



**CWP-23450-2021 (O&M) and connected cases**

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

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**306 (30 cases)**

**CWP-23450-2021 (O&M)**

**Date of Decision: 19.08.2025**

HITESH RATHEE AND ORS.

...Petitioners

Vs.

HARYANA STAFF SELECTION COMMISSION AND ORS.

...Respondents

With

<b>Sr. No.</b>	<b>Case No.</b>	<b>Petitioner(s)</b>	<b>Respondent(s)</b>
2.	CWP-4385-2022 (O&M)	Ankit Grewal and Anr.	Haryana Staff Selection Commission and Ors.
3.	CWP-24173-2021 (O&M)	Ravi Kant and Anr.	State of Haryana and Ors.
4.	CWP-23680-2021	Sourabh Kumar	State of Haryana and Anr.
5.	CWP-26791-2021	Manish Kumar	State of Haryana and Anr.
6.	CWP-24852-2021	Sukhdev Singh	State of Haryana and Ors.
7.	CWP-25634-2021 (O&M)	Manish	State of Haryana and Anr.
8.	CWP-2319-2022	Sandeep	State of Haryana and Ors.
9.	CWP-2337-2022	Kapil	State of Haryana and Ors.
10.	CWP-2338-2022	Ankit Kumar and Anr.	State of Haryana and Ors.
11.	CWP-931-2022	Rahul Kumar	State of Haryana and Anr.
12.	CWP-2999-2022	Naresh Kumar	State of Haryana and Ors.
13.	CWP-2902-2022	Subham Kumar	State of Haryana and Ors.
14.	CWP-6515-2022	Sanjay Kumar	State of Haryana and Ors.
15.	CWP-7301-2022	Vikash	Haryana Staff Selection Commission
16.	CWP-7347-2022	Amit Kumar	Haryana Staff Selection Commission
17.	CWP-7557-2022	Jagvinder Singh	Haryana Staff Selection Commission and Ors.
18.	CWP-8862-2022	Rakesh	Haryana Staff Selection Commission



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19.	CWP-4782-2022	Pawan Kumar	State of Haryana and Ors.
20.	CWP-6719-2022	Nikku Nehra	State of Haryana and Ors.
21.	CWP-4929-2022	Amar Singh and Anr.	State of Haryana and Ors.
22.	CWP-7353-2022	Ajay Kumar	State of Haryana and Ors.
23.	CWP-6895-2022	Sanjeev Yadav	State of Haryana and Ors.
24.	CWP-6766-2022	Pankaj Dhaka and Anr.	State of Haryana and Ors.
25.	CWP-9646-2022	Shiv Joginder	Haryana Staff Selection Commission
26.	CWP-143-2022	Aman Kumar	State of Haryana and Ors.
27.	CWP-11831-2022	Sanjay	State of Haryana and Ors.
28.	CWP-5602-2022	Ashish Kumar	State of Haryana and Ors.
29.	CWP-23307-2022	Sachin Rathi and Ors.	State of Haryana and Ors.
30.	CWP-3318-2022	Anil Kumar and Ors.	Haryana Staff Selection Commission

**CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr. Samrat Malik, Advocate for petitioners  
(in CWP-23450-2021 and CWP-4385-2022)

Mr. Ravinder Singh Dhull, Advocate for petitioners  
(CWP-7301-2022, CWP-7347-2022, CWP-8862-2022,  
CWP-9646-2022 and CWP-3318-2022)

Mr. Prashant Singh Chauhan, Advocate for petitioners  
(in CWP-24173-2021, CWP-24852-2021, CWP-2319-2022,  
CWP-2337-2022, CWP-2338-2022, CWP-2999-2022, CWP-  
2902-2022, CWP-7557-2022, CWP-4929-2022, CWP-7353-  
2022, CWP-6895-2022, CWP-11831-2022 and CWP-5602-  
2022)

Mr. Sumit Sangwan, Advocate for petitioner  
(in CWP-6719-2022)

Mr. Akashdeep Singh, Advocate for the petitioner  
(in CWP-25634-2021)

Mr. Madan Pal, Advocate for the petitioner  
(in CWP-143-2022)

Mr. Ankur Sidhar, Advocate for the petitioner  
(in CWP-6766-2022 and CWP-23307-2022)

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*Mr. Randeep Singh Dhull, Advocate for the petitioner  
(in CWP-6515-2022)*

Mr. Suneel Ranga, DAG Haryana.

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**JAGMOHAN BANSAL, J. (ORAL)**

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-23450-2021*.

2. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of answer key of Set-B (1-B) qua questions No.65, 35, 85, 86, 60 and 25.

3. The Haryana Staff Selection Commission (in short "Commission") vide advertisement No.03/2021 dated 15.06.2021 invited applications for 400 Sub Inspectors (Male). The petitioners applied for the advertised post. They appeared in the written test conducted on 26.09.2021. The Commission called shortlisted qualified candidates including petitioners for physical screening test. The candidates who qualified physical screening test were called for physical measurement test and scrutiny of documents on 20.10.2021. The respondent declared result of written examination on 24.10.2021. On the basis of written test, PST, PMT and scrutiny of documents, the respondent vide notice dated 28.02.2022 declared final result. The petitioners are claiming that answer key of questions No.25, 35, 60, 65, 85 and 86 is incorrect.

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4. As per stand of the respondent, written test was conducted on 26.09.2021 and answer key was published on the official website of the Commission vide notice dated 13.10.2021. The objections were invited from the aggrieved candidates. Many candidates uploaded their objections on the official website of the Commission. The respondent considered objections of the candidates and revised answer key.

5. Learned counsel for the petitioners submit that there is manifest mistake in the answer key. There are two possible answers of many questions e.g. answer of question No.35 could be option (B) as well as (C). The respondent has declared correct option (C), whereas from the data available on the internet, it is evident that option (B) is equally correct like option (C). The position is similar in respect of other questions. The petitioners cannot be made to suffer on account of lapse on the part of respondents. If the petitioners are granted marks for their correct answers, they would come in the zone of consideration. The respondent has not produced literature/material which is basis of Expert Committee to form opinion that options selected by them in the answer key are correct.

6. *Per contra*, learned counsel for the respondent submits that as per prescribed procedure, the answer key was uploaded on official website. The objections were invited from all the candidates. The objections were forwarded to Chief Examiner who sought opinion of experts. The Commission is not an expert body. The Commission is dependent on opinion of experts. As per opinion of experts, the answer



key was re-examined. All the selected candidates have already joined service. This Court at this stage ought not to interfere.

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

8. The Supreme Court in *U.P.S.C and another v. 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 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 Uttar Pradesh and Others, (2018) 2 SCC 357*, 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 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 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. Petitions in hand need 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. 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, mis-carriage of justice and violation of Article 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.

A Constitution Bench in *S.P. Gupta v. 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 armoury 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.

11. 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/Expert Body.

12. 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. In the case in hand, there is no question pointed out by petitioners, answer of which selected by respondents, can be declared as manifestly absurd or incorrect. There is only doubt and as per petitioners more than one options are correct.

13. In the wake of law laid down by Hon'ble Supreme Court; the fact that respondent referred the matter to Chief Examiner who further forwarded the matter to an expert committee; there is no allegation of mala fide; all the candidates have already joined and a period of more than three years from the date of result has passed away, this Court does not find it appropriate to set aside answer key uploaded by respondent and doubted by petitioner

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14. In the wake of above factual position, this Court is of the considered opinion that the instant petitions deserve to be dismissed and accordingly dismissed.

15. Pending application(s), if any stands disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**19.08.2025***Deepak DPA*

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