

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.10146 of 2019**

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Mohammad Ehtesham S/o Shri Shah Abdul Aleem B-34, Vidhi Vihar Society, Sector Pi 1 and 2, Greater Noida, District Gautam Budh Nagar, Uttar Pradesh, PO-Alpha1, Greater Noida PS Thana Surajpur Pin Code-201310

... .. Petitioner/s

Versus

Registrar General, High Court of Judicature at Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Pankaj, Advocate  
For the Respondent/s : Mr.Mrigank Mauli, Advocate  
Mr. Prince Kumar Mishra, Advocate

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**CORAM: HONOURABLE THE CHIEF JUSTICE**  
**and**  
**HONOURABLE JUSTICE SMT. ANJANA MISHRA**

**ORAL JUDGMENT**

**(Per: HONOURABLE THE CHIEF JUSTICE)**

**Date : 26-06-2019**

Heard learned counsel for the petitioner and the learned counsel for the High Court.

We have perused the counter affidavit in response to the specific allegations with regard to the incorrectness or otherwise of the questions and answers as detailed in paragraph No. 11 of the writ petition.

Learned counsel for the petitioner submits that,



according to the petitioner, the incorrect answers have been depicted, but the High Court has not taken care to rectify any such error. Even the errors shown to have been rectified, have been incorrectly rectified. Learned counsel further submits that as a result and outcome of this incorrect marking, several candidates who have given wrong answers would be selected and this would be a paradox in the matter of selections of the judges of the sub-ordinate judiciary. He, therefore, submits that this Court should interfere and rectify the errors.

The counter affidavit on the other hand takes a stand that the correct key answers were uploaded after they were framed by the experts who had to examine the answer-books and, in these circumstances, even after obtaining the objections, it has been found that the contention raised by the petitioner is not correct.

The counter affidavit on behalf of the High Court states in paragraphs No. 6, 10, 14, 15 and 16 which are extracted hereinunder:-

“6. That it is stated that upon the receipt of the objections from the candidates, including that from the Petitioner, the same were placed before the Hon’ble Selection & Appointment Committee in its meeting dated 11.04.2019, and wherein the Selection and Appointment Committee



recommended for constitution of a Committee of Experts comprising of six Hon'ble Judges and seeking their opinion on the objections – which resolution of the Selection & Appointment Committee was approved by Hon'ble the Chief Justice. It is further stated that the meeting of the Committee of Experts and Hon'ble Selection & Appointment Committee was jointly convened on 14.04.2019 for considering the objections raised by the candidates and both the Committee unanimously rejected all the objections filed by the candidates except for the objections against the model answers of questions at Sl. No. 26 and 100. It was resolved to correct the model answers for question at Sl. No. 26 from 'a' to 'b' and for the question at Sl. No. 100 it was corrected as 'd' instead of 'b'. It is stated that the objections suggesting those aforesaid answers, for Question No. 26 & 100, were sustained and all other objections were overruled. The Hon'ble Committee was also pleased to observe as follows:-

*“the Committee while deciding the objections has taken into consideration the direction given at the start of the question paper that the nearest correct answer from amongst the four answers given as option be selected.”*

The aforesaid minutes had been approved by Hon'ble the Chief Justice on 15.04.2019 and pursuant thereto, a Notice with regard to the



modification in model answer of the Preliminary Test was uploaded on the website of Patna High Court on 15.04.2019.

10. That it is stated that the representations of the petitioner dated 21.04.2019 and 23.04.2019, received through e-mail, was rejected vide the minutes dated 25.04.2019 of the Hon'ble Selection & Appointment Committee, and the petitioner was informed accordingly, with regard to the decision of the Hon'ble Court vide its letter dated 30.04.2019.

14. That in reply to the contentions made in paragraph No. 9, 10, 11 and 12, it is submitted that pursuant to the approval of Hon'ble the Chief Justice on 03.04.2019, to the minutes dated 01.04.2019 of the Hon'ble Selection & Appointment Committee, the Model Answers of the Question Set of the Preliminary Test of District Judge (Entry Level) direct from BAR Examination-2019, held on 31.03.2019, was uploaded on the web portal of the Patna High Court on 03.04.2019. Through the notice dated 03.04.2019 on-line objections were invited from the candidates with regard to the questions and/or their model answers in prescribed format and the last date for filing the objections was fixed as 10.04.2019 (till 05:00 PM).

15. That it is submitted that vide the notice dated 03.04.2019, the candidates were also informed that due to inadvertence the question No. 4 and two separate questions with their respective answers have been erroneously printed



consecutively bearing the same Sl. No. 98. The Selection & Appointment Committee was pleased to resolve to award full marks to all candidates against the question bearing Sl. No. 4 & 98 irrespective of the fact whether the candidate have answered the said questions correctly or even if not attempted. In response to, the notice inviting the objections, a number of candidates including the petitioner had filed the objections in respect of a number of questions and/or their model answers.

16. That it is submitted that the many of the candidates, including the petitioner, had raised the objections with regard to several questions including those at Sl. No. 1, 26, 34, 36, 42, 43, 44, 73 and 84. The objections were considered by the Committee referred to above and except question at Sl. No. 26 and 100, rest all the objections raised had been rejected by the Hon'ble Committee. It was resolved to correct the model answer for question at Sl. No. 26 to 'b' from 'a' and for the question at Sl. No. 100 it was corrected as 'd' instead of 'b' and all other objections were overruled. Accordingly, a notice to that effect was uploaded on the website of the Patna High Court."

Consequently, it will be a futile exercise to enter into the submissions raised, more particularly keeping in view the fact that the High Court, on the administrative side, has considered all the objections and has arrived at a definite



conclusion on the basis of the proposed key answers with which no fault can be found.

We, therefore, keeping in view the judgment of the Apex Court in the case of **Ran Vijay Singh and Ors. Vs. the State of U.P. & Ors.**, reported in **2018(1) PLJR (SC)184** as well as the judgement of this Court in the case of **Ravindra Kumar Singh & Ors. vs. the High Court of Judicature at Patna**, reported in **2016(1) P.L.J.R. 865**, find no merit in this petition which is accordingly rejected.

**(Amreshwar Pratap Sahi, CJ)**

**(Anjana Mishra, J)**

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| AFR/NAFR          |            |
| CAV DATE          | N.A.       |
| Uploading Date    | 17.07.2019 |
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