



2025:PHHC:076102



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

Reserved on : 12.05.2025
CWP-19486-2021 (O&M)
Pronounced on: 28.05.2025

Lakshay Chahal

...Petitioner(s)

VERSUS

Haryana Staff Selection Commission and another

...Respondent(s)

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present :- Mr. R.K. Malik, Sr. Advocate with
Mr. Kartikey Chaudhary, Advocate, for the petitioner(s).

Mr. Rahul Dev, Addl. AG Haryana.

VINOD S. BHARDWAJ, J.

1. The petitioner has approached this court seeking quashing of **Question No. 38 (Booklet Series-L)** as published in the final answer key dated 04.09.2019 issued by the Haryana Staff Selection Commission for the post of Junior Engineer (Civil), on the ground that the answer indicated therein, namely "**Sarswati**", is ex facie erroneous and contrary to the correct and undisputed answer, namely "**Yamuna**", which was correctly attempted by the Petitioner.

2. It is submitted by the learned senior counsel appearing for the petitioner that the Haryana Staff Selection Commission, vide Advertisement No. 10/2019 dated 15.06.2019, had invited applications for the post of Junior Engineer (Civil) across 18 Departments, Boards, and Corporations within the State of Haryana. In pursuance of the said advertisement, the written examination was conducted by the respondent-Commission on 01.09.2019,

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and the petitioner appeared in the said examination under Roll Number 1019132844. Subsequently, the Commission issued a public notice dated 04.09.2019 inviting objections from the candidates with respect to the provisional answer key.

3. The petitioner, in response to the said notice, submitted his objections within the prescribed time frame on 06.09.2019. It is further contended that the final result was thereafter declared on 06.06.2020, wherein the last candidate selected under the General Category had secured 63 marks. Subsequently, vide notice dated 13.10.2020, the respondent-Commission also published the waiting list.

4. The petitioner's name features in the said general category waiting list. As disclosed on the official website of the respondent-Commission, the petitioner was awarded 63 marks in the written examination, received zero marks under the socio-economic criteria, thereby making his total score 63 marks—equal to that of the last selected and last waitlisted candidates in the General Category.

5. The counsel argues that the petitioner, having obtained equal marks to the last selected candidate and being the last waitlisted candidate in the General Category, stands to suffer grave prejudice due to the erroneous marking of Question No. 38 in the final answer key, which has a direct bearing on his merit position and consequential selection.

6. It is further argued that the petitioner had raised specific objections in respect of *Question No. 38* as well as *Question No. 74* against the provisional answer key released by the respondent-Commission.

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Question No. 74 was subsequently cancelled by the respondent-Commission, and all candidates who appeared in the said examination were accordingly awarded one mark in lieu thereof. However, with regard to *Question No. 38*, despite the objection having been duly submitted by the petitioner, the Commission has neither cancelled the said question nor rectified the erroneous answer indicated therein, thereby causing manifest injustice and adversely impacting the petitioner's merit position.

7. The learned counsel for the petitioner has drawn the attention of this Court to *Question No. 38* as contained in Booklet Series 'L', which reads as under:

Q. No. 38 *The river originated from the HAR-KI-DUNGlacier in WestGarhwal is-*

- a. Godavari*
- b. Yamuna*
- c. Ganga*
- d. Saraswati*

8. Learned counsel for the petitioner further submits that, as per the Answer Key circulated by the respondent-Commission, the answer to *Question No. 38* has been recorded as "*Sarswati*". However, the petitioner, relying on his academic knowledge and understanding of the subject, had marked the answer as "*Yamuna*", which he asserts is the correct response.

9. In support of this contention, the petitioner, invoking his rights under the Right to Information Act, 2005, sought information from the Haryana Sarasvati Heritage Development Board, which vide its letter dated

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21.05.2021, informed the petitioner that the *Sarasvati Nadi* originates from *Adi Badri*, situated in the Ambala District of Haryana, near the foothills of the *Shivalik* range. The Petitioner has also obtained additional information under the RTI Act from the Office of the Chief Engineer, Central Water Commission (Upper Yamuna Division), which furnished its response vide letter dated 17.06.2021 wherein it is said that “*Tons* river a Tributary of River *Yamuna* is originating from *Hari-ki-Dun*”. The said communication further substantiates the petitioner’s stand regarding the origin and geographical course of the river *Yamuna*, in contradistinction to the answer indicated by the respondent-Commission in the final key.

10. Counsel for the petitioner vehemently argues that the answer indicated in the final answer key by the respondent-Commission, namely, “*Sarswati*”—is hence factually incorrect and unsupported by credible scientific or governmental data, whereas the answer marked by the petitioner—“*Yamuna*”—finds due corroboration in official records obtained by him from competent authorities under the RTI mechanism.

