2024:PHHC:085642-DB

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **CWP No.8510 of 2024(O&M)**
Date of Decision:10. 07.2024

Sukhnoor Singh

.....Petitioner

Versus

Haryana Public Service Commission and another

..... Respondents

AND

CWP No. 13729 of 2024 (O&M), CWP No.10902 of 2024O&M), CWP No.12790 of 2024 (O&M), CWP No.12874 of 2024 (O&M), CWP No.12954 of 2024 (O&M), CWP No.13223 of 2024 (O&M), CWP No.13376 of 2024 (O&M), CWP No.13552 of 2024 (O&M), CWP No.14992 of 2024(O&M), CWP No.10898 of 2024 (O&M), CWP No.10902 of 2024 (O&M), CWP No.9273 of 2024 (O&M), CWP No.9772 of 2024(O&M), CWP No.9854 of 2024(O&M), CWP No.9908 of 2024(O&M), CWP No.10748 of 2024(O&M), CWP No.11088 of 2024(O&M), CWP No.11257 of 2024 (O&M), CWP No.10992 of 2024 (O&M), CWP No.10873 of 2024 (O&M), CWP No.11984 of 2024 (O&M), CWP No. 11423 of 2024 (O&M), CWP No.11287 of 2024(O&M), CWP No.8890 of 2024 (O&M), CWP No.9174 of 2024 (O&M), CWP No.10042 of 2024 (O&M), CWP No.10051 of 2024 (O&M), CWP No.10154 of 2024 (O&M), CWP No.10180 of 2024 (O&M), CWP No.10795 of 2024 (O&M), CWP No.10895 of 2024 (O&M)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Mr. R.K.Malik, Sr. Advocate
with Mr. Varun Veer Chauhan, Advocate
for petitioner in CWP No. 10748 of 2024.

Mr. Jai Vir Yadav, Sr. Advocate
with Mr. Aman Gautam, Advocate,
Mr. Somdutt, Sharma, Advocate and
Mr. Parshant Gupta, Advocate
for petitioners in CWP No. 10795 of 2024.

Mr. B.S. Patwalia, Advocate
and Mr. Abhishek Masih, Advocate
for petitioner in CWP-10873-2024).

Mr. Pratham Sethi, Advocate and
Ms. Tejaswini, Advocate for petitioner in CWP No. 8510 of

2024.

Mr. Babbar Bhan, Advocate
and Mr. Tushar Ghera, Advocate
for petitioner in CWP No. 8890 of 2024.

Mr. Rahul Soi, Advocate
for petitioner in CWP No.13729 of 2024.

Mr. Kashish Aggarwal, Advocate
and Mr. Raghav Chadha, Advocate
for petitioners in CWP No. 9174 of 2024.

Mr. J.D.Rana, Advocate
and Mr. Prashant Kapila, Advocate
for petitioner in CWP No. 8890 of 2024.

Mr. Akshay Chadha, Advocate
and Ms. Taanvi Dhull, Advocate
for petitioner(s) in CWP Nos. 10051 and 11257 of 2024.

Mr. Sushil Jain, Advocate
for petitioner in CWP No. 10154 of 2024.

Mr. Rajesh Arora, Advocate
for petitioner in CWP No. 10180 of 2024.

Mr. Pardhuman Garg, Advocate
for petitioner in CWP No. 10895 of 2024.

Mr. Birinder Pal, Advocate
for petitioner in CWP-10898-2024.

Mr. Udit Garg, Advocate for petitioner in CWP-10902-2024.

Mr. Monit Pal Singh, Advocate
for petitioner in CWP No. 9179 of 2024.

Mr. Prashant Manchanda, Advocate,
Mr. Ferry Sofat, Advocate and Ms. Nancy Shah, Advocate
for petitioners in CWP No. 9273 of 2024.

Mr. Gurpreet Singh, Advocate and
Mr. Bhupinder Banga, Advocate
for the petitioners in CWP-13376-2024.

Mr. Arav Gupta, Advocate
for petitioner in CWP No. 9772 of 2024.

Mr. B.S. Walia, Advocate and
Mr. Deep Inder Singh Walia, Advocate
for petitioner in CWP No. 9854 of 2024.

Mr.Vivek Sheoran, Advocate
for petitioner in CWP No. 9908 of 2024.

Mr. Inderjeet Singh, Advocate
for petitioner in CWP No. 11088 of 2025(through VC).

Ms. Varda, Advocate
for petitioner in CWP No. 10992 of 2024.

Mr. T.S.Chauhan, Advocate with Mr. Abhijeet Pratap,
Advocate and Mr. Karanpreet Singh, Advocate,
for petitioner in CWP-10042-2024.

Mr. Manoj Tanwar, Advocate
for petitioner in CWP-11984-2024.

Mr. Ajit Singh Natt, Advocate
for petitioner in CWP-11423-2024.

Mr. Parmod Chauhan, Advocate
for petitioner in CWP-12874-2024.

Mr. Gurpreet Singh, Advocate and
Mr. Vikas Sheel Verma, Advocate
for petitioner in CWP-13552- 2024.

Mr. Gurinder Pal Singh, Advocate
for the petitioner in CWP-12790-2024.

Mr. Brijesh Kumar, Advocate
and Mr. Rohit Karwasra, Advocate
for the petitioner in CWP-11287-2024.

Mr. Ritvik Garg, Advocate and Mr. Ritik Gupta, Advocate
for the petitioner in CWP-13223-2024.

Mr. Tarun Kumar, Advocate for petitioner in CWP-14992-2024.

Mr. Sanjay Kaushal, Sr. Advocate
with Ms.Supriya Garg, Advocate, Ms. Pawelpreet Kaur,
Advocate and Mr. Ankit Rana, Ms.Ojaswini Gagneja, Advocate
for respondent-High Court (in all writ petitions except in CWP Nos. 12954 & 12874 of 2024).

Mr. Akshay Bhan, Senior Advocate with
Ms. Shubreet Kaur Saron, Advocate and
Mr. Shaurya Khanna, Advocate for respondent – High Court
(in all writ petitions except in CWP Nos. 12790 & 13223 of 2024).

Mr. Balvinder Sangwan, Advocate

for respondent-HPSC (in all writ petitions).

Mr. Raman Sharma, Addl. AG, Haryana and
Mr. Sukhdeep Parmar, Senior DAG, Haryana.

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LISA GILL, J.

1. CWP No. 8510 of 2024 and all other 31 writ petitions, detail of which is given at the foot of the judgment, are taken up together for consideration and adjudication together at request and with consent of learned counsel for parties.

2. Prayer in all the writ petitions is for setting aside/revision of the preliminary examination result declared on 09.04.2024 for Haryana Civil Services (Judicial Branch) (for short 'HCS') Examination 2023-24 conducted pursuant to advertisement dated 01.01.2024, primarily on the ground of Answer Key-provisional and/or final, being incorrect.

3. In this bunch of writ petitions, there is a set of petitioners who had submitted objections pursuant to publication of the provisional Answer Key on 07.03.2024 on the objection web portal of HPSC and another set of writ petitions, wherein petitioners had been satisfied with the provisional Answer Key thus had not submitted any objections thereto, but are aggrieved of the final Answer Key along with result published on 09.04.2024 on the website of this Court with most of them filing objections/representations qua the Final Answer Key.

4. Basic facts necessary for adjudication of these writ petitions are being extracted from CWP No. 8510 of 2024 for the sake of convenience with reference to the specific questions, Answer Key of which has been challenged, being taken separately from the other writ petitions and as tabulated in the following paras.

5. Advertisement dated 01.01.2024 was issued seeking applications for 174 posts (129 actual vacancies + 45 anticipated vacancies) of Civil Judge (Jr.

Division) in the cadre of HCS (Judicial Branch). Category-wise bifurcation of the posts is detailed in Clause 5 of the advertisement and is not being reproduced for the sake of brevity. It is provided in the advertisement that examination shall be conducted in three stages i.e.,(a) preliminary stage (for screening only), (b) main written examination, which shall consist of five written papers and (c) *viva voce*. It is provided in Clause 9 (A) of the Advertisement that preliminary examination shall be of objective type with multiple choice questions. The OMR sheets would be scanned by the computer with no provision of rechecking, revaluation of OMR Sheets. Details regarding preliminary examination as provided in Clause 9 (A) read as under:-

> **"A) Preliminary Examination (for screening only).**
>
> (i) The Preliminary Examination shall be of objective type with multiple-choice questions as distinguished from the Main Written Examination which shall be of subjective/narrative type. The OMR Sheets (Answer Sheets) will be scanned by the Computer. So there is noprovision of re-checking/re- evaluation of these OMR Sheets.
>
> (ii) The question paper for Preliminary Examination shall be of two hours duration. It shall consist of 125 questions and each question shall carry 04 marks and for every wrong answer 0.8 mark i.e. 20% or say 1/5th mark shall be deducted.
>
> (iii) Each question shall have five options (A, B, C, D and E). If a candidate is attempting a question, he shall have to darken the appropriate circle A, B, C or D and if not attempting a question then, he shall have to darken 'E' Circle. If none of the five circles is darkened, one-fifth (0.8 mark) mark shall be deducted.
>
> (iv) Any candidate not darkening any of the five circles in more than 10% questions (13 questions) shall be disqualified.
>
> (v) The objective type questions with multiple-choice answers for the Preliminary Examination shall be from the syllabus for the Main Examination. The candidate shall be expected to have a general and basic over view of the main subjects and also the ability to answer

questions on current events of national and international importance, Indian legal and constitutional history and governance. The candidate shall also be tested for his analytical skills, reasoning and aptitude. The standard of the questions shall be of Law Graduate level.

(vi) The object of the Preliminary Examination is to short list candidates for the Main Examination. No candidate shall be allowed to appear in the Main Examination unless he/she secures minimum 150 marks (read 100 marks for all reserved category candidates excluding EWS category) in the Preliminary Examination. The marks obtained in the Preliminary Examination shall not be counted towards final result Candidates equal to 10 times the number of vacancies advertised, selected in order of their merit in the respective categories shall become eligible to sit in the Main Written Examination. However, this number shall be subject to variation. If two or more candidates at the last number (the number at the end) get the equal marks, then all of them shall be considered eligible to sit in the Main Written Examination, warranting the corresponding increase in the stipulated ratio.

Note:

The candidates will have to upload the scanned documents/certificates in support of date of birth, category(viz. SC / BCA / BCB /EWS / ESM / DESM / DFF / PwBD} and all educational certificates at the time while applying online for the above posts.

The category/caste certificates for BCA / BCB / EWS / DESM should have been issued during the year 2023-24 as per latest instructions issued by the Haryana Government in this regard. Further, these certificates should be valid for the year 2023-24. The BC-A/BC-B certificates should be issued according to Haryana Govt. Instructions dated 17.11.2021 & 22.03.2022. The EWS certificate must show the annual income of the family less than Rs. 6 Lacs as per Govt. Instructions dated 25.02.2019."

