

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****WP No. 3201 of 2006**

- Bhim Singh Rajput S/o Jeetan Singh Rajput, Aged About 34 Years Occupation Advocate, R/o Quarter No. 559/4, R T S Colony, Bilaspur, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Department Of Law, D.K.S. Bhawan, Mantralaya, Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh
3. Sidharth Agrawal Last Selected Candidate In The Judicial Services Examination 2004-2005 Bearing Roll No. 54236, Through The Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Raipur, Chhattisgarh
4. High Court Of Chhattisgarh, Bilaspur, Chhattisgarh, Through Its Registrar General.

---- Respondents

For Petitioner	:-	Shri Sanjay Patel, Advocate.
For Respondent No.1	:-	Shri R. Tripathi, PL
For Respondent No.3 & 4:-		Shri Aman Tamboli, advocate on behalf of Shri R.S.Marhas, Advocate.

Order On Board By**Hon'ble Shri Justice Prashant Kumar Mishra**

05/09/2019

1. This Writ Petition concerns selection to the post of Civil Judge (Entry Level) for which the Public Service Commission (in Short "PSC") conducted recruitment in the year 2004-05. Advertisement was issued for filling up 30 post of Civil Judge (Entry Level) vide Annexure P-1. Petitioner being eligible, he applied and appeared in the selection process for which main written examination was held in April, 2005. In the written paper for law subject, the petitioner wrote his answers on 24.04.2005 and was awarded 57 marks out of 100. However, the Chief Examiner reduced 4 marks and total marks secured by the petitioner was reduced from 57 to 53. The last candidate, respondent No.3, in the unreserved category had secured 115 out of 225 marks, therefore, according to the petitioner, if 4 marks are not deducted from his law paper, he would have secured 116 out of 225 marks making him eligible for inclusion in the select list.
2. Assailing the action of reduction of marks from 57 to 53, Shri Sanjay Patel, learned counsel for the petitioner would submit that the petitioner's answer sheet has been chosen for re-evaluation without there being any application or any provision in the scheme of examination for such re-evaluation. He would submit that petitioner was never informed about the intended action of re-evaluation nor the answer sheets of all the candidates are re-evaluated, therefore, the petitioner had been

singled out for a hostile treatment in an arbitrary manner.

3. Per contra Shri Y. C. Sharma, learned counsel for respondent No.2/PSC would submit that re-evaluation has been done in accordance with the direction contained in the instructions for valuation as reproduced in the return filed by the P.S.C. It is not a case where the P.S.C. has acted arbitrarily or without any authority to pickup petitioner's answer sheet for re-evaluation. He would further submit that re-evaluation has been done in accordance with instructions along with re-evaluation of the answer sheet of the several other candidates, therefore, petitioner has not been singled out for hostile treatment or arbitrary action.
4. Shri Rajendra Tripathi, learned State counsel and Shri Aman Tamboli, counsel for respondents No. 3 and 4 would reiterate the stand taken by the P.S.C.
5. Having heard learned counsel for the parties and on perusal of the documents, it appears that the instructions for valuation authorized the PSC to re-evaluate 10% of the answer sheets picked up randomly so that proper supervision and monitoring is maintained to see that the valuation is done properly. This re-evaluation in accordance with the instructions is to be conducted by the Chief Valuer who shall maintain a record of such re-evaluation in diary No.21.

6. P.S.C. has stated in their reply that such record was maintained by the chief valuer in diary No.21. It is also stated that similar re-evaluation and reduction of marks are also done in respect of other answer sheets. It is also to be noted that the reduction of marks happened in the subject of law which is not comparable to the questions asked in the papers of mathematics or physics. Petitioner was awarded full marks for questions No.9 and 10 which was partially reduced during re-evaluation.
7. It is not a case where there was substantial reduction of marks for any particular question. If by chance or by coincidence, petitioner happened to be unfortunate as his total marks got reduced by 4 marks placing him below the last selected candidates, fault would not lie with the PSC who have done the re-evaluation of the petitioner's answer sheet along with the answer sheets of the several candidates. On the date of re-valuation, petitioner's answer sheet was picked up randomly. It was not known to the PSC as to whose answer sheets are picked up for re-evaluation amongst 10% of the answer sheets.
8. Since the candidate is not known to the PSC, there is no question of singling out the petitioner for such re-evaluation. No mala-fide can be arbitrated to the PSC when the procedure adopted for picking up 10% of answer sheets for re-evaluation has been done in the manner prescribed in the instructions for

valuation.

9. Having seen the documents particularly the stand taken by the PSC, I do not find the present to be a case where petitioner has been treated arbitrarily and whimsically by the PSC.

10. No case for interference is made out. Accordingly, the Writ Petition is dismissed.

SD/-
(**Prashant Kumar Mishra**)
Judge

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