



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.17697 of 2025
Date of Decision: 21.11.2025

VeekuPetitioner
Versus
State of H.P. and OthersRespondents

Coram:
Hon’ble Mr. Justice Sandeep Sharma, Judge.
Whether approved for reporting? ¹ Yes.

For the Petitioner: Mr. Jagat Pal and Ms. Parul, Advocates.
For the Respondents: Mr. Rajan Kahol, Additional Advocate General,
for respondents No.1 & 3/State.
Mr. Vikrant Thakur, Advocate, for respondent
No.2.

Sandeep Sharma, Judge (oral):

By way of instant petition, petitioner has prayed for
following main reliefs:

- i) Issue a writ of mandamus or any other appropriate writ, order or direction, directing the respondent No.2 to re-evaluate Question No.83 of the Screening Test held on 15.06.2025 by treating both options “A – Dhvani” and “D – Varn” as correct answers as per the books approved by HP Board and NCERT, in the interest of justice.
- ii) Direct the respondents to award one (1) along with 0.25 marks for negative marking, thereby revising the total marks of the petitioner as 63.50 marks, and to include his name in the final merit list under the SC category for the post of Constable (Male) and offer him appointment accordingly.
- iii) Quash and set aside the rejection order (Annexure P-8) being illegal, arbitrary and violative of Article 14 and 16 of the Constitution of India.”

2. Precisely, the grouse of the petitioner, as has been highlighted in the petition and further canvassed by Mr. Jagat Pal,

¹Whether the reporters of the local papers may be allowed to see the judgment?

learned counsel representing the petitioner is that petitioner herein has been wrongly not awarded one mark for his having attempted question No.83, which reads as under:

“83. भाषा की लघुतम इकाई चुनिए -

(A) ध्वनि

(B) स्वर

(C) व्यंजन

(D) वर्ण”

2.1. As per petitioner, correct answer to aforesaid question was given in option (A) i.e. "ध्वनि", but yet he has not been awarded one mark qua the same, as a result thereof, he has failed to obtain position in merit by one mark.

3. Having regard to the aforesaid issue raised at the behest of the petitioner, this Court vide order dated 14.11.2025 directed respondent No.2 to have instructions qua aforesaid issue raised at the behest of petitioner. Mr. Vikrant Thakur, learned counsel representing the respondent No.2, has placed on record communication dated 20.11.2025, issued by H.P. Public Service Commission, enclosing therewith one sealed cover/letter containing therein question No.83 of Series 'C'. Bare perusal of aforesaid communication reveals that provisional answer key was uploaded on official website of the Commission on 17.06.2025 and objections were invited from 17.06.2025 to 22.06.2025 from all the appeared candidates. In total 1200 objections were received from candidates concerned against 22 questions, which were forwarded to the subject expert for his opinion, including the

question challenged by the petitioner. Opinion of the subject expert has been placed before this Court in sealed cover, perusal whereof reveals that right answer to the question No.83 is option 'D' i.e. वर्ण.

4. Learned counsel representing the petitioner, who in terms of advertisement dated 03.10.2024 issued by respondent-Commission for 708 posts of Constable (Male) and 380 posts of Constable (Female), Class-III, Non-Gazetted, in Himachal Pradesh Police Department, applied for the post of Constable (Male), while making this Court making peruse two books namely "सामान्य हिंदी" published by Lucent Publication and "शिक्षार्थी व्याकरण और व्यावहारिक हिंदी" published by Himachal Pradesh School Education Board, Dharamshala, attempted to argue that correct answer to the question No.83 is option 'A' i.e. 'ध्वनि'.

5. To the contrary, Mr. Vikrant Thakur, learned counsel representing respondent No.2, vehemently argued that correct answer as has been opined by subject expert to the question concerned is 'वर्ण' i.e. option 'D'. He submitted that otherwise also, by now it is well settled that opinion given by expert cannot be substituted by Court, until same on the face of it is wrong and contrary to the record. He submitted that otherwise also, best person to verify the correctness of the question is the person, who has set-up the paper. Mr. Thakur, learned counsel representing respondent No.2, submitted that taking note of opinion given by expert, there is no requirement to peruse the books, wherein 'वर्ण' has been shown as correct answer to question No.83, but with a

view to refute the contention of learned counsel representing the petitioner, he may be also permitted to place on record books published by H.P. School Education Board, Dharamshala, wherein it has been categorically mentioned that "भाषा की सबसे छोटी इकाई वर्ण है". Books made available by learned counsel representing the petitioner, as detailed hereinabove, though suggests that both 'वर्ण' and 'ध्वनि' can be answer to question No.83, but in the books made available by Mr. Vikrant Thakur, learned counsel representing respondent No.2, correct answer to question is 'वर्ण' i.e. option 'D'.