6. Preliminary examination was conducted on 03.03.2024 with four sets/Codes of papers/A, B, C and D containing identical 125 questions in different

seriatim. It is informed that total applications received for preliminary examination were 32058 and 21085 applicants took the preliminary examinations. Petitioners in all the writ petitions took the preliminary examination. Objections *qua* the provisional Answer Key were invited on 06.03.2024 with last date for submission of objections being 10.03.2024. It was informed by learned counsel for respondents that 2004 objections were received online qua 65 questions on the objection portal. On receipt of objections, an Expert Panel comprised of one retired High Court Judge and two Additional District and Sessions Judges was constituted vide decision taken by the panel of three judges of the Selection Committee (so authorized vide decision dated 20.12.2023 of the Selection Committee) in its meeting held on 13.03.2024. Report by the Expert Panel was submitted on 22.03.2024. The Committee evaluated the recommendations presented in the report submitted by the Expert Panel. Findings and suggestions put-forth were considered by the Committee and upon deliberation and analysis, said report of the Expert Panel was accepted. Accordingly in the meeting of the Committee held on 01.04.2024, it was decided that two questions i.e. question no. 37 and 107 would be deleted in the master copy and change of answers to seven of the questions i.e., Question No. 52, 69, 72, 76, 82, 95 and 119 as recommended was accepted. It is thus apparent that two questions i.e., question 37 and 107 were deleted. Answer to question no.52, 69, 72, 76, 82 and 119 were changed from A to C, B to D, A to C, B to C, A to D and B to C respectively. Answers to Question Nos. 24, 63, 64, 67, 73, 74, 87, 90, 94, 120, 122, 123, 124 were maintained.

The result of Preliminary Examination was accordingly declared on 09.04.2024 alongwith the final Answer Key.

7. No objections/representations qua the Final Answer Key were entertained. Present writ petitions came to be filed.

8. A tabulation of writ petitions revealing the objections wherever raised qua the Provisional Answer Key, objections submitted after uploading final Answer Key/declaration of final result, answer in the final Answer Key based on the recommendations of the Expert Panel as accepted by the Committee and the marks obtained by the petitioners is as under:-

TABULATION OF WRIT PETITIONS

Sr. No	Petition No.	Case Title /Petitioner(s)	Objection filed against Questions after publication of Provisional Answer Key	Objections filed against question nos. after uploading final Answer Key with final Result	Answer in First Provisional Answer Key	Finalized by Committee while accepting recommendation of the Expert Panel	Cut-off **General – 388.8** **BC-A- 319.2** **BC-B- 363.2** **DESM- No cut-off** **SC – 274.4** Marks Obtained by petitioners
1	CWP No. 8510-2024	Sukhnoor Singh Vs Haryana Public Service Commission & Anr. Sukhnoor Singh	Nil	76 82	B A	B to C changed A to D	 383.2 (Gen.)
2	CWP 10051-2024	Jayantika Dhull Vs. HPSC and Ors. Jayantika Dhull	Yes 67,74,119,123	67 74 76 82 119 123	D B B A B C	No change No change B to C A to D B to C No change	 368 (Gen.)
3	CWP 10180-2024	Avinash Yadav Vs HPSC Avinash Yadav	Yes 74,87,90,122	74 87 90 122 69 119	B A C A B B	No Change No Change No Change No Change B to D B to C	 356 (BC-B)
4	CWP 10154-2024	Mohini Vs HPSC Mohini	Yes 123	37 67 74 82 87 107 119 123	A D B A A B B C	Deleted No Change No Change A to D No Change Deleted B to C No Change	 364.8 (DESM)
5	CWP 10748-2024	Palak VS HPSC & Anr. Palak	Nil	73 74 76 82 120 123	A B B A C C	No Change No Change B to C A to D No Change No Change	 380 (Gen.)
6	CWP 9908-2024	Amandeep Sheoran Vs. State of Haryana & Ors. Amandeep Sheoran	Nil	82	A	A to D	 384.8 (Gen.)
7	CWP 10873-2024	Amanpreet Kaur Vs. State of Haryana and Ors. Amanpreet Kaur	Nil	37 76 107	A B B	Deleted B to C Deleted	 385.6 (Gen.)
8	CWP 9174-2024	Aashina Gupta & Anr. Vs. State of Haryana and Others 1. Aashina Gupta 2.Vasudha Aggarwal	Yes 74	74 82	B A	No Change A to D	 385.6 (Gen.) 384.8 (Gen.)
9	CWP 9179-2024	Mahesh Priya Vs. HPSC & Ors. Mahesh Priya	Nil	63 72 74 82 87 107 119 123	B A B A A B B C	No Change A to C No Change A to D No Change Deleted B to C No Change	 369.6 (Gen.)
10	CWP 10042-2024	Lavita Garg Vs. State of Haryana & Ors. Lavita Garg	Yes 123	107 119 123	B B C	Deleted B to C No Change	 387.2 (Gen.)
11	CWP 8890-	Rohit Vs State of Haryana & Ors.	Nil	82 107	A B	A to D Deleted	

	2024	Rohit					388 (Gen.)
12	CWP 10795-2024	Rahul Gautam Vs. State of Haryana & Ors. Rahul Gautam	Nil	63 74 76 82 107 119……. ……. …..	B B B A B B	No Change No Change B to C A to D Deleted B to C	368 (Gen.)
13	CWP 9854-2024	Hemant Vs. HPSC & Anr. Hemant	Yes 74	74 76 82 63	B B A B	No Change B to C A to D No change	. 353.6 (BC-B)
14	9273-2024	Robin Sharma & Ors. Vs. Vs. HPSC & Anr. 1.Robin Sharma 2. Chinki Rani 3.Ayushi Saxena 4. Amandeep 5. Waris Aggarwal 6. Rohan Mittal 7. Pragya Yadav 8. Aastha Rana 9. Akhilesh Kumar Mishra 10. Mohammad Sultan 11. Sakshi Mangla 12. Gaurav Arya 13. Medha Mishra 14. Sunil 15. Shivam Goyal 16. Ashmin goel 17. Kartik Goyal 18. Prerna 19. Renuka 20. Vibhav Khanna 21. Yeshika Goyal 22. Ustat Kaur 23. Rupali 24. Honey Wadhwa 25. Shivam Malik	Yes 63,67,87,123,74	63 67 74 82 87 107 119 122 123	B D B A A B B A C	No Change No Change No Change A to D No Change Deleted B to C No Change No Change	1. 384 (Gen.) 2. 381.6 (Gen.) 3. 384 (Gen.) 4. 386.4 (Gen.) 5. 387.2 (Gen.) 6. 386.4 (Gen.) 7. 387.2 (Gen.) 8. 380 (Gen.) 9. 383.2 (Gen.) 10. 384 (Gen.) 11. 386.4 (Gen.) 12. 386.4 (Gen.) 13. 374.4 (Gen.) 14. 386.4 (Gen.) 15. 385.6 (Gen.) 16. 383.2 (Gen.) 17. 388 (Gen.) 18. 379.2 (Gen.) 19. 312 (BC-A) 20. 384 (Gen.) 21. 376.6 (Gen.) 22. 383.2 (Gen.) 23. 384 (Gen.) 24. 370.4 (Gen.) 25. 381.6 (Gen.)
15	CWP 10898 - 2024	Shahnaz Bano vs HPSC & Anr. Shahnaz Bano	Yes 76,90	69 72 107 119	B A B B	B to D A to C Deleted B to C	360.8 (BC-B)
16	10992-2024	Anu Bala Vs. HPSC & Anr. Anu Bala	Nil	74 87 107	B A B	No Change No Change Deleted	386.4 (Gen.)
17	10895-2024	Akhil Goyal Vs. Punjab & Hry High Court & Anr. Akhil Goyal	Yes 64,120,124	24 64 82 107 120 124	A A A B C C	No Change No Change A to D Deleted No Change No Change	373.6 (Gen.)
18	CWP 11287-2024	1. Puneet Gupta & Anr. Vs. HPSC & Anr. 1. Puneet Gupta 2. Gulveer Kaur	Yes 74,82,123	63 69 74 82 87 107 119 122 123	B B B A A B B A C	No Change B to D No Change A to D No Change Deleted B to C No Change No Change	1. 377.6 (Gen.) 2. 385.6 (Gen.)
19	CWP 11257-2024	Mahima Tayal Vs. HPSC & Ors. Mahima Tayal	Yes 74,94,123	74 82 94 123	B A A C	No Change A to D No Change No Change	383.2 (Gen.)
20	CWP 11423-2024	Agampartap Singh Vs. HPSC & Ors. Agampartap Singh	Nil	82 107	A B	A to D Deleted	386.4 (Gen.)
21	CWP 11088-2024	Umang Gupta Vs. HPSC & Anr. Umang Gupta	Yes 72,76	52 107 119	A B B	A to C Deleted B to C	382.4 (Gen.)
22	CWP 10902-2024	Richa Tayal Vs State of Haryana & Ors. Richa Tayal	Yes 87,123	69 82 87 107 123	B A A B C	B to D A to D No Change Deleted No Change	381.6 (Gen.)
23	CWP 13729-	Amardeep Singh Vs. Registrar Recruitment	Nil	67 69	D B	No Change B to D	

	2024	& Anr. Amardeep Singh					388 (Gen.)
24	CWP 12954-2024	Shiv Jindal Vs. HPSC & Anr. Shiv Jindal	Nil	37 82 107	A A B	Deleted A to D Deleted	386.4 (Gen.)
25	CWP 13376-2024	Rahul Verma Vs. HPSC & Anr. Rahul Verma	Yes 63	63 72 74 119 123	B A B B C	No Change A to C No Change B to C No Change	372.8 (Gen.)
26	CWP 13552-2024	Aanchal Verma Vs. HPSC & Anr. Aanchal Verma	Nil	72 82 123	A A C	A to C A to D No Change	316 (BC-A)
27	CWP 12874-2024	Vijay Vs. HPSC Vijay	Yes 63,74,76,90,122	63 107	A B	No change Deleted	384.8 (Gen.)
28	CWP 12790-2024	Prerna Goel Vs. Punjab and Haryana High Court & Ors. Prerna Goel	Yes 123	76 107 123	B B C	B to C Deleted No Change	387.2 (Gen.)
29	CWP 14992-2024	Varun Girdhar Vs. State of Haryana & Ors. Varun Girdhar	Nil	69 76 87 123	B B A C	B to D B to C No Change No Change	372 (Gen.)
30	CWP 13223-2024	Veerpal Kaur & Ors. Vs. State of Haryana & Ors. 1. Veerpal Kaur 2. Simran 3. Shubhit Trehan	Nil	74 107	B B	No Change Deleted	1. 386.4 (Gen.) 2. 388 (Gen.) 3. 386.4 (Gen.)
31	CWP 11984-2024	Vishawanath Partap Singh Vs.HPSC & Anr. Vishawanath Partap Singh	Nil	37 63 67 69 82 87 90 107 119	A B D B A A C B B	Deleted No change No change B to D A to D No change No change Deleted B to C	381.6 (Gen.)
32	CWP 9772 of 2024	Abhinandan Sagar Vs. HPSC & Anr. Abhinandan Sagar	Nil	69 82 107	B A B	B to D A to D Deleted	387.2 (Gen.)