11. Learned counsel for the petitioner submits that, aggrieved by the inaction of the respondent-Commission against erroneous evaluation of Question No. 38, the petitioner made persistent and *bona fide* efforts. It is submitted that the petitioner first raised a formal grievance on 31.08.2020, followed by a second grievance on 27.10.2020, and a third grievance on 28.06.2021. In response thereto, the respondent-Commission merely informed the petitioner that his grievance was “under process.”

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12. It is further submitted that, in the interregnum, the *Chief Secretary, State of Haryana* has vide communications dated 21.05.2021 and 19.07.2021, sought status reports from various departments pertaining to candidates for the post of Junior Engineer (Civil) who have either not joined or resigned after appointment. The said correspondence, according to the petitioner, evidences that vacancies continue to exist and are being monitored at the highest level of the State Government. In view of the foregoing, it is the petitioner's categorical submission that his claim is neither stale nor academic, and that the respondent-Commission's failure to adjudicate upon a meritorious and substantiated objection has not only affected his rightful consideration but also continues to perpetuate a manifest error in the selection process.

13. Learned counsel further submits that the first response was filed by the Staff Selection Commission dated 11.03.2022 wherein it was submitted that report of expert had been obtained. The State was directed vide order dated 09.11.2022 to file a better affidavit. In compliance thereto, affidavit dated 12.01.2023 was filed wherein it was stated that the Commission sent a letter to the Chief-Examiner and that report of expert has not been received and that the same shall be submitted as and when received. He submits even in the subsequent affidavit dated 27.07.2024, the report of expert has not been filed. He submits that the matter should thus be sent for an expert report and a final decision ought to be taken only thereafter.

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14. Per contra, learned counsel appearing on behalf of the respondent-Commission contends that the written examination for the post of *Junior Engineer (Civil)* was conducted on 01.09.2019 and upon completion of the said examination, the respondent-Commission duly uploaded the provisional answer key on its official website for the information of all candidates. It is further contended that, vide notice dated 04.09.2019, the Commission formally invited objections from the candidates in relation to the said answer key. The said notice permitted candidates to point out discrepancies, if any, in the answers published.

15. Pursuant thereto, a large number of objections were received from various candidates. Among them, the petitioner herein submitted objections in respect of *Question Nos. 38 and 74 (Series "L")* on 06.09.2019 at 04:24 PM. It is averred that all objections received from candidates were duly forwarded to the *Chief Examiner* for expert scrutiny. After due consideration of the objections, the Expert Committee, headed by the Chief Examiner, submitted its report, wherein the necessary corrections to the answer key were duly recommended. On the basis of the revised answer key as approved and submitted by the Chief Examiner, the evaluation of the OMR answer sheets was carried out. It is submitted that following the said process, the respondent-Commission declared the final result for the post in question on 06.06.2020, and the remaining part of the result, including the waiting list, was subsequently published on 13.10.2020.

16. Learned counsel for the respondent-Commission submits that the Commission itself is not an expert authority equipped to adjudicate upon

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the correctness or validity of answers to technical questions posed in the examination. It is the uncontroverted position that the determination of the correct answers rests exclusively with the *Chief Examiner* and the Expert Committee constituted thereunder. The Commission, therefore, relies entirely upon the report and recommendations submitted by the Chief Examiner in this regard.

17. He vehemently argues that it is also well settled in law that the report of the Chief Examiner, who is the subject matter expert, cannot ordinarily be subjected to judicial scrutiny or called into question, save in cases where there is manifest arbitrariness, mala fides, or perversity. Further, it is submitted that, in the present era of digitization and widespread availability of information over the internet, it is not uncommon for answers to vary between different sources, websites, or reference books. Such variations may give rise to reasonable differences of opinion on certain questions. The respondent-Commission has no independent mechanism or process to verify or adjudicate upon the correctness of answers beyond the expert opinion furnished by the Chief Examiner. Accordingly, the Commission is constrained to place reliance on the report so submitted. He contends that the revised answer key, as supplied by the Chief Examiner, was uniformly made applicable to all candidates, and the evaluation of the OMR answer sheets was carried out in strict conformity therewith.

