

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No.10870 OF 2016

NAVDEEP SINGH SUHAG & ORS.

.....APPELLANTS

VERSUS

THE STATE OF HARYANA & ANR.

.....RESPONDENTS

WITH

CIVIL APPEAL No.12347 OF 2016

CIVIL APPEAL No.4903 OF 2017

O R D E R

Though these matters were listed for early hearing yet on the consent of learned counsel for the parties, we have finally heard the appeals.

The present appeals assail the order dated 05.09.2016 passed by the Division Bench of the High Court of Punjab and Haryana at Chandigarh in LPA No.1681/2016 (O&M) whereby it has affirmed the decision of the learned Single Judge in CWP No.16217/2016 (O&M). The prayer before the learned Single Judge was that the Haryana Public Service Commission should have adopted procedure of moderation. The same was rejected by the learned Single Judge holding *inter alia* that it was not necessary in the facts of the case. The Division Bench of the High Court concurred with the same. Learned counsel for the

appellants has placed heavy reliance on a decision of this Court in Sanjay Singh and another vs. U.P. Public Service Commission, Allahabad and another, (2007) 3 SCC 720. Learned counsel for the respondent-State has placed reliance on a decision rendered by this Court in Sunil Kumar and others vs. Bihar Public Service Commission and others, (2016) 2 SCC 495. He has drawn our attention to para 19 of the said judgment, which reads as under:

"19. The entirety of the discussion and conclusions in Sanjay Singh (supra) was with regard to the question of the suitability of the scaling system to an examination where the question papers were compulsory and common to all candidates. The deficiencies and shortcomings of the scaling method as pointed out and extracted above were in the above context. But did Sanjay Singh (supra) lay down any binding and inflexible requirement of law with regard to adoption of the scaling method to an examination where the candidates are tested in different subjects as in the present examination? Having regard to the context in which the conclusions were reached and opinions were expressed by the Court it is difficult to understand as to how this Court in Sanjay Singh (supra) could be understood to have laid down any binding principle of law or directions or even guidelines with regard to holding of examinations; evaluation of papers and declaration of results by the Commission. What was held, in our view, was that scaling is a method which was generally unsuitable to be adopted for evaluation of answer papers of subjects common to all candidates and that the application of the said method to the examination in question had resulted in unacceptable results. Sanjay Singh (supra) did not decide that to such an examination i.e. where the papers are common the system of moderation must be applied and to an examination where the papers/subjects are different, scaling is the only available option. We are unable to find any declaration of law or precedent or principle in Sanjay Singh (supra) to the above effect as has been canvassed before us on behalf of the appellants. The decision, therefore, has to be understood to be

confined to the facts of the case, rendered upon a consideration of the relevant Service Rules prescribing a particular syllabus."

Be it noted that as far as 2014 examination is concerned, the recruitment process is closed and the candidates have been appointed and they have not been made parties. So, we need not advert to the controversy which was raised before the High Court. However, we may say that the Haryana Public Service Commission shall proceed with the procedure of moderation in accordance with law.

Needless to say, the procedure of moderation is not to be adopted for the asking. If an opinion has to be sought from the expert body, it may say that there is a necessity for moderation, and the Haryana Public Service Commission shall be absolutely objective in this regard.

The appeals are disposed of accordingly. There shall be no order as to costs.

.....CJI.  
(DIPAK MISRA)

.....J.  
(A.M.KHANWILKAR)

.....J.  
(Dr.D.Y.CHANDRACHUD)

NEW DELHI;  
NOVEMBER 13, 2017.

ITEM NO.9

COURT NO.1

SECTION IV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Civil Appeal No(s).10870/2016

NAVDEEP SINGH SUHAG &amp; ORS.

Appellant(s)

VERSUS

THE STATE OF HARYANA &amp; ANR.

Respondent(s)

(IA No.70685/2017-EARLY HEARING APPLICATION and)

WITH C.A. No.12347/2016 (IV)

(NOT READY)

C.A. No.4903/2017 (IV)

Date : 13-11-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Appellant(s)

Mr.Adarsh Kumar Tiwari, Adv.

Ms.Ritu Apurva, Adv.

Ms. Aishwarya Bhati, AOR

Mr. Ashwani Kumar Dubey, Adv.

Mr.Prashant Kr.Umrao, Adv.

For Respondent(s)

Mr.Arun Bhardwaj, AAG

Mr.Ronak Karanpuria, Adv.

Mr.Ashish Pandey, Adv.

Mr.Gauraan Bhardwaj, Adv.

For HPSC

Mr.D.S.Chauhan, Adv.

Ms.Ruchi Singh, Adv.

Mr.Kushal Sharma, Adv.

Mr. Suhaas Ratna Joshi, AOR

UPON hearing the counsel the Court made the following

O R D E R

The appeals are disposed of in terms of the signed order. There shall be no order as to costs.

(Chetan Kumar)  
Court Master

(H.S. Parasher)  
Assistant Registrar

(Signed order is placed on the file)