9. Details of the questions in dispute and the objections raised as well as Recommendation by the Expert Panel while deciding objections to the Provisional Answer Key and final decision by the Selection Committee as produced before us in tabulated form by learned counsel for respondent-High Court is reproduced as hereunder:-

Sr. No.	Questions in dispute (As per master copy)	Petitioners Claim	Consideration by Panel (Initial Answer Key)	Recommendation of the Expert Panel	Decision of the Recruitment Committee
1	24. Which Section of IPC was struck down by the Supreme Court in Joseph Shine v. Union of India (2019) 3 SCC 39 ? A) Section 497 IPC B) Section 377 IPC C) Section 124A IPC D) None of the above				
	CWP No. 10895 of 2024	Petitioner mentioned that answer of Q.No. 24 was changed in the Final Answer Key, whereas, petitioner marked correct answer as per provisional answer key. Challenged on the ground that position nominee Hindu Succession Act is not covered and cited the judgment of Hon'ble Supreme Court	A	The petitioner has not challenged this Question. In fact this question is appearing in the Master Copy of Question Paper at Sr. No. 69. The Question has been dealt with at relevant Sr. No. the relevant place. Thus, there is no objection or challenge to the aforesaid question.	Hon'ble Committee not changed the answer at any stage and remained 'A'.

			titled as "Shakti Yajdani Vs Jayanand Salgaonkar and Anr."			
2	37	37. Which out of the following cases is not / related with LGBTQ + Rights or Same Sex Marriage? A) Nabam Rebia Case (2016) B) K. S. Puttaswamy Case (2017) C) Navjet Singh Johar Case (2018) D) Shafin Jahan vs Ashokan K. M. Case (2018)				
		CWP Nos. 10154, 10873, 12954 and 11984of 2024	Claim : 1. Both the options A and B should be correct as neither the case relates to same sex marriage nor LGBTQ rights. Option D also is the correct answer. 2. The question strictly asks which of the following case is not related to LGBTQ + Rights or Same Sex Marriage, Shafin jahan v Ashokan K.M case (2018) is primarily a case dealing with the issue of right to marry a person of one's own choice and right to chose religion. Not even for a single time, the Hon'ble Supreme Court has touched the aspects of same sex marriage nor LGBTQ+ Rights in this particular case. Therefore, option D also is the correct answer.	A	The perusal of the judgments shows the following: A) Nabam Rebia Case (2016) relates to the power of Governor to summon, dissolve and advance a Session. B) K. S. Puttaswamy Case (2017) relates to validity of Aadhar Card and right to privacy including sexual orientation but does not talk about LGBTQ or same sex marriage. C) Navjet Singh Johar Case (2018) relates to LGBTQ+ rights. D) Shafin Jahan vs Ashokan K.M. Case (2018) relates to inter-faith marriage. Only option C deals with rights of LGBTQ and the answer could be A or B or D. Therefore, the objection is tenable and the official answer key is incorrect. Accordingly, the Panel recommends the deletion of this question.	Hon'ble Committee after deliberating the recommendations of the Expert Panel and objections, resolved to **delete** the question being ambiguous.
3	52	52. Identify the first Indian to be appointed as a permanent judge at the International Court of Justice at Hague: A) Nagendra Singh B) Justice Dalvir Bhandari C) Benegal Narsing Rau D) Justice P.N. Bhagvati				
		CWP No. 11088 of 2024	Claim: The official website of ICJ as well as the website of Ministry of External Affairs, Government of India shows that Sir Benegal Nursing Rau was the first Indian who became permanent Judge of ICJ In the year 1952-53, whereas Sri Nagendra Singh was the first Indian to be the president of ICJ from 1985-1988.	A	The official website of ICJ as well as the website of Ministry of External Affairs, Government of India shows that Sir Benegal Nursing Rau (1887-1953) was the first Indian who became permanent Judge of ICJ in the year 1952-53, whereas Sri Nagendra Singh (1914-1988) was the first Indian to be the president of ICJ from 1985-1988, though he remained judge from 1973-1988. The perusal of the factual information from the official website clearly indicates that the objection is tenable and the panel recommends the correction of the answer key from Option 'A' to option 'C'. Thus, the correct Answer should be option C.	Hon'ble Committee examined the entire report of the Expert Panel and objections and recommended the answer option of this question from option **'A' to 'C'**
4	63	63. Which out of the following Sections of the Hindu Succession Act, 1956 mentions about the order of succession among heirs in the schedule? A) Section 6 B) Section 8 C) Section 7 D) Section 12				
		CWP Nos. 9179, 10795, 9854, 9273, 11287, 13376, 12874 and 11984 of 2024	Claim: 1. This question should be deleted since none of the option is correct. The question is about 'Order of succession among heirs in the schedule' and the same is provided under section 9 of Hindu Succession Act 1956. The head note of Section 9 of Hindu Succession Act 1956 clearly refers to the other Order of Succession among heirs in the Schedule. At the most, the answer should be option D i.e. section 12 because this is much more similar to section 9. 2. The Hindu Succession Act, 1956 mentions about the order of succession among heirs in the schedule under Section 9 of the Act. However, Section 6 is close to the framing of question	B	The perusal of the provisions of the Hindu Succession Act, 1956, provides the following: Section 8 of the Hindu Succession Act, 1956, deals with general rules of succession in the case of male Hindu dying intestate and provides for the devolution of his property on Class 1 and Class II heirs specified in the Schedule. Thus it specifically mentions the succession among heirs in the Schedule. Section 12 deals with Order of Succession among agnates and cognates and does not fit in the answer. Section 6 deals with Devolution of	Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is B.

			dealing with general rule of succession among males as well as females, after the amendment of 2005, so they are also heirs now in the coparcenary property. So the answer is A.		interest in coparcenary property and does not provide for the order of succession, whereas Section 7 deals with devolution of interest in the property of a tarward, tavazhi, kutumba, kavaru or illom and is not applicable Section 9 of the Act provides 'Order of succession' 'among heirs in the Schedule'. Sections 6, 7 and 12 don't refer to the Schedule at all. The analytical skills, reasoning and aptitude of the candidate are to be tested. The best option out of the available options was to be opted for. All other options do not deal with the question posed. Therefore, the objection is not tenable and the official answer key is correct.	
5	64	64. What is the effect of impotency developed during subsistence of a Hindu marriage? A) The marriage would remain valid B) The marriage would be void C) The marriage would be voidable D) The marriage shall stand annulled				
		CWP No. 10895 of 2024	Claim: 1. Section 12, prior to its amendment in 1976, stated that for a marriage to be voidable the respondent had to be impotent at the time of the marriage and continued to be so until the Institution of proceeding. But By the Amending Act of 1976 the substituted clause emphasizes the element of non-consummation of the marriage owing to the impotence of the respondent. Now this ground can be taken irrespective of time whether he was impotent at the time, before or after Marriage. Clause (a) of Sub-section (1) of Section 12 makes it clear that a marriage solemnized is voidable at the instance of either party on the ground of non-consummation of the marriage due to the Impotence of the other party to the marriage and may be annulled by a decree of nullity of marriage. Hence, now after 1976 Amendment, even if a husband has turned impotent during the subsistence of marriage, It would render the marriage voidable as marriage now cannot be consummated owing to impotency. 2. The effect of impotency developed "During Subsistence of Hindu Marriage. Impotency is of two types 1) mental and 2) physical. Barrenness and sterility will not come under the purview of impotency. Impotency means incapacity to have normal sexual intercourse. So if a person refuses to have sex, does not means he or she is impotent but if he or she constantly refuses "during subsistence" of marriage to have sexual intercourse, then as per the Supreme Court verdict in Urmila Devi vs. Narinder Singh AIR 2007, the said party is psychologically impotent and the marriage has not been consummated. "During subsistence" in question does not shows how long and at what extent. Therefore, the option (C) voidable as per section 12(1)(a) and option (A) is valid. Both the options (c) as well as (a) are correct. 3. The answer is given in section 12 of "The Hindu Marriage Act 1955", and also in the book of "Modern Hindu law written" by Dr. U.P.D. Kesari, Central Law Publication on page no. 108. 4. As per Supreme Court Judgments, Impotency will be considered as Cruelty	A	The analysis by the Panel is as follows: 1. Before 1976, Section 12 (1) (a) of Hindu Marriage Act, 1956 reads as: "12(1) any marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds namely:- (a) that the respondent was impotent at the time of the marriage and continued to be so until the institution of the proceeding;" 2. After the Marriage Laws (Amendment) Act of 1976, Section 12 (1) (a) of HMA reads as follows: "12(1) any marriage solemnized, whether before or after the commencement of this Act, shall be voidable and may be annulled by a decree of nullity on any of the following grounds namely:- (a) that the marriage has not consummated owing to impotence of the respondent, or" 3. A large number of citations were put forth by the objectors. The analysis of those citations is as follows- (1)In Citation 'Yuvraj Digvijay Singh v. Yuvrani Pratap Kumari' [AIR 1970 SC 137], the decree of nullity was not granted as Section 12 (1) (a) of HMA was the ground. The citation relates to pre-amended Act i.e. before 1976. (ii) The Citation Shakuntala v. Om Prakash (AIR 1981 Del. 53) is also not applicable as the same relates to pre-amended Act i.e. before 1976. (iii) The Citation Susarla Subhramanya Sastry Vs. S. Padmakshi (AP), is also not applicable as impotency under Section 12 was not in question. However, the ground of impotency was claimed and allowed by the court as one of the forms of 'cruelty' as envisaged under Section 13 (1)	Hon'ble Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'A'.

