



2026:CGHC:23798

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 12124 of 2025

Reserved on : 24.04.2026

Delivered on : 15.06.2026

Dhagendra Kumar Sahu S/o Shri Salik Ram Sahu, Aged About 33 Years R/o House No. 87/1, Sheetlapara Bhurkoni, District Mahasamund (C.G.)

--- **Petitioner**

versus

1 - State of Chhattisgarh Through The Secretary, Water Resources Department Mantralaya Mahanadi Bhawan, Atal Ngar, Nawa Raipur, District Raipur (C.G.)

2 - Chhattisgarh Professional Examination Board (CG-Vyapam) Through, President, Vyapam Bhawan, North Block, Sector-19, Atal Nagar, Nava Raipur, District Raipur (C.G.)

--- **Respondents**

For Petitioner : Ms. Pratibha Sahu, Advocate.

For State/ Res. No. 1 : Mr. Sanjeev Pandey, Dy. A.G., Mr. Shailesh Puriya, Mr. Manish Kashyap & Ms. Prachi Singh, Panel Lawyers.

For C.G. VYAPAM/ Res. No. 2. : Dr. Saurabh Kumar Pande and Mr. Avinash Singh, Advocates.

Hon'ble Shri Narendra Kumar Vyas, J.

CAV ORDER

1. In pursuance of direction given by this Court, the team of experts of subjects constituted by the Chhattisgarh Professional Examination Board/respondent No. 2 for the examination conducted towards appointment on the post of Sub-Engineer in Water Resources Department, have appeared in person before this Court to assist this Court for analyzing the controversy raised in this petition.

2. The petitioner has preferred this writ petition challenging correctness of the questions as well as model answers in the selection process initiated by the Water Resources Department, Govt. of Chhattisgarh for appointment on the post of Sub-Engineer through the Chhattisgarh Vyavasayik Pariksha Mandal (for short "CGVYAPAM"). The petitioner also seeks for issuance of direction to the respondents to re-examine the objections raised by the petitioner as well as to re-evaluate the petitioner's answer-sheet on the basis of correct answers as suggested by him.
3. The brief facts as reflected from records are that the respondent/ CGVYAPAM issued an advertisement for appointment of 115 posts of Sub-Engineer for the Water Resources Department. The petitioner being qualified as having requisite qualification has applied for the said post and appeared in the examination held on 20.07.2025. The respondent/ CGVYAPAM published model answer key on 06.08.2025 by inviting objections from the candidates. The respondent/ CGVYAPAM issued a revised final answers key along with the result vide memo dated 04.09.2025. The grievance of the petitioner is that the respondent/ CGVYAPAM while releasing the final answer key has accepted only three objections raised by the petitioner and altered the corresponding answers and the objection regarding remaining four questions were rejected without assigning any reason which ought to have been considered by them in favour of the petitioner.
4. It is also case of the petitioner that the respondent authorities have given wrong answers to few questions which have caused prejudice to the petitioner as his marks and ranking have been down graded

depriving them from selection on the post for which advertisement has been issued. Hence, this petition has been filed by the petitioner challenging the correctness of the questions.

5. The details of questions wherein the petitioner has raised objection regarding correctness of the answers and the step taken by the respondents regarding the objection are given in tabulation form as under:-

S.No.	Question No.	Remark
1	11 (Set- C)	Deleted
2	18 (Set- C)	Objection not considered
3	38 (Set- C)	Modified
4	60 (Set- C)	Deleted
5	73 (Set- C)	Objection not considered
6	76 (Set- C)	Objection not considered
7	81 (Set- C)	Objection not considered

6. Learned counsel for the petitioner would submit that the impugned action of the respondents is arbitrary, unreasonable and violative of Articles 14, 16 and 21 of the Constitution of India as the evaluation process lacks fairness and transparency. She would further submit that the respondents have wrongly rejected valid objections raised by the petitioner and have altered correct answers into incorrect ones in the final answer key without any justification, therefore, the action is manifestly arbitrary and academically unsound. She would further submit that an examinee cannot be expected to assume errors in the question paper or answer key and answer based on speculative reasoning. The examination must be based on certainty and correctness. She would further submit that the objections submitted were rejected in a mechanical manner without proper consideration or

disclosure of reasons, thereby violating principles of natural justice. She would further submit that correctness of answers must be determined based on standard textbooks and not on inferential logic as held by Hon'ble the Supreme Court in case of **Kanpur University Vs. Samir Gupta [(1983) 4 SCC 309]**. She would further submit that the respondents failed to undertake proper expert consultation or provide reasoned justification, rendering the process arbitrary. She would further submit that the petitioner had a legitimate expectation of a fair and transparent evaluation process. Failure to disclose reasons or expert materials violate this expectation. She would further submit that the respondents are failed to disclose the reasons for accepting or rejecting each objection or to publish the material relied upon by the subject experts which is contrary to the doctrine of transparency in public recruitment. She would further submit that the prejudice caused outweighs administrative inconvenience, therefore, interference by this Hon'ble Court is warranted. Alternatively she would further submit that the respondents may kindly be directed to re-value the answer sheets as per the answers suggested by the petitioner and would pray for allowing the writ petition.

7. On the other hand, learned counsel for respondent No. 2 opposing the submissions made by learned counsel for the petitioner would submit that the courts should exercise restraint in academic matters and interference is warranted only in cases of patent illegality or malafide. He would further submit that the answer key was finalized based on recommendations of subject experts, therefore, the Court should not substitute their views for that of experts. He would further submit that the respondents have provided an opportunity to raise objections,

which were duly considered before finalizing the answer key. He would further submit that the process adopted by them was uniform for all candidates, therefore, there is no discrimination or violation of Articles 14 and 16 of the Constitution of India. He would further submit that the petitioner has no vested right to claim selection and mere possibility of improved marks does not confer enforceable rights. He would further submit that re-evaluation or interference at this stage would disrupt the entire selection process and affect numerous candidates and would pray for dismissal of the writ petition.

8. To substantiate his submissions, he has referred to the judgments passed by the Hon'ble Supreme Court in case of **Ran Vijay Singh & Ors. vs State of Uttar Pradesh & Ors [(2018) 2 SCC 357]**, **Uttar Pradesh Public Service Commission through its Chairman & Another Vs. Rahul Singh & Another [(2018) 7 SCC 254]** as well as judgments of Division Bench of this Hon'ble Court in **Chhattisgarh Professional Examination Board through its Controller Vs. Vikram Singh Rana [2020 SCC Online Chh 2185]**, **Umang Gouraha & Ors. Vs. State of Chhattisgarh & Ors [Writ Appeal 165/2020 (decided on 10.12.2020)]**, **Manish Kumar & others Vs. State of Chhattisgarh & others [WPC No. 4880/2022 (decided on 21.09.2023)]**, **Alok Kumar Jaiswal Vs. State of Chhattisgarh & others [WA No. 296/2024 (decided on 18.06.2024)]**, **Chandraprakash Singh Kshatri Vs. State of Chhattisgarh & others [WPS No. 4987/2018 (decided on 08.07.2025)]**, **Gaurav Gupta & others Vs. State of Chhattisgarh & others [WPS No. 5577/2023 (decided on 10.08.2023)]**, **Narayan Prasad Sahu & others Vs. State of Chhattisgarh & others [WPS No. 5644/2023 (decided on 16.08.2023)]**, **Jitesh Kumar Patel Vs.**

State of Chhattisgarh & others [WPS No. 9729/2023 (decided on 17.09.2025)] & Jitesh Kumar Patel Vs. State of Chhattisgarh [WA No. 876/2023 (decided on 04.12.2025)].

9. I have learned counsel for the parties and perused the documents placed on record with utmost circumspection.
10. On the above factual foundation and legal submissions made by the respective counsel for the petitioner and respondents, following Point emerged for determination of this Court is :-

“Whether this Court while exercising its power under Article 226 of the Constitution of India, can interfere with the answer key and the report submitted by the committee of the experts on the subject or can reevaluate the answer as per the suggested answer mentioned in the writ petition” ?

11. This Court has called upon the experts of the subject also at the time of hearing and the respondent/ CGVYAPAM has also placed on record the report given by the experts on all the questions in which the objections were raised which are extracted below:-

(i) **For example-** the expert while deleting question No. 73 (SET-C) which is in Sr. No. 45, 42 & 60 in SET-A, B & D respectively has opined that answer B is found to be correct and they have referred to the book namely **Concrete Technology Fifth Edition** published by the **McGraw Hill Education (India) Private Limited**.

(ii) So far as rejecting the objection of the candidates in Question No. 18 in SET- C which is in Sr. No. 3, 21 & 1 in SET- A, B & D respectively, the experts have referred to the book **Linux Bible, The Comprehensive Tutorial Resources (Eighth Edition)**, accordingly,

they have recorded their opinion that the model answer D is correct.

(iii) The experts while rejecting objection of the petitioner regarding question No. 81 (SET-C) which is at Sr. 75, 45 & 27 in SET- A, B & D have found option D is correct. For deciding the said question, they have taken into consideration the **Guidelines for Capacity of Roads in Rural Areas (first Revision) issued by the Indian Roads Congress.**

(iv) The experts while deleting question No. 76 (SET-C) which is at Sr. 35, 85 & 31 in SET- A, B & D have found option D is correct. For deciding the said question, they have taken into consideration the book **R.C.C. Designs & Reinforced Concrete Structures Vol-I.**

12. From the opinion given by the experts, it is quite vivid that while answering the final answer key, they have referred to the book written by the expert on the subject which cannot be said to be without any foundation or basis for answering the questions. Thus, this Court which is not the expert on the subject, cannot supersede the opinion of the expert of the subject. Even otherwise, it is well settled position of law that the Court should not interfere on the opinion or report of the expert unless suffers from acute malafide, arbitrariness, illegality which are not available in the present facts of the case.
13. It is also well settled position of law that court ordinarily refrain from interfering in academic matters, particularly where decisions are taken by expert bodies. However, such restraint is not absolute. Judicial review is permissible where the decision-making process is shown to be arbitrary, irrational, or in violation of statutory or constitutional provisions.

14. Hon'ble the Supreme Court in case of **Dr. B.R. Ambedkar University, Agra Vs. Devarsh Nath Gupta & others [2023 SCC OnLine SC 970]**

has examined the scope of judicial review with regard to the answers and also held that the burden lies upon the candidate to dislodge the opinion of the experts and also held that the High Court in absence of any rule regarding revaluation cannot direct the examination body to conduct revaluation of the answer sheet given by the candidate and has held in paragraph 12 as under:-

“12. As regards the question of re-evaluation, the principles enunciated by this Court could be usefully recapitulated as follows:

12.1. In the case of Mukesh Thakur (supra) this Court observed and held as under: -

“24. The issue of revaluation of answer book is no more res integra. This issue was considered at length by this Court in Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth [(1984) 4 SCC 27 : AIR 1984 SC 1543], wherein this Court rejected the contention that in the absence of the provision for revaluation, a direction to this effect can be issued by the Court. The Court further held that even the policy decision incorporated in the Rules/Regulations not providing for rechecking/verification/revaluation cannot be challenged unless there are grounds to show that the policy itself is in violation of some statutory provision. The Court held as under: (SCC pp. 39-40 & 42, paras 14 & 16) “14. ... It is exclusively within the province of the legislature and its delegate to determine, as a matter of policy, how the provisions of the statute can best be implemented and what measures, substantive as well as procedural would have to be incorporated in the rules or regulations for the efficacious achievement of the objects and purposes of the Act. ...

16. ... The Court cannot sit in judgment over the wisdom of the policy evolved by the legislature and the subordinate regulation-making body. It may be a wise policy which will fully effectuate the purpose of the enactment or it may be lacking in effectiveness and hence calling for revision and improvement. But any drawbacks in the policy incorporated in a rule or regulation will not render it ultra vires and the Court cannot strike it down on the ground that, in its opinion, it is not a wise or

prudent policy, but is even a foolish one, and that it will not really serve to effectuate the purposes of the Act.”

25. This view has been approved and relied upon and reiterated by this Court in *Pramod Kumar Srivastava v. Bihar Public Service Commission* [(2004) 6 SCC 714 : 2004 SCC (L&S) 883 : AIR 2004 SC 4116] observing as under : (SCC pp. 717-18, para 7) “7. ... Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for revaluation of his answer book. There is a provision for scrutiny only wherein the answer books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science paper. In the absence of any provision for revaluation of answer books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for revaluation of his marks.” *****

26. Thus, the law on the subject emerges to the effect that in the absence of any provision under the statute or statutory rules/regulations, the Court should not generally direct revaluation.” (emphasis supplied)

12.2. Further, in the case of *Ran Vijay Singh* (supra), this Court has observed and held as under: -

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and 30.5. In the event of a doubt, the benefit should go to the examination

authority rather than to the candidate.” (emphasis supplied)

12.3. Recently, in the case of Dr. NTR University of Health Sciences v. Dr. Yerra Trinadh & Ors.: 2022 SCC OnLine SC 1520, this Court has, after referring to the previous decisions, including that in the case of Ran Vijay Singh (supra), thoroughly disapproved the process of the Court calling for answer sheets for satisfying as to whether there was a need for re-evaluation or not and thereafter, issuing directions for re-evaluation.

This Court has observed and held as under: -

“9. Applying the law laid down by this Court in the aforesaid decisions to the facts and circumstances of the case on hand, we are of the opinion that the High Court was not at all justified in calling the record of the answer scripts and then to satisfy whether there was a need for re-evaluation or not. As reported, the High Courts are calling for the answer scripts/sheets for satisfying whether there is a need for re-evaluation or not and thereafter orders/directs re-evaluation, which is wholly impermissible. Such a practice of calling for answer scripts/answer sheets and thereafter to order re-evaluation and that too in absence of any specific provision in the relevant rules for re-evaluation and that too while exercising powers under Article 226 of the Constitution of India is disapproved.””

15. Hon'ble the Supreme Court in case of **Vikesh Kumar Gupta & another Vs. State of Rajasthan & others [(2021) 2 SCC 309]** has examined the scope of judicial review with regard to the correction of final key answer uploaded by the State Public Service Commission and has held that the High Court while exercising power under Article 226 of the Constitution of India neither directs for revaluation nor interferes in the field of expert in academic matters.
16. Considering the facts of the case and also considering that the respondent/ CGVYAPAM before issuance of final answer key has called upon the objections and thereafter an expert committee was constituted which has given its finding/ report as evident from the documents annexed with the return. The record of the case would further demonstrate that the petitioner is unable to dilute the

recommendation given by the expert by placing strong permissible material though the burden lies upon them only. Thus, the final model answer which has been prepared on the opinion of the experts of the subject and also considering the legal position that the High Court's interference in the fields of expert, is very limited, this Court is of the view that no case for interference is made out. Thus, the **Point** determined by this Court is answered against the petitioner and in favour of the respondents.

17. Accordingly, the writ petition being devoid of merit is liable to be dismissed and is hereby dismissed. No order as to costs.

Sd/-
(Narendra Kumar Vyas)
Judge