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2026:CGHC:26055

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1185 of 2022

Ajeet Kumar, S/o Sundar Lal, Aged About 44 Years, R/o Village and Post Dhangaon Gosai, Tahsil And District Mungeli Chhattisgarh.

... Petitioner

versus

- 1-** State of Chhattisgarh, Through- The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
- 2 -** Director, Directorate, Public Instruction, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur (Chhattisgarh).
- 3 -** Chairman/ President, Chhattisgarh Professional Examination Board, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
- 4 -** Jyoti, W/o Ghanshyam, Posted As Primary School Hanaiband, Block Chhuikhadan, Rajnandgaon District Rajnandgaon Chhattisgarh.
- 5 -** Jitendra Kumar Jaiswal S/o Mulchand, Posted At Government Primary School Khoda, Block Chhuikhadan, District Rajnandgaon Chhattisgarh,
- 6 -** Jitendra Kumar S/o Lalit Kumar, Posted At Government Primary School Rupkhadi, Block Dongergarh, District Rajnandgaon Chhattisgarh.
- 7 -** Harishash Chand S/o Ramadas, Posted As Government Primary School Dumardih, Block Chhuikhadan, District Rajnandgaon Chhattisgarh.
- 8 -** Shristi W/o Sanjay, Posted At Government Primary School Bharoud, Block Chhuikhadan, District Rajnandgaon Chhattisgarh.
- 9 -** Seeta Ram, Posted At Government Higher Secondary School Libhora, Block Balod, District Balod Chhattisgarh.
- 10 -** Puskar Singh Dewangan, Posted At Government Primary School Titirgaon, Block Jagdalpur, District Bastar Chhattisgarh.
- 11 -** Jyoti Goswami, Posted At Higher Secondary School Gandhinagar, District Ambikapur Surguja Chhattisgarh.
- 12 -** Haripuri Goswami, Posted At Higher Secondary School Gandhinagar, District Ambikapur Surguja Chhattisgarh.
- 13 -** Purnima Kanwar, Posted At Higher Secondary School Gobersinha, Block Baramkela, District Raigarh Chhattisgarh.

14 - Loknath Mandle, S/o Shyam Lal, Posted At Government Primary School Jujharbhatha, Block And District Mungeli Chhattisgarh.

15 - Bhawna Mandle W/o Amarnand, Posted At Government Primary School Ganiyari, Bodsara, Block And District Durg Chhattisgarh.

16 - Fuleshwari W/o Bhudev, Posted At Government Higher Secondary School Gopalpur, Block Pithora, District Mahasamund Chhattisgarh.

... Respondent(s)

with

WPS No. 1188 of 2022

Smt. Shyamlata W/o Ajeet Kumar, Aged About 35 Years R/o Village And Post Dhangaon Gosai, Tahsil And District Mungeli Chhattisgarh.

---Petitioner

Versus

1- State Of Chhattisgarh Through The Secretary, School Education Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, Nawa, Raipur, District Raipur Chhattisgarh.

2- Director, Directorate, Public Instruction, Indrawati Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.

3 - Chairman/president, Chhattisgarh Professional Examination Board, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.

4 - Jyoti W/o Ghanshyam, Posted At Primary School Hanaiband, Block Chhuikhadan, Rajnandgaon District Rajnandgaon Chhattisgarh.

5 - Jitendra Kumar Jaiswal S/o Mulchand, Posted At Government Primary School Khoda, Block Chhuikhadan, District Rajnandgaon Chhattisgarh.

6 - Jitendra Kumar S/o Lalit Kumar, Kumar, Posted At Government Primary School Rupkhadi, Block Dongergarh District Rajnandgaon Chhattisgarh.

7 - Harishash Chand S/o Ramadas, Posted At Government Primary School Dumardih, Block Chhuikhadan, District Rajnandgaon Chhattisgarh.

8 - Shristi W/o Sanjay, Posted At Government Primary School Bharoud, Block Chhuikhadan, District Rajnandgaon Chhattisgarh.

9 - Seeta Ram Posted At Government Higher Secondary School Libhora, Block Balod, District Balod Chhattisgarh.

10 - Puskar Singh Dewangan, Posted At Government Primary School Gunderdehi, District Balod Chhattisgarh.

11 - Jyoti Goswami, Posted At Government Primary School Titirgaon, Block Jagdalpur, District Bastar Chhattisgarh.

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13 - Purnima Kanwar, Posted At Higher Secondary School Gobersinha, Block Baramkela, District Raigarh Chhattisgarh.

14 - Loknath Mandle S/o Shyam Lal Posted At Government Primary School Jujharbhatha, Block And District Mungeli Chhattisgarh.

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--- **Respondent(s)**

For Petitioner	: Ms. Divya Sahu, Advocate, holding the brief of Mr. Rajeev Kumar Dubey, Advocate
For Respondent(s)	: Mr. Keshav Prasad Gupta, Government Advocate Mr. Yogendra Pandey, Advocate holding the brief of Mr. Animesh Tiwari, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

25/06/2026

1. The petitioners have filed this petition seeking the following relief(s):-

"10.1 This Hon'ble Court may kindly be pleased to issue a writ of mandamus, writ or writs, order or orders to respondents for directing the respondents to grant bonus mark and also to appoint the petitioner on the post of Assistant Teacher on the basis of advertisement issued by the department and also be pleased to the examination conducted by the respondent No.2 be declared illegal, inoperative and all the recruitment based upon the examination declared as null and void.

10.2 That, the Hon'ble Court may kindly be pleased to grant any other relief, as it may deem-fit and appropriate."

2. Facts, in brief, are that the respondents issued an advertisement on 09.03.2019 inviting applications for recruitment to the post of Lecturer. Pursuant thereof, the petitioners submitted their application forms and participated in the selection process. After completion of the written examination, the respondents declared the result and prepared the merit list. It is the case of the petitioners that during the evaluation process, the examination authority found five questions in the question paper to be erroneous and consequently deleted the said questions. However, no bonus marks were awarded to the candidates in respect of the deleted questions. The petitioners made representations that they were entitled to the award of bonus marks for the said five deleted questions, but no heed was paid.
3. Ms. Divya Sahu, learned counsel appearing for the petitioners would submit that 5 questions in the question paper were erroneous and, therefore, the said questions were deleted by Respondent No. 3. She would submit that the petitioners answered those questions correctly and thus, they are entitled to bonus marks against the deleted questions. He would further submit that had such bonus marks been awarded, the petitioners would have secured a place in the merit list. She would pray to allow the present petitions.
4. On the other hand, Mr. Yogendra Pandey, learned counsel appearing for Respondent No. 3 would submit that the petitioners participated in the entire recruitment process and having been unsuccessful, they filed the present petitions. He would further submit that 5 incorrect questions were deleted by Respondent No. 3 and there was no provision for awarding bonus marks in respect of deleted questions. He would also submit that the examination was originally of 150 marks

and, after deletion of 5 questions, the total marks was reduced to 145, and the merit list was prepared accordingly; thus, the petitions are misconceived and deserve to be dismissed.

5. Mr. Keshav Gupta, learned Government Advocate appearing for the State would support the submissions advanced on behalf of Respondent No. 3 and submit that the petitions deserve to be dismissed.
6. Heard learned counsel appearing for the parties and perused the documents placed on file.
7. The Hon'ble Supreme Court in the matter of of ***Ran Vijay Singh and others Vs. State of U.P and others (2018) 2 SCC 357***, while dealing with the question of revaluation or scrutiny of answer sheets held as under:-

"31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse exclude the suspect or offending question."

8. The Hon'ble Supreme Court in the above quoted judgment has held that sympathy or compassion cannot be a ground for directing re-evaluation of answer sheets. It has been further held that where an error is committed by the examining authority, all candidates are affected equally, and the entire selection process should not be disturbed merely because some candidates are disappointed.
9. In the present case, the incorrect questions were deleted. However, in the absence of any provision for awarding bonus marks, no candidate

could claim bonus marks in respect of the deleted questions. The total marks of the examination was 150 which was reduced to 145 after deletion of 5 questions and the merit list was prepared on that basis.

10. Taking into consideration the facts of the case and the law laid down by the Hon'ble Supreme Court in the matter of ***Ran Vijay Singh*** (supra), this Court is of the considered view that the petitioners are not entitled to bonus marks merely because they claim to have answered the deleted questions correctly. Granting bonus marks to the petitioners alone would adversely affect other candidates who participated in the examination, therefore, the contention advanced on behalf of the petitioners cannot be accepted.

11. Accordingly, the writ petitions stand **dismissed**. No order as to costs.

Sd/-

Rakesh Mohan Pandey

JUDGE

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