6. Precisely, the question which needs to be determined in the case at hand is "whether opinion given by subject expert can be disputed on the basis of material adduced on record by the party, who is aggrieved on account of opinion given by the expert?".

7. Though by now it is well-settled that opinion of expert cannot be substituted, unless same is found to be contrary to the record or same is totally wrong on the face of it, but even otherwise, books adduced on record by learned counsel representing the petitioner in support of his contention clearly reveals that both 'वर्ण' and 'ध्वनि' are correct answer to the question, but further explanation given in the aforesaid books qua aforesaid word reveals that 'वर्ण' is shortest written form i.e. 'आ' and 'ध्वनि' is shortest verbal form i.e. speaking 'आ' from the mouth. Since question No.83, detailed hereinabove, only called upon candidate to answer the shortest form of language i.e. "भाषा की लघुतम

इकाई", no wrong can be said to have been committed by the expert while rendering opinion that 'वर्ण' is the shortest form of the language.

8. Leaving everything aside, by now it is well-settled that wisdom of subject expert cannot be laid challenge, rather same needs to be respected, otherwise selection process would never be concluded. Reliance in this regard is placed upon judgments passed by the Hon'ble Apex Court in **Ran Vijay Singh and Ors v. State of Uttar Pradesh and Ors**, 2018 (2) SCC 357 and **Bihar Staff Selection Commission and Others v. Arun Kumar and Others**, 2020 (6) SCC 362, wherein it 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;

30.3. 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;

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.

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.”

9. While categorically ordering that Court should not at all re-evaluate or scrutinize the answer sheets of a candidate, Hon'ble Apex Court held that such job should be left to the academicians, who are the experts. Besides above, Hon'ble Apex Court also held that Court should presume the correctness of the answer key and proceed on that assumption and in the event of a doubt, benefit should certainly go to the subject expert, rather than to candidate

10. Similarly, in **Arun Kumar Case (supra)**, Hon'ble Apex Court deprecated the intervention of the High Court whereby it had taken over job of reevaluating the answers. In the aforesaid judgment, Hon'ble Apex Court while concluding that job of evaluating the paper must be left to the experts, categorically observed that exercise, if any, taken by the Court would drastically alter the final result, and not only a large number of candidates recommended, selected and appointed would be ousted, but it would also result in alteration in service. Relevant Para of the aforesaid judgment reads as under:

“18. It is thus argued that any modification in the result, in compliance with the order passed in the impugned judgment or in terms of the

report of the committee, would result in administrative chaos as well as in "a tsunami of litigation". The exercise would drastically alter the final result, and not only a large number of candidates recommended, selected and appointed would be ousted but it would also result in alteration in service and inter-se seniority position of a large number of candidates already appointed and working for the past six years. It is stated that even confining the result to the candidates who were in litigation before the High Court or this court will not help, as candidates who had not claimed revision of result will, on the principles of parity, claim appointment and those already appointed will claim change in services as per their revised merit position and /or inter-se seniority in the services."

11. Since in the case at hand, there is nothing on record to suggest/depict that objection raised by the petitioner was not considered or was not forwarded to the expert, and thereafter result was compiled/prepared on the basis of opinion/report submitted by the subject expert, no illegality or infirmity can be said to have been committed by the Commission while sticking to the answer approved by the subject expert.

12. Consequently, in view of the detailed discussion made hereinabove as well as law taken into consideration, this Court finds no merit in the present petition and accordingly, same is dismissed being devoid of any merits.

The present petition is disposed in the above terms, so also the pending miscellaneous application(s), if any.

**(Sandeep Sharma),
Judge**

November 21, 2025
(Rajeev Raturi)