			to the other party, so, it also makes a new ground for taking a divorce under section-13 of the Act. If Marriage is not consummated because of Impotency then the other party have right to claim Decree of Nullity under Section-12(1)(a) of The Hindu Marriage Act, 1955. The PDF is taken from "legalserviceindia.com" which shows cases where Impotency is ground of nullity of Marriage and nowhere restricts it only to the "at the time of Marriage" and it also nowhere given in the statute. The marriage consummated is at any time of marriage, even impotency developed at the later stage of Marriage and parties are now not able to consummate the marriage. It was dealt in cases of Susarla Subhramanya Sastry Vs. S. Padmakshi, and, Yuvraj Digvijay Singh v. Yuvrani Pratap Kumari [3] on 2 May, 1969 and Samar Roy Chowdhary Vs. Sm. Snigdha Roy. 5. The impotency is not to be checked at the time of marriage, but at the time of consummation of the marriage. This has been held in the cases of Shakuntala v. Om Prakash (AIR 1981 Del. 53) and in the case of P. V. K. (AIR 1982 Bom. 400). 6. According to Law Commission Report No. 59 of 1974, para 6.3, a crucial recommendation was made regarding the amendment of Clause 12(1)(a) of the Hindu Marriage Act 1955, concerning impotence. The Commission highlighted a significant gap in the law: cases where an individual wasn't impotent at the time of marriage but became so when attempting consummation for the first time. Citing the precedent of Ravanna v. Susheelamma, AIR 1967 Mys 165, the Commission advocated for a revision of Section 12(1)(a) to encompass situations where impotence arises after marriage. Thus, it was proposed that the clause "at the time of marriage" be revised to "the marriage has not been consummated owing to the impotence of the respondent. This recommendation found resonance in the 1976 amendment to the Hindu Marriage Act through Act 68 of 1976, specifically under Sub-section (6) (effective from 27-5-1976). Consequently, the amendment substituted Section 12(1)(a) of the Hindu Marriage Act, 1955 as the "marriage has not been consummated owing to the impotence of the respondent" which aligned with the Law Commission's proposal, making impotence developed after marriage, leading to non-consummation, a ground for voidability. Therefore, the answer to this question unequivocally stands as option C. 7. Additionally, in the case before the Gujarat High Court in Jyotsnaben Ratilal vs Pravinchandra Tulsidas (AIR 2003 GUJ 222) provides that impotency developed after marriage is voidable, at Para 25, quotes as follows: "25. S.12, prior to its amendment in 1976, stated that the respondent was impotent at the time of the marriage and continued to be so until the institution of proceeding. By the Amending Act of 1976 the substituted clause emphasizes the element of non consummation of the marriage owing to the impotence of the respondent. Medical evidence may establish that the petitioner wife has remained a virgin and the Court may presume that the requirements of the amended clause are satisfied. Clause		(i-a). (iv) The Citation Jyotsnaben Ratilal vs Pravinchandra Tulsidas (AIR 2003 GUJ 222), is also not applicable as impotency under Section 12 was in question but not during the subsistence of marriage. The Impotency of wife was pleaded as the same resulted into non-consummation of marriage since the solemnization of the marriage. (v) The Citation P. v. K. (AIR 1982 Bom. 400), is also not applicable as the same relates to pre-amended Act i.e. before 1976. (vi) The Citation Samar Roy Chowdhary Vs. Sm, Snigdha Roy. (Cal), is also not applicable as the same relates to pre-amended Act i.e. before 1976. (vii) The Citation 'Urmila Devi v Narinder Singh' AIR 2007 (HP), Is also not applicable as impotency under Section 12 was in question but not during the subsistence of marriage. The impotency of wife was pleaded as the same resulted into non-consummation of marriage since the solemnization of the marriage. Section 12 specifically deals with the grounds of voidable marriage and no ground can be added therein. Even otherwise, the authorities cited above are distinguishable as the same do not hold impotency developed during the subsistence of a marriage under the Hindu Marriage Act, 1956 to be a ground for voidability of a Hindu marriage. Thus, the objections are not tenable and the official answer key is correct.	

			(a) of Sub-section (1) makes it abundantly clear that a marriage solemnized whether before or after the commencement of the Act is voidable at the instance of either party on the ground of non consummation of the same due to the impotence of the other party to the marriage and may be annulled by a decree of nullity of marriage. The marriage of a female with a male who was impotent and who had not been able to consummate the marriage is a nullity." C.			
6	67	67. When a marriage has been dissolved by a decree of divorce under Hindu Marriage Act, 1955, and no appeal has been preferred, the divorced persons may marry again: A) After expiry of 1 month from the decree of divorce B) Immediately after passing of the decree of divorce C) After expiry of 2 months from the decree of divorce D) After expiry of 90 days from the decree of divorce				
		CWP Nos. 10154, 9273, 13729 and 11984 of 2024	Claim: 1. In Anurag Mittal v. Shally Mittal (2018 SC) the Hon'ble SC held that the party can get married even when the time of appeal has not expired provided the parties have an intention that no proceedings should be continued in appeal and in the question it is written no appeal is preferred that shows that party is not intending to continue with the proceedings. Hence the parties can remarry immediately after the divorce decree. As per Para 19 of the same, it is clearly mentioned that no appeal has been preferred after decree of divorce, which means the proposition is covered by the above cited precedent. The court also referred to the judgment of Leela Gupta versus Lakshmi Narayan. The question is not clear and therefore both the answers B and D are correct. 2 Section 15, Hindu Marriage Act, 1955, prescribes "no fixed period" which has to be observed or waited by the parties. If no appeal is preferred, the parties to the marriage may re-marry "any time" after the pronouncement of decree of divorce. 3. When decree has been passed and no appeal has been preferred then marriage can be solemnized immediately after divorce as held in the latest case of Seema Devi v. Ranjit Kumar Bhagat (2023 SC) para 29 which states in terms of section 15 HMA, either party to marriage is well within his or her right to marry when the time for filing appeal has expired without an appeal, having been preferred, or an appeal has been presented, but the same has been dismissed. The bar or Impediment to contract a second marriage operates during the pendency of appeal only if an appeal is preferred within the limitation period not otherwise. 4. The Hon'ble Supreme Court of India clearly reiterated in Chandra Mohini Srivastava v. Avinashi P. Srivastava case that it may not be unlawful for the spouse to marry Immediately after passing of decree If no appeal has been preferred.	D	1.Section 28 of the Hindu Marriage Act, 1955 (for short, "HMA") deals with appeals from decree and orders passed under this Act. Section 28(4) provides that every appeal under the section shall be preferred within a period of 90 days from the date of decree or order. This period of 90 days was substituted by Act 50 of 2003, in place of period of 30 days to prefer appeal; 2. Section 15 of HMA provides as to when the divorced persons may marry again but does not mention any time period which is clearly mentioned in section 28(4); 3. There is no option as 'immediately after the lapse of the period of appeal'; 4. The citations particularly Anurag Mittal vs Shaily Mishra Mittal (2018) (SC), dealt with a rare situation in which one party entered into second marriage, after the compromise was effected between both the parties regarding withdrawal of appeal which was fixed for hearing/listing in the subsequent month, without factual withdrawal of appeal, though application for withdrawal on the basis of a written settlement, was already filed. In this case, the appeal was filed and was pending, but the question relates to a case in which no appeal has been preferred. So the judgement is not applicable. 5. So far as the authorities Lila Gupta v. Laxmi Narain and Ors. [(1978) 3 SCC 258], Chandra Mohini Srivastava v. Avinashi P. Srivastava, Seema Devi v. Ranjit Kumar Bhagat (2023 SC) are concerned, they have never held that the parties can re-marry immediately after the passing of decree of divorce without waiting for the appeal to be filed and decided or for the lapse of period granted for filing appeal under Section 28. In fact, the objectors failed to comprehend the ratio of the judgments. The Judgments never intended to destroy or dilute the plain wording and the legislative intent behind the provisions of Section 15 of the Act. If the reasoning of the objectors is considered on its face value, it will lead to wiping out Section 15 from the enactment. Moreover, in the problem in hand, no appeal was preferred, whereas, in the cited	Hon'ble Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'D'.

					authority (Anurag Mittal), the appeal was pending at the time of contracting of second marriage by the husband. Thus, the objections are not tenable and the official answer key is correct.	
7	69	69. What is the position of a nominee under the Hindu Succession Act, 1956? A) Nominee retains the amount or property received under nomination and is thus entitled to it B) Nominee is entitled to receive the amount or property but holds it as a trustee C) A nominee is equivalent to the heir or legatee with regard to the property or amount under nomination D) None of the above				
		CWP Nos. 10898, 11287, 10902, 13729, 14992, 11984 and 9772 of 2024	Claim: The petitioners/objectors contend that the concept of "nominee" has not been dealt with under the Hindu Succession Act 1956, and his position is governed by other laws. Some of the objector equate nominee to an heir or legatee	B	The objectors have proposed option D or C to be correct answer. In so far as Option C is concerned, it is totally incorrect and is accordingly ruled out. The Panel has, however, examined the stand of the objectors proposing Option D. The common stand adopted by the objectors is that there is no provision under the Hindu Succession Act, 1956 regarding nominee and it is dealt with under the general principle, whereas the frame of question is to find out the position of the nominee under the Hindu Succession Act, 1956. The Panel is of the considered view that the objection of the objectors is tenable. The position of the nominee is not dealt with at all under the Hindu Succession Act 1956 and is governed by provisions in other laws. Since the frame of question is such that Option D is the best option.	Hon'ble Committee examined the entire report of the Expert Panel and objections and recommended the answer option of this question from option **'B' to 'D'**
8	72	72. The 'Dissolution of Muslim Marriages Act, 1939' is based on the following school of Muslim Law: A) Hanafi School B) Shafi School C) Maliki School D) Zaidi School				
		CWP Nos. 9179, 10898, 13376, 13552 of 2024	Claim: The petitioners/objectors by relying on the statement of objects and reasons of 'Dissolution of Muslim Marriages Act, 1939' contend that it is based on Maliki School.	A	Almost all the objectors have relied upon the statement of objects and reasons appended to Dissolution of Muslim Marriages Act, 1939 which is being reproduced herein:- "There is no provision in the Hanafi code of Muslim Law enabling a married Muslim Woman to obtain a decree from the Court dissolving her marriage in case the husband neglects to main her, makes her life miserable by deserting or persistently maltreating her or absconds leaving her unprovided fro and under certain other circumstances. The absence of such a provision has entailed unspeakable misery of innumerable Muslim women in British India. The Hanafi Jursists, however, have clearly laid down that in cases in which the application of Hanafi Law causes Hardship, it is permissible to apply the provisions of the "Maliki, Shafi's of Hambali Law" Acting on this principle the Ulemas have issued fatwas to the effect that in cases enumerated in clause 3 Part A of this Bill (now see Section 2 of the Act) a married Muslim woman may obtain a decree dissolving her marriage. A lucid exposition of this principle can be found in the book called "Heelatun Najeza" published by Maulana Ashraf Ali Sahib who has made an exhaustive study of the **provisions of Maliki Law which under the circumstances prevailing in India may be applied to such cases**. This has been approved by a large number of Ulemas who have put their seals of approval on the book."	Hon'ble Committee examined the entire report of the Expert Panel and objections and recommended the answer option of this question from option **'A' to 'C'**

