

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 6918 of 2019**

Dushyant Singh Kachhwaha S/o Onkar Singh Aged About 26 Years R/o
Near Old Irrigation Colony, Janjgir, Police Station- Janjgir, District- Janjgir
Champa, Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through The Secretary, Public Works Department And Health And Family Welfare Department, Mahanadi Bhawan, Atal Nagar, Raipur, Post Office And Police Station Naya Raipur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh
2. Engineer-In-Chief Public Works Department, Nirmal Bhawan, Atal Nagar, Naya Raipur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh
3. Managing Director Chhattisgarh Medical Services Corporation Limited, 3rd Floor, Govind Sarang Vyavsaik Parisar, New Rajendra Nagar, Raipur, District- Raipur, Chhattisgarh, District : Raipur, Chhattisgarh
4. Chhattisgarh Professional Examination Board Through Its Controller, Vyapam Bhawan, North Block, Sector 19, Naya Raipur, District- Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. V. K. Agrawal, Advocate
For State	:	Mr. Chandresh Shrivastava, Dy. A.G.
For respective respondents	:	Mr. Saurabh Kumar Pande and Mr. CJK Rao, Advocates

Hon'ble Shri Justice P. Sam Koshy**Order on Board****06/09/2019**

1. The grievance of the petitioner in the present writ petition is that the respondents have without any sufficient strong material after calling objections on the model answers published have deleted 10 questions and have changed the answers of 15 questions thereby the interest of the petitioner has been prejudicially affected.

2. The case of the petitioner is that the petitioner had applied for the post of Sub Engineer(Civil) from combined advertisement that was issued on 19.12.2018. Examinations were conducted on 03.02.2019, in which petitioner also was permitted to participate. Subsequently, on 18.02.2019 model answers were published and objections to that effect were called and petitioner also had raised the objection in respect of 6 questions, of which according to the petitioner one of the objection was found to be correct and justified and other five objections were turned down by the Committee. However, when the final answers were published on 10.06.2019, it revealed that department has deleted 10 questions and granted prorata marks to all the candidates who have attempted those 10 questions and answers of 15 questions have been changed. According to the petitioner, all these 25 questions the petitioner had given proper answers as per the textbooks available.
3. The issue involved in the present writ petition had come up for hearing before this Court in another identical writ petition i.e. WPS 5847/2019 and while disposing of the said writ petition this Court had directed the Chhattisgarh Professional Examination Board to constitute a Committee of independent experts in respect of all the subject questions which have been objected by the petitioner therein and also in respect of those questions which have been deleted and those questions, answers of which have been changed while publishing the final answers.
4. Today when the matter is taken up for hearing, Shri Saurabh Kumar Pande, appearing for Chhattisgarh Professional Examination Board, submits that he has instructions to state that Expert Committee has already been constituted and report is awaited.

5. Given the fact that Committee has already been constituted and is in the process of examining the questions objected to, this Court is of the opinion that present writ petition can also be disposed of in similar terms by directing the same Committee to consider the case of the petitioner as well so far as 10 deleted questions and 15 questions of which answers have been changed plus five questions in respect of which the petitioner had raised objection and which have been turned down. If required, the Chhattisgarh Professional Examination Board may consider adding extra members in the Committee in respect of relevant questions under dispute to avoid any further complications so far as constitution of Committee is concerned. Thereafter, on scrutiny, the finding be given at the earliest so that recruitment process can be completed on earlier basis.
6. The petitioner herein would also be at liberty to provide necessary material so far as his objections are concerned regarding 10 deleted questions, 15 questions of which the final answers have been changed and also in respect of 5 questions on which he raised objections which have been turned down.
7. The Committee is expected to consider those materials which the petitioner shall provide while giving its finding.
8. With the aforesaid observations, the present writ petition stands disposed of.

Sd/-
(P. Sam Koshy)
Judge