



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

**CWP No.7801 of 2019(O&M)
Date of Decision: 18.03.2025**

Manjit Devi

....Petitioner

vs.

Haryana Staff Selection Commission

....Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Aditya Jain, Advocate
Mr. Kaanan Jain, Advocate
Mr. Rahul Vohra, Advocate
for the petitioner

Ms. Palika Manga, DAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of result dated 03.03.2019 (Annexure P-6) whereby she was not considered for the post of Constable.
2. The petitioner pursuant to advertisement dated 16.04.2018 applied for the post of Female Constable (G.D.). She appeared for written test. The respondent released Answer Key. She raised objection with respect to Question No. 30 of set 'T'. The respondent received objections from many candidates with respect to different questions. The respondent referred the matter to Chief Examiner who further forwarded the matter to an expert. On the basis of report of the expert, the revised Answer Key was



prepared and on the basis of revised Answer Key result was prepared. The answer to Question No. 30 of set 'T' was not changed.

3. Mr. Aditya Jain, Advocate submits that as per available books, correct answer to Question No. 30 was option 'D' whereas respondent has declared option 'B'. The opinion of expert is contrary to authentic books, thus, opinion of expert should be ignored and petitioner should be granted marks for the said question.

4. Per contra, Ms. Palika Monga, DAG, Haryana submits that matter was referred to an expert who revised answers of different questions, however, answer to Question No. 30 of set 'T' remained unchanged. This Court cannot form an opinion contrary to opinion of an Expert because this Court cannot sit over an opinion of the expert.

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 to Question No. 30 of set 'T'. The said question is reproduced as below:-

“Tangri river is a tributary of _____

(A) Yamuna (B) Ghaggar

(C) Ganga (D) Markanda”

7. As per petitioner, the correct answer to said question is option 'D' whereas the respondent has declared option 'B'.

8. The Hon'ble Supreme Court in **U.P.S.C and others Vs. Rahul Singh and others, 2018 AIR (Supreme Court) 2861** while adverting with correctness of answers key has held :



“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.”

9. Supreme Court in **Ran Vijay Singh and others Vs. State of U.P and others (2018) 2 SCC 357** 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:

(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 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;

(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.

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.”

10. 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 answers key and interfere in the matter.

11. In the wake of law laid down by Hon'ble Supreme Court, a Division Bench of this High Court, the fact that respondent referred the matter to Chief Examiner who further forwarded the matter to an expert and there is no allegation of mala fide, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction. The Court cannot invoke jurisdiction just because there is difference of opinion qua answer of a particular question.

12. There is another aspect of the matter. The petitioner participated in the selection process which was initiated in 2018 and



completed in 2019. A period of six years from the date of selection of other candidates has passed away. The post advertised was of Constable. Physical/mental fitness is of paramount consideration in the Police Force. The petitioner cannot be expected of having fitness as postulated for Constable at the time of initial selection.

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

14. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

18.03.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	