					Reading of the statement of objects and reasons indicates that the provision of aforesaid Act are based upon Maliki School in as much as Hanafi School did not provide for dissolution of Muslim marriage at the instance of the wife. In the aforesaid view of the matter, the official answer key is incorrect. Thus the Panel recommends the change in the official answer key from Option A to Option C.	
9	73	73. In which of the following cases, a firm is compulsorily dissolved? A) By the happening of any event which makes it unlawful for the business of the firm to be carried on B) By the death of a partner C) By the adjudication of a partner as an insolvent D) All of the above				
		CWP No. 10748 of 2024	Claim: The petitioner/objectors propose option D to be the correct answer. The objectors have relied upon Section 41 (a) and Section 42 (c) of the Indian Partnership Act, 1932 in support of their objection.	A	The Panel finds the objections to be untenable. Section 41(a) has been omitted by Act 31 of 2016 and Section 42(c) of the Act operates subject to contrary contract between the partners. The question is based on Section 41 asking the candidate to identify the situation in which the firm is compulsorily dissolved. Section 41(b) covers the situation and out of the given options, option A is the correct answer. In view of the above the Panel rejects the objections to the aforesaid question. Thus the official answer key is correct.	Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'A'.
10	74	74. The provisions of Haryana Urban (Control of Rent and Eviction) Act, 1973 are applicable to the land given on lease for: A) Residential purpose B) Business or trade purpose C) Both A) and B) D) None of the above				
		CWP Nos. 10180, 10154, 10748, 9174, 9179, 10795, 9854, 9273, 10092, 11287, 11257, 13376, 12874 and 13223 of 2024	Claim: The petitioners/ objectors propose Option C to be the correct answer by relying on the definitional clause and Section 13 of the 'Haryana Urban (Control of Rent and Eviction) Act, 1973'. The official answer is B.	B	The reading of the question indicates that candidate was required to identify the purpose of the land given on lease for the applicability of Haryana Urban (Control of Rent and Eviction) Act, 1973. The question is based upon Section 2 (f) of the Act which defines 'rented land' to mean any land let separately for the purpose of being used principally for business or trade. Mere omission of word 'rented' prior to land does not change the nature of the question, as is being contended by the objectors, because land given on lease is mentioned in the question. Moreover, the thrust of the question is to Identify the purpose of leasing out the land for being governed by the provisions of the Haryana Urban (Control of Rent and Eviction) Act, 1973. The reliance being placed upon Section 2(d) which defines 'non-residential building by the objectors, is fallacious. The panel finds the objections to be not tenable. Thus the official answer key is correct.	Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'B'.
11	76	76. Can a tenant who sublets a building or rented land be considered a landlord under the Act, 1973? A) No, only the primary property owner qualifies as a landlord B) Yes, a tenant who sublets is considered a landlord for the sub tenant C) Only if the tenant has the explicit consent of the original landlord D) Only if the tenant has ownership rights in the property				
		CWP Nos. 8510, 10051, 10748, 10873, 10795,	Claim: The petitioner/objectors propose option C to be the correct answer. They have relied upon the definitional clause of The Haryana Urban (Control of Rent & Eviction) Act, 1973 and the Division	B	The question is as to whether a tenant who sublets a building or rented land can be considered as a landlord. The definition of landlord under Section 2(c) of the Haryana Urban (Control of Rent & Eviction)	Hon'ble Committee examined the entire report of the Expert Panel and

		9854, 14992, 12874 & 12790 of 2024	Bench judgment rendered in the case Paramjit Singh Walia versus Jagdish Mittar etc. Civil Revision No. 2521 of 1987 (O&M) Date of decision 19.09.2015.		Act, 1973 includes a tenant who sublets any building or rented land in the manner hereinafter provided. The question as to whether a tenant who sublets any building or rented land without the written consent of the landlord can be considered as a landlord within the ambit of Section 2 (c) has been considered by the Division Bench in the aforesaid case holding that a tenant who sublets any building or rented land without the consent of the landlord, is not a landlord within the meaning of Section 2(c) of the Act. It further lays down that where a sub tenant to whom the tenant has sublet any building or a rented land without any written consent of the landlord, does not fall within the meaning of tenant in Section 2 (h) and accordingly, such a tenant cannot maintain an action for eviction under Section 13 of the Act. Thus the panel finds the objection to be worthy of acceptance. Option C is the most appropriate/best option to the question Accordingly, the panel recommends the change in the official answer key from option B to option C.	objections and recommended the answer option of this question from option **'B' to 'C'**
12	82	82. Under Order VII Rule 11(d) CPC, which of the following situations does not fall within the ambit of "barred by law"? A) Order II Rule 2 and Res Judicata B) Jurisdiction C) Limitation D) All of the above				
		CWP Nos. 9854, 9273, 10895, 11287, 11257, 10902, 12954, 11423, 11984, 8510, 10051, 10154, 10748, 9908, 9174, 9197, 8890, 9772, 10795 and 13552 of 2024	Claim: The petitioners/ objectors have proposed option D to be the correct answer. Principally they contend that the questions of limitation and res-judicata are mixed questions of fact and law. They have relied on certain judgments in support of their contentions holding that the questions of limitation and Res Judicata are mixed question of fact and law and plaint cannot be rejected under Order VII Rule 11 (d) CPC. They further contend that plaint can be rejected being barred by law only if it appears from the reading of the plaint. Some of the objectors contend that the question carries more than one correct answers and thus, it should be deleted.	A	The panel examined the objections. Reading of the question indicates that a candidate is required to identify the situations which are not covered by VII Rule 11 (d) CPC. The official answer is option A. However, on examination of the cited judicial precedents by the objectors as well as other material, a question of limitation and res judicata in many situations is a mixed question of fact and law requiring adjudication and the plaint cannot be rejected under Order VII Rule 11 (d) CPC. In respect of option B, the plaint is required to be returned under Order VII Rule 10 CPC. Thus, the best option out of the given options is Option D i.e. all of the above. The Panel does not subscribe to the demand of some of the objectors to delete the question in as much as option D appears to be most appropriate answer. It is not a case where more than two answers or none is possible In view of the above, the panel recommends the change of official answer key from Option A to Option D.	Hon'ble Committee examined the entire report of the Expert Panel and objections and recommended the answer option of this question from option **'A' to 'D'**.
13	87	87. The expression 'Cause of action' denotes : A) A bundle of essential facts necessary for the plaintiff to prove B) An important subject of litigation C) A point in question D) All of the above				
		CWP Nos. 10180, 10154, 9179, 9273, 10992, 11287, 10902, 14992 and 11984 of 2024	Claim: The petitioners/objectors propose Option-D to be the correct answer. They have also relied on certain judgments which are as follows:- ABC Laminart (P) Ltd. V. A.P Agence 1989 2 SCC 163, Church of Christ Charitable Trust and Educational Charitable Society Vs. Ponniamman Educational Trust, (2012) 8 SCC 706, Rajiv Modi v. Sanjay Jain and ors. 2009 SC, Para21 and Shanti Devi v. Union of India, 2020 SC, Para 13 in support of their reasoning.	A	The Panel has examined the objections. The frame of the question indicates that it asks about the meaning of expression 'cause of action'. The Panel has examined the judgments relied on by the objectors as well as the authoritative commentaries on the subject wherein it is defined as 'the bundle of the essential facts necessary for the plaintiff to prove'. Out of the given options, the most appropriate/best option is Option-A which is also the official answer to the question. The reasoning adopted by the objectors is based	Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'A'.

					on extrapolation which is impermissible. It is further trite to state that judgements cannot be read like statutes. Option C is completely ruled out as cause of action is not a point in question. It at the most approximates to the issue in a suit. Similarly Option B' an important subject of litigation', does not tantamount to 'cause of action'. In the aforesaid view of the matter the objections are found to be untenable and accordingly rejected. Thus the official answer key is correct.	
14	90	90. Which of the following statements relating to CPC is incorrect? A) The Code deals with procedures relating to Courts of Civil Judicature B) The Code deals with some substantive rights C) The Code is also a penal enactment dealing with punishments and penalties D) None of the above is incorrect				
		CWP Nos. 10180, 12874 and 11984 of 2024	Claim: The Petitioners/objectors propose option D to be the correct answer. The main plank of their reasoning is that CPC provides penalties in certain provisions. In this context they have relied upon Section 32, Section 58, Section 74, Order 39 Rule 2-A of CPC. They contend that the statements given in Option-B and C are also correct and therefore Option-D should be the correct answer.	C	The Panel has examined the objections and found those to be untenable. The CPC enacted in 1908 consolidated and amended the laws relating to the procedure of the Courts of civil judicature. The preamble of the code proclaims its object. It in essence is a procedural law for civil cases. It is also not a penal enactment dealing with punishments and penalties. The objectors are reading the statement given in Option C out of context by co-relating it with the cited provisions. The statement given in Option C declares CPC to be a penal enactment which is patently incorrect. In the aforesaid view of the matter the objections raised to the question are rejected. Thus the official answer key is correct.	Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'C'.
15	94	94. Where any property is ordered to be sold by public auction in execution of a decree, which of the following is false regarding the proclamation of the intended sale? A) Such proclamation can be drawn up without giving notice to the decree-holder and the judgment-debtor B) Such proclamation shall state the lime and place of sale C) Such proclamation shall specify any encumbrance to which the property is liable D) Such proclamation shall state whether the property to be sold would be sufficient to satisfy the decree				
		CWP No. 11257 of 2024	Claim: The petitioner/objectors rely on Order 21 Rule 66 (2) (a) contending that the words 'such part' are omitted in the statement given in Option D.	A	The Panel has examined the objections and found those to be untenable. The question is covered by Order 21 Rule 66 CPC. The reading of the question indicates that a candidate is required to find out false statement given in the four options. Out of the given options only the statement given in Option-A is false in as much as it is in contradiction to Order 21 rule 66(2) of CPC. It stipulates that proclamation shall be drawn up after notice to the decree holder and the judgment debtor Statements given in all other options i.e. B, C and D are correct in terms of Order 21 rule 66(2) of CPC. In view of the above, the objections are untenable. Thus the official answer key is correct.	Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'A'.
16	95	95. "A" is charged with travelling in a train without a ticket: A) The burden of proving that he did not have the ticket is on the prosecution B) The burden of proving that he did not have the ticket is on the party who asserts it C) The burden of proof is on railway authorities D) The burden of proving that he had a ticket is on him				
		CWP No. 12874 of 2024	Claim: The petitioner/objectors have relied upon illustration (b) to section 106 of Indian Evidence Act, 1872.	B	The Panel has examined the objections raised to the question. Reading of the question indicates that the statement has been given	Hon'ble Committee examined the entire report of

					and a candidate is required to find out on whom the burden of proof lies. On examination of the statement given in the question, the Panel finds it to be directly covered by illustration-(b) appended to Section 106 of Indian Evidence Act, 1872 and the burden of proof that he had a ticket with him lies on him. The official answer key provide Option-B to be the correct answer which stipulates that burden of proving that he did not have the ticket is on the party who asserts it. If it is a case of criminal charge, in that case Option A, B and C are on the same line; Le. the burden of proving that he did not have the ticket will be on the prosecution or complainant Le Railway authorities. Thus Options A, B and C appear to be incorrect and the most appropriate/best option is Option-D which is proposed by the objectors. In view of the above, the Panel recommends the change of answer key from Option B to Option D.	the Expert Panel and objections and recommended the answer option of this question from option **'B' to 'D'**.
17	107	107. What does Section 93 of the Indian Evidence Act primarily addresses in relation to documents? A) Admission of extrinsic evidence to explain any type of ambiguity B) Exclusion of evidence to explain or amend ambiguous documents C) Admission of evidence to interpret all types of ambiguities D) Exclusion of evidence for any document with defects				
		CWP Nos. 10873, 9179, 10042, 8890, 10795, 9854, 9273, 10898, 10992, 10895, 11287, 11088, 10902, 12954, 9772, 12790 and 13223 of 2024	Claim: The petitioners/ objectors propose option-D to be also the correct answer. The reasoning adopted by the objectors is that Section 93 Evidence Act deals with both ambiguous as well as defective documents and therefore options B and D are correct.	B	The Panel has examined the objection. Section 93 of the Evidence Act stipulates that where the language used in documents is ex-facie ambiguous or defective, extrinsic evidence is not permitted to supply its defects or indicate/supply its meaning. Reading of the question indicates that a candidate is required to find out the application of Section 93 in the relation to documents. It has already been noticed above that it excludes giving of extrinsic evidence to explain or amend ambiguous and defective documents. The Options-B and D co-incide/concur with the principle laid down in Section 93 of the Evidence Act. Even though the statement given in Option-D does not indicate the purpose for exclusion of evidence yet it is not wholly incorrect in the context of Section 93 of Evidence Act, 1873. In view of the above, the Panel finds the objection to be tenable. The Panel is of the view that both Options B and D are correct. It, accordingly, recommends that Options B and D be taken to be correct answer of the question.	Hon'ble Committee after deliberating the recommendations of the Expert Panel and objections, resolved to **delete** the question being ambiguous.
18	119	119. 'X' sends an insured parcel to 'Y'. The parcel is not delivered. 'Y' : A) cannot claim the amount from the insurance company because there is no privity of contract B) can enforce as a constructive trust is created in his favour C) can enforce only if there is an express provision in the contract that he can enforce it D) none of the above is correct				
		CWP Nos. 10180, 10154, 9197, 10042, 10795, 9854, 9273, 10898, 11287, 11088, 11984 and 13376 of	Claim: The petitioners/ objectors propose option 'D' to be the correct answer. The reasons assigned are that enforcing a constructive trust is typically a legal remedy used in cases where one party holds property, including funds or assets, for the benefit of another party. Constructive trusts are often invoked in situations where there is a breach of trust or unjust enrichment. In the context of a non-delivered insured parcel, enforcing a constructive trust	B	The Panel has examined the objections. The gist of the reasoning adopted by the objectors is that no constructive trust is created in favour of 'Y/recipient and further on account of operation of principle of privity of contract, 'Y' cannot claim the amount of Insurance from the Insurance Company unless it is specifically provided by the terms of the contract itself. The Panel finds the objections to be tenable. Reading of the question indicates	Hon'ble Committee examined the entire report of the Expert Panel and objections and recommended the answer option of this question from option **'B' to 'C'**.

