
(2011) 11 P&H CK 0151
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 20289 of 2011

Rajesh Gupta

APPELLANT

Vs

State of Punjab and others

RESPONDENT

Date of Decision : 02-11-2011

Acts Referred:

Citation : (2011) 11 P&H CK 0151

Hon'ble Judges : Tejinder Singh Dhindsa, J;Permod Kohli, J

Bench : Division Bench

Judgement

Hon"ble Mr. Justice Permod Kohli 1. Notice of motion.

2. Mr. Vivek Chauhan, A.A.G., Punjab and Mr. B.S. Walia, Advocate present in the Court have been asked to accept notice on behalf of respondents no. 1 and 2 to 3 respectively.

3. Respondent no. 2 advertised 8 posts of Additional District & Sessions Judges, Punjab vide Advertisement dated 8.4.2011 out of which 2 posts were for general category. Petitioner claiming to be eligible applied for the post. He was allotted Roll No. 7189 for the Preliminary Examination. Under the rules the selection was to be made on the basis of Preliminary Examination, which was in the nature of shortlisting followed by the Main Examination and Viva Voce. In the Preliminary Examination candidates equal to the 10 times of number of vacancies were to be called. Preliminary Examination comprised of 125 objective type questions, each question carrying 4 marks for the correct answer. The rule also provided negative marking whereunder 1 mark was to be deducted for the wrong answer. Petitioner participated in the Preliminary Examination held on 31.7.2011. He secured 261 marks. The last successful candidate in the Preliminary Examination secured 267 marks. Earlier the petitioner had filed CWP No. 20082 of 2011 seeking a direction for supply of the answer key. Under the orders of this Court dated 31.10.2011 answer key along with question paper was supplied to the petitioner. It is stated that on examination of the question paper booklet "A" with the answer key for the same, it has been revealed that 11 questions bearing nos. 4, 7, 46, 59, 62,

95, 98, 103, 112, 118 and 122 of the booklet "A" of the Preliminary Examination carried wrong answers in the answer key. It is stated that, though, the petitioner had adopted the correct answers out of the multiple choice answers provided, however, on account of incorrect answer key he has been denied the marks for the same.

4. We have found that the difference of the marks secured by the petitioner and the last successful candidate is marginal and even if, the petitioner's two answers are found to be correct, he can join the successful candidates and shall be eligible for the Main Examination.

5. A similar issue has been examined by this Court in CWP No. 17402 of 2011 relating to the Superior Judicial Service in the State of Haryana. On consideration of the matter, following order was passed:

After hearing Learned Counsel for the parties and going through the questions and the answer key, we feel that the matter needs to be examined by a Committee of Hon''ble Judges. We, therefore, request Hon''ble Acting Chief Justice to constitute a Committee of Hon''ble Judges to go into the four questions enlisted by the petitioner in the writ petition and the answer key. It is left to the Committee to deal with the issue. Suffice it to say that the Committee may delete the questions wherever discrepancy is found or if in the opinion of the Committee, the answers are correct, the Committee may accordingly take a decision. The decision of the Committee be implemented accordingly.

6. The issue in the present case is similar. The Main Examination is scheduled to be held on 4.11.2011. Thus, it becomes essential that the Committee may examine the questions indicated by the writ petitioner in the present writ petition at the earliest and decide the claim of the petitioner and in the event he is able to secure the requisite marks, he may be allowed to participate in the Main Examination.

7. This petition is, accordingly, disposed of in terms of order passed in CWP No. 17402 of 2011, referred to herein above. We request Hon''ble the Acting Chief Justice to constitute a Committee of Hon''ble Judges on the similar lines and Committee may consider the issue as observed in the aforementioned order.

8. Registry to place this matter before Hon''ble the Acting Chief Justice forthwith.

9. A copy of this order be given to Mr. B.S. Walia, Advocate for respondents no. 2 & 3 under the signatures of Special Secretary of the Bench.