



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

Sr. No.112

CWP-19433-2025

Date of Decision: 23.07.2025

Pratibha Nehra

.... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Saurav Bhatia, Advocate, for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,
Haryana.

Mr. Kanwal Goyal, Advocate, for the respondent/Commission.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the result of screening test for the post of Assistant Professor (College Cadre) English conducted by the respondent/Commission on 08.06.2025, pursuant to advertisement 48/2024, and directing the respondents to re-conduct the test afresh.

2. Learned counsel for the petitioner contends that after conducting the screening test for the post on 08.06.2025, the Commission uploaded the provisional answer key and invited objections from the candidates on 10.06.2025. The petitioner submitted objections to some of the questions along with the objections submitted by other candidates and, thereafter, final answer key along with result of the screening test was uploaded on 27.06.2025. It came to the petitioner's notice that thirteen questions of the test have been deleted. Deletion of such a large number of questions impugns credibility of the test itself. It shows proper paper-setters had not been appointed by the Commission which resulted in these kind of



mistakes in the questions framed, ultimately requiring their deletion/cancellation. He further contends that after receiving the experts' opinion on the objections submitted by the candidates, cross-objections were not invited by the Commission and, therefore, the procedure laid down by this Court in *Ramandeep Kaur v. Council of Scientific and Industrial Research (CSIR)*, 2017(4) SCT 329, has been violated. This is another ground calling for re-test to be ordered.

3. Learned counsel for the Commission, on the contrary, contends that objections received from the candidates were sent to the subject experts, and deletion of questions has been done only on their advice. The result of the candidates has been compiled on the basis of remaining questions. He has also produced the report by the subject experts, who have dealt with the objections by the candidates; a perusal whereof shows that questions have been deleted as per advice of the experts, who are holding senior academic positions in the field of study. The report has been resealed and returned to learned counsel for the Commission. He further contends that the issues already stand decided against the petitioner vide judgment dated 08.01.2025, rendered in a batch of petitions with lead case CWP No.30309 of 2024 titled *Amit and others v. State of Haryana and others*.

4. Heard.

5. Both the arguments raised by learned counsel for the petitioner, regarding objection to deletion of questions in the screening test as well as violation of procedure in not inviting cross-objections after receiving advice of the experts as laid down in *Ramandeep Kaur* case (*supra*), have been considered and rejected by this Court in *Amit* case (*supra*). It is appropriate to refer to following paragraphs of the judgment in this regard:

8. So far as deletion of eleven questions from the Screening Test is concerned, that also cannot be a ground in itself to set



aside the test. It remains undisputed on record that after conducting the Test, the Commission invited objections from the candidates against the provisional answer key. The same were sent to the concerned subject experts and only on the basis of their opinion the answer key was finalised; the deletion of questions was also based on their advice. Thereafter, the result of Screening Test was prepared without assigning any marks for the deleted questions. Resultantly, all the examinees have been treated at par. Merely because some of them attempted the deleted questions and their answers were correct as per the provisional answer key, this would not give them any right to object to the deletion because, firstly, correct answer to the question(s) had not been finalised by then and, secondly, in the face of experts' opinion against inclusion of those questions in the Test, a candidate had no right to claim marks against the same. It is not the petitioners' case that there is any bar on deletion of questions. Besides, there is no mala fide alleged against the subject experts, nor has any other document been placed on record discrediting their judgment in deciding the objections and/or recommending deletion of questions. In these circumstances, the Commission is within its rights to delete the questions based on the experts' opinion.

8.1. xxx xxx

9. The last submission of learned counsel for the petitioners to challenge the validity of Screening Test on account of failure of the Commission to invite cross-objections from the candidates, is also not sustainable in view of law laid down by the Division Bench in *Sukhnoor Singh* case (*supra*). In that case one of the grounds challenging the answer key of preliminary examination and the result of Haryana Civil Services (Judicial Branch) Examination 2023-24 was, failure of the Commission to invite cross objections before finalising the answer key. It was repelled by this Court by holding as under: ...

9.1. In the instant case as well there is no rule, regulation or any term or condition in the advertisement which permits submission of cross objections by the candidates. In the absence whereof, no right accrues to the petitioners to seek a direction



from this Court to that effect. Besides, no illegality or unfairness as such has been pointed out in the process adopted by the Commission in finalising the result after inviting the objections and taking experts' opinion on the same, except that it is not as per the directions issued in *Ramandeep Kaur* case (*supra*). No doubt this Court while deciding the case pertaining to recruitment made by the CSIR issued certain directions to invite cross objections also before finalising the answer key, it would not afford any ground to term the instant Test result illegal. As in a subsequent decision on the issue in *Sukhnoor Singh* case (*supra*) the Division Bench has declined the challenge to answer key and result due to failure to invite cross-objections. The judgment remains a binding precedent after dismissal of SLP against it by the Supreme Court vide order dated 11.07.2024. Besides, not inviting the cross-objections also has not caused any prejudice to the petitioners, as they have failed to show the questions which were correctly answered by them as per the provisional answer key but were declared wrong in the final answer key; as also, the validity of such answers in the face of the experts' opinion to the contrary.

6. In view thereof, there is no ground to entertain the petition and it stands dismissed.

(TRIBHUVAN DAHIYA)
JUDGE

23.07.2025

Maninder

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