

**HIGH COURT OF TRIPURA
AGARTALA
WA No.135 of 2024**

- 1. Sajal Kanti Biswas**, son of Rabindra Kumar Biswas, resident of Badharghat Sreepally, Agartala, PO- Madhuban, PS- Amtali, District-West Tripura, Pin-799003. Age-39 years.
- 2. Dipanjan Laskar**, son of Late Debasish Laskar, resident of Town Bardowali, Agartala, PO- Bardowali, PS- A.D. Nagar, District- West Tripura, Pin-799001. Age-28 years.
- 3. Subhajit Debnath**, son of Sanjit Debnath, resident of North Kacharghat, Kailashahar, PO & PS- Kailashahar, District-Unakoti Tripura, Pin-799277. Age-31 years.
- 4. Subrata Debnath**, son of Sushil Chandra Debnath, resident of village, PO & PS-Panisagar, District- North Tripura, Pin-799260. Age-30 years.
- 5. Kaushik Das**, son of Sibu Chandra Das, resident of Joynagar, PO- Agartala, PS- West Agartala, District- West Tripura, Pin -799001, Age -26 years.

-- Appellants

Versus

- 1. Tripura Public Service Commission (TPSC)**, represented by its Secretary, Akhaura Road, PO- Agartala, PS- West Agartala, District-West Tripura, Pin-799001.
- 2. The Secretary**, Tripura Public Service Commission (TPSC), Akhaura Road, PO-Agartala, PS- West Agartala, District- West Tripura, Pin-799001.
- 3. The Chairman**, Tripura Public Service Commission (TPSC), Akhaura Road, PO-Agartala, PS- West Agartala, District- West Tripura, Pin-799001.

...Respondents

For the Appellant(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. K. Chakraborty, Advocate. Mr. D. Paul, Advocate.
For the Respondent(s)	:	Mr. R. Datta, Advocate.
Date of hearing	:	20.05.2025
Date of delivery of Judgment & Order	:	27.05. 2025.
Whether fit for reporting	:	Yes.

**HON'BLE MR. JUSTICE T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT
J U D G M E N T & O R D E R**

[T. Amarnath Goud, J]

Heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. K. Chakraborty, learned counsel appearing for the appellants. Also heard Mr. R. Datta, learned counsel appearing for respondents-TPSC.

[2] This present writ appeal has been filed under Rule B (A) (General Rules for Writ Appeals) of Chapter VIII of the High Court of Tripura Rules, 2023 read with Article 226 of the Constitution of India, against the impugned Judgment and Order (Oral) dated 25.11.2024, passed in W.P(C) No. 607 of 2024 passed by the learned Single Judge of this Court whereby the learned Single Judge has dismissed the connected writ petition.

[3] The brief fact of the case is that in pursuance of an advertisement dated 07.12.2021 and subsequent Addendum dated 02.05.2022, the appellants had applied for various posts and participated in the selection process. After publication of result, the appellants did not find their names in the list of successful candidates. Having found themselves unsuccessful in the examination, the appellants submitted an application to TPSC to allow them to inspect their respective answer-scripts. The TPSC having received their applications followed by subsequent legal notice informed the appellants about its inability to produce and show the answer-scripts to the appellants for inspection on the basis of the notification dated 20.06.2024. Ultimately, prayer for inspection of answer-scripts had been rejected by the respondents-TPSC. Feeling aggrieved, the appellants have approached this Court by filing WP(C) No. 607 of 2024, wherein the learned Single Judge vide its order dated 25.11.2024 passed the following observation, the relevant portion of the aforesaid order is quoted herein below:-

".....7.9. In my opinion, this notification cannot be said to be unreasonable and arbitrary. In the line of principles laid down in the cited cases supra, consistent view is that there must be some restrictions in allowing an individual candidate or any third party to inspect the answer-scripts. In the opinion of this Court, the notification dated 20.06.2024 issued by the TPSC is constitutionally valid since the intention behind the issuance of this

notification is to prevent lodging of frivolous complaints vis-à-vis claims thereof that will lead to an unhealthy atmosphere in the smooth functioning and administration of Public Service Commissions. Furthermore, it goes without saying that Public Service Commissions are perpetually engaged in organizing numerous examinations throughout the year. Having viewed so, I am of the opinion that the notification dated 20.06.2024 cannot be said to put an unreasonable restriction, and does not offend Article 14 of the Constitution of India. Accordingly, the submission of learned senior counsel to quash the said notification is not accepted.

8. In the instant case, when this Court itself inspected the answer scripts of the petitioners, in that case, further direction upon the respondents-TPSC to place the answer-scripts before the petitioners will not be proper and justified.