		2024	might not be a standard or direct remedy. Constructive trusts are more commonly associated with property and assets, rather than specific goods or parcels. However, the specific legal remedies available to Y may depend on the nature of the transaction, applicable laws, and the terms of the contract. If Y believes that there is a breach of trust or unjust enrichment, they may need to explore legal avenues such as breach of contract, consumer protection laws, or specific provisions related to the delivery of goods in their jurisdiction. In some cases, a court may order specific performance, damages, or other remedies based on the circumstances. Some of the objectors propose options 'A' and 'C' as well based upon the above reasoning.		that it contains a terse statement without further details. The contract is between X and the Insurance Company. It is not specified for whose benefit it was taken out. The terms of the contract are not specified. It cannot be stated as a general rule that a contract of insurance is an exception to the principle of privity of contract. A lot depends on the terms of the contract. It is doubtful that a constructive trust is created in favour the consignee in an insurance contract Insuring a parcel. In the context of the question and the given options, the Panel is of the considered view that Option. C is the most appropriate answer. It, accordingly, recommends change in the official answer key from option B to option C.	
19	120	120. A, who is a minor borrows money from B. After becoming an adult, he repays the amount of the loan and after some days he institutes a suit against B for the recovery of the money so repaid. Which one of the following options is correct as to the result of a suit? A) A will succeed in recovering money B) A will not succeed in recovering money as the minor's contract is illegal C) A will not succeed in recovering money as repayment was valid D) None of the above				
		CWP Nos. 10748 and 10895 of 2024	Claim: The petitioners/ objectors have proposed option 'A' to be the correct answer. The gist of the reasoning is that a minor's contract is void ab initio and thus no ratification is possible. They have relied upon the following judgments in support of their objections (i) Mohiri Bibee vs. Dharmodas Ghose 1903 PC (ii) Suraj Naraian V. Sukhu Aheer (iii) Khan Gul vs Lakha Singh (iv) Mathai Mathai v. Joseph Mary (2014) AIR SCW 2793 and Krishnaveni v. M.A. Shagul Hameed (2024) arising out of SLP(C) No. 23655/2019, decided on 15th February, 2024. They further relied upon Sections 68 and 72 of the Indian Contract Act, 1872.	C	The Panel has examined the objections and finds the same to be untenable. The objections are based on misreading of the question. Perusal of the question Indicates that a minor after attaining the majority has voluntarily repaid the amount of the loan and after some days he instituted a suit against 'B' for recovery of the money so repaid. The proposition is squarely covered by the judgment of Tukaram Ramji Shendre v. Madhorao Manaji Bhange AIR 1948 Ngp 293, holding that in such a situation, the question of ratification does not arise and the payment made must be regarded as a gift. Further a reference may also be made to page 252 of Pollock and Mulla The Indian Contract Act, 1872' 16th Edition, 2022 Lexis Nexis. As regards the cited precedents, none of the precedent is applicable to the proposition given in the question. It is beyond a pale of controversy that a minor's agreement is void ab initio and it is not capable of ratification even after attaining majority and a fresh consideration is required to support a promise made on attaining majority. However, in the instant case, the question is not of ratification of agreement made during minority. It is a case of voluntary repayment of the money on attaining majority by a minor. In view of the above, the Panel is of the considered opinion that the objections raised by the objectors are liable to be rejected. Thus the official answer key is correct.	Hon'ble Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'C'.
20	122	122. What type of contract is created when one party makes a promise in exchange for the other party's performance? A) Bilateral contract B) Unilateral contract C) Executed contract D) Void contract				
		CWP Nos. 9273, 11287, 12874 and 10180 of 2024	Claim: The petitioners/ objectors propose option C and 'B' to be the correct answers. They contend that it is a case of executed contract and it is unilateral in nature. They also placed reliance on the following judgments:-	A	The Panel has examined the objections and finds the same to be untenable. Perusal of the question Indicates that the candidate has been asked to identify the type of contract created in the given situation. It states that if one party	Hon'ble Committee Resolved not to change the Official Answer Key in respect of this question

			1. Union of India Vs. Chaman Lal Loona 1957 AIR 652, 1957 SCR 1039 2. Alka Bose versus Parmatma Devi, 2009(2) SCC 589 3. Sri Krushna Chandra Sahu v. The Managing Director, Oscard Bank Ltd 4. Ram Narain Damodar Dass Malpani vs Trilokidas and Ors. Raj High Court 1981 They also relied upon Excerpts from Book "Contract and Specific Relief 12th Edition by Avtar Singh (EBC Publications).		makes a promise in exchange for the performance of other party, then what would be the type of contract created between the parties. The official answer key is option 'A' i.e. bilateral contract. In the proposition, the contract is between two parties. It envisages situation when one party makes promise in exchange for the performance of other party. Thus, there is an exchange of promises between both the parties to be performed in future. The proposition does not specify the nature of the promise i.e. act to be performed by either of the parties. Thus options 'B' and 'C' are ruled out and Option 'A' is the correct answer. The Panel has also examined the cited judicial precedents and those are inapplicable to the factual situation given in the question. The quoted passage in Chaman Lal's case pertains to executed and executory considerations. In Alka Bose case, the Hon'ble Supreme Court has quoted "The Law of Contract (4th Edition) by John De Calamari and Joseph M Perillo which defines unilateral contracts to be a gratuitous promise, that is where only one party makes promise without a return promise. However, in the given proposition, there is exchange of promises. In view of the above, the Panel is of the considered opinion that the objections raised by the objectors are liable to be rejected. Thus the official answer key is correct.	and answer in the final answer key is 'A'.
21	123	123. Which of the following propositions is correct as regards a contingent contract? A) The contract will not be contingent if the happening or non-happening of the contingency depends upon the will of a party B) The condition/contingency must be of a certain nature C) The contingency contemplated by the contract must be collateral to the contract D) All of the above				
		CWP Nos. 10154, 10748, 9179, 10042, 9273, 11287, 11257, 10902, 13376, 12790, 13552 and 14992 of 2024	Claim: The petitioners/objectors propose option D' to be the correct answer. The objectors also place reliance on the judgment P.O Balayya v. K.V. Srinivasayya Setty & Sons (AIR 1954 SC 26). They have also relied upon Sir Dinshaw Fardunji Mulla, Page number 591.	C	The Panel has examined the objections and finds the same to be untenable. Perusal of the question indicates that the candidate is required to identify the correct proposition in respect of a contingent contract. Options 'A', 'B' and 'C' contain statement relating to a contingent contract. In this respect, the statement contained in option 'C' is squarely covered by Section 31 of the Indian Contract Act, 1872 which defines contingent contract. The statement made in option 'A' is incorrect for the reason that a condition in a contingent contract may be subject to an event which depends upon the will of the parties to the contract or of a 3rd party. In this respect, a reference may be made to page 547 of Pollock and Mulla "The Indian Contract Act, 1872 16th Edition 2022 Lexis Nexis. As regards the statement contained in option 'B' that condition/contingency must be of a certain nature is also incorrect inasmuch as the contingency may be of uncertain nature. In view of the above, only option 'C' is correct and options 'A' and 'B' are Incorrect. Thus, option 'D' is ruled out. The objectors are quoting the judicial precedents and authoritative	Hon'ble Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'C'.

					text out of context. Section 32 of the Indian Act, 1872 itself stipulates that a contingent contract to do or not do anything, if an uncertain event happens, cannot be enforced by law unless and until that event has happened. Similarly, Section 33 relates to enforcement of contingent contract which depends upon the non-happening of uncertain future event. Section 34 visualizes a situation when contingency depends on a future event relating to the act of a person. In view of the above, the Panel finds the objections to be untenable and liable to be rejected. Thus the official answer key is correct.	
22	124	124. What is the effect of Section 17 (1A) inserted by The Registration and Other Related Laws (Amendment) Act, 2001 in the Registration Act, 1908? A) Registration of agreement to sell has been made mandatory B) Registration of agreement to sell is mandatory only if it evidences delivery of possession C) Registration of agreement to sell is mandatory, if the proposed purchaser wants to seek protection U/S 53A of the Transfer of Property Act, 1882 D) None of the above				
		CWP No. 10895 of 2024	Claim: The petitonter/objectors propose option 'A' to be the correct answer. The reasoning by the objectors is that Section 17 (1A) of the Registration Act which has been incorporated by way amendment makes the registration of an agreement to sell mandatory.	C	The Panel has examined the objections and finds the same to be untenable. The objections are based upon the misreading of the question as well as the mis-construction of the statutory provision. Section 17 (1A) which has been added by the Registration and Other Related Laws (Amendment) Act, 2001 stipulates that the documents containing contracts to transfer for consideration, any immovable property for the purpose of S. 53A of the Transfer of Property Act, 1882 (4 of 1882) shall be registered if they have been executed on or after the commencement of the Registration and Other Related Laws (Amendment) Act, 2001 (48 of 2001) and if such documents are not registered on or after such commencement, then, they shall have no effect for the purposes of the said S. 53A of Transfer of Property Act. A reference may be also made to the judgments in the case of Didar Singh vs. Nasib Kaur, 2012 (2) Civ CC 428 (P&H), R. Palanisubramanian vs. Trans Medica (India) Ltd. And others, AIR 2009 Mad 110, Ameer Minhaj vs. Dierdre Elizabeth (Wright) Issar and Ors. 2018 (7) SCC 639 and R. Hemalatha vs. Kashthuri, AIR 2023 SC 1895, 2023 (2) CCC 6 holding that only disability attached to such an unregistered document is that it shall not be considered for availing the benefit of Section 53-A of Transfer of Property Act, 1882. Thus, the Panel is of the considered view the objections raised are untenable and are liable to be rejected. Thus the official answer key is correct.	Hon'ble Committee Resolved not to change the Official Answer Key in respect of this question and answer in the final answer key is 'C'.

