

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 5032 of 2018

Rahul Pradhan S/o Shri Baikunth Pradhan, aged about 24 years, R/o Pradhan Nivas, Basana, District Mahasamund (C.G.).

---Petitioner

Versus

1. The Chhattisgarh Public Service Commission, Through - The Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur, District Raipur (C.G.).
2. The Controller Exam, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur, District Raipur (C.G.).
3. The Under Secretary, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur, District Raipur (C.G.).

---Respondents

For petitioner : Shri Vipin Tiwari, Advocate.

For respondents : Shri Y.C.Sharma, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

08/08/2018

1. The grievance of the petitioner in the instant Writ Petition is that, for the post of Assistant Engineer arisen from the advertisement dated 01/11/2017 the petitioner being found suitable was called for the written examination which was held on 25/02/2018. However, lateron, vide the impugned action by the respondents vide notification dated 17/07/2018, they have on account of some procedural mistake in the preparation and publishing of the model answer cancelled the first paper of General Studies and notified a fresh date for fresh examination to be conducted on 24/08/2018 for the said subject.

2. The counsel for the petitioner challenged the impugned action on two grounds. First being that, the respondents had an alternative remedy of getting the model answers corrected instead of cancellation of the examination and second being that a sufficient time has not been given to the petitioner for participating in the subsequent examination which is going to be held on 24/08/2018. He also contended that, the petitioner in the first examination held on 25/02/2018 had performed well and there is no certainty for the petitioner performing equally well if not better than the previous one and this would also caused prejudice to the interest of the petitioner.

3. Having heard the contentions put forth by the counsel for the petitioner and on perusal of record what reflect is that, the respondents-PSC after the examination was conducted on 25/02/2018 in the course of scrutiny of the papers found that the model answers were not properly prepared and there was certain serious procedural lapses in the preparation of model answer and therefore they have taken a decision which could be equally made applicable to all the participants who had appeared in the examination on 25/02/2018 to the extent of cancelling the first paper of General Studies and notifying a fresh date for examination giving more than 1 months time i.e. the notification was published on 17/07/2018 and the next date of examination was published to be on 24/08/2018.

4. This step on part of the respondents cannot be found fault with.

5. The correction of the model answers and thereafter scrutinizing could give rise to a haste of further litigation questioning the amended model answers if any and the allotment of marks thereafter.

6. Taking into account the past experience of the respondents, they thought it fit for getting the entire examination redone by giving more than 30 days time to each of the candidates so far as the first examination of the General Studies is concerned.

7. This Court does not find any illegality in the action on part of the respondents calling for a judicial review in exercise of its power under Article 226 of the Constitution of India.

8. The Writ Petition thus being devoid of merits deserve to be and is accordingly dismissed.

Sd/-

(P. Sam Koshy)
JUDGE