18. Learned counsel for the respondent-Commission submits that the Petitioner lacks locus standi to challenge the final answer key once the prescribed procedure for its formulation has been duly followed in

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accordance with the rules. It is a settled proposition of law that, upon finalization by the Examiner, the answer key must be treated as conclusive and binding, given that the domain of academic and technical expertise lies exclusively within the purview of the subject matter experts. While placing reliance of the judgment of the Hon'ble Supreme Court in **Civil Appeal No. 367 of 2017** titled as **Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.** he submits that in circumstances of ambiguity or doubt, the benefit of such doubt ought to be accorded to the examination authority rather than to the candidate, in order to preserve the integrity and finality of the recruitment process.

19. He also relies on the judgment rendered in **SLP (C) No(s). 23202-23204 of 2015** titled as **Bihar Staff Selection Commission & Ors. v. Arun Kumar & Ors.** and contends that in the absence of any statutory or regulatory provision permitting the re-evaluation or re-assessment of answer sheets, courts must exercise judicial review with great caution and restraint. Interference in such matters is warranted only in cases where there is a manifest error, patent illegality, or a violation of principles of natural justice. The role of the judiciary is not to act as an appellate authority over academic or recruitment evaluations, but to ensure that the process conforms to the legal standards of fairness and transparency.

20. Learned counsel further submits that it is neither feasible nor legally permissible to subject the revised answer key to repeated rounds of objections and re-evaluation. To do so would inevitably result in

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interminable challenges, thereby rendering the recruitment process unending and defeating its very purpose.

21. Learned counsel contends that the matter came up for hearing before this Hon'ble Court on 15.01.2023. Upon hearing the parties, this Hon'ble Court was pleased to pass an interim order dated 15.01.2023, wherein it directed the respondent-Commission to file a comprehensive affidavit elucidating whether the objections raised by the petitioner in respect of *Question No. 38* were considered and decided upon on the basis of the Expert Committee's report, or otherwise.

22. Learned counsel for the respondent-Commission contends that the decision with regard to the objection raised by the petitioner on *Question No. 38 of Set L* (corresponding to *Question No. 27 of Set A*) was taken strictly in accordance with the report of the Expert Committee. The relevant extract from the Expert Committee's report is as follows:

Question No. 27: *The river originating from the Har-ki-dun glacier in West Garhwal is:*

- a) Saraswati*
- b) Ganga*
- c) Yamuna*
- d) Godavari*

Initial Answer Key: Option (a) Saraswati

Final Answer Key: Option (a) Saraswati

Reference:

Book Title: Know Your State Haryana

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Authors: Sohan Singh Khattar, Reena Kar

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23. It is submitted that the respondent-Commission placed reliance upon the aforesaid expert report and authoritative reference material in finalizing the answer key, and that the objections of the Petitioner were duly considered.

24. No other argument has been raised nor any judgments cited.

25. I have heard the learned counsel for the parties and have gone through the material appended with the present petition with their able assistance.

26. The petitioner's grievance is premised solely upon his own interpretation of the geographical and hydrological origin of the Yamuna river. To bolster his claim, he places reliance on information obtained under the Right to Information Act dated 21.05.2021 from the Haryana Sarasvati Heritage Development Board. However, the reliance so placed is clearly misplaced. A careful perusal of the cited research paper—titled “Disruption of Proto-Saraswati River in Response to Neo-Tectonic Activity in Bata-Makanda Area-Northwest Himalaya, India” authored by G.S. Shrivastava (Deputy Director General, Geological Survey of India) and A.K. Kulshrestha (Institute of Hydrogen, Energy and Geo-Resources, ONGC Centre for Advanced Studies, University of Lucknow)—by the Haryana Sarasvati Heritage Development Board for its response reveals that the petitioner has indulged in a selective and erroneous reading of the same.

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Para 4 of the said research paper itself unambiguously states that the perennial source of the *Saraswati* River is derived from a group of glaciers in the *Har Ki Dun* region of the *Garhwal Himalaya, Uttarakhand*. Thus, the very material relied upon by the petitioner in fact fortifies the conclusion drawn by the Expert Committee of the respondents. The relevant para of the aforesaid research paper is extracted as under:

“Saraswati River had been eloquently described in Rig Veda as ‘supreme amongst all the rivers, swift and violent river that possessed enormous discharge, responsible for causing floods on a massive scale’ (Bharadwaj, 1999). It emanated from the Himalaya and flowed as independent river system. Puri (2001) has carried out pioneering working locating perennial source of Saraswati from a group of glaciers of Har-ki dun in Garhwal Himalaya, Uttarakhand, forming part of Tons (Tamsa) fifth order basin. He also proposed the name of one of the glaciers as Saraswati Glacier.”

