

(2023) 03 SHI CK 0074
In the High Court Of Himachal Pradesh
Case No : CWPOA No.4867 Of 2019

Santosh Kumar Pahotia

APPELLANT

Vs

H.P. Subordinate Service Selection Board

RESPONDENT

Date of Decision : 24-03-2023

Acts Referred:

Citation : (2023) 03 SHI CK 0074

Hon'ble Judges : Jyotsna Rewal Dua, J

Bench : Single Bench

Advocate : Sanjay Kumar Sharma

Final Decision : Dismissed

Judgement

Jyotsna Rewal Dua, J

1. The petitioner in essence seeks a direction to the respondent to award him three marks for the questions appearing at Serial Numbers 43, 78 and 123 in the Teachers Eligibility Test conducted during the year 2011.

2. The respondent invited applications from eligible candidates for appearing in the Teachers Eligibility Test on 17. 09.2011. In response to the advertisement, the petitioner applied for appearing in the Teachers Eligibility Test in TGT (Non-Medical) category. The test was conducted on 05.02.2012. The petitioner appeared in this test under question booklet "C Series". The provisional answer keys were put on the webpage of the respondent-Board on 10.02.2012, inviting objections, if any, about the answers given in the provisional answer keys. After receiving objections from the candidates, provisional answer keys including that of "C Series" were revised. This was done after settling the objections and getting the same revised/vetted from the experts of the concerned subjects. The answer sheets were accordingly evaluated with the revised/vetted final answer key. The petitioner secured 88 marks and remained unsuccessful. He accordingly instituted the present writ petition on 29.09.2012, seeking the following substantive reliefs: -

“(i) That the Respondent be directed to place on record the entire record pertaining to the advertisement and conduct of examination.

(ii) That the Respondent may be directed to award three marks for the questions appearing at Sr. No. 43, 78 and 123.

(iii) That the Respondent may kindly be directed to call the present Petitioner for the interview and be offered appointment with all consequential benefits from the date, when other successful candidates were appointed.”

3. The stand of the respondent is that in the provisional answer key, the answers of question Nos. 43, 78 and 123 of “C Series” booklet were D, B, and C, respectively. On receipt of the objections and getting the same settled from the experts of the concerned subjects, the answers to above questions were revised to A, D and A respectively. It is the stand of the respondent that the answer sheets of all the candidates were evaluated on the basis of revised answer keys duly vetted by the experts.

4. The test in question was conducted on 5. 12.2012. We are now in the year 2023. Much water has flown. It will not be appropriate at this stage to examine the contentions of the petitioner vis-à-vis justifiability of correct answers to the questions of a test that was held more than a decade ago. Even otherwise, the Hon’ble Apex Court in (2010) 6 SCC 579 (Himachal Pradesh Public Service Commission Vs. Mukesh Thakur & another and connected matter) has held that the Court cannot take upon itself task of examiner or Selection Board and examine discrepancies and inconsistencies in question papers and evaluation thereof.

In view of the above, the relief prayed for by the petitioner in the present petition cannot be granted to him, more particularly at this belated stage. Accordingly, the present petition is dismissed, so also the pending miscellaneous application(s), if any.