

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 9363 of 2019**

- Rekha Bharti, D/o Shri Santram, Aged About 31 Years, R/o Near RNM Public School, Yadunandan Nagar, P.O. Tifra, District Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, School Education Department Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh
2. Director, Directorate Public Instruction, Raipur, District Raipur Chhattisgarh
3. Advisor, Chhattisgarh Professional Examination Board, Atal Nagar, Raipur, District Raipur Chhattisgarh

---- Respondents

For Petitioner	:	Shri Ashok Kumar Swarnakar, Advocate
For Respondents/ State	:	Shri Kunal Das, Panel Lawyer
For Respondents No. 3	:	Dr. Saurabh Kumar Pande, Advocate

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****06/12/2019**

1. Heard.
2. The instant petition is being filed for following reliefs:-

10.1 this Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioner for its kind perusal.

10.2 This Hon'ble Court may kindly be pleased to issue a writ by directing the respondents to call the petitioner for counseling process as according to the new percentage of marks 47.77% and further direct that if come in to criteria then he may be called for counseling process and if counseling has been completed then a constitute a further counseling process for the petitioner for the post of English (Education and Tribal Cadre), at Sr. No. 1 under the category of Scheduled Caste, Female, to meet the ends of justice.

10.3 Any other relief or relief(s) which this Hon'ble

Court may think proper in view of the facts and circumstances of the case may also kindly be granted.

3. The issue pertains to the examination of the Lecturer (English) which was conducted by Respondent No. 3. The petitioner contends that when the answer sheet was declared it shows that the petitioner was given marks of 43.664% whereas after the calculation of the marks, 4 marks should have been added and the marks would come to 44.77%. Therefore, wrong marking was made. The respondent has filed the copy of the mark-sheet and would submit that out of 150 questions, 66 questions were answered wrong, 59 questions were answered right and 25 questions were not attempted. Since according to the formula there was a negative marking procedure was prevailing and for each wrong answer 1.4 marks was to be deducted and after calculation of the marks it comes to 44.77%
4. Perused the document.
5. Prima facie, after perusal of the documents, I do not find any gross irregularity in the method of the examination pattern. This Court would not go into the method of examination pattern as it has been adopted for all the examine and no discrimination prima facie is on the face of record prevails. The procedure adopted by respondent shows a unified procedure as might have been set into motion was adopted by expert in the respective field. Therefore, the nature of complaint purely a subject of academic subject, this Court would not certify the correctness of the same. As per procedure the marks obtained by the petitioner is shown to be 43.664%. The said answer cannot be said to be wrong in issues of existing pattern for all the examine.
6. The petition has no merit, hence dismissed.

Sd/-

Goutam Bhaduri
Judge