(Emphasis supplied)

27. This Court expresses its concern about the litigant not going through the entire report and take recourse to selective material. It was expected of the counsel to have gone through the entire report before placing reliance on the same or attempting to convince the Court. Surprisingly, the petitioner seeks to portray Haryana Sarasvati Heritage Development Board as an expert, but the said expert is relying upon a research paper submitted by Centre of Advanced Studies. Hence, the expert itself fails to have any

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study or material of its own. Be that as it may, when the entire paper was gone through, the report actually did not support the claim of the petitioner or even the information furnished as per the RTI. Merely because a Tributary of “*Yamuna*” also originates from the same source does not mean that no other river originates from the same source. In the glacial system, such an argument of the petitioner is fallacious.

28. Insofar as the RTI response dated 17.06.2021 from the Chief Engineer, Central Water Commission (Upper Yamuna Division) is concerned, the same has also been misread and misrepresented before this Court. Row 1 of the said reply received under RTI merely provides a list of major rivers originating from the *Har Ki Dun* glacier and states that the *Tons* river, which is a tributary of the *Yamuna*, originates therefrom. It does not suggest that the *Yamuna* river itself originates from *Har Ki Dun*. Further, Row 4 of the same response, which specifically queries the source of the *Saraswati* river, records that no information is available with the said office. It does not, and cannot, serve as a conclusive negation of the expert determination of the river’s origin, nor does it undermine the validity of the Expert Committee’s view. The same is extracted as under:

<i>Sr. No.</i>	<i>Information sought</i>	<i>Information available in office</i>
<i>1</i>	<i>List of Major rivers originating from Har-ki-Dun Glacier in West Gharwal</i>	<i>Tons river a Tributary of River Yamuna is originating from Har-ki-Dun</i>
<i>2</i>	<i>List of tributaries of major rivers, originating from Har-ki-Dun Glacier in West Garhwal</i>	<i>-do-</i>

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3	Source of origination of the river Yamuna, and all its tributaries	Pl. See Annexure-I
4	Source of origination of the river Saraswati, and all its tributaries	No information available in this office.

29. Even otherwise, Chief Engineer of Water Commission pertaining to *Yamuna* cannot be perceived as an expert of *Saraswati*. Rightly so, they denied any information about *Saraswati*.

30. Now addressing the issue of seeking report of an expert. Learned counsel for the petitioner has been very emphatic that this Court is not an expert and cannot decide which answer is correct and as the report of the expert has not been placed on record, the decision of the Commission should be held to be wrong. A benefit of one mark should thus be given to him. I find myself in respectful disagreement with the argument. At the outset, law recognizes courts as an expert of experts. Hence, the submission does not find support under the Evidence Act. Besides, the question cannot be said to be a very technical subject for which any special skill is required. The question pertains to Geography at a school level and is not some complex geographical concept. These basic questions may not always require an expert report if the *prima facie* material relied by petitioner itself does not support his argument. The Court can always examine the material relied upon by the respective parties and then record its satisfaction. Besides, this Court is not treating itself as an expert but already has before it, two expert reports relied by respective parties and is deciding which one is satisfactory.

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31. Now dealing with the issue as to whether any expert report was originally available or not, the respondent(s) have referred to the report dated 28.08.2020 received from the expert alongwith the source in support of the answer. Merely because in one of the affidavits it was said that they have written a letter to the expert does not mean that the report is false. The report obtained is not just in relation to one question but many and revision of result is based on the same report for all candidates. The respondents specifically stated about report in first affidavit. In the second affidavit, the Commission was required to report whether *Godavari* or *Yamuna* originate from *Hari-ki-Dun*. '*Godavari*' was never an option claimed. But be that as it may, the issue of report must have arisen thus. Para Nos. 3 and 4 of the affidavit would thus have to be read in the said context. The same are as under:-

“3. That it is further submitted that in order to maintain secrecy and sanctity of examination process, selection of "examiner" is exclusively done by the Chairman of the Commission. In accordance, with the best practices being followed by Commission, information as to the "examiner" is not revealed to any other official of the Commission and as a result no official of Commission has direct contact with the "Examiner". Any correspondence with the examiner has to be routed through the Chairman.

4. That it is most humbly submitted that the Commission is making serious and sincere efforts to comply

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with the orders passed by this Hon'ble Court and is bound to uphold the majesty of the Hon'ble Court. However, as the report is to be submitted by the "Chief examiner" and further that request of the Commission to provide "Expert report" within 15 days didn't fetch any response, the Commission finds itself in a very peculiar situation where even after making all out sincere efforts, Commission is unable to submit "expert report" to the Hon'ble Court, as the same was not provided to the Commission by the "Chief examiner".