9. In the light of the above discussions and for the reasons recorded herein-above, I find no merit in the instant writ petition and accordingly, the same stands dismissed. However, there shall be no order as to costs."

[4] Being dissatisfied with the Judgment and Order of the learned Single Judge as stated herein above, the appellant-petitioner approached the Hon'ble Division Bench of this Court by filing Writ Appeal vide No. 135 of 2024, seeking the following relief:-

"i) Admit this Writ Appeal;

ii) Call for the relevant records, pertaining to the impugned Judgment & Order (Oral) dated 25.11.2024, passed in W.P.(C) No. 607 of 2024;

iii) After hearing the parties, in terms of the GROUNDS set forth above, be pleased to quash/set aside the impugned Judgment & Order (Oral) dated 25.11.2024, passed in W.P.(C) No. 607 of 2024, by the Learned Single Judge of this Hon'ble High Court, and thereafter, allow this Writ Appeal, thereby quashing/setting aside the impugned Notification dated 20.06.2024 and mandating/directing the Respondents to allow the Appellants to inspect their respective answer scripts of the Main Examination [i.e., Paper-I (English) & Paper-II (General Studies & Arithmetic)], conducted in connection with the Advertisement No. 06/2021 dated 07.12.2021 & the Addendum dated 02.05.2022 (Annexures-1 & 2 respectively to the WP)".

[5] Mr. P. Roy Barman, learned senior counsel appearing for the appellants submits before this Court that the appellants have the right to inspect their answer scripts and rejection of the same is arbitrary and discriminatory. Furthermore, according to learned senior counsel, rejection to inspect the answer-script has raised serious doubt as regards the transparency in the process of conducting examination.

[6] He also submits that the impugned notification dated 20.06.2024, would amply reveal that the decision for not allowing the unsuccessful candidates from inspection of their answer scripts has been

taken away by the respondents, taking umbrage of an Order dated 20.02.2018 passed by the Hon'ble Supreme Court of India, in **Civil Appeal No.(s). 6159-6162 Of 2013 (UPSC Vs. Angesh Kumar & Others)** with **Civil Appeal NO. 5924/2013**. He further submits that in the above judgment, the issue was regarding the validity of denial of inspecting the answer scripts of the Civil Services (Preliminary) examination as sought for by the concerned candidates, during pendency of the concerned selection process. But, in the instant case, the prayer has been made for inspecting the answer scripts of the Main Examination, that also, after the entire selection process have been completed.

[7] To fortify his contentions Mr. P. Roy Barman, learned senior counsel placed reliance on the Judgments rendered by the Hon'ble Supreme Court of India in **Mradul Mishra vs. Chairman, U.P. Public Service Commission Allahabad and Ors.** decided on 16.07.2018 in **Civil Appeal No. 6723 of 2018 [Arising out of SLP(C) No. 33006 of 2017]** (Para 14) and **Central Board of Secondary Education and Anr. vs. Aditya Bandopadhyay and Ors.** reported in **(2011) 8 SCC 497** (Para 51,59 and 66). Therefore, he prays to allow his appeal.

[8] Mr. R. Datta, learned counsel appearing for the respondents-TPSC vehemently objected the submission of learned senior counsel for the appellants. He submits that considering the need for transparency and accountability of the Commission, the answer-scripts should not be allowed to be inspected by the candidates who have appeared in the examination. It is further submitted that if this kind of prayer is allowed,

then, the integrity of the Public Service Commission will be at stake and the entire system of conducting examination will be jeopardized.

[9] Mr. Datta, learned counsel, thereafter, submits that the entire process was completed maintaining optimum transparency and there is no scope of doubting the integrity about the evaluation of the answer-scripts. It is also mentioned by him that the entire process follows three steps to evaluate the answer-scripts like examiner, head examiner and scrutinizer. Even if all examiners initials are masked, the way marks are awarded could itself be a giveaway in revealing the examiner's identity. Any such possibility of the examiner's identity getting revealed in such a high-stakes examination would have serious implication both for the integrity and fairness of the examination system and for the security and safety of the examiner.

[10] In support of this argument Mr. Datta, learned counsel placed reliance on the decision of the Hon'ble Supreme Court in the case of **Union Public Service Commission and Ors. vs. Angesh Kumar and Ors.** in **Civil Appeal nos. 6159-6162 of 2013** and **Prashant Ramesh Chakkarwar vs. Union Public Service Commission and others**, reported in **(2013) 12 SCC 489**. Reliance has also been placed on the decision of the Hon'ble Supreme Court in **Pranav Verma and Ors. vs. Registrar General of the High Court of Punjab and Haryana at Chandigarh and Anr., reported in (2020) 15 SCC 377** [Three-Judge Bench (SCC p 395)]. He therefore, prays before this Court to dismiss this present appeal.