10. Learned counsel for petitioners who initially did not submit any objection to the provisional Answer Key and were satisfied therewith, but have a grievance with the revised/final Answer Key, argued that not providing an

opportunity to submit cross-objections renders the entire exercise illegal and arbitrary, therefore, the final Answer Key as published should be set aside and the result of Preliminary Examination so declared should also be set aside. Final decision regarding the Answer Key should be taken only after considering and deciding the cross-objections submitted by said petitioners because otherwise grave injustice shall be dealt to them. The said petitioners, it was submitted would have made the cut, in case, their answers sheets were evaluated in terms of the provisional Answer Key. With the deletion of two questions and change of the answer to seven of the questions, said candidates have been put to categoric disadvantage. It was reiterated that cross-objections to Final Answer Key should have been called for before taking a final call. Vehement arguments were addressed while referring to the questions in particular to submit that deletion of two questions is incorrect as is the change in the Answer Key. It was contended that once it was found by the Expert Panel and so approved by the Committee that there could be more than one correct answer to question no. 27 and 107, the question should not have been deleted but benefit of marks given to all the candidates who had attempted the question with any of the two correct options.

11. It was contended that if some of the candidates were given the benefit of these marks, they would be eligible to take the main examination. It was emphatically argued that in-fact the answers as uploaded in the provisional Answer Key were correct and recommendations of the Expert Panel are incorrect based upon an erroneous evaluation of the settled principles of law as is reflected and substantiated by numerous judgments of Hon’ble the Supreme Court. It was further contended that in the earlier selections, practice to invite cross-objections as well had been followed, therefore, there was no reason to deviate from the earlier practice in the present selection.

12. Grievance raised by petitioners who had submitted their objections to the provisional Answer Key is that some of the answers have not been correctly evaluated by the Expert Panel and its recommendations deserve to be ignored and set aside. Arguments were inter-alia also addressed in some of the writ petitions *qua* particular questions in respect to which no objection had been raised by candidates at the time of publication of Provisional Answer Key to the extent that objection qua any question can be entertained even at this stage because once evaluation is to be made afresh, it would be irrelevant whether objections had earlier been raised or not.

13. Learned counsel for petitioners in all the writ petitions strenuously urged that this Court should look into and evaluate each and every question to determine and hold that recommendations of the Expert Panel are incorrect. It was submitted that as the subject involved is that of Law, this Court is well equipped to consider and decide upon the recommendations submitted by the Expert Panel as accepted by the Committee. In the alternate, it was submitted that another Expert Committee be directed to be constituted to look into the matter. Some of learned counsel for petitioners argued that once an answer is substantiated by judgment of Hon'ble the Supreme Court, benefit should be given to the candidate even if two answers are possible and that question should not be deleted. Learned counsel for petitioners relied upon judgment of Hon'ble the Supreme Court in ***Kanpur University and others Vs. Samir Gupta and others, 1983 AIR (SC 1230***, ***Manish Ujwal and others Vs. Maharshi Dayanand Saraswati University and others, 2005(6) SLR 451***, ***Richpal and others VS. Rajasthan Public Service Commission and others, 2018(2) SCT 773*** and ***Harvinder Singh Johal and others Vs. Registrar General, Hon'ble Punjab and Haryana High Court and others, 2020(1) SCT 600*** to substantiate the arguments that the Answer Key as finally uploaded should be set aside. Various other

judgments were referred to by learned counsel for petitioners to buttress the arguments in respect to inaccuracy of the answers to the individual questions, the detail of which is not being mentioned in view of the reasons as have been detailed in the following paras.

14. Another argument raised before us was that result of the preliminary examination has not been declared category-wise, whereas it was incumbent upon respondent-Authorities to have done so. In the absence of declaration of result category-wise, it was not possible to determine whether ten times the numbers of candidates of the category were called. We take note of the fact that in CWP No. 8510 of 2024 plea taken is that candidates 12 times the number of posts have not been called, though this averment is contrary to the terms and conditions of the advertisement which itself provides that candidates, 10 times the numbers of posts would be called. It was thus prayed by learned counsel for petitioners that all the writ petitions be allowed. Result of Preliminary Examination declared on 09.4.2024 should be set aside and the Final Answer Key should be reconsidered as recommendations of the Expert Panel as accepted by the Committee are incorrect.

15. *Per contra,* learned counsel for respondents had vehemently denied the averments and allegations as raised. It was submitted that the entire process of evaluation has been carried out in the most objective manner and is reflective of the highest standards of assessment. The Expert Panel was duly constituted by the Selection Committee on receipt of the objections to the provisional Answer Key. The Expert Panel carefully considered each of the 2004 objections received online against 65 questions on the objection portal and thereafter submitted its report dated 22.03.2024. Pursuant thereto, Selection Committee evaluated the recommendations and it is only upon thorough deliberation and analysis that report of the Expert Panel was accepted.

16. Learned counsel for respondents while relying upon judgments of Hon'ble the Supreme Court in **UPSC through its Chairman and another Vs. Rahul Singh and another, 2018 AIR Supreme Court 2861** and **Ran Vijay Singh and others Vs. State of U.P and others, 2018 AIR Supreme Court 52,** Division Bench judgments of this Court **in Amarjit Singh Vs. State of Punjab and others, LPA No. 455 of 2024, decided on 21.03.2024, Navdeep Kaur Vs. State of Punjab and others, CWP No. 11695 of 2023 and connected petitions, decided on 01.06.2023, Lovepreet Singh Vs. HPSC and another, LPA No. 1139 of 2021, decided on 30.11.2021,** submitted that once an Expert Panel has reviewed all objections, submitted its recommendations which had been accepted by the Committee after careful analysis, there should be no intervention by this Court. It was further submitted that insofar as not calling for cross-objections is concerned, the same cannot vitiate the entire selection process. Principles of natural justice are not violated on this account. It was contended that in-fact the rules do not even provide for calling of objections, but the process has been carried out to ensure transparency and fair play with the reiteration that the rules do not provide for revaluation. It was submitted that, in case, arguments on behalf of the petitioners are to be accepted, it would lead to a never ending chain/process, making finalization of selection almost impossible. It was further submitted that there was no question of any disadvantage to any of the candidates as a level playing field has been provided. All candidates fail or succeed on the same set of answers. Once, there is a revision on the basis of recommendations of the Expert Panel, it would lead to revision of the result across the board and the cut-off would not remain the same, therefore the argument raised by learned counsel for the petitioners that one answer would make a difference between being in or out of the selection process is a flawed argument. The very basis of

the writ petitions, it is claimed is flawed inasmuch as the candidates do not have a vested right for selection or to submit cross-objections.

17. Learned counsel for respondent-HPSC submitted that short-listing of candidates has been carried out category-wise, though declaration of the result is roll number wise. This course of action in itself, it was contended, has not led to any prejudice to the petitioners. Requisite number of candidates in terms of the applicable rules/conditions (10 times) have been called *qua* posts under the categories as mentioned in the advertisement with the example of 50 candidates being called for 05 posts reserved for ESM being given. It was submitted that there would be no change in the result even if it is declared category-wise. The object of declaration of result of the preliminary examination is to inform the candidates about their short-listing for the next stage for taking the examination. Reliance upon decision dated 14.03.2024 of the Single Bench of this High Court in **Surender Kumar Vs. HPSC, CWP No. 5802 of 2024**, was stated to be misplaced. Selection in the said case pertains to HCS (Executive Branch). It was thus prayed that these writ petitions be dismissed.

18. We heard learned counsel for the parties at length and have carefully scrutinized the files and have gone through the judgments referred to by both the sides. It is to be noted at this stage that learned counsel for petitioners were ad idem that separate replies/written statement need not be filed in all the writ petitions. A common affidavit dated 14.05.2024 was filed in CWP Nos. 8510, 10051, 10180, 10154, 10748, 9908, 10873, 9174, 9179, 10042, 8890, 10795, 9854, 9273, 10898, 10992, 10895, 11287, 11257, 10783, 11088 and 10902 of 2024 on behalf of respondent-High Court with a copy thereof to learned counsel for petitioners in all writ petitions. Separate written statement/reply was filed in CWP Nos. 8510, 13729, 10898, 9174, 9854, 11287 of 2024 on behalf of respondent-HPSC.

19. The arguments as addressed have been exhaustively detailed in the foregoing paras. Petitioners seek intervention primarily on the ground that recommendations of the Expert Committee are flawed and have been incorrectly accepted by the Committee. One set of petitioners who claimed to have given the answers as per the first provisional Answer Key uploaded by the respondents, claim that they should first have been afforded an opportunity to present their cross-objections to the recommendations submitted by the Expert Panel before a final decision thereon by the Selection Committee and declaration of result of Preliminary Examination.

20. At this stage, it is relevant to note that interference in the recommendations submitted by the Expert Committee duly accepted by the Selection Committee should not be lightly in exercise of jurisdiction under Article 226 of the Constitution of India. Hon'ble the Supreme Court in case of **Kanpur University Vs. Samir Gupta, 1983 (4) SCC 309** has held as under:-

> "16..... We agree that the key-answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct....."

21. Hon'ble the Supreme Court considered the question of revaluation or scrutiny of answer sheets in the case of **Ran Vijay Singh and others Vs. State of U.P. and others, (2018) 2 SCC 357** and held as under:-

> "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 re-evaluation 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."

xx xx xx xx

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."

22. Hon'ble the Supreme Court in the case of **H.P Public Service Commission Vs. Mukesh Thakur and others, 2010 (6) SCC 759,** held that merely because the subject happens to be law, the Court cannot arrogate to itself the powers of the Expert Committee. Thereafter, Hon'ble the Supreme Court in the case of **U.P.P.S.C and others Vs. Rahul Singh and others, 2018 AIR (Supreme Court) 2861**, reiterated and reaffirmed its earlier decisions and held as under:-

> "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."

23. Gainful reference in this context can also be made to various decisions of Division Benches of this High Court in **LPA No. 418 of 2024 and**

connected appeals, titled Ankush Sharma Vs. State of Punjab and others, Lovepreet Singh Vs. HPSC (supra) and **Navdeep Kaur Vs. State of Punjab and others (supra), decided on 01.06.2023.**

24. At this juncture, it is relevant to point out that we have considered the arguments as raised by learned counsel for petitioners in respect to the individual questions and the purported infirmity in the recommendations of the Expert Panel with reference to various judgments cited before us on the subject matter of disputed questions. We have also perused the report of the Expert Panel which was produced before us during the course of hearing. After careful scrutiny of the recommendations and the arguments raised by learned counsel for petitioners qua the individual questions, we do not find any glaring mistake or discrepancy to indicate that the recommendations of the Expert Committee are palpably incorrect to the extent that no reasonable body of persons well versed in the particular subject would regard to the same to be correct. As stated in the foregoing paras, the Answer Key is not to be held incorrect merely by an inferential process of reasoning or by a process of rationalization. It is in this view of the matter that we deliberately refrain from a detailed discussion on the individual questions in terms of the arguments as raised before us as we do not find the opinion in the recommendations of the Expert Panel and the subsequent decision taken by the Committee to be palpably incorrect or unreasonable which calls for any interference.