It is further submitted that the "expert report" will be submitted immediately and without delay, before the Hon'ble Court, as soon as the same is received from the "Chief Examiner". Still further, any order/ direction which the Hon'ble Court may be pleased to pass in the matter will be complied by the Commission, in true letter and spirit and with utmost sincerity."

32. The 3rd affidavit deals with *Saraswati* and reiterates the stand in first affidavit. There is thus no inconsistency in so far as stand about 'Saraswati' and 'Yamuna' is concerned. There is no *prima facie* material shown to this Court that the report or source of the expert are wrong and the material relied upon by the petitioner has already been discussed and discarded.

33. Further, the petitioner bases his claim as if he alone should be given a benefit of one mark. Once the same answer key has been applied to

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all, it would be a fallacy to claim one mark for himself alone. But that stage does not arise in the present case.

34. This Court reiterates the settled principle of law that in matters pertaining to academic evaluation; the setting and assessment of questions in competitive examinations, the opinion of the Expert Committee is to be accorded primacy and deference. Hon'ble Supreme Court in the case of **Ran Vijay Singh v. State of U.P.** reported as **(2018) 2 SCC 357** has 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:*

30.1. *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;*

30.2. *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;*

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30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

(Emphasis supplied)

35. Moreover, this court cannot sit in appeal over academic decisions unless shown to be palpably wrong, irrational, or perverse. In the present matter, there is no credible material to demonstrate that the decision of the Expert Committee suffers from any such vice. The Hon'ble Supreme Court, in the case of **U.P. Public Service Commission v. Rahul Singh**, reported as **(2018) 7 SCC 254**, while addressing the issue of correctness of answers provided in an official answer key, held that the key prepared by subject experts is entitled to a presumption of correctness. The Court observed that judicial interference with such expert-determined answers should be minimal and exercised only when it is demonstrated that the answer provided is patently erroneous, indisputably incorrect, or in conflict with established and accepted knowledge. The operative part is 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

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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.”

36. The Commission, in discharge of its statutory functions, has constituted a body of subject-matter experts who have collectively and after due deliberation prepared the final answer key. The said key has been uniformly applied across the board to all candidates. It is not the case of the petitioner that he has been treated differently or that there is any discriminatory application of standards. On the contrary, it is evident that all answer scripts were evaluated strictly in accordance with the said key, thereby ensuring parity, transparency, and fairness in the selection process.

37. This Court also takes notice of the fact that competitive examinations of this nature are marked by intense competition and minimal margins for error, where even a difference of one mark may result in a candidate's success or failure. In such a scenario, it is imperative that the sanctity of the evaluation process is preserved. Allowing individual candidates to question the correctness of answers as determined by domain experts would open floodgates of litigation and undermine the finality of the selection process.

38. Furthermore, no irregularity, procedural lapse, or violation of rules has been brought to the fore by the petitioner. Mere disagreement by a candidate with the expert determination of an answer does not vest a cause of action in his favour, nor does it confer jurisdiction upon this Court to interfere with matters that lie squarely within the academic domain.

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39. This Court is constrained to observe that the petitioner, by relying on responses received under the Right to Information Act and misapplying the content of scholarly research papers, has sought to project his own understanding as superior to that of a duly constituted Expert Committee comprising subject-matter specialists. This approach not only undermines the credibility of objective expert determination but also reflects a lack of due diligence and academic discipline. Courts cannot be expected to reopen settled academic findings at the instance of a candidate who, without requisite expertise, challenges well-considered decisions of those duly qualified and empowered to do so.

40. It is further disconcerting that such petitions, filed with misplaced confidence and without adequate legal or academic foundation, have the tendency to encourage similarly ill-founded litigation by other unsuccessful candidates. This results in an undue burden on the judicial system and a diversion of precious time and resources from matters involving genuine constitutional or legal questions.

41. Let it be made abundantly clear that in future, if similarly misconceived and unmeritorious petitions are brought before this Court seeking to substitute judicial opinion for expert academic conclusions without any demonstrable illegality, arbitrariness or mala fides, the same shall be dealt with sternly, and appropriate costs shall be imposed to deter abuse of the judicial process. The sanctity of competitive examinations and the integrity of expert assessments cannot be allowed to be eroded through unwarranted litigation.



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42. In light of the above, this Court does not find any merit in the petitioner's challenge. The function of this Court is not to substitute its own judgment in place of academic experts. The answer provided by the Expert Committee stands accepted for the purpose of evaluation, and no case is made out for judicial review under Article 226 of the Constitution.

43. Accordingly, the writ petition stands **dismissed**.

44. All pending civil misc. application(s), if any, stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

28.05.2025*Mangal Singh*

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