[11] Heard both sides.

[12] Before delving into the merits of the case , we may take a note of the application dated 14.06.2024 which is made by the appellant-petitioner addressed to the Secretary, TPSC. The same is extracted hereunder:-

**"To
The Secretary, TPSC
Tripura Public Service Commission
Akhaura Road, Agartala, Tripura (W)
Pin: 799001.**

Subject: Prayer for seeking the permission to inspect my Mains Copy (Paper-1 & Paper -II) of TPSC Combined Exam, vide Advt. No. 06/2021, Dated: 07/12/2021, Roll No. 29441.

Respected Sir,

Most humbly I would like to inform you that as mentioned above I want to inspect my Mains Copy (Paper-I & Paper II) of TPSC Combined Exam, vide Advt. No. 06/2021, Dated 07/12/2021, which Final Recommended List was published on 06/06/2024 against notification No.F. 11 (91-3) -Rectt/ TPSC/ 2022(V01-1).

I was in a positive hope and quite confident about my result since my Written Exam and Personal Interview went well and expected that my name would be in the final merit list but unfortunately it did not happen. So, for personal satisfaction, self improvement and course corrective measures for future prospects I want to inspect aforementioned copies which will be at least a minimum solution for me.

So, based on the above circumstances you are highly requested to kindly look into the matter and grant my request to inspect the same as early as possible and I will be thankful for your kindness.

Therefore, looking forward with a positive hope for your necessary action in this regard and thus oblige.

Thanking You.

Date: 14/06/2024

**Yours Faithfully
Sajal Kanti Biswas**

MobileNo. 9436768450.....".

[13] It is seen from the application which is extracted above, for personal satisfaction, self improvement and course corrective measures the appellant herein approached the concerned respondent. This Court feels that these reasons cannot be a sufficient grounds for inspection of answer-scripts.

[14] Thereafter, in pursuance of the application as stated above, the secretary, TPSC issued a notification dated 20th June,2024, which reads as under :-

".....NOTIFICATION

It is for information of all concerned that in pursuance of Hon'ble Supreme Court of India order arising upon Civil Appeal No.(s).6159-6162 of 2013 with C.A.No.5924/2013 and order of Tripura Information Commission vide Appeal No.TIC-08 of 2020-21/5888-89 dated 20.04.2021 the Commission's decision is in force that inspection of Answer Scripts (Conventional Type)/ OMR base examination are not allowed by individual candidate or any third party. The same decision of the Commission not to allow inspection of Answer Scripts (Conventional Type)/ OMR base examination by individual candidate or any third party will continue. The Commission will not entertain such request either through plain paper application or RTI application.

(S Mog, LAS)
Secretary, TPSC."

[15] This Court finds force in the argument of learned counsel Mr. R. Datta as well as the Judgment of Hon'ble Supreme Court of India in ***Union Public Service Commission and Ors. vs. Angesh Kumar and Ors.*** in ***Civil Appeal nos. 6159-6162 of 2013***. The relevant portions are extracted as under :-

6. Thus, it is clear that in interpreting the scheme of the Act, this Court has, while adopting purposive interpretation, read inherent limitation in Sections 3 and 6 based on the third recital in the Preamble to the Act. While balancing the right to information, public interest including efficient working of the Government, optimum use of fiscal resources and preservation of confidentiality of sensitive information has to be balanced and can be a guiding factor to deal with a given situation dehors Sections 8, 9 and 11. The High Court has not applied the said parameters.

7. The problems in showing evaluated answer sheets in the UPSC Civil Services Examination are recorded in Prashant Ramesh Chakkarwar v. UPSC¹. From the counter-affidavit in the said case, the following extract was referred to: (SCC pp. 497-98, para 12)

"12.....6.... (B) Problems in showing evaluated answer books 10 candidates. (f) Final awards subsume earlier stages of evaluation. Disclosing answer books would reveal intermediate stages too, including the so-called "raw marks" which would have negative implications for the integrity of the examination system, as detailed in Section (C) below.

(ii) The evaluation process involves several stages. Awards assigned initially by an examiner can be struck out and revised due to (a) totalling mistakes, portions unevaluated, extra attempts (beyond prescribed number) being later corrected as a result of clerical scrutiny. (b) The examiner changing his own awards during the

course of evaluation either because he/she marked it differently initially due to an inadvertent error or because he/she corrected himself/herself to be more in conformity with the accepted standards, after discussion with Head Examiner/colleague examiners. (c) Initial awards of the Additional Examiner being revised by the Head Examiner during the latter's check of the former's work. (d) the Additional Examiner's work having been found erratic by the Head Examiner. been rechecked entirely by another examiner, with or without the Head Examiner again rechecking this work.

(iii) The corrections made in the answer book would likely arouse doubt and perhaps even suspicion in the candidate's mind. Where such corrections lead to a lowering of earlier awards, this would not only breed representations/grievances, but would likely lead to litigation. In the only evaluated answer book that has so far been shown to a candidate (Shri Gaurav Gupta in *Gaurav Gupta v. UPSCS* dated 6-7-2012) on the orders of the High Court. Delhi and that too, with the marks assigned masked; the candidate has nevertheless filed a fresh WP alleging improper evaluation.

(iv) As relative merit and not absolute merit is the criterion here (unlike academic examinations), a feeling of the initial marks/revision made being considered harsh when looking at the particular answer script in isolation could arise without appreciating that similar standards have been applied to all others in the field. Non-appreciation of this would lead to erosion of faith and credibility in the system and challenges to the integrity of the system, including through litigation.

(v) With the disclosure of evaluated answer books, the danger of coaching institutes collecting copies of these from candidates (after perhaps encouraging/inducing them to apply for copies of their answer books under the RTI Act) is real, with all its attendant implications.

(vi) With disclosure of answer books to candidates, it is likely that at least some of the relevant examiners also get access to these. Their possible resentment at their initial awards (that they would probably recognize from the fictitious code numbers and/or their markings, especially for low-candidature subjects) having been superseded (either due to inter-examiner or inter-subject moderation) would lead to bad blood between Additional Examiners and the Head Examiner on the one hand, and between examiners and the Commission, on the other hand. The free and frank manner in which Head Examiners, for instance, review the work of their colleague Additional Examiners, would likely be impacted. Quality of assessment standards would suffer.

(vii) Some of the optional papers have very low candidature (sometimes only one), especially the literature papers. Even if all examiners' initials are masked (which too is difficult logistically, as each answer book has several pages, and examiners often record their initials and comments on several pages with revisions/corrections, where done, adding to the size of the problem), the way marks are awarded could itself be a give-away in revealing the examiner's identity. If the masking falters at any stage, then the examiner's identity is pitilessly exposed. The "catchment area" of candidates and examiners in some of these low-candidature papers is known to be limited. Any such possibility of the examiner's identity getting revealed in such a high-stakes examination would have serious implications, both for the integrity and fairness of the examination system and for the security and safety of the examiner. The matter is compounded by the fact that we have publicly stated in different contexts earlier that the paper-setter is also generally the Head Examiner.

(viii) UPSC is now able to get some of the best teachers and scholars in the country to be associated in its evaluation work. An important reason for this is no doubt the assurance of their anonymity, for which the Commission goes to great lengths. Once disclosure of answer books starts and the inevitable challenges (including litigation) from disappointed candidates starts, it is only a matter of time before these examiners who would be called upon to explain their assessment/award, decline to accept further assignments from the Commission. A resultant corollary would be that examiners who then accept this assignment would be sorely tempted to play safe in their marking, neither awarding outstanding marks nor very low marks, even where these are deserved. Mediocrity would reign supreme and not only the prestige, but the very integrity of the system would be compromised markedly."

9. Weighing the need for transparency and accountability on the one hand and requirement of optimum use of fiscal resources and confidentiality of sensitive information on the other, we are of the view that information sought with regard to marks in Civil Services Exam cannot be directed to be furnished mechanically. Situation of exams of other academic bodies may stand on different footing. Furnishing raw marks will cause problems as pleaded by the UPSC as quoted above which will not be in public interest. However, if a case is made out where the Court finds that public interest requires furnishing of information, the Court is certainly entitled to so require in a given fact situation. If rules or practice so require, certainly such rule or practice can be enforced. In the present case, direction has been issued without considering these parameters."

[16] This Court feels that the appellants herein approached TPSC for mere personal satisfaction, self improvement and course corrective

measures. These reasons do not constitute a valid request or to warrant the interference of this Court. The appellants can introspect themselves and perform better in future. It is not practicable to permit the appellants to inspect the answer-scripts in a routine manner. Moreover, when the confidentiality and identification of examiner, head examiner and scrutinizer are involved because each page is signed by three persons. There is also hidden amount of risk and threat involved.

[17] In view of the above observation, the judgment and order dated 25.11.2024 passed in WP(c) No. 607 of 2024 by the learned Single Judge is confirmed and this present appeal stands dismissed.

As a sequel, stay if any, stands vacated. Pending application(s), if any, also stands closed.

B. PALIT, J

T. AMARNATH GOUD, J

Paritosh

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