 357,*** the Hon’ble Supreme Court while dealing with the question of re-evaluation or scrutiny of answer sheets has held :

> “*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 rationalisation" 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."*

In ***High Court of Tripura v. Tirtha Sarathi Mukherjee and others, (2019) 16 SCC 663*** the Hon'ble 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 disentitled to any marks.

9. 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.

10. As laid down by Supreme Court, in case of doubt, the benefit of doubt should be given to Selection Committee, however, in the

absence of doubt/ambiguity, the candidates cannot be deprived of marks of correct answer.

11. The respondent in reply has clarified that objections raised by petitioners were duly considered by Chief Examiner. The matter was again referred to Chief Examiner who sought report of Experts and they have reiterated their opinion with respect to questions in dispute.

12. Relying upon plethora of judgments, a Division Bench of this Court vide judgement dated 01.06.2023 in ***CWP No.11695 of 2023*** titled as ***"Navdeep Kaur vs. State of Punjab and others"*** has held that in the absence of allegations against the expert panel or malafide on the part of respondents, the Court cannot re-examine answer key and interfere in the matter.

13. As per petitioners, the correct answers of aforestated questions are different from answers opted by respondents. The disputed questions have been examined by experts and they have reiterated their opinion. This Court has no mechanism to ascertain veracity of petitioners' claim. As per petitioners, in case of two possible answers, benefit should be given to them. As per judgments of Hon'ble Supreme Court, in case of doubt, opinion of recruitment agency should be preferred. This Court in exercise of power conferred by Article 226 of the Constitution of India cannot substitute opinion of experts especially when there is at the most doubt.

14. In the wake of law laid down by Hon'ble Courts, the fact that respondent referred the matter to Chief Examiner who further forwarded the matter to experts and there is no allegation of mala fide, this Court does not find it appropriate to direct the respondents to change answer

key and award marks to petitioners. This Court cannot invoke jurisdiction just because there is difference of opinion qua answer of two questions.

15. In the wake of above discussion and findings, the instant petition deserves to be dismissed and accordingly hereby dismissed.

(JAGMOHAN BANSAL)
JUDGE

09.09.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No