25. In the given factual matrix, we do not find the prayer for constitution of another Expert Committee to be tenable. This Court in the case of **Navdeep Kaur and another Vs. State of Punjab and others** (Supra) in similar circumstances while referring to the decision of **Haryana Public Commission Vs. State of Haryana and others, Civil Appeal No. 7727 of 2019 (arising out of SLP (C) No. 30800 of 2018**) held as under:-

> "29. We do not find any such glaring discrepancy in the matter which calls for the matter being referred to another Expert Committee. Routine constitution of such Expert Committee/s has been deprecated by the Hon'ble Supreme Court in **Haryana Public Service Commission Vs. State of Haryana and others, Civil Appeal No. 7727 of 2019 (arising out of SLP (C) No. 30800 of 2018).** In the said case, Haryana Public Service Commission, had undertaken the selection process to appoint 133 Assistant Professors of Geography (College), for which an objective type question paper was set up wherein candidates were required to answer 100 questions. It was contended before the learned Single Judge that out of 100 questions, most of them are either ambiguous or without correct Answer Key. Expert Committee was constituted, which on going through the question paper in detail gave its opinion regarding seven questions. Learned Single Judge on going through the question paper concluded that four more questions were ambiguous, therefore should be deleted from consideration. Division Bench in appeal against the decision of the learned Single Judge, while holding that it was not for the learned Single Judge to carry out the exercise of an Expert, passed orders for appointing another Expert Committee, which was subject matter of challenge before the Hon'ble Supreme Court in **Haryana Public Service Commission's case** (Supra). The Hon'ble Supreme Court held that if judgment of Division Bench is allowed to stand, there would be no finality to the selection process and especially keeping in view the fact that there was no allegation as such against the Expert Committee, who in its wisdom had submitted its report."

26. We also do not find any merit in the argument raised on behalf of petitioners that deletion of question no. 37 and 107 has led to prejudice to the petitioners or put them to any disadvantage. Hon'ble the Supreme Court in the case of **Kanpur University Vs. Samir Gupta (supra)** held that in a system of 'multiple choice objective type test' care should be taken to see that questions having an ambiguous import are not set in the papers. In case two answers were

found to be correct, the Committee was well within its right to have excluded the same from the paper with no marks being assigned thereto. It is to be noted that the preliminary examination is for short-listing of the candidates for taking the further step i.e., the main examination. The process of examination has been applied uniformly to all candidates. The deletion of two of the questions does not in any manner lead to any prejudice or disadvantage to any candidate. All candidates whether having attempted the questions or not or attempting them correctly or incorrectly are clearly treated at par as no credit or discredit is given to any candidate in this respect.

27. The argument that the process is vitiated due to failure to provide an opportunity of submitting cross-objections by the candidates who had given their answers as per the provisional Answer Key is also an argument devoid of any merit, hence rejected. It is pertinent to note at this stage that there is no rule, regulation or any term or condition in the advertisement which permits revaluation of the answer sheets or submission of objections/cross-objections. Hon'ble the Supreme Court in High Court of **Tripura through Registrar General Vs. Tirtha Sarthi Mukherjee and others, 2019(2) SCT 117** has held that the right to seek a writ of mandamus is based on the existence of a legal right and a corresponding duty with the answering respondent to carry out a public duty. In the absence of any such provision, the writ Court should exercise jurisdiction only in exceptional or extraordinary circumstances. It is relevant to note at this stage that no allegation of mala fide has been pleaded or alleged against the Expert Panel or the Selection Committee. Learned counsel for the petitioners were unable to point out any exceptional or extraordinary circumstance, which calls for our interference.

28. Similarly, result of the preliminary examination cannot be set aside on the ground that it has not been declared category wise. It is the specific case of

respondents that short-listing of candidates has been done category-wise even though declaration is roll number wise. Learned counsel for petitioners were unable to point out any prejudice which may have been caused to the petitioners by adoption of this course and neither could they point out anything on record which would cause us to doubt the stand so taken by the respondents, with the assertion that there would be no change in the result even if it was declared category-wise and that candidates 10 times the number of posts in terms of the Advertisement and the Rules advertised have been called.

29. Arguments had also been addressed by learned counsel for the petitioners that grace marks should be given and there should be an effort of inclusivity of the maximum number of candidates for taking the main examination. We find this argument to be misplaced and devoid of any merit as the exercise has to be undertaken in adherence to the applicable law/rules/instructions/ terms and conditions of the advertisement. Hence said argument is rejected. We also do not find any merit in the argument raised by one of the counsel (Mr. Gurinderpal Singh, Advocate) for the petitioners that details of the members of Expert Panel itself should be uploaded and complete report of the Expert Panel should be put in the public domain otherwise the process should be held to be vitiated.

30. In CWP No. 13729 of 2024, it is additionally pleaded that petitioner had attempted the requisite number of questions and 102 answers given by the petitioner were correct in terms of the final Answer Key with only 19 answers incorrect, whereas as per the result, only 101 attempts of the petitioner are declared correct with 20 attempts incorrect.

31. In the return(s) filed on behalf of the respondents in CWP No. 13729 of 2024, it has been specifically stated that in respect to the answer given by the said petitioner to question no.93, petitioner had darkened two options which led

to negative marking in terms of the specific terms and conditions of the Advertisement as well as the instructions given on the OMR sheet itself, clearly specifying that only one circle should be darkened. Instruction no.2 on the OMR Sheet itself reads as under:-

> "2. Darken ONLY ONCE CIRCLE for answering each question Darkening of more than one circle will attract negative marking."
>
> (Emphasis is present in instructions and not added)

Thus no ground for interference is made out in this respect.

32. In CWP No. 10154 of 2024, petitioner has applied in the general category but as a dependent of Ex-servicemen. It was contended that benefit of reservation should be afforded to the petitioner at the initial stage of preliminary examination itself, because otherwise it leads to scuttling of his right of consideration at the initial stage itself. The issue raised is no longer *res integra* having been decided in favour of respondents in **CWP No. 12514 of 2014, titled Naveen Kumar Vs. State of Haryana and others, decided on 10.07.2024** itself, wherein it has been held that benefit of reservation against the posts reserved for Ex-servicemen would be admissible only at the time of Final Selection (List) and not at the stage of Preliminary Examination, Main Examination or Interview. Reference was made to Clause 29 (vii) (h). Reference therein has been made to an earlier decision of this High Court in **LPA No. 339 of 2021, titled Dheer Anush Singh Bhatti Vs. State of Punjab and others, decided on 31.03.2021**, which pertains to extension of benefit of reservation under Ex-servicemen category to the lineal descendants of Ex-Servicemen. **CWP No. 10273 of 2024,** titled **Tejaswini Garg Vs. Haryana Public Service Commission and another,** decided on 22.05.2024 as referred to therein as well dealt with extension of benefit of reservation at initial stage to dependents of Freedom Fighters.

33. In CWP No. 10902 of 2024, petitioner has filed an affidavit dated 27.05.2024 denying the stand taken by respondents that objections had not been filed by her while submitting that five objections in respect to question no. 63, 72, 87, 95 and 123 had been filed by her. This fact is duly mentioned in the tabulation provided by the respondents and need not detain us i\n any manner.

34. Learned counsel for the petitioners were unable to point out any illegality, irregularity or infirmity in the process and procedure in the selection process lending any prejudice to the petitioners.

35. Keeping in view the facts and circumstances as above, we do not find any ground whatsoever which calls for interference by this Court in the present writ petitions.

36. No other argument has been raised.

37. All the writ petitions are accordingly dismissed with no order as to costs. Pending application(s), if any, also stand(s) disposed of accordingly.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

July 10, 2024.
s.khan

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

SCHEDULE OF CASES

1.	CWP No. 13729 of 2024	Amardeep Singh Vs. Registrar (Recruitment), Punjab and Haryana High Court and another
2.	CWP No. 10902 of 2024	Richa Tayal Vs. State of Haryana and others
3.	CWP No. 12790 of 2024	Prerna Goel Vs. State of Haryana and others
4.	CWP No. 12874 of 2024	Vijay Vs. Haryana Public Service Commission and another
5.	CWP No. 12954 of 2024	Shiv Jindal Vs. Haryana Public Service Commission and another
6.	CWP No. 13223 of 2024	Veerpal Kaur and others Vs. State of Haryana and others
7.	CWP No. 13376 of 2024	Rahul Verma Vs. Haryana Public Service Commission and another
8.	CWP No. 13552 of 2024	Aanchal Verma Vs. Haryana Public Service Commission and another
9.	CWP No. 14992 of 2024	Varun Girdhar Vs. State of Haryana and others
10.	CWP No. 10898 of 2024	Shehnaz Bano Vs. Haryana Public Service Commission and another
11.	CWP No. 10902 of 2024 (O&M)	Mahesh Priya Vs. Haryana Public Service Commission and others
12.	CWP No. 9273 of 2024	Robin Sharma and others Vs. Haryana Public Service Commission and another
13.	CWP No. 9772 of 2024	Abhinandan Sagar Vs. Haryana Public Service Commission and another
14.	CWP No. 9854 of 2024	Hemant Vs. Haryana Public Service Commission and another
15.	CWP No. 9908 of 2024	Amandeep Sheoran vs. State of Haryana and others
16.	CWP No. 10748 of 2024	Palak Vs. Haryana Public Service Commission and another
17.	CWP No. 11088 of 2024	Umang Gupta Vs. Haryana Public Service Commission and another
18.	CWP No. 11257 of 2024	Mahima Tayal Vs. Haryana Public Service Commission and others
19.	CWP No. 10992 of 2024	Anu Bala Vs. Haryana Public Service Commission and others
20.	CWP No. 10873 of 2024	Amanpreet Kaur Vs. State of Haryana and others
21.	CWP No. 11984 of 2024	Vishwanath Pratap Singh Vs. Haryana Public Service Commission and another
22.	CWP No. 11423 of 2024	Agampartap Singh Vs. Haryana Public Service Commission and another
23.	CWP No. 11287 of 2024	Puneet Gupta and another Vs. Haryana Public Service Commission and another
24.	CWP No. 8890 of 2024	Rohit Vs. State of Haryana and others
25.	CWP No. 9174 of 2024	Ashina Gupta and another Vs. State of Haryana and others
26.	CWP No. 10042 of 2024	Lavita Garg Vs. State of Haryana and others
27.	CWP No. 10051 of 2024	Jayantika Dhull Vs. Haryana Public Service Commission and others
28.	CWP No. 10154 of 2024	Mohini Vs. Haryana Public Service Commission and another
29.	CWP No. 10180 of 2024	Avinash Yadav Vs. Haryana Public Service Commission and another
30.	CWP No. 10795 of 2024	Rahul Gautam Vs. State of Haryana and others
31.	CWP No. 10895 of 2024	Akhil Goyal Vs. Punjab and Haryana High Court and another