

Court No. - 8

Case :- WRIT - A No. - 4983 of 2023

Petitioner :- Deepanshu Shukla

Respondent :- State Of U.P. Thru. Addl. Chief Secy., Deptt. Of Appointment And Personnel, Lucknow And 3 Others

Counsel for Petitioner :- Hari Govind Dubey, Anuj Kudesia

Counsel for Respondent :- C.S.C., Raj Kumar Upadhyaya (R.K. Upadhyaya)

Hon'ble Dinesh Kumar Singh, J.

1. Heard Mr. Anuj Kudesia, learned counsel for the petitioner, Mr. Sandeep Sharma, learned Standing Counsel for respondent-State Authority, as well as Mr. Raj Kumar Upadhyaya for respondent-U.P. Public Services Commission.

2. In this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following reliefs:-

"1. Issue a writ, order or direction in the nature of mandamus commanding the Opposite Parties for evaluating the answer attempted by the present petitioner to the Second Part of the Question No.1 carrying 40 marks of Paper No.5 Law (Paper-II) (Procedure and Evidence) of the Mains written examination of the Uttar Pradesh Judicial Services Civil Judge (Junior Division), 2022 "Write a judgment convicting the accused under Section 300-B of Indian Penal Code after framing appropriate charge for the offence"(which is apparently wrong) as "Section 300 of Indian Penal Code" instead of "Section 300-B of Indian Penal Code" mentioned in the aforesaid question, as the Section 300-B I.P.C. does not exist in the Indian Penal Code, 1860, and calculate the marks of the answer of the impugned question attempted by the Petitioner, accordingly, whose copy is annexed as ANNEXURE No.1 to this Writ Petition.

2. Issue a writ, order or direction in the nature of mandamus commanding the Opposite Parties for efficaciously deciding the Representation dated 08-06-2023, sent by the petitioner to the Opposite Party No.2, 3 & 4, whose copy of annexed as ANNEXURE No.2 to this Writ Petition.

3. Any other specific

4. Award the cost....."

3. The petitioner was a candidate in the Uttar Pradesh Judicial Services Civil Judge (Junior Division) Examination-2022.

4. Mr. Raj Kumar Upadhyay, learned counsel for respondent-U.P. Public Services Commission has tendered the written instructions dated 12.07.2023 in which it has been said that the petitioner's representation in respect of compulsory question no. 1 has been received in which instead of 304, by mistake 300 has got transcribed. The petitioner has answered the question, treating it to be a question on 304-B. The petitioner's representation has been considered, and on the basis of recommendation of the Expert Committee, the petitioner's answer-sheet would be evaluated.

5. Considering the aforesaid stand on behalf of the respondent - U.P. Public Services Commission, nothing survives in this petition, which is hereby **disposed of** with a direction to the U.P. Public Services Commission to act as per the instructions tendered today in the Court by its learned counsel, Mr. Raj Kumar Upadhyaya.

6. Let the instructions dated 12.07.2023 be taken on record.

[D.K. SINGH, J.]

Order Date :- 14.7.2023

MVS/-