

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 224 of 2021

1. Monita Wankhede D/o Shri M. L. Wankhede Aged About 31 Years R/o Quarter No. 64, Street No. 01, Annand Nagar Near Smriti Nagar, Junwani, Bhilai, District- Durg (C.G.).

---Petitioner(s)

Versus

1. State of Chhattisgarh Through The Secretary, Law Department, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, District- Raipur (C.G.).
2. The Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District- Raipur (C.G.)
3. Shashwat Dubey Through The Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District- Raipur (C.G.)
4. Tessy Patel Through The Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District- Raipur (C.G.)
5. Konika Yadav Through The Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District- Raipur (C.G.)
6. Siddharth Anand Soni Through The Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Chowk, Raipur, District- Raipur (C.G.).

---Respondents

For Petitioner	:	Shri Prateek Sharma, Advocate.
For State	:	Shri Rahul Jha. Govt. Advocate.
For Respondent No.2	:	Shri Ashish Shrivastava and Shri Anand Mohan Tiwari, Advocates.
For Respondent No.3	:	Shri Manoj Paranjpe, Advocate.
For Respondent No.6	:	Shri TK Jha, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

19.01.2021

1. The challenge in the present writ petition is to the publication of final select list dated 07.11.2020 in respect of Civil Judge (Entry Level) examination conducted in the year, 2019.
2. Brief facts relevant for disposal of the present writ petition is that the Public Service Commission (in short, the PSC) had issued an advertisement dated 01.02.2019 for filling up of the post of Civil Judge (Entry Level). Pursuant to which the petitioner had applied for the said post. Preliminary examination were held on 07.05.2019. Mains examination subsequently was conducted on 21.09.2020. The petitioner had cleared both the

examinations and was called upon for interview held on 02.11.2020 and thereafter the final select list was published on 07.11.2020 wherein the petitioner found his place in the waiting list at serial No.3.

3. Subsequently, the petitioner under the provisions of the Right to Information Act obtained copy of answer sheets which was duly provided by the PSC and there it was found that that the marks allotted to the petitioner for answer No.1 initially was 34 out of 40 which has subsequently been reduced to 32. It is here where the grievance of the petitioner arises.
4. According to the petitioner, this reduction of 2 marks has cost her the selection in as much as from the private respondents, two persons have scored 1 marks more than the petitioner and one person has scored 2 marks more than the petitioner and in case if the petitioner's marks would not have been reduced, she would have definitely got selected.
5. The challenge by the petitioner is on the ground that firstly the alleged re-evaluation which has been done is not supported with any signature of the Deputy Head Valuer or the Head Valuer which is otherwise required under the Rules of Procedure, 2014. The second contention of the petitioner is that even if it has been reduced by the Deputy Valuer or the Head Valuer, there is no reason assigned as to why the marks have been reduced.
6. The issue similar to the involved in the present writ petition had come up for consideration before this court in WP No.3201 of 2006 and the High Court had vide its order dated 05.09.2019 dismissed the writ petition whereby in paragraphs 7 to 9 it has been held as under:

“7. It is not a case where there was substantial reduction of marks for any particular question. If by chance or by coincidence, petitioner happened to be unfortunate as his total marks got reduced by 4 marks placing him below the last

selected candidates, fault would not lie with the PSC who have done the re-evaluation of the petitioner's answer sheet along with the answer sheets of the several candidates. On the date of revaluation, petitioner's answer sheet was picked up randomly. It was not known to the PSC as to whose answer sheets are picked up for re-evaluation amongst 10% of the answer sheets.

8. Since the candidate is not known to the PSC, there is no question of singling out the petitioner for such re-evaluation. No mala-fide can be arbitrated to the PSC when the procedure adopted for picking up 10% of answer sheets for re-evaluation has been done in the manner prescribed in the instructions for valuation.

9. Having seen the documents particularly the stