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HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No.5875 of 2014**

Sameer Tiwari, son of Shri Shatruhan Lal Tiwari, aged about 32 years, R/o Ward No.12, Majgaon, Nagar Panchayat, Lormi, P.S. Lormi, Tahsil Lormi, District Mungeli, Chhattisgarh

---- Petitioner**versus**

1. State of Chhattisgarh, through the Secretary, Department of Home (Police), Mantralaya, Mahanadi Bhawan, Naya Raipur, Chhattisgarh
2. Director General of Police, Police Head Quarter, Civil Line, Raipur, Chhattisgarh
3. Inspector General of Police (Administration), Police Head Quarter, Civil Line, Raipur, Chhattisgarh
4. Chhattisgarh Professional Examination Board, through the Secretary, C/168, Tagore Nagar, Raipur, Chhattisgarh
5. Ashish Kumar Yadav, selected as Sub-Inspector in year 2008, Formal address - Police Head Quarter, Civil Line, Raipur, Chhattisgarh
6. Manish Sharma, selected as Sub-Inspector in year 2008, Formal address – Police Head Quarter, Civil Line, Raipur, Chhattisgarh
7. Anil Kumar Thakur, selected as Sub-Inspector in year 2008, Formal address – Police Head Quarter, Civil Line, Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Shri Abhishek Pandey, Advocate
For State/Respondents No.1 to 3	:	Ms. Smita Ghai, Panel Lawyer

Hon'ble Shri Deepak Gupta, Chief Justice**Order on Board****25/11/2016**

1. With the consent of parties the writ petition is taken up for final hearing.
2. The Petitioner, by means of this petition, has prayed for enhancing his marks in Hindi and English papers and for appointing him as Sub-Inspector. The grievance of the Petitioner is that his question paper

has not been marked properly.

3. In the reply filed by Respondent No.4/Chhattisgarh Professional Examination Board, it is stated as follows:

“REPLY AS TO RELIEF SOUGHT: 10 (a) to 10 (d)

Reply as to Paragraph 10(a)

That, in reply to this paragraph it is most humbly submitted that the answering respondent regrettably admits that an inadvertent, unintentional, bona-fide mistake has been committed by the evaluator assigned by the respondent no.4 in the assessment of question no.3(ग) of Hindi subject in the aforesaid examination. The answering respondent will abide by the directions issued by this Hon'ble Court with respect to the relief prayed by the petitioner in this paragraph.

Reply as to Paragraph 10(b)

That, in reply to this paragraph it is most humbly submitted that the petitioner is not entitled for any relief from the answering respondent as quantified under different heads in the absence of proper substantiation as prayed for in this paragraph.

Reply as to Paragraph 10(c)

That, as the relief prayed in this paragraph is related to the power, functions and authority of respondent no.1, 2 & 3, hence no reply is warranted from the answering respondent.

Reply as to Paragraph 10(c)

That, in reply to this paragraph it is most humbly submitted that in light of the forgoing submissions, the petitioner is not entitled for any relief as prayed for in this paragraph.”

4. It is thus obvious that the Respondents have admitted that one question in Hindi subject has wrongly been marked. If the Petitioner is awarded marks for this question, he may be eligible for the post of Sub-Inspector. Learned Counsel for the Petitioner submits that he does not press the petition with regard to other question and confines his submission to the question in Hindi subject only.

5. In view of the above, Respondent No.4/Board is directed to award fresh marks to the Petitioner in Hindi subject after adding the marks which he is entitled to against Question No.3. Respondent No.4/Board is directed to redraw a fresh merit list after giving marks to the Petitioner in Hindi subject. If any person, having less marks, is found selected for the post of Sub-Inspector, the Respondents shall ensure that one post of Sub-Inspector is offered to the Petitioner also. Needful be done latest by 13th January, 2017.
6. With the aforesaid directions, the writ petition is disposed of. I.A. No.11 of 2016, an application for urgent hearing also stands disposed of.

Sd/-

(Deepak Gupta)
CHIEF JUSTICE