

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.11056 OF 2014

Govinda s/o. Chandrakant Shahane,
Age 23 years, Occ. Education,
Presently studying M.B.A.,
r/o. Tirumala Niwas,
Saraswati Nagar,
Hingoli, Tq. and Dist.Hingoli ..Petitioner

Vs.

1. The District Collector, Hingoli
Cum President, District
Selection Committee, Hingoli
2. The Chief Executive Officer,
Zilla Parishad, Hingoli
Cum Member, District
Selection Committee, Hingoli
3. The Deputy Chief Executive
Officer, Zilla Parishad,
Hingoli, Cum Member Secretary,
District Selection Committee,
Hingoli
4. Pradeep s/o. Sanjay Bondhare,
Age 24 years, Occ. Nil,
r/o. Akhada Balapur,
Tq. Kalamnuri, Dist. Hingoli ..Respondents

Mr.P.S.Paranjape, Advocate for petitioner

Mr.S.D.Kaldate, AGP for respondent no.1

Mr.V.V.Bhavthankar, Advocate for respondent nos.2
and 3

Mr.V.D.Salunke, Advocate for respondent no.4

--

**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : JUNE 28, 2016

PER COURT :

Heard the learned Counsel appearing for the petitioner and the learned Counsel appearing for the respective respondents.

2. By this petition, the petitioner has sought directions to the respondents to consider the correct answers along with proof of answers, given by the petitioner, for five questions and select him for the post of Extension Officer (Stat.) with Zilla Parishad, Hingoli. The petitioner has also sought directions to the respondents to cancel the selection of respondent no.4 for the said post or

that the subject matter may be referred to a Committee of Experts.

3. The learned Counsel appearing for the petitioner submits that out of 100 questions in the written examination, the answers of 8 questions, which were published in the Model Answer Key, were wrong. Therefore, on the very same day, when the written examination was conducted, the petitioner had made a representation to the respondents stating that wrong answers were mentioned in the Model Answer Key for 8 questions. It is submitted that after the said representation was filed, a Committee of the respondents found that out of those 8 answers in the Model Answer Key, which were mentioned by the petitioner in his representation, 3 answers were not correct and accordingly, correction was effected. The learned Counsel further submits that though the petitioner had given correct answers of

the remaining 5 questions, since any of the Experts did not examine the grievance of the petitioner, this Court may give directions to the respondents to constitute a committee of the Experts, and if necessary, such Experts should be of choice of the petitioner and the respondents and then, the Committee of Experts should re-examine the issue and accordingly, after reassessment, the candidate, who secures higher marks, may be selected for appointment to the post of Extension Officer (Stat.) with respondent no.4.

4. The learned Counsel for the petitioner invites our attention to the replies filed by respondent no.1 – Collector and respondent no.2 – Chief Executive Officer, Zilla Parishad and submits that contrary stands have been taken by the said respondents and therefore, the issue raised by the petitioner needs to be referred to a Committee of Experts.

5. On the other hand, the learned Counsel appearing for respondent no.4 invites our attention to the affidavit-in-reply filed by respondent no.1 – Collector and submits that the petitioner's representation was considered by a Committee of the respondents and after examination of the grievance of the petitioner, 3 answers, which were found to be incorrect out of the 8 answers mentioned by the petitioner in his representation, were corrected. At the relevant time, the petitioner was satisfied after having discussion with the members of the Committee of the respondents and the Statistical Officer, as reflected in paragraph 7 of the reply filed by respondent no.1.

6. The learned Counsel for respondent no.4 further submits that even on merits, as regards the answers given by the petitioner to Question No.69 in the Question Paper which was not in

respect of wide circulation of the English Newspaper, but was about the maximum number of cities from which the English newspaper is published, he answered that it is 'The Times of India'. He relied on a copy of Volume 2, Issue 7 published by the International Journal of Physical and Social Sciences, which has been annexed to the affidavit-in-reply filed by respondent no.4 at Exhibit 'R-1' page 103. He submits that 'The Times of India' is India's English Newspaper having largest circulation of 6,56,000 but published in six cities and 'The Indian Express' is an English Newspaper having daily circulation of 5,19,000 but published in seventeen cities. Therefore, according to the learned Counsel for respondent no.4, the correct answer to the said Question No.69, 'The Indian Express'. He submits that the answer to the said Question given by the petition was 'Times of India', which was a wrong answer. The learned Counsel, therefore, submits that the

petitioner is wandering under a wrong impression that he gave correct answers.

7. So far as the other questions are concerned, the learned Counsel for the petitioner has not addressed this Court on merits and correctness of the answers mentioned in the Answer sheet by the petitioner. He submits that it is for the Experts to find out, whether the answers mentioned for the said 4 questions in the Model Answer Keys are correct or otherwise.

8. The learned AGP appearing for respondent no.1 – State relies on the reply filed by respondent no.1 – Collector and submits that the grievance of the petitioner was taken care of and therefore, there is no substance in the present petition. The same argument is reiterated by the learned Counsel appearing for respondent nos.2 and 3 – Zilla Parishad.

9. We have give careful consideration to the submissions advanced by the learned Counsel appearing for the parties. With their able assistance, perused the pleadings in the petition, annexures thereto, replies filed by the respondents and copy of the advertisement placed on record.

10. Upon perusal of the copy of the advertisement, it appears that there is no mention of any Committee of Expert for redressal of grievance of the candidates, however, one Helpline number is given in Clause No.41 of the advertisement for communicating the grievance, if any, in respect of selection process. The petitioner, advertng to the said clause, made the representation to the respondents. It appears from the reply filed by respondent no.1 – Collector that the questions, which are the subject matter of the entire

controversy, are statistical in nature and those questions were selected by the Statistical Officer who is expert in the field. It further appears from careful perusal of the averments in paragraph 7 of the affidavit-in-reply of respondent no.1, that the Statistical Officer has given answers to the queries raised by the petitioner and at the relevant time, had satisfied the petitioner. It is specifically mentioned in paragraph 8 of the affidavit-in-reply that it was brought to the notice of the petitioner when he made representation, the answers were also shown to him and he was satisfied at that time. The statement made in paragraph 8 of the affidavit-in-reply may be correct or according to the petitioner, it may be correct, however, the same relates to the disputed question of facts and therefore, we do not wish to enter into the said aspect. Suffice it to say that the Statistical Officer has given answers to the queries raised by the petitioner

and the said statement in the affidavit-in-reply of respondent no.1, needs to be accepted in view of the fact that the questions and answers provided in the Model Answer Key, which are the subject matter of dispute, have been selected by the Statistical Officer, who, according to respondent no.1 – Collector, is the Expert in the subject. Apart from this, the Committee of respondents has also gone into the grievance of the petitioner. Therefore, while exercising the writ jurisdiction, we do not think it appropriate to constitute a Committee of Experts and refer those 5 questions and answers mentioned in the Model Answer Key and the dispute raised by the petitioner, to the said Committee.

11. The selection process has to stop at a particular stage. Apart from it, the petitioner has participated in the selection process along with other candidates and issuance of further

directions, would destabilize the entire selection process, which has already reached to the final stage.

12. In that view of the matter, we do not think it appropriate to issue any directions to constitute a Committee of Experts, so as to consider the controversy involved in the present petition. Hence, the Writ Petition stands rejected. No costs.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]