

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE ACTING CHIEF JUSTICE RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE DR. JUSTICE SHAMEEM AKTHER

WRIT PETITION NO.24229 OF 2017

12.06.2019

Between:

K. Saritha and another

...Petitioners

and

The State of Telangana and others

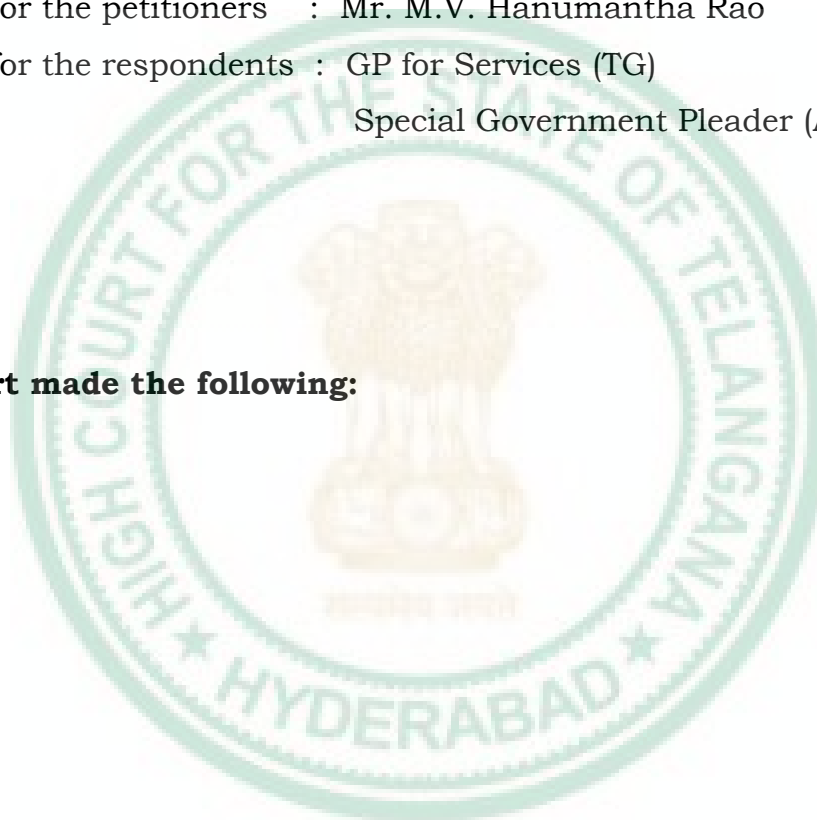
...Respondents

Counsel for the petitioners : Mr. M.V. Hanumantha Rao

Counsel for the respondents : GP for Services (TG)

Special Government Pleader (AP)

The Court made the following:



ORDER: (Per the Hon'ble the Acting Chief Justice Raghvendra Singh Chauhan)

The petitioners have prayed for the following relief from this Court:

"For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon'ble Court may be pleased to issue a writ, order or direction more particularly, one in the nature of Writ of Mandamus, declaring

- a. the revised key prepared by the PSC for correcting economics paper for selection to the post of Junior Lecturer (Economics) is defective especially as regard to the 14 questions i.e, Question Nos.8, 17, 26, 37, 54, 69, 72, 75, 94, 95, 110, 120, 122, 146 as bad, illegal;*
- b. further declare that consequential steps taken by the PSC by calling candidates for interview and thereafter selecting some candidates for appointment is illegal and arbitrary, violative of Articles 14 & 16 of the Constitution of India;*
- c. declare that public service commission is bound to re-do the exercise with reference to the correct key;*
- d. and pass such other orders as are deemed fit and proper in the circumstances of the case."*

Briefly, the facts of the case are that *vide* notification No.19/2008 dated 26.11.2008, the Andhra Pradesh Public Service Commission ("the APPSC" for short) had advertised the posts of Junior Lecturers in Government Junior Colleges. According to the said advertisement, there were 93 vacancies for the subject of Economics. After adding the backlog vacancies, in total, there were 101 vacancies which were available. Since the petitioners were hopeful that they would be selected for the said posts, they appeared in the written examination. After completing the selection process, the selection list was issued in September, 2012. However, since the petitioners and others were hopeful that they would be called atleast for the interview, and since they were not called, they challenged the correctness of the answer sheets. Considering their objections to the answer sheets that were published, an Expert Committee was constituted by the APPSC. According to the Expert Committee, out of 150 questions, the answers of 77 questions were identified as defective. Therefore, the APPSC addressed a letter to the Government for preparing a fresh list of

candidates who were qualified as per the revised key. According to the APPSC, in total 194 candidates were qualified as per the revised key. Therefore, on the basis of the revised list, the petitioners were called for an interview. However, the petitioners are still aggrieved by the fact that even the fresh answer key issued by the APPSC is a defective one. Hence, the present petition before this Court.

Mr. M.V. Hanumantha Rao, the learned counsel for the petitioners, has vehemently contended that since the fresh answer key is a defective one, the entire selection process should be set aside by this Court.

However, the learned Government Pleader for Services has relied on the case of **Uttar Pradesh Public Service Commission vs. Rahul Singh and another [(2018) 7 SCC 254]** and pleaded that the constitutional courts should exercise great restraint while trying to interfere with the key answers provided by the Expert Committee. According to the learned counsel, since certain defects were pointed out in the answer key initially issued by the APPSC, the APPSC had constituted an Expert Committee. The Expert Committee had rightly concluded that out of 150 questions, 77 questions had defective answers. It is upon the recommendation of the Expert Committee that the petitioners and others were called for interview. Therefore, according to the learned counsel, the petitioners are unjustified in challenging the legality and validity of the fresh answer key published by the APPSC.

Heard the learned counsel for the parties and perused the record.

In the case of **Uttar Pradesh Public Service Commission** (supra), the Hon'ble Supreme Court has clearly opined that the Courts cannot sit as an appellate authority over the findings of an Expert Committee. In fact, exhibiting sympathy for those who have taken an

exam and challenged the legality of the answer key may create chaos. Therefore, a great judicial restraint has to be shown while dealing with the matters relating to the answer key approved by the Expert Committee.

In the present case, admittedly, an Expert Committee was duly constituted. The Expert Committee gave a finding that out of 150 answers, 77 answers were defective. It is upon the finding of the Expert Committee, that the petitioners were called for interview. Therefore, the petitioners are unjustified in claiming that even the fresh answer key is a defective one.

Moreover, in the case of **Dhananjay Malik and others vs. State of Uttaranchal and others [(2008) 4 SCC 171]**, the Hon'ble Supreme Court has clearly opined that once a candidate has participated in a selection process, and is unsuccessful in being selected, the candidate cannot turn around and challenge the selection process.

For the reasons stated above, this Court does not find any merit in the present writ petition; it is hereby dismissed. There shall be no order as to costs.

The miscellaneous petitions pending, if any, shall stand closed.

(RAGHVENDRA SINGH CHAUHAN, ACJ)

(DR. SHAMEEM AKTHER, J)

12th June, 2019
JSU

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