

**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR**

LPA 168/2023 inWP(C) 1049/2023 CM(5359/2023)

Feeroz Ahmad

...Petitioner(s)/Appellant(s).

Through: Mr. Shuja ul Haq, Advocate

Vs.

**Union Territory of Ladakh and
Ors**

...Respondent(s).

Through: Mr. T.M. Shamsi, DSGI vice

Ms Rehana Qayoom, Assisting Counsel.

CORAM:

**HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE
HON'BLE MR. JUSTICE SANJAY PARIHAR, JUDGE**

ORDER (ORAL)

12.11.2025

1. This intra-court appeal by the appellant arises out of an order and judgment dated 23rd May, 2023, passed by a learned Single Judge of this Court [“the Writ Court”] in WP(C) No. 1049/2023 titled “*Feeroz Ahmad vs UT of Ladakh and Ors*”, whereby the Writ Court has dismissed the petition filed by the appellant having found the same devoid of any merit.

2. Before we advert to the grounds of challenge, we deem it appropriate to state a few facts as are germane to the disposal of this appeal. The respondents vide Advertisement Notification No. 16 of 2023 dated 5th November, 2023, invited applications, *inter alia*, for the post of Laboratory Assistant/Technician on contractual basis under National Health Mission (NHM) Scheme. The appellant as well as the respondent

No. 5 responded to the aforesaid notification and participated in the selection process as eligible candidates.

3. On conclusion of the process of selection, the respondents issued a provisional select list on 27th March, 2023, in which the appellant was shown figuring at S.No. 18 with merit points of 56 out of 100. The respondent No. 5 with the merit points of 54 was placed at Serial No. 8 of the waiting list. The list was provisional in nature and subject to objections from the aggrieved candidates. The respondent No. 5 who found her name at Serial No. 8 of the waiting list made a representation to the respondents and pointed out discrepancies in the answer key that was fed for evaluating OMR Sheets.

4. The matter was referred by the official respondents to a Committee for looking into the matter and re-evaluating the answer sheets, if found necessary. The committee after thorough scrutiny of the result formulation process including the question paper and the answer key, came to the conclusion that an error had crept in the result due to feeding of wrong answers in the answer key on the OMR System. On the recommendations made by the Committee, the answer key was, accordingly, corrected and the answer sheets of all the candidates were re-evaluated. In the process of re-evaluation, the respondent No. 5 was found to have obtained 61 points as against the appellant who was found to have obtained only 58 points. Accordingly, in the revised select list issued by the official respondents, the respondent No. 5 came to be placed in the select list whereas the appellant was placed at S.No. 18 of the waiting list.

5. Feeling aggrieved, the appellant filed WP(C) 1049/2023 challenging the revised select list on the ground that the answer key ought not to have been changed without referring the disputed answers to a body of experts.

6. The writ petition was contested by the official respondents. Apart from filing the reply affidavit, the official respondents also produced the record. The Writ Court having gone through the record came to the conclusion that the committee constituted by the official respondents for undertaking the process of re-evaluation had rightly come to the conclusion that answers of at least six questions were wrongly fed in the answer key and that one of the questions was not correctly framed which had the potential of misleading the candidates. Accordingly, for question No. 6, all candidates were given one point, whereas, the answers of other candidates including the appellant and the private respondent herein were re-evaluated on the basis of corrected/revised answer key.

7. The Writ Court further found that on re-evaluation in the manner aforesaid, the respondent No. 5 was found to have obtained 61 points out of 100 and, therefore, was rightly placed in the select list. The appellant having obtained only 58 points was, thus, rightly placed in the waiting list at S. No. 18. The Writ Court, accordingly, did not find any merit in the petition and, therefore, dismissed the same vide its judgment impugned in this appeal.

8. The impugned judgment is challenged by the appellant on the ground that the Committee which corrected the answer key and re-evaluated the result did not consist of experts and, therefore, exercise

undertaken by the official respondents is vitiated in law. It is argued by Mr. Shuja ul Haq, learned counsel for the appellant that once the Committee had formulated a provisional list it had become *functus officio* and, therefore, was not entitled to revisit the result.

9. Having heard the learned counsel for the parties and perused the material on record, we are of the considered opinion that the Writ Court has considered all the aspects of the matter and has rightly concluded that there was no infirmity or irregularity in the process of re-evaluation undertaken by the official respondents. It may be noted that when the provisional select list was issued by the official respondents, a specific note was provided therein that the list is provisional and subject to objections, if any, by the aggrieved candidates. It is in view of the aforesaid stipulation in the provisional select list, the respondent No. 5 made a representation objecting to the framing of some questions as also the answers fed in the answer key with regard to some of the questions.

10. The respondents had a Committee in place which was tasked to look into the grievances and take corrective measures. In the absence of any malafides attributed to the official respondents or to the Members of the Committee, the challenge to its constitution cannot be permitted.

11. Having said that the Writ Court has also gone through the entire record and has even reproduced the corrected answer key and has come to the conclusion that no illegality or infirmity had been committed by the official respondents in undertaking process of re-evaluation.

12. Learned counsel for the appellant tried to impress upon us that the decision of the Committee correcting answers of some of the questions

was not correct as per the information the appellant has in his possession. However, on close scrutiny we were not impressed by the material placed on record by the appellant to substantiate his submissions. The Committee has fairly undertaken the exercise and made corrections in the answer key wherever it was found necessary. The answer sheets of all the candidates were re-evaluated in the light of corrected answer key and accordingly the result was drawn.

13. It is however different matter that in the process of re-evaluation, the appellant was earlier in the provisional list but got downgraded to the waiting list and respondent No. 5 who was earlier in the waiting list, got upgraded to the select list. This was a consequence of an exercise undertaken by the respondents to ensure that the answer scripts are evaluated on the basis of a correct answer key.

14. For all these reasons, we find no merit in this appeal and the same is accordingly **dismissed**.

(SANJAY PARIHAR)
JUDGE

(SANJEEV KUMAR)
JUDGE

SRINAGAR

12.11.2025

"Shahid Manzoor"

Whether the order is speaking

Yes/No

Whether approved for reporting

Yes/No