

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 5847 of 2019

1. Avichal Tiwari, S/o Shri Gopal Narayan Tiwari, Aged About 25 Years,
R/o Near Laxmi Provision Stores, Dubey Colony Mowa, Raipur
Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Public Works Department,
Mahanadi Bhawan, Atalnagar, Raipur Chhattisgarh
2. Engineer - In - Chief, Public Works, Department, Atalnagar, Raipur
Chhattisgarh
3. Chhattisgarh Professional Examination Board, Through Its
Secretary, Vyapam Bhawan, North Block, Sector 19, Atal Nagar,
Raipur Chhattisgarh

---Respondents

For Petitioner	:	Mr. Anoop Majumdar, Advocate.
For State	:	Mr. Somkant Verma, Panel Lawyer.
For Respondents	:	Mr. Saurabh K. Pande

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09.08.2019

1. The relief sought for by the petitioner in the present Writ Petition is to
get the 10 questions which have been deleted by the Respondent
No. 03 while publishing the final answers of the written examination
conducted for the selection of Sub-Engineer (Civil) under the Public
Works Department.
2. The facts of the case is that, the Respondent No. 1 has issued an
advertisement dated 19.12.2018 for filling up of the post of Sub-
Engineer (Civil) under the Respondent No. 1 and 2. The petitioner

being eligible for the same applied and written examination was conducted on 03.02.2019, total questions put for the examination were 150. After the written examination, the department published the Model Answers on 18.02.2019 calling upon the objections on the same. The department later on, finally published the final answers on 10.06.2019 and the result was declared on 14.06.2019. While publishing the final answers, it was found that after the objections were scrutinized, 10 questions appeared to be erroneous and thereafter they have deleted the 10 questions and according to the counsel for the respondents prorata marks have been allotted to each of the candidates.

3. The petitioner now in the instant case is aggrieved of the said action of the respondents. According to the petitioner, out of the said 10 questions which have been deleted, 8 questions are such whose model answers were correct as per the literature available in the market and the answers were also as per the specifications of the Bureau of Indian Standards.
4. According to the petitioner, the final decision for deletion of the questions will have an adverse impact on the results of the candidates who have attempted those 10 questions. The respondent department should have got the 10 answers specifically valued or evaluated from the Experts on the subject relating to the questions and thereafter should have taken a decision, which in the instant case seems to have not been done. The petitioner further submits that, the respondent authorities have failed to take note of the fact that, the question and model answers were correct as would be

evident from the literature available in the different text-books of the said subject matter and which has also been part of the curriculum of the petitioner in the course of their studies. The further contention is that, even if, there is another answer possible or available that does not mean that the answers given by the petitioner are incorrect or false and for this reason, the deletion of the question was not justified.

5. The Counsel appearing for the Respondent No. 03 opposing the petition submits that, the very purpose of publishing the model answers was to call upon the objections of the respective candidates who have appeared in the examination. The objections were filed by various candidates and these objections thereafter was placed for scrutiny before the Committee of Experts and thereafter on due verification of the literature and text-books available, the Respondent No. 03 took a final call by publishing the final answers.
6. The Counsel for the Respondent No. 03 submits that, in the instant case the authorities have only found error only in 10 questions and the same were deleted or the answers were changed after the due verification by a Team of Experts.
7. This Court, recently while deciding WPS No. 4993 of 2019 in the case of “**Vikram Singh Rana & Ors vs. Chhattisgarh Professional Examination Board & Ors, decided on 09.07.19**”. In a similar matter again in respect of appointment to the post of Sub-Engineer (Civil) conducted by the Respondent No. 03 had taken a view that, since there is a dispute in respect of except a few questions where

the petitioner also has been provided certain literature and text-books to substantiate the answers provided in Model Answers to be correct had disposed off a Writ Petition with a direction to the Respondent No. 03 to constitute a Committee consisting of Independent Experts of the field who can verify the question answers with the model answers provided in the text-books made available by the petitioner in this regard.

8. In the instant case also, since the petitioner has clearly contended that he has only dispute in respect of 8 questions which have been either changed or deleted by the Respondent No. 03. The present Writ Petition also can be disposed-off in similar terms as has been passed in WPS No. 4993 of 2019, decided on 09.07.2019.
9. Accordingly, the present Writ Petition stands disposed with a direction to the Respondent No. 03 to constitute a Committee of Independent Expert on the subject question to which the petitioner has raised his objections, those are Question. Nos. 04,27,48, 57, 88, 89, 90, 147 in Set-C and on due verification of the same, let the Independent Expert Committee provide their opinion to the Respondent No. 03 on the basis of which, the appropriate fresh result be declared. In case, if the committee finds that the answers provided in the model answers were correct, then the petitioner and other similarly placed candidates would be entitled for the appropriate marking as per the answer they have attempted and in case, if the committee gives an opinion that the answers have been rightly changed or deleted, then the Respondent No. 03 as well as the State would be at liberty to proceed further.

10. It is made clear that, the petitioner in addition to whatever documents that he as supplied would also be at liberty to provide the relevant literature and text ie., in his possession to the Respondent No. 3, who in turn shall place it before the Independent Committee which would be constituted pursuant to this Order and the authority is expected to give their opinion after taking into consideration the literature that has been provided by the petitioner also in this regard.

11. Accordingly, the present Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
Judge**