AFR

HIGH COURT OF CHHATTISGARH, BILASPUR
(Judgment Reserved on 14.10.2020)
(Judgment Delivered on 03.11.2020)
WPS No. 2526 of 2020

1. Udyan Dubey S/o Vimal Kumar Dubey Aged About 26 Years R/o Near Siddh Shikhar Appartments Mig-2/4, Narmada Nagar, Bilaspur, District- Bilaspur Chhattisgarh

2. Lokesh Kumar S/o Madhav Prasad Naik Aged About 26 Years Village Gohadidipa, Post Kondatari, Raigarh District Raigarh Chhattisgarh

3. Anju Manhar D/o H R Manhar Aged About 31 Years Resident Of Nehru Chowk, District Bilaspur, Chhattisgarh. Pin 495001, District : Bilaspur, Chhattisgarh

4. Akash Kumar Kashyap S/o Dwarika Prasad Kashyap Aged About 29 Years Resident Of 414/1, Gudipara, Loharsi, Janjgir-Champa, District Janjgir-Champa, Chhattisgarh. Pin 495556., District : Janjgir-Champa, Chhattisgarh

5. Kailash Sahu S/o Mr Dayalu Ram Sahu Aged About 26 Years R/o Poem Nagar Sukma, Tehsil Sukma, District Sukma, Chhattisgarh. Pin 494111, District : Sukuma, Chhattisgarh

6. Aarti Singh D/o Mr Ayodhya Singh Aged About 31 Years Resident Of Ward No. 3, Near Masjid West Chirmiri Collery, District Korea, Chhattisgarh Pin No. 49773, District : Koriya (Baikunthpur), Chhattisgarh

7. Indrajeet Singh Thakur S/o Late Shri RKS Thakur Aged About 32 Years Resident Of GAD Colony, Q.No. 09, Dantewada, Tehsil Dantewad, District Dantewada, Chhatttisgarh. Pin No. 494449, District : Dantewada, Chhattisgarh

8. Jyoti Baya D/o Jagdish Prasad Baya Aged About 30 Years Resident Of Sahupara, Bazaar Chowk, Bhilai-3, District Bhilai, Chhattisgarh. Pin 490021, District : Durg, Chhattisgarh

9. Ashish Kumeti S/o Mannu Ram Kumeti Aged About 29 Years Resident Of Santoshi Mandi, Near Radha Villa, Main Road Dantewada, District Dantewada Chhattisgarh, Pin 494449., District : Dantewada, Chhattisgarh

10. Deepak Kumar Agrawal S/o Ramesh Agrawal Aged About 27 Years Resident Of C/o Anil Agrawal, Salasar Balaji Enterprises Near Bus Stand Pithora, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

11. Gaya Prasad Lilahare S/o Sidha Ram Lilahare Aged About 43 Years R/o Chhipa Post Musra, Tahsil Dangargarih District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

12. Ashish Thakur S/o Siya Ram Thakur Aged About 30 Years R/o Village Khardi Post Khardgaon, Manpur, Tehsil Manpur, District Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

13. Hemant Kumar Sahu S/o Bali Ram Sahu Aged About 28 Years R/o Loharsi

Tehsil Pamgarh, District Janjgir-Champa, Chhattisgarh. Pin 495556., District : Janjgir-Champa, Chhattisgarh

14. Nitesh Kumar S/o Durganand Sahu Aged About 33 Years R/o Madhuban Nagar, Behind Kanti Bhawan, Borsi Durg, District Durg, Chhattisgarh, Pin 491001., District : Durg, Chhattisgarh

15. Payal Gautam D/o Sher Singh Thakur Aged About 30 Years R/o Behind State Bank Of India, Subash Ward Bhatapara, District Baloda Bazaar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

16. Naveen Kumar Sharma S/o Late Shri Ram Narayan Sharma Aged About 28 Years House No , Ward No 41, Behind Old Sub Post Kelabadi, Durg, District Durg, Chhattisgarh., District : Durg, Chhattisgarh

17. Reena Mahipal D/o Bhagirathi Mahipal Aged About 28 Years Ward No 28, Shankar Nagar, Champa, District Janjgir-Champa, Chhattisgarh, Pin 495671., District : Janjgir-Champa, Chhattisgarh

18. Kamal Kishore Kashyap S/o Milan Prasad Kashyap Aged About 29 Years Resident Of Village Kamrid, District Janjgir-Champa, Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

19. Dheeraj Soni S/o Shreeram Soni Aged About 25 Years R/o Of Village Sanjay Ward Chaurasiya Gali, Near Old Kushal Auto Bhatapara, District Baloda-Bazaar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

20. Pradeep Patel S/o Basant Kumar Patel Aged About 27 Years Resident Of Chhuwari (Dhobnipali), Post Manikpur, Beram Kela, District Raigarh, Chhattisgarh Pin 496554., District : Raigarh, Chhattisgarh

21. Ashish Kumar Goyal S/o Lalit Kumar Goyal Aged About 32 Years R/o Shanti Nagar Lailunga District Raigarh, Chhattisgarh. Pin 496113., District : Raigarh, Chhattisgarh

22. Alok Kumar Hota S/o Santoshi Kumar Hota Aged About 32 Years R/o Ashok Vihar Colony Seth Kirodimal Chowk, Dhimrapur, Raigarh, Chhattisgarh, Pin 496001., District : Raigarh, Chhattisgarh

23. Manoj Kumar Sarthi S/o Makkar Lal Sarthi Aged About 37 Years R/o Jila Panchyat Road, Near Abhinav School, Chote Attarmuda District Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

24. Naveen Kumar Yadav S/o Shri Krishna Kumar Yadav Aged About 24 Years R/o Of Village Pokhra, Post Office Parsada Josi, Tehsil Rajim, District Gariyaband, Chhattisgarh Pin 493885., District : Gariyabandh, Chhattisgarh

---- Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Dks Bhawan, Mantralaya, Raipur, Chhattisgarh., District : Raipur,

Chhattisgarh

2. Chhattisgarh Public Service Commission Through Secretary, Shankar Nagar Road, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3. Examinar Chhattisgarh Public Service Commission Through Examiner Controller, Shankar Nagar Road, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 2565 of 2020

- Amit Kumar Singh S/o Shri Y.K. Singh Aged About 33 Years R/o Plot No. 452/2, Laxmi Nagar (Daga Nagar), Rishali, Bhilai Durg, Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur, District Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh

3. Chhattisgarh Public Service Commission Through The Examination Controller, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh

---- Respondent

WPS No. 2648 of 2020

1. Roshan Kumar Bhagat S/o Shiv Kumar Bhagat Aged About 26 Years R/o Behind Old Lic Office, Mayapur, Ambikapur District Surguja Chhattisgarh.,

2. Ashish Kumar Deshmukh S/o C.L. Deshmukh Aged About 25 Years R/o Gitakunj Adarsh Nagar Durg, Chhattisgarh.,

3. Divyanand Sahu S/o Onkar Sahu Aged About 26 Years R/o Nandai, Ward 48, Near Daga House, Rajnandgaon Chhattisgarh

4. Rajendra Singh S/o Jaipal Singh Aged About 31 Years R/o S -/26, Annapurna Vihar, Ganesh Nagar, Bilaspur, District Bilaspur Chhattisgarh.

5. Sushma Sahu D/o Parasram Sahu Aged About 33 Years W/o Shri Lakshat Mani Sahu, Caste Obc, R/o A - 1 Shatabdi Nagar, Ravi Gram, Telibandha, Raipur, Chhattisgarh.,

6. Sanjay Kumar Upadhyay S/o Late Ramesh Kumar Upadhyay Aged About 32 Years R/o 3 L/3 D Rama Green City, Sarkanda, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

7. Akshay Sharma S/o Mahadev Kumar Sharma Aged About 24 Years R/o House No. 118 Near Vlm School, Om Society, Sundar Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

8. Tikeshwar Chauhan S/o Mahavie Chauhan Aged About 33 Years Jain Bekary Gali, Mission Choek Kedarpur Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Dks Bhawan, Mantralaya, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through Secretary, Shankar Nagar Road, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Examinar Chhattisgarh Public Service Commission Through Examiner Controller, Shankar Nagar, Road, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 2674 of 2020

- Prabhat Chandrawansi S/o Shri Ashok Kumar Chandrawansi Aged About 24 Years R/o Akhra Tahsil Pandaria, District Kabirdham, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, General Administration Department Mahanadi Bhawan Mantralaya Atal Nagar, Raipur, District Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through Secretary Sankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh, 492001

---- Respondents

WPS No. 2728 of 2020

1. Rakesh Kumar Yadav S/o Ram Dular Yadav Aged About 37 Years R/o Govind Nagar, Ward No. 11, Sirgitti, Bilaspur Municipal Corporation , District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2. Sukhdev Soni S/o Yashwant Kumar Soni Aged About 31 Years R/o Village Khamhi, Post Andhiarkhor, Tehsil And District Bemetra Chhattisgarh., District : Bemetara, Chhattisgarh

3. Ku. Bhagyashree Mishra D/o Lt. Basant Kumar Mishra Aged About 30 Years

R/o Ahilya Niwas, Besides Sharda Gas Godam , Shastri Nagar, Police Station Sarkanda, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

4. Aniket Kumar Dewangan S/o Anant Kumar Dewangan Aged About 31 Years R/o F - Pocket 32, B Maroda Sector Bhilai , District Durg Chhattisgarh., District : Durg, Chhattisgarh

5. Smt. Ankita Tiwari D/o Krishna Kumar Tiwari Aged About 31 Years R/o K.P. Rathore Building , Near Railway Station , In Front Of Oriental Insurance Office, Shanti Nagar Colony Champa , District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of General Administration Mantralaya, Mahanadi Bhawan, Nava Raipur , Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh State Public Service Commission Through Secretary Shankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Controller Of Examination Chhattisgarh State Public Service Commission, Shankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 2736 of 2020

- Ghanendra Kumar Sao S/o Shri Fanindra Kumar Sao, Aged About 31 Years R/o Village - Semibhanwar, Police Station - Pussore, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. The Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. The Exam Controller, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 2838 of 2020

1. Chandrhas Katendra S/o Madhusudan Katendra Aged About 26 Years R/o 336 Purana Nakapara Charama, Ward No. 3, Charama, Uttar Bastar Kanker Chhattisgarh, District : Kanker, Chhattisgarh

2. Deepak Chandrakar S/o Lokeshwar Singh Chandrakar Aged About 25 Years R/o House No. 255/2 Ward 16, Village Hanoda, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. Controller Of Examination, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 2885 of 2020

1. Kumari Madhu Sao D/o Ram Niwas Sao Aged About 41 Years Cast Obc, R/o Sector 4, Quarter No. 471/ A-5, Balco Nagar Korba, Chhattisgarh., District : Korba, Chhattisgarh

2. Saajan Khute S/o Haricharan Khute Aged About 25 Years R/o Village Bhawtara Post Office Kosla, District Janjgir-Champa Pin 495554., District : Janjgir-Champa, Chhattisgarh

3. Shri Santosh Singh S/o Jag Sai Maravi Aged About 40 Years R/o Nagar Panchayat Jarhi, Ward No. 13, Thana Bhatagaon, Tehsil Pratapur, District Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

4. Smt. Ritu Raj Singh W/o Vijay Kumar Singh Aged About 27 Years R/o In Front Of Nikhil Kiran Store, North Ringh Road Kedarpur, Ambikapur, Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

5. Ravi Kumar Sahu S/o Bare Lal Sahu Aged About 28 Years R/o Near Ganga Sagar Talab, Nawagarh, Post And Tehsil Ambikapur District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

6. Domar Das Manikpuri S/o Shri Daya Das Manikpuri Aged About 38 Years R/o House No. 18/98 Ward No. 31 Near Nathani Apartment, New Shanti Nagar Raipur 492007., District : Raipur, Chhattisgarh

7. Rajnish Kushwaha S/o Ram Avatar Kushwaha Aged About 34 Years R/o Post And Village Karjee (Darima Road) Tehsil Ambikapur, District Sarguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Dks Bhawan, Mantralaya, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through Secretary, Shankar Nagar Road, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Examinar Chhattisgarh Public Service Commission Through Examiner Controller, Shankar Nagar Road, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 2993 of 2020

1. Nitish Ware S/o Padman Ware Aged About 29 Years House No. 59, Sidarpara, Village And Post Hardi, Tehsil- Sarangarh, Raigarh, (C.G.), District : Raigarh, Chhattisgarh

2. Tarang Sharma S/o Shri Mahendra Kumar Sharma, Aged About 31 Years R/o Street No. 03, Mahadev Ghat Road, Infront Of Maa Parmeshwari Bhawan, Satyam Vihar Colony, Raipura, Raipur, (C.G.), District : Raipur, Chhattisgarh

3. Sumeet Yadav S/o Shri Saharathi Yadav Aged About 27 Years R/o Dubey Gali, Near Bhagwa Mandir, Ward No. 48, Old Sarkanda, Bilaspur, (C.G.), District : Bilaspur, Chhattisgarh

4. Deepali Tolani D/o Shri Vinod Tolani, Aged About 27 Years R/o Ward No. 04, Mission Compound, Takhatpur, Bilaspur, (C.G.), District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur, (C.G.), District : Raipur, Chhattisgarh

2. State Public Service Commission Through Chairman, Near Bhagat Singh Chowk, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3001 of 2020

- Pushplata Thakur D/o Shri Ramhu Thakur Aged About 28 Years R/o Village C. B. Navagaon, Post Office Tatenga, Tehsil Dondi Iohara, District Balod Chhattisgarh, District : Balod, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through Secretary Shankar Nagar Road, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3. Examinar Chhattisgarh Public Service Commission Through Examiner Controller, Shankar Nagar Road, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3011 of 2020

1. Smt. Jyoti Soni W/o Bhupendra Puri Goswami Aged About 35 Years R/o Chatterjee Gali, Sarkanda, Police Station Sarkanda, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2. Alok Singh S/o Taran Singh Aged About 30 Years R/o Kadam Bari Nagar, Near Nala, Small Shiv Mandir, Durg, District - Durg Chhattisgarh., District : Durg, Chhattisgarh

3. Hitesh Kumar Yadav S/o Ashok Kumar Yadav Aged About 33 Years R/o Naya Para Ward, Behind High School Bhatapara, District - Bhatapara-Baloda Bazar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

4. Ku. Manju Lata Choudhary D/o Rishikesh Choudhary Aged About 29 Years R/o Village - Hukra Dipa (Kujemura), Post- Saraitola, Tehsil- Tamnar, District - Raigarh Chhattisgarh., District : Raigarh, Chhattisgarh

5. Lalit Dalal S/o Jaiprakash Singh Aged About 29 Years R/o House No. 389, Ward No. 05, Navagaon, Katghora, District- Korba Chhattisgarh., District : Korba, Chhattisgarh

6. Sandeep Kumar Gupta S/o Ramchandra Gupta Aged About 29 Years R/o Village And Post Kunjara, Tehsil- Kunkuri, District - Jashpur Chhattisgarh., District : Jashpur, Chhattisgarh

7. Praveen Kumar Verma S/o Dhaneshwar Prasad Verma Aged About 26 Years R/o Village - Kathiya, Post - Ranka, P.S. Bemetara, District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

8. Thaneshwar Prasad Jaiswal S/o Santosh Kumar Jaiswal Aged About 29 Years R/o Village And Post - Khairjhitti (Purana), Tehsil And P.S. - Pandariya, District - Kabirdham Chhattisgarh., District : Kawardha (Kabirdham), Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of General

Administration, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh State Public Service Commission Through Secretary Shankar Nagar Road, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Controller Of Examination Chhattisgarh State Public Service Commission, Shankar Nagar Road, Raipur, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3206 of 2020

1. Ajit Mishra S/o Late Shri Ramnaryan Mishra Aged About 30 Years R/o Ward No. 14, Palipara, Sarangarh, District Raigarh, Chhattisgarh

2. Abhishek Singh Thakur S/o Shri Mohan Singh Thakur Aged About 28 Years R/o Ramnagar Tikrapara, Ward No 3 Takathpur, District Bilaspur, Chhattisgarh

3. Manish Kumar Sahu S/o Shri Ganesh Ram Sahu Aged About 32 Years R/o Plot No B/86, Anand Nagar, Central Avenue, Near Smriti Nagar, Bhilai, Chhattisgarh

4. Mahendra Kumar Chouhan S/o Shri Raghubir Chouhan Aged About 32 Years R/o Village And Post Office Uchchbhitthi, Tehsil Sarangarh, District Raigarh, Chhattisgarh

5. Sushant Namdeo S/o Kailash Prasad Namdeo Aged About 31 Years R/o F-1 Vinayak Vihar, Deendayal Upadhyay Nagar, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Dks Bhawan, Mantralaya, Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commision Through Secretary, Shankar Nagar Road, Raipur, Chhattisgarh

3. Examinar Chhattisgarh Public Service Commision Through Examiner Controller, Shankar Nagar Road, Raipur, Chhattisgarh

---- Respondent

WPS No. 3277 of 2020

1. Rajesh Kumar Yadaw S/o Janak Yadav Aged About 40 Years R/o Arvin Nagar, Choubey Colony Sarkanda, Police Station Sarkanda, District - Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

2. Pranshu Tiwari S/o Dr. U.K. Tiwari Aged About 23 Years R/o- C/o - Kumaresh Tiwari (Adv.) Gayatri Mandir Marg, Vidya Nagar, District - Bilaspur

Chhattisgarh., District : Bilaspur, Chhattisgarh

3. Archana Agrawal D/o Niranjan Prasad Agrawal Aged About 30 Years R/o Mahavir Ghat, Mahuan Para, Basantpur, Wadraf Nagar, Balrampur, District - Balrampur Chhattisgarh., District : Balrampur, Chhattisgarh

4. Aishwarya Pandey D/o Santosh Pandey Aged About 23 Years R/o Karhi Devori Mohalla, Upjail Road, District- Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

5. Kamlesh Singh Thakur S/o Ramesh Singh Thakur Aged About 33 Years R/o Village - Nayadih (Aaurahgudi), Post- Pithaura, District - Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

6. Rashmi Garg D/o Vinod Garg Aged About 25 Years R/o Post Rahod, Via Kharoud, Tehsil - Pamgarh, District - Janjgir-Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

7. Ramkumar S/o Iwanlal Aged About 26 Years R/o Gram- Post- Police Station- Ranchirai, Tehsil - Gunderdehi, District Balod Chhattisgarh., District : Balod, Chhattisgarh

8. Phoolsai Marabi S/o Ramprasad Marabi Aged About 38 Years R/o Village - Goverdhanpur, Post- Bartikala, Tehsil- Pratappur District - Surajpur Chhattisgarh., District : Surajpur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District - Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh State Public Service Commission Through Secretary Shankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Controller Of Examination Chhattisgarh State Public Service Commission, Shankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

<u>WPS No. 3326 of 2020</u>

1. Pratyush Deepak Rachelwar S/o Shri Deepak V. Rachelwar, Aged About 32 Years R/o Old Sarkanda Near Shivghat District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

2. Bhumika Soni, D/o Shri Murari Lal, Aged About 26 Years R/o Old Sarkanda Near Shivghat District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralay, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission, Through The Secretary, Chhattisgarh Public Service Commission, Shankar Nagar Road, Near Bhagat Singh Square, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3356 of 2020

- Khemraj Nayak S/o Late Hira Singh Nayak Aged About 44 Years R/o Sai Vhila I-10, Bhatagaon, Raipur, Pin - 492013, District Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Chhattisgarh State Public Service Commission, Sankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Exam Controller Chhatisgarh, State Public Service Commission, Sankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3438 of 2020

1. Ghanshyam Kumar Sahu S/o Narottam Lal Sahu Aged About 29 Years R/o House No. 97, Ward No. 04, Gaura Chowk, Post Gullu, Tehsil Aarang, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. Sumit Kumar Sao S/o Saryu Prasad Yadav Aged About 28 Years R/o Kudekela, District Raigarh Chhattisgarh, District : Raigarh, Chhattisgarh

3. Amitesh Singh Parihar S/o Shri Ganesh Singh Parihar Aged About 31 Years R/o Near Naveen Girls School, Mandir Hasod, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

4. Pooja Vaishnav D/o Shri Ishwar Das Vaishnav Aged About 33 Years R/o Behind Water Tank, Smriti Nagar, Bhilai District Durg Chhattisgarh, District : Durg, Chhattisgarh

5. Loveleen Verma D/o Vasudev Verma Aged About 25 Years R/o 21-A, L Pocket, Ward No. 60, Maroda Sector, Civic Center, Bhilai, District Durg Chhattisgarh R, District : Durg, Chhattisgarh

6. Lavnish Kumar Sahu S/o Dumeshwar Singh Sahu Aged About 27 Years R/o 15/b, Street No. 16, Sector-02, Ward No. 40, Bhilai-1, District Durg

Chhattisgarh, District : Durg, Chhattisgarh

7. Nidhi Sahu D/o Dumeshwar Singh Sahu Aged About 25 Years R/o 15/b, Street No. 16, Sector-02, Ward 40, Bhilai-1, District Durg Chhattisgarh, District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Priicipal Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. State Public Service Commission Through Chairman, Near Bhagat Singh Chowk, Raipur Chhattisgarh, Chhattisgarh

3. Controller Of Examination State Public Service Commission, Near Bhagat Singh Chowk, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3442 of 2020

- Sandeep Kumar Sahu S/o Shiv Prasad Sahu Aged About 33 Years R/o Shiv Hotel, Gudhaku Line Rajnandgaon, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3. Chhattisgarh Public Service Commission Through The Examination Controller, Shankar Nagar Road, Bhagat Singh Square, District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3511 of 2020

1. Kapil Bhutt S/o Late Shri Mukesh Bhutt, Aged About 39 Years R/o C/o M.C. Netam, Banglapara, Bhiroud Road, Police Station Charama, Block Charama, District North Bastar Kanker Chhattisgarh., District : Kanker, Chhattisgarh

2. Pramod Kumar Patel, S/o Amardhar Patel, Aged About 36 Years R/o Village Khichari, Police Station Baramkela, District Raigarh Chhattisgarh, District :

Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. The Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3. The Exam Controller, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3519 of 2020

1. Harshita D/o Sukhram Burman, Aged About 37 Years Cast S C (Schedule Cast), R/o Block Colony Kasdol (N P) Ward No. 4, Baloda Bazaar Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

2. Naveen Dewangan, S/o Shri Krishna Murari Dewangan, Aged About 31 Years R/o House No. A-85 Sagar Homes, Phase 1 Sakri Near Uslapur, Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, General Administration Department, D K S Bhawan, Mantralaya, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh Public Service Commission Through Secretary, Shankar Nagar Road, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

3. Examinar Chhattisgarh Public Service Commission, Through Examiner Controller, Shankar Nagar Road, Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3530 of 2020

- Akarsh Vaibhav Toppo S/o Augustine Toppo Aged About 28 Years R/o - House No. 189, Metro Greens, Baroda Marg, Saddu, District Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

2. State Public Service Commission, Through Chairman, Near Bhagat Singh Chowk, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

3. Controller Of Examination, State Public Service Commission, Near Bhagat Singh Chowk, Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3663 of 2020

- Yogesh Kumar Chandra S/o Manmohan Chandra Aged About 31 Years R/o H. No. 191, Village And Post Salani, Tehsil And Block Jaijaipur, District Janjgir Champa Chhattisgarh, District : Janjgir-Champa, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

2. Chhattisgarh State Public Service Commission Through Secretary Shankar Nagar Road, Raipur District Raipur Chhattisarh, District : Raipur, Chhattisgarh

3. Controller Of Examination Chhattisgarh State Public Service Commission, Shankar Nagar Road Raipur District Raipur Chhattisgarh, District : Raipur, Chhattisgarh

---- Respondent

WPS No. 3665 of 2020

- Abhishek Rout S/o Balram Rout Aged About 30 Years R/o Babji Nagar, Qtr. No. C-52, Post Tifra, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of General Administration, Mantralaya, Mahanadi Bhawan, Nava Raipur, Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh State Public Service Commission Through Secretary, Shankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Controller Of Examination Chhattisgarh State Public Service Commission, Shankar Nagar Road, Raipur, District Raipur Chhattisgarh., District : Raipur,

Chhattisgarh

---- Respondent

WPS No. 3703 of 2020

- Rakesh Kumar Pradhan S/o Usat Ram Pradhan Aged About 29 Years R/o Village Nadigaon, Post Nadigaon, District Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through- The Secretary, General Administration Department, Mantralaya, Mahanadi Bhawan, Atal Nagar, New Raipur, District Raipur, Chhattisgarh

2. Chhattisgarh State Public Service Commission Through- Secretary, Office At Shanker Nagar Road, Raipur, District Raipur, Chhattisgarh

3. Controller Of Examination Chhattisgarh State Public Service Commission, Shanker Nagar Road, Raipur, District Raipur, Chhattisgarh

---- Respondent

WPS No. 3741 of 2020

- Abhishek Narediya S/o Narayan Narediya Aged About 39 Years R/o Surbhi Medical Center, Main Road , Bagbehra, District Mahasamund Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Secretary, Department Of General Administration , Mantralaya, Mahanadi Bhawan, Nava Raipur , Atal Nagar, District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. Chhattisgarh State Public Service Commission Through Secretary Shankar Nagar Road, Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

3. Controller Of Examination Chhattisgarh State Public Service Commission, Shankar Nagar Road Raipur , District Raipur Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 4017 of 2020

1. Aayush Agrawal S/o Kamlesh Kumar Agrawal Aged About 24 Years R/o 178, Ranisagarpara Ward No. 09, Sakti Janjgir Champa , District Janjgir Champa Chhattisgarh., District : Janjgir-Champa, Chhattisgarh

2. Harishankar Verma S/o Devi Prasad Verma Aged About 29 Years R/o Ch 663, Aditya Nagar , Near Naveen School Ward 20, Durg, District Durg Chhattisgarh., District : Durg, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary Department Of Law And legislative Affairs Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh., District : Raipur, Chhattisgarh

2. State Public Service Commission Through Chairman , Near Bhagat Singh Chowk , Raipur , Chhattisgarh., District : Raipur, Chhattisgarh

3. Controller Of Examination State Public Service Commission, Near Bhagat Singh Chowk, Raipur , Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

WPS No. 4279 of 2020

1. Roshani Tirkey D/o Isdor Tirkey Aged About 30 Years R/o Village Patora, Post Office Patora , Ambikapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

2. Smt. Sharda Rathore W/o Sanjay Kumar Rathore Aged About 28 Years R/o Laxmi Niwas , Old Market Road, Near Bsnl Tower , Udaypur , Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

3. Ajay Prabhat Tirkey S/o Isdor Tirkey Aged About 28 Years R/o Village Patora, Post Office Patora, Police Station Lumbra Ambikapur , District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

4. Ramesh Kumar S/o Bhagelu Prasad Kenwat Aged About 41 Years R/o P- 172, Pakka Dhuda, Khongapani, Koriya , District Koriya Chhattisgarh., District : Koriya (Baikunthpur), Chhattisgarh

---- Petitioners

Versus

1. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar Road , Bhagat Singh Square Raipur Chhattisgarh , Pin 492001., District : Raipur, Chhattisgarh

2. Exam Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square Raipur Chhattisgarh, Pin 492001, District : Raipur, Chhattisgarh

---- Respondents

WPS No. 4278 of 2020

- Sanjay Kumar Rathore S/o Kashi Ram Rathore, Aged About 38 Years R/o Laxmi Niwas, Old Market Road, Near B S N L Tower, Udaypur, Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Petitioner

Versus

1. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar Road, Bhagat Singh Square Raipur (Chhattisgarh) Pin 492001, District : Raipur, Chhattisgarh

2. Exam Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square Raipur (Chhattisgarh), Pin 492001, District : Raipur, Chhattisgarh

---- Respondent

For Petitioners	:	Shri P. Acharya, Shri Rohit Sharma, Shri Shobhit Mishra, Shri T.K. Jha, Shri T.K. Tiwari, Shri Abhishek Sharma, Shri Kunal Das, Shri Kaushal Yadav, Shri Abhinav Shrivastava, Shri P.K. Dhurandhar, Shri Animesh Verma and Shri Arijit Tiwari, Advocates
For Respondents/State	:	Ms. Akanksha Jain, Dy. GA
For Respondents/PSC	:	Shri Ashish Shrivastava, Shri Anand Mohan Tiwari, Shri Sudeep Agrawal, and Shri Aman Saxena, Advocates

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Hon'ble Shri Justice Goutam Bhaduri

Order

03/11/2020

1. This bunch of writ petitions raises common question of facts & law and analogous submissions are made as such are decided together. The selection procedure for qua preliminary examination of Chhattisgarh State Public Service Commission 2019 is under challenge.

2. Initially 242 posts were advertised by the C.G. PSC and the exam were held on 09.02.2020. After the exam, model answers were issued by the PSC on

12.02.2020 in the website of the PSC and objections were invited in between the period of 20th of February, 2020 to 1st of March, 2020. During the limited time to file objection to the model answer, 840 candidates filed their objection in respect of 50 questions of the first question paper (General Studies) and 7 candidates filed their objections for 9 questions of the second question paper (Eligibility Test). Thereafter, the PSC constituted the expert body and the expert body published their answers on 29.05.2020. Subsequent thereto on 12.06.2020 result of the preliminary examination was declared thereby for the mains examination 3616 candidates were shortlisted. After the declaration of the result, this bunch of writ petitions have been filed, whereby few of the answers settled by expert body are under challenge.

3. According to the PSC initially out of 90 petitioners, 23 persons raised their objection within stipulated time before the PSC. Rest 67 persons have not raised any objection. The PSC after receipt of objections deleted 4 questions. Petitioners contended that the deletion of the questions was without any basis or material defect in the question and answer. The petitioners further contended that the further questions in set-B in hindi version ought to have been deleted, thereby the model answer issued by the respondents prima facie is erroneous and wrong model answers have been published. The petitioners contended that the mass deletion of questions without any rational rhyme or reason would adversely affect the order of merit of the petitioners and it would lead to elimination from the selection procedure on the basis of absolute wrong. The petitioners have questioned the validity of the answers which was arrived at by the experts and further have contended that by the wrongful procedure the eligible candidates have been eliminated.

4. In reply to the above, the PSC has contended that after the expert committee was constituted, to settle the model answers. During such process the objections were duly considered and on the basis of the report of the experts, which is based on the material relevant documents and text, the answers either were amended or were kept same. Therefore, the PSC after the report of the experts have corrected few of the answers and there is no challenge to the eligibility or competence of the experts or any bias or fraud is attributed, as such the answers arrived at by the experts would fall beyond the judicial review.

5. Shri P. Acharya, Shri Rohit Sharma, Shri Shobhit Mishra, Shri T.K. Jha, Shri T.K. Tiwari, Shri Kunal Das, Shri Abhishek Sharma, Shri Kaushal Yadav, Shri Abhinav Shrivastava, Shri P.K. Dhurandhar, Shri Animesh Verma and Shri Arijit Tiwari, learned counsel for the respective petitioners would submit that after the model answers were issued on 12.02.2020, the objections were invited in between 20th of February, 2020 to 1st of March, 2020 and to raise objection for each question rupees 50/-charges were fixed. It is further submitted that the students who normally operate in group, amongst themselves have decided to challenge the question individually as a face of the group, therefore, if a particular individual has not challenged the answer, it cannot be held to his prejudice. Learned counsel further submit that the model answers so arrived at by the experts, few of the answers palpably on the face of it are wrong. The counsel went through the various text book and data attached with the petitions to demonstrate that answer settled by the expert body is apparently wrong and would submit that those answers are required to be evaluated by the team of experts again under the vigil of the Court as the PSC would not be able to discharge the job independently. It is further contended that the PSC has not prescribed any syllabus or text book in their syllabi's, which can be held to be

authentic so as to arrive at a particular answer. Therefore, in absence of authoritative text, if there more answers are correct in a single question, then both the candidates should have been given the marks who have answered it correctly.

6. One of the counsel for the petitioners in WPS No.2526 of 2020 would submit that the few of the documents by expert have been obtained even after the petition was preferred though the opinion of expert is on prior date, therefore, the PSC has played a fraud to support the answers in respect of the question related with the folklore of Lorik Chanda (which is question No.57). After the submission of the PSC, the counsel would submit that before this Court the PSC has admitted an answer to be wrong in respect of question of forest area, therefore, it requires reconsideration as one change in the number of answer which carries two marks and for wrong answer, a negative mark would reshuffle the entire list as there is a cutthroat competition exists in between the candidates even for point marks. Counsel therefore, would submit that the result of the preliminary examination be reconsidered after evaluating the question & answer afresh by body of expert and fresh selection list be drawn on the basis of subsequent fresh numbers.

7. Reliance is placed in the case of ***Kanpur University And Others vs Samir Gupta And Others (1983 AIR SC 1230)***, ***Manish Ujwal and others Vs. Maharishi Dayanand Saraswati University and others (2005) 13 SCC 744***, ***Rajesh Kumar and others Vs. State of Bihar and others {(2013) 4 SCC 690}*** & ***Rishal and others Vs. Rajasthan Public Service Commission and others (2018) 8 SCC 81*** and would submit that the answers are to be re-evaluated by any expert committee and afresh merit list is required to be drawn.

8. Per contra, Shri Ashish Shrivastava, Shri Anand Mohan Tiwari, Shri Sudeep Agrawal with Shri Aman Saxena, learned counsel for the PSC would submit that the submissions made by the petitioners that the answers suggested by the expert committee to be rejected has no force. It is submitted that as many as 21 experts were appointed by the PSC and each expert is from the particular subject and the petitioners have failed to submit that why the opinion of the experts cannot be accepted. They would further submit that few of the questions would reflect that due to typographical mistake in hindi subject, the experts have deleted the same and there is no charges of malafide, incompetence or biased has been made against the expert committee. Therefore, the petitioners have miserably failed to demonstrate that why the answers by the expert cannot be accepted.

9. Learned counsel for the PSC elaborately went through each of the questions which have been questioned by the candidates and would submit that 72 petitioners have not objected to any question before the PSC, which are directly under challenge before this Court, therefore, consequently, the omnibus claim cannot be made by the petitioners for others. The counsel placed reliance in the case of ***Rishal and others Vs. Rajasthan Public Service Commission and others {(2018) 8 SCC 81}*** and would submit that key answer cannot be assumed to be wrong by inferential process of reasoning or by rationalisation. It is further stated the petitioners have failed to demonstrate that as to why the answers suggested by them are more correct, therefore, when the experts have arrived at a certain answer after re-examination of the model answers, that cannot be challenged on assertion. In respect of the deleted questions, he would submit that the questions paper should have been treated as less the deleted questions, which has not caused any prejudice as the marks have been

redistributed or deleted for all the candidates. He would further place reliance in the case of ***Uttar Pradesh Public Service Commission, Through Its Chairman and another Vs. Rahul Singh and another {(2018) 7 SCC 254}*** and the judgment passed by the Division Bench of this Court in the case of ***Rituraj Burman & ors. Vs. State of Chhattisgarh & ors. {W.A. No.605 of 2019}*** & other connected matters and would submit that when the experts who are from the different stream of arts, science and commerce, the Court has to believe the experts. It is further submitted that since the interpretation by the students/petitioners are different than the experts, it cannot be accepted that the students are correct over the experts. Consequently, the petitioners have no merit in this case and the petitions deserve to be dismissed.

10. I have heard learned counsel for the parties and perused the documents. The PSC has also placed the papers in closed envelop on the basis of which the experts have settled the answers.

11. The primary question which arises for consideration in these petitions are about the correctness of the answers evolved by the experts on texts and to what degree they can be touched upon. The petitioners as well as the respondents have placed reliance on the similar set of law laid down by the Supreme Court.

12. Way back in case of ***Kanpur University And Others vs Samir Gupta And Others (1983 AIR SC 1230)*** equivalent to ***(1983) 4 SCC 309***, the Supreme Court at para 15 & 16 has held that normally if one as a paper setter and an examiner, furnishes a key answer, it would be accepted to be correct. One way of achieving it is not to publish the key answer at all. It further held that if the key answer are not published, it may not raise any controversy, however, it will damage more to the students. It further held that the key answer should not be

held to be wrong by an inferential process of reasoning or by a process of rationalization. It must be clearly demonstrated to be wrong. The para 15 & 16 of the aforesaid judgment are reproduced hereinbelow:-

> "15. The findings of the High Court raise a question of great importance to the student community. Normally, one would be inclined to the view, especially if one has been a paper-setter and an examiner, that the key answer furnished by the paper-setter and accepted by the University as correct, should not be allowed to be challenged. One way of achieving it is not to publish the key answer at all. If the University had not published the key answer along with the result of the Test, no controversy would have arisen in this case. But that is not a correct way of looking at these matters which involve the future of hundreds of students who are aspirants for admission to professional courses. If the key answer were kept secret in this case, the remedy would have been worse than the disease because, so many students would have had to suffer the injustice in silence. The publication of the key answer has unravelled an unhappy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system of examinations which they conduct. What has failed is not the computer bu the human system.
>
> 16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged text-books, which are commonly read by students in U.P. Those text-books leave no room for doubt that the answer given by the students is correct and the key answer is incorrect."

13. The Court in the aforesaid case further suggested that in order to avoid a recurrence of such lapses in the answer given by the students and the examiner, the text book should have been prescribed and suggested to avoid the difference of the answers. The text book should be prescribed for the students, for students desirous of appearing in the examination in their

syllabus. At para 18 of the judgment the Court has held thus:-

> "18. If the State Government wants to avoid a recurrence of such lapses, it should compile under its own auspices a text-book which should be prescribed for students desirous of appearing for the combined Pre-Medical Test. Education has more than its fair share of politics, which is the bane of our Universities. Numerous problems are bound to arise in the compilation of such a text-book for various applicants will come forward for doing the job and forces and counter- forces will wage a battle on the question as to who should be commissioned to do the work. If the State can succeed in overcoming those difficulties, the argument will not be open to the students that the answer contained in the text-book which is prescribed for the test is not the correct answer. Secondly, a system should be devised by the State Government for moderating the key answers furnished by the paper setters. Thirdly, if English questions have to be translated into Hindi, it is not enough to appoint an expert in the Hindi language as a translator. The translator must know the meaning of the scientific terminology and the art of translation. Fourthly, in a system of 'Multiple Choice Objective-type test', care must be taken to see that questions having an ambiguous import are not set in the papers. That kind of system of examination involves merely the tick-marking of the correct answer. It leaves no scope for reasoning or argument. The answer is 'yes' or 'no'. That is why the questions have to be clear and unequivocal. Lastly, if the attention of the University is drawn to any defect in a key answer or any ambiguity in a question set in the examination, prompt and timely decision must be taken by the University to declare that the suspect question will be excluded from the paper and no marks assigned to it."

14. In the instant case in hand, there is no syllabus text book was prescribed by the PSC, therefore, consequently, the nature of dispute which has come to fore as the students are locking horn that the answers of the expert body relied on by them on the books are not authoritative text and the books on which the petitioners have relied are correct. It appears that this problem would be a perenial problem for all the time if the PSC do not prescribe any syllabus book for their examinations. Therefore, on this issue hiding of spot may not help either the examiner of examinee and to remove the confusion & lack of clarity, it is expected that in the future the PSC would prescribe the syllabus book for

their examinations on the different subjects to avoid the cleavage and fill up the bridge as a policy agenda.

15. Considering the rival submission of the parties with respect to the correctness of the key answer by the expert, the scope of judicial review is considered by the Supreme Court many times. The Supreme Court in the case of ***Uttar Pradesh Public Service Commission, Through Its Chairman and another Vs. Rahul Singh and another {(2018) 7 SCC 254}*** has reiterated the view taken in the case of ***Kanpur University Vs. Samir Gupta {(1983) 4 SCC 309 }.*** The Court at para 9 of this judgment reiterated the extract of the case of ***Kanpur University*** and held that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation.

16. The Court in the aforesaid case further held that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Supreme Court at para 12 has held thus:-

> 12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The constitutional courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case, the Court recommended a system of:
>
> (1) moderation;
>
> (2) avoiding ambiguity in the questions;
>
> (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.

17. Thereafter, the Court has held that the Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic filed, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answers is better or more correct. Therefore, the reading of the law laid down by the Supreme Court would show that if it is established that there is a glaring mistake in answer then the Court can step in not as an expert but can refer the issue to the other expert body to find the correctness.

18. Likewise the Supreme Court in the case of ***Ran Vijay Singh and others Versus State of Uttar Pradesh and others {(2018) 2 SCC 357}*** has held that a complete hands-off or no-interference approach was not suggested even in ***H.P. Public Service Commission Vs. Mukesh Thakur {(2010) 6 SCC 759}.*** The Court in such case at para 18 has held as under:-

> "18. A complete hands-off or no-interference approach was neither suggested in Mukesh Thakur nor has it been suggested in any other decision of this Court- the case law developed over the years admits of interference in the results of an examination but in rare and exceptional situations and to a very limited extent."

19. In the aforesaid case of ***Ran Vijay Singh (supra)*** , the Supreme Court observed that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. The Court further held that if an error is committed by the examination authority, the complete body of candidates suffers. In the aforesaid case while adjudicating the lis before the Supreme Court it found the finality to the result of the said examinations which were held in 2010 even after a lapse of eight years was not arrived at and there was a third evaluation of the answer sheets and a third set

of results was ready for declaration after the period of 8 years and under those circumstances separate directions were given. Therefore, the ratio laid down in the case of ***Kanpur University (supra)*** which is a judgment of three Judges Bench was not disturbed or diluted. Consequently, the complete hands-off or no interference approach was not followed.

20. Further the Supreme Court in the case of ***Rishal and others Vs. Rajasthan Public Service Commission and others {(2018) 8 SCC 81}*** has observed that when the issue pertaining to scope of judicial review of correctness of key answer had been considered, this Court had entertained such challenges on very limited ground and has always given due weight to the opinions of subject experts. The Court further observed that the key answers prepared by the paper setter or the examining body is presumed to have been prepared after due deliberations. To err is human. There are various factors which may lead to framing of the incorrect key answers. The publication of key answers is a step to achieve transparency and to give an opportunity to candidates to assess the correctness of their answers. An opportunity to file objections against the key answers uploaded by examining body is a step to achieve fairness and perfection in the process. While hearing the appeal in those cases the Supreme Court found substance in some of the submissions and referred certain questions for re-examination by the expert. The reading of this judgment would show that the Supreme Court while hearing the appeal examined the reasons given by the expert committee and thereafter agreed with the answers given by the expert committee and the reasons were also stated. The inference therefore would be that the Court on limited scope can examine the correctness of answer even by expert if they are wrong without any inferential process or by giving any own reasoning. Therefore, when the

petitioners as candidates, who are aspirants, if are able to demonstrate that there is a glaring mistake in the key answer given by the experts also without interference or any logic by the Court, certainly, the reasoning and rationalisation may not be permitted but on limited scrutiny if apparent mistake appears on the face of the answer, the Court can always call for further opinion of the expert of the field.

21. Further the Supreme Court in the case of ***Rajesh Kumar and others Vs. State of Bihar and others {(2013) 4 SCC 690}*** while examining the likewise issue upheld the contention of the petitioners therein, which canvas that the candidates are not responsible for the error committed by the parties in the matter of evaluation of the answer scripts. It further observed that the position may have been different if the candidates were guilty of any fraud, misrepresentation or malpractice that would have deprived them of any sympathy from the Court or justified their ouster. The Court while upholding the contention of the candidates in that case observed that it goes without saying that the candidates were innocent parties who have not, in any manner, contributed to the preparation of the erroneous key or the distorted result. It further observed that the re-evaluation process may additionally benefit those who have lost the hope of an appointment on the basis of a wrong key applied for evaluating the answer scripts.

22. Likewise, the Supreme Court in the case of ***Manish Ujwal and Others Vs. Maharishi Dayanand Saraswati University and others {(2005) 13 SCC 744}*** principally laid down that when the key answers are palpably and demonstrably erroneous, in such view of the matter, the student community who have approached to the Court or who have filed the petition or even those who did not approach the Court, cannot be made to suffer on account of errors

committed by the examining body. Therefore, in view of the principle as laid down, this Court has the authority to examine the prima facie correctness of the key answer on limited ground.

23. For the sake of brevity, to appreciate the nature of defective questions and answers as has been argued by the petitioners are referred from set-A of the question paper along with their respective numbers , the questions and answers along-with the Experts Report on the objections were considered. The said questions and answers are reproduced in diglot and discussed herein below :

24. **Question No.2**

2. नीचे दो कथन दिए गए है जिनमें से एक को कथन (A) तथा दूसरे को कारण (R) कहा गया है:	2. Given below are two statements, one labelled as Assertion (A) and the other as Reason (R):
कथन (A) : भारत एक संपूर्ण प्रभुत्व संपन्न समाजवादी धर्मनिरपेक्ष लोकतंत्रात्मक गणराज्य है।	Assertion (A) : India is a sovereign socialist secular democratic republic.
कारण (R) : इसे 42वें संविधान संशोधन 1976 द्वारा 'संपूर्ण प्रभुत्व सम्पन्न लोकतंत्रात्मक गणराज्य के स्थान पर प्रतिस्थापित किया गया।	Reason (R) : It was substituted by (42nd Amendment) Act 1976 for Sovereign Democratic Republic.
नीचे दिए गए कूटों में से सही उत्तर का चयन कीजिए:	Choose the correct answer from the codes given below:
कूट:	Code :
(a) (A) तथा (R) दोनों सही हैं और (R),(A) की सही व्याख्या है।	(a) Both (A) and (R) are true and (R) is the correct explanation of (A).
(b) (A) तथा (R) दोनों सही हैं और (R),(A) की सही व्याख्या नहीं है।	(b) Both (A) and (R) are true, but (R) is not the correct explanation of (A).
(c) (A) सही है, परंतु (R) गलत है।	(c) (A) is true, but (R) is false.
(d) (A) गलत है, परंतु (R) सही है।	(d) (A) is false, but (R) is true.

One of the petitioners namely Deepak Chandrakar in WPS No.2838 of 2020 has filed his objection to the key answer, in the model answer issued by the respondent the answer was (a) and after objection it remained as (a). The objection was that there is a mistake occurred in word *"Dharm Nirpeksha"* in hindi language which is not mentioned in the preamble of the Constitution of

India.

25. In the question paper at serial No.7 the PSC has laid down that if there is any sort of mistake/discrepancy (in Hindi or English version of the question) either of printing or factual nature then regarding this Commission's decision will be final. In the question paper at schedule-2 the PSC has specifically laid down that the question paper i.e. of preliminary examination would be in hindi and english and in case of any dispute the hindi would be the base. The same is reproduced hereinbelow:-

> प्रारंभिक परीक्षा का पाठ्यक्रम प्रश्नपत्रवार निम्नानुसार होगा–
> (प्रश्न पत्र हिन्दी एवं अंग्रेजी में होगे, किसी भी शब्द/वाक्य में भाषा विवाद की स्थिति में हिन्दी भाषा में लिखे शब्द/वाक्य को आधार माना जायेगा)

According to the expert of PSC admittedly, the Dharm Nirpeksha is not correct and English version is correct. The documents placed for perusal by the PSC would show according to the opinion of the expert they have also admitted the fact that secular word is correct and the word "Dharm Nirpeksha" in hindi version is wrong. However, by taking English version it is held that the answer (a) would be correct against the conditions which speaks that in case of dispute in hindi & english, the hindi version would be taken to be base. The experts though have attached the Hindi translation of the Constitution of India i.e. Bharat Ka Samvidhan but have decided to go with english version. The English version and the Hindi version of the constitution, which the experts have attached with their evaluation read as under:-

THE CONSTITUTION OF INDIA PREAMBLE **WE, THE PEOPLE OF INDIA,** having solemnly resolved to constitute India into	**भारत का संविधान** **उद्देशिका** हम, भारत के लोग, भारत को एक[1] [संपूर्ण प्रभुत्व-

a **SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC** and to secure to all its citizens: **JUSTICE**, social, economic and political; **LIBERTY** of thought, expression, belief, faith and worship; **EQUALITY** of status and of opportunity; and to promote among them all **FRATERNITY** assuring the dignity of the individual and the unity and integrity of the Nation; **IN OUR CONSTITUENT ASSEMBLY** this twenty-sixth day of November, 1949, do **HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION**	संपन्न समाजवादी **<u>पंथनिरपेक्ष</u>** लोकतंत्रात्मक गणराज्य] बनाने के लिए, तथा उसके समस्त नागरिकों को : सामाजिक, आर्थिक और राजनीतिक न्याय, विचार, अभिव्यक्ति, विश्वास धर्म और उपासना की स्वतंत्रता, प्रतिष्ठा और अवसर की समता प्राप्त कराने के लिए तथा उन सब में व्यक्ति की गरिमा और[2] [राष्ट्र की एकता और अखंडता] सुनिश्चित करने वाली बंधुता बढ़ाने के लिए दृढ़संकल्प होकर अपनी इस संविधान सभा में आज तारीख 26 नवम्बर, 1949 ई. (मिति मार्गशीर्ष शुक्ला सप्तमी, संवत् दो हज़ार छह विक्रमी) को एतद्द्वारा इस संविधान को अंगीकृत, अधिनियमित और आत्मार्पित करते हैं।

26. In the Hindi translation of the Constitution of India, the word Panth Nirpeksha has been used. The question has to be examined in the context of nature of question and it relates to The Constitution, being the supreme law of land. The question generates the issue of attention and is related to constitution, the effective review and reconsideration on external meaning cannot be permissible when a word changes the meaning & object of constitution. Contesting the popular belief that 'secularism' means equality for all religions and secular in English actually translates to something completely “unrelated to religion” and the Oxford dictionary, in fact, defines secular as “not related to religious or spiritual matters”. In this context therefore, the term 'secular' would imply that the state will stay afar from religious matters.

Therefore, the word 'panth' has been used in the Hindi translation of the Constitution as 'panth' means denomination. The word 'panth-nirpeksh' thus means that as a state India is not wedded to any denomination, which could also be religion. The Supreme Court long back expressed its views on the secular nature of the Constitution for the first time in ***Sardar Taheruddin Syedna Saheb V. State of Bombay {reported in AIR 1962 SC 853, 871}***, which was known as 'the Ex-communication case', wherein Justice Ayyangar explained that Articles 25 and 26 embody the principle of religious toleration that has been the characteristic feature of Indian civilisation from the start of history.

27. Further in the case of ***Ziyauddin Burhanuddin Bukhari V. Brijmohan Ram Das Mehra reported in {(1976) 2 SCC 17}*** the Supreme Court defining the concept of secularism in the realm of philosophy in utilitarian terms. The Court set the role of the State to be neutral or impartial in extending its benefit to citizens of all castes and creeds and cast a duty on the State to ensure through its laws that disabilities are not imposed based on persons practising or professing any particular religion.

28. Further the Supreme Court in the recent judgment of ***M. Siddiq (Dead) Through Legal Representatives (Ram Janmabhumi Temple Case) Vs. Mahant Suresh Das and others {(2020) 1 SCC 1}*** defined the secularism as a constitutional value and reiterated the nine Judges Bench decision in the case of ***S.R. Bommai v. Union of India {(1994) 3 SCC 1}*** and has held thus in para 103 as under:-

> "103. In a nine-judge Bench decision of this Court in S.R. Bommai v. Union of India, B.P. Jeevan Reddy, J. held: (SCC p. 233, para 304)

> "304.... How are the constitutional promises of social justice, liberty of belief, faith or worship and equality of status and of opportunity to be attained unless the State eschews the religion, faith or belief of a person from its consideration altogether while dealing with him, his rights, his duties and his entitlements? Secularism is thus more than a passive attitude of religious tolerance. It is a positive concept of equal treatment of all religions. This attitude is described by some as one of neutrality towards religion or as one of benevolent neutrality. This may be a concept evolved by western liberal thought or it may be, as some say, an abiding faith with the Indian people at all points of time. That is not material. What is material is that it is a constitutional goal and a basic feature of the Constitution as affirmed in Kesavananda Bharati and Indira Nehru Gandhi v. Raj Narain. **Any step inconsistent with this constitutional policy is, in plain words, unconstitutional**."
>
> The places of Worship Act is intrinsically related to the obligations of a secular State. It reflects the commitment of India to the equality of all religions. Above all, the Places or Worship Act is an affirmation of the solemn duty which was cast upon the State to preserve and protect the equality of all faiths as an essential constitutional value, a norm which has the status of being a basic feature of the Constitution. There is a purpose underlying the enactment of the places of Worship Act. The law speaks to our history and to the future of the nation. Cognizant as we are of our history and of the need for the nation to confront it, Independence was a watershed moment to heal the wounds of the past. Historical wrongs cannot be remedies by the people taking the law in their own hands. In preserving the character of places of public worship, Parliament has mandated in no uncertain terms that history and its wrongs shall not be used as instruments to oppress the present and the future."

29. Therefore, when the question is in the context of Constitution, a casual approach cannot be adopted as it changes the entire definition and principle of constitution and explained by the Supreme Court time & again. Besides this if the word Dharm Nirpeksha as used in hindi question is casually ignored and if allowed to remain, it would change the basic structure of Constitution. The Constitution being the basic soul and character of a Country, mere change of word which changes the entire meaning of the Constitution, would be apparent wrong on the face of it. This Court, therefore, is of the view that word Dharm Nirpeksha which appeared in hindi question cannot be ignored by resorting to english version of question as done by the expert. The logic and reasoning given by the expert therefore would be apparent wrong and will lead to change the basic feature of the Constitution. Therefore, the PSC is obliged

to send this question again to an expert body out of which one should be an constitutional expert.

30. **Question No.21**

21. वस्तु एवं सेवा कर (GST) में निम्नांकित में से कौन सा कर शामिल नहीं किया गया है? (a) उत्पादन शुल्क (b) सीमा शुल्क (c) मूल्यवर्धित कर (d) सेवा कर	21. Which of the following tax is not included in Goods and Services Tax (GST)? (a) Excise Duty (b) Custom Duty (c) Value Added Tax (d) Service Tax

The answer to this question that of the expert based on document apparently appears to be correct. Therefore, no interference would be called for.

31. **Question No.42**

42. छत्तीसगढ के प्राचीन शरभपुरीय वंश के शासकों की निम्नलिखित राजधानियां थी? (i) प्रवरपुर (ii) शरभपुर (iii) सिरपुर (iv) प्रसन्नपुर सही उत्तर चुनियेः (a) (i), (ii), (iii) (b) (ii), (iii), (iv) (c) (i), (iii), (iv) (d) (i), (ii), (iv)	42. The following were the capital of the ancient Sharbhpuriya dynasty of Chhattisgarh: (i) Pravarpur (ii) Sharbhpur (iii) Sirpur (iv) Prasnnapur Select the correct answer: (a) (i), (ii), (iii) (b) (ii), (iii), (iv) (c) (i), (iii), (iv) (d) (i), (ii), (iv)

During the course of argument/submission before this Court, the petitioners did not press this question.

32. **Question No.47**

47. निम्नलिखित में से कौन सा कथन महात्मा गॉधी की प्रथम छत्तीसगढ़ यात्रा कें संबंध में सत्य है? (a) महात्मा गॉधी सितंबर 1920 में पं. सुंदरलाल शर्मा के साथ रायपुर आए। (b) उनकी छत्तीसगढ़ यात्रा का उद्देश्य असहयोग आंदोलन के लिए लोगों का समर्थन प्राप्त करना था। (c) उन्होंने कण्डेल ग्राम जाकर नहर के लिए सत्याग्रह करने वालों का समर्थन किया। (d) उन्होंने लोगों से खिलाफत आंदोलन को समर्थन देने की प्रार्थना की।	47. Which of the following statement is true about Mahatma Gandhi's first visit to Chhattisgarh? (a) Mahatama Gandhi arrived at Raipur in September, 1920 along with Pt. Sunderlal Sharma. (b) His aim to visit Chhattisgarh was to obtain public support for the Non-Cooperation Movement. (c) He supported the persons engaged in the Canal Satyagraha by personally visiting Village Kandel. (d) He appealed the people to support the Khilafat Movement.

In this question initially the model answer was (c) but subsequently, after the objection was made, it was changed to (b).

In answer to this, the answer arrived at by the expert on the basis of the book, which is perused. The text which has been referred by the respondents is a Government publication and the question would show it was about the purpose of visit of Mahatma Gandhi to the particular place. Therefore, considering the answer given by the expert on the basis of which it has been arrived at, no inference can be drawn to say mistake have been committed.

33. **Question No.49**

49. छत्तीसगढ़ की डौंडीलोहारा जमींदारी में 1937 में दीवान के विरूद्ध किसानों का आंदोलन हुआ, जिसमें निम्नलिखित में से किसके नेतृत्व में किसानों ने सत्याग्रह किया? (a) नरसिंह प्रसाद अग्रवाल (b) सरयू प्रसाद अग्रवाल (c) वली मुहम्मद (d) वासुदेव देशमुख	49. In 1937 in the Daundi-Lohara Zamindari there was a peasant movement, in which the peasants observed Satyagraha under the leadership of who of the following? (a) Narsingh Prasad Agrawal (b) Sarayu Prasad Agrawal (c) Wali Muhammad (d) Wasudeo Deshmukh

34. In this question, initially the model answer was shown as (c) whereas after objection it was amended to (b). Though the petitioners have contended that the said question is wrong, but considering the report of the expert which is based on certain text relied on by them appears to be correct as the question was with respect to the peasant movement and Satyagrah was observed, therefore, no apparent mistake appears to have been committed by expert.

35. **Question No.50**

50. सविनय अवज्ञा आंदोलन के प्रथम चरण में छततीसगढ़ में निम्नलिखित घटनाएँ हुईं? (i) बिलासपुर के हाईस्कूल भवन पर विद्यार्थियों द्वारा तिरंगा झंडा फहराने का प्रयाास (ii) वामनराव लाखे, शिवदास डागा, अब्दुल रऊफ तथा प्यारेलाल सिंह की रायपुर में गिरफ्तारी (iii) पूर्ण स्वाराज सप्ताह का आयोजन, छ.ग. के विभिन्न स्थानों में (iv) रायपुर जिला कौंसिल के अध्यक्ष पद पर पं. रविशंकर शुक्ल का जेल में रहते हुए निर्वाचन इनके कालक्रम को निर्धारित करने वाला उत्तर चुनिएः (a) (i), (iv), (iii), (ii) (b) (ii), (i), (iv), (iii) (c) (iii), (i), (ii), (iv) (d) (iv), (iii), (ii), (i)	50. During the first phase of Civil Disobedience Movement the following events took place in Chhattisgarh? (i) An attempt to hoist tricolour on the high school building of Bilaspur by the students. (ii) Imprisonment of Wamanrao Lakhe, Shivdas Daga, Abdul Rauf and Pyarelal Singh in Raipur. (iii) Celebration 'Poorna Swaraj' week at different places in C.G. (iv) Election of Pt. Ravi Shankar Shukla as Chairman of Raipur District council while he was in the Jail. Select the answer determining chronology of these events. (a) (i), (iv), (iii), (ii) (b) (ii), (i), (iv), (iii) (c) (iii), (i), (ii), (iv) (d) (iv), (iii), (ii), (i)

This question was deleted, however, two petitioners have objected to the deletion of this question. The respondents would submit that the marks of this question would be equally distributed, therefore, no prejudice would be caused. After going through the material on which the expert have arrived at, such report also appears to be correct and prima facie no wrong can be attributed to answer.

36. **Question No.57**

57. निम्न में से रायपुर जिले का कौन सा स्थल लोरिक चंदा गाथा से सम्बद्ध माना जाता है? (a) चंदखुरी (b) रीवा (c) आरंग (d) कचना	57. From the following which place of Raipur district is related with the folklore of Lorik Chanda? (a) Chandkhuri (b) Rewa (c) Arang (d) Kachna

In this question, the model answer shown to be (b) and after the objection was made, the amended model answer also remained as (b). The petitioners in this question have relied upon the thesis of Ku. Saroj Sharma, wherein Arang and Rewa have been stated to be the place of Lorik Chanda. The experts have given a report on a document which is on the statement of the person who plays role in the play of Lorik Chanda is dated 24.06.2020. There is no plausible explanation is given by the PSC except the fact it is a corroborative piece of paper. However, the report of the expert would show that they have framed the answer on the basis of their knowledge. Therefore, this Court will not act as an expert as to how the expert committee came to an answer though the fact remains the statement of actor of play of Lorik Chanda is dated 24.06.2020 which was after filing of the petition. But considering the principle individually the report of the expert cannot be said to be wrong by this Court by inference, therefore, the Court would not question the answer of the experts.

37. **Question No.74**

74. मार्च 2018 तक छत्तीसगढ़ में सभी स्त्रोतों से कुल सिंचाई में नलकूप से सिंचाई का प्रतिशत क्या है? (a) 35 प्रतिशत (b) 52 प्रतिशत (c) 29 प्रतिशत (d) 55 प्रतिशत	74. What is the percentage of irrigation through tube wells in total irrigation through all sources till March, 2018 in Chhattisgarh? (a) 35 percent (b) 52 percent (c) 29 percent (d) 55 percent

After going through the report of the expert and the documents placed on the basis of which the answer has been arrived at, no interference is required as there is no apparent wrong is found on the face of it.

38. **Question No.76**

76. वनों के क्षेत्र के संदर्भ में छत्तीसगढ़ राज्य भारत में किस क्रम पर है? (a) पॉचवा (b) चौथा (c) तीसरा (d) दूसरा	76. What is the rank of Chhattisgarh State in India with respect to forest area? (a) Fifth (b) Fourth (c) Third (d) Second

As per the expert, initially in the model answer, the answer was (c) and after the objection was raised, the answer remained as (c), whereby the Chhattisgarh State with respect to the forest area in India is projected to be in the third category. The experts have referred the State of Forest Report 2005 and the papers of Forest Research Institute Dehradun 2017.

39. During the course of submission, the PSC as an institution fairly admitted the fact that this answer may require re-consideration. The documents relied on by the experts is perused wherein forest cover and recorded forest area are defined. The documents relied on by the experts would show that the term 'Forest Area' (or recorded forest area) refers to all the geographic areas recorded as forest in government records. It defines the recorded forest area largely comprises of Reserved Forests (RF) and Protected Forests (PF), which have been notified under the provisions of Indian Forest Act, 1927. Besides Reserved Forests and Protected Forests, the recorded forest area may also include all such areas, which have been recorded as forests in the revenue records or have been constituted so under any state Act or local laws. On the other hand, the term Forest Cover as used in the 'SFR' refers to all lands more

than one hectare in area, having a tree canopy density of more than 10%. Thus the term 'forest area' deontes the legal status of the land as per the government records, whereas the term 'forest cover' indicates presence of trees over any land.

40. Since the question was with respect to the forest area, it would be a different than the forest cover. As per the document relied on by the expert, on bare reading of it, it would show that according to the State of Forest Report 2005 in respect of forest area Madhya Pradesh is placed at serial No.1, thereafter the Andhra Pradesh comes then Maharashtra then the Chhattisgarh is placed at serial No.4 with a forest area 59,772 KM^2 . The Forest cover is separately defined and the India State of Forest Report 2019 for forest cover the Chhattisgarh falls at place 3 with the area 55611 KM^2. Therefore, admittedly it appears that the forest cover is different denomination. It appears that the experts have mixed up the forest cover with forest area. The India State of Forest Report 2019 which is of the forest cover they have placed the Chhattisgarh at serial No.3 whereas according to the document relied by the expert would show that the forest area of Chhattisgarh would fall at place 4. Therefore, prima facie this also needs a reconsideration by the expert again. This question needs a reconsideration by the body of expert again.

41. **Question No.83**

83. राज्य सरकार के बाद छत्तीसगढ़ राज्य में सबसे बड़ा नियोक्ता कौन है? (a) विद्युत मण्डल (b) इस्पात संयंत्र (c) सीमेंट संयंत्र (d) उपर्युक्त में से कोई नहीं	83. Who is the biggest employer in the State of Chhattisgarh after the State Government? (a) Electricity Board (b) Steel Plant (c) Cement Plant (d) None of these

In respect of this question, initially the model answer was (a), which was subsequently

after the objection, it was changed to (d) by the expert. On perusal of the reasons stated by the expert and the documents, no apparent mistake appears in the answer given by the expert, therefore, this also do not need any consideration.

42. **Question No.88**

88. छत्तीसगढ़ में त्रिस्तरीय पंचायत चुनावों की अधिरचना कब जारी हुई? (a) 23 नवम्बर, 2019 (b) 23 दिसम्बर, 2019 (c) 25 नवम्बर, 2019 (d) 26 दिसम्बर, 2019	88. When Notification of three-tier Panchayati Raj Election was declared in Chhattisgarh? (a) 23rd November, 2019 (b) 23rd December, 2019 (c) 25th November, 2019 (d) 26th December, 2019

In this question there was a mistake with respect to the word Adhirachana which appears in Hindi. Whereas the English word notification has been used which is known as "Adhisuchana". In this question after the objection, the answer remained same as (b). The schedule -2 of the examination form though prescribe that in case of any dispute, the Hindi would prevail, whereas the expert in this case as resorted to english version by taking into the fact the notification word has been used.

Though the expert have the authority to take the decision but that decision should have been according to the norms set out by the PSC itself and cannot be independent and uncontrolled. However, taking the nature of this question and the degree of application of mind, this do not require any reconsideration to be evaluated by the expert again.

43. **Question No.93**

93. प्रमुख तेलुगु कवि ''श्रीनाथ'' किसके दरबार में थे? (a) हरिहर द्वितीय (b) देवराय प्रथम (c) देवराय द्वितीय (d) कृष्णदेव राय	93. In whose court was the famous Telugu poet 'Srinath'? (a) Harihar second (b) Dev Raya first (c) Dev Raya second (d) Krishna Dev Raya

After the objection was received, this question was deleted, therefore, since it is already deleted by the expert, no further interference would be required.

44. **Question No.99**

99. निम्नलिखित में से कौन सी जोड़ी सुमेलित नहीं है?			99. Which of the following pair is not correctly matched?	
	फसल	**राज्य**	**Crop**	**State**
(a)	मक्का	उत्तरप्रदेश	(a) Maize	- Uttar Pradesh
(b)	जूट	पश्चिम बंगाल	(b) Jute	- West Bengal
(c)	कपास	महाराष्ट्र	(c) Cotton	- Maharashtra
(d)	सोयाबीन	आन्ध्रप्रदेश	(d) Soyabean	- Andhra Pradesh

In this question, the petitioners suggested the option (a) & (d). The experts kept on saying the option (d) which was originally in the model answer as no change was made. The experts have relied upon on the book Comprehensive Geography of India. The question was about the mismatch.

45. The books relied on by experts would reveal that with respect to the 'Jute' when the answer is perused, according to the text, the Jute is well matched to the West Bengal as first. Then the cotton is well matched to Maharashtra as first.

With respect to Maize, the Uttar Pradesh comes at sixth position. Therefore, it cannot be said to be a well matched rather it would be a mismatch and for Soyabean the Madhya Pradesh comes into first, Maharashtra comes at second, Rajasthan comest at third and Andhra Pradesh comes either at 4th or 5th place. Therefore, according to the books which are relied on by the experts itself, two answers appears to be mismatched i.e. Maize for Uttar Pradesh and Soyabean for Andhra Pradesh. This document was relied on the publication of Dr. Suresh Chandra Bansal as against this the petitioners have relied on the Government of India Ministry of Agriculture & Farmers Welfare Department of Agriculture, Cooperation & Farmers Welfare which also fortifies the fact that for maize U.P. would be a mismatch and for Soyabean Andhra Pradesh would be a mismatch. Therefore, according to the documents on which the experts have placed reliance, the experts while arriving at the option (d) have added the word principal crop, with first place in State, which was not contained in the question and even addition of it will not make any difference. The question was only mismatch of the crop with the State was asked. Therefore, there being apparent wrong by expert this also requires to be further reconsidered by the committee of experts.

46. Therefore, after careful consideration of the answers of the experts and the material on which they have relied and after giving a due weightage to the opinion of the expert, it appears that three questions need reconsideration by a an expert body again which are question No.2, question No.76 & question No.99 as shown in the preceding paragraphs. The opinion of the Court is formed not by an inferential process of reasoning or by a process of rationalisation. The answer on which the experts have arrived are negated by their own document on which they have relied. It appears serving certain

problem requires multiprolonged approach, they will persist if are viewed through narrow lence. Therefore, to sort out the anxiety and plight of large number of students the new team of expert are required to evaluate the questions and their answers. The observation of any one constitution expert with respect to question No.2 shall be followed as observed in preceding para while for other two questions the PSC may re-send the same for evaluation to other body of expert other than from previous one.

47. The nature of the evaluation which is placed on record by the petitioners describe the method of evaluation that for each wrong answer there is a negative marking and for one wrong answer 1/3rd mark would be deducted. The evaluation procedure reads as under:-

> **"2. Valuation Procedure:**
>
> There are four answers to a question, only one of them is correct/nearly correct. 02 marks will be awarded for each correct/nearly correct answer and 1/3 mark will be deducted for each wrong answer. If more than one bubble are darkened for a question, it will be treated as wrong answer."

48. Therefore, a student who has correctly answered a question or a student who has wrongly answered, their position of merit would always change if the key answer changes. Since the large number of students have appeared in the examination, as such the student community whether the petitioners or interveners or even those who did not approach the High Court cannot be made to suffer on account of errors committed by the respondents. First and paramount reason being the welfare of the student as a wrong key answer can result in the merit being made a casualty. The Supreme Court in the case of ***Rishal and others Vs. Rajasthan Public Service Commission and others {(2018) 8 SCC 81}*** reiterated the view taken in the case of ***Kanpur University,***

Through vice-Chancellor and others Vs. Samir Gupta and others (1983) 4 SCC 309 as also the case of ***Manish Ujwal Vs. Maharishi Dayanand Saraswati University {(2005) 13 SCC 744}*** and has held as under:-

> *"10.....*In that view of the matter, the student community, whether the appellants or intervenors or even those who did not approach the High Court or this Court, cannot be made to suffer on account of errors committed by the University. For the present, we say no more because there is nothing on record as to how this error crept up in giving the erroneous key answers and who was negligent. At the same time, however, it is necessary to note that the University and those who prepare the key answers have to be very careful and abundant caution is necessary in these matters for more than one reason. We mention few of those; first and paramount reason being the welfare of the student as a wrong key answer can result in the merit being made a casualty. One can well understand the predicament of a young student at the threshold of his or her career if despite giving correct answer, the student suffers as a result of wrong and demonstrably erroneous key answers; the second reason is that the courts are slow in interfering in educational matters which, in turn, casts a higher responsibility on the University while preparing the key answers; and thirdly, in cases of doubt, the benefit goes in favour of the University and not in favour of the students. If this attitude of casual approach in providing key answers is adopted by the persons concerned, directions may have to be issued for taking appropriate action, including disciplinary action, against those responsible for wrong and demonstrably erroneous key answers, but we refrain from issuing such directions in the present case."

49. Applying the aforesaid principles as it is found that three questions i.e. question Nos.2, 76, & 99, the answers given by the experts appear to be palpably wrong on the face of it on the basis of the documents on which the experts have relied upon. Apart from the fact that the PSC before this Court as an institution has fairly admitted the answers one one question to be wrong. In such case when the negative marking exists, then the entire result would require to reshuffle after fresh key answer are reverified on the basis of new answer. Therefore, in

view of the discussion above, it is directed that the PSC shall send the above mentioned three questions & answers again to the expert body who will revisit the answer and thereafter if the answers are changed, the entire list of the candidates shall be reshuffled according to the new available answers given by the students. The aforesaid exercise shall be carried out as early as possible within an outer limit of two months so that certainty for the subsequent main examination for the succeeded students can be arrived at, at the earliest.

50. Accordingly, with the aforesaid observation, all the writ petitions stand allowed to the above extent.

Sd/-

Goutam Bhaduri
Judge

Ashu