

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (CIVIL) NO. 143/2020

NAVNEET KAUR DHALIWAL & ORS.

PETITIONERS(s)

VERSUS

THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH & ANR.

RESPONDENT(s)

O R D E R

Applications for intervention and Impleadment are allowed.

Admitted.

We have had the benefit of going through the report of both Justice A.K. Sikri, former Judge of this Court in respect of the Criminal Law papers and of Justice Surinder Singh Saron, former Acting Chief Justice of the Punjab & Haryana High Court for the Punjabi paper.

Reports have been perused by us and be resealed.

On an appreciation of the report what emerges is that insofar as the criminal law papers are concerned, Justice Sikri has analyzed the papers and in substance has opined that possibly the marking has been quite strict on account of very short answers being given. His suggestion is that once the necessary ingredients of the offence have been appreciated by the examinee, the marks given are fairly low only on account of short answers. This has to be appreciated keeping in mind the level at which the examination is being held as also the length of the question paper. His suggestion thus, is that the

situation can be remedied by adopting a mechanism of moderation of marks in the paper of criminal law and candidates may be given '3 to 5 per cent more marks'. The alternative of course would be to recheck/reassess the answer papers of all candidates who failed to obtain the minimum marks in criminal law paper.

Insofar as the report of Justice Saron is concerned, he has not suggested any percentage of marks to be added but his suggestion was that in view of the marking being fairly strict specially in the descriptive portion, it may be remarked.

We have heard learned senior counsel for the petitioners and learned counsel for the High Court.

We are of the view that the ends of justice can be subserved by directing moderation by increase of marks in both the papers to the extent of 5% in each of the papers.

Naturally this benefit will go across the board so that the people who have already selected are not affected in any manner either in seniority or otherwise.

The result be revised in the aforesaid terms and all eligible candidates be called for interview and the process completed.

Needless to say, that the process should be completed as early as possible.

We are following the course of action as followed in the case of *Pranav Verma & Ors. vs. The Registrar General of the High Court of Punjab & Haryana High Court at Chandigarh & Anr* (2019) 17 SCALE 731 and are thus fortified by the judicial view

taken by this Court already in such matters.

We express our appreciation for the assistance rendered by both Justice Sikri and Justice Saron.

The writ petition is accordingly disposed of.

..... J.
[SANJAY KISHAN KAUL]

..... J.
[DINESH MAHESHWARI]

..... J.
[HRISHIKESH ROY]

NEW DELHI;
DECEMBER 17, 2020.

ITEM NO.33 Court 9 (Video Conferencing) SECTION X

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

Writ Petition(s)(Civil) No(s). 143/2020

NAVNEET KAUR DHALIWAL & ORS.

Petitioner(s)

VERSUS

THE REGISTRAR GENERAL OF THE HIGH COURT OF
PUNJAB AND HARYANA AT CHANDIGARH & ANR.

Respondent(s)

IA No. 102903/2020 - INTERVENTION APPLICATION

IA No. 16093/2020 - INTERVENTION/IMPLEADMENT

IA No. 10684/2020 - STAY APPLICATION)

Date : 17-12-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Prashant Bhushan, AOR
 Ms. Alice Raj, Adv.
 Mr. Rahul Gupta, Adv.

 Mr. P.S. Patwalia, Sr. Adv.
 Ms. Natasha Dalmia, AOR

For Respondent(s) Mr. Nidhesh Gupta, Sr. Adv.
 Mr. Ashok Mathur, AOR

 Mr. Manish Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

Applications for intervention and impleadment
are allowed.

Admitted.

The writ petition is disposed of in terms of the
signed order.

Pending application, if any, stands disposed of.

(CHARANJEET KAUR)

ASTT. REGISTRAR-cum-PS

[Signed order is placed on the file]

(ANITA RANI AHUJA)

ASSISTANT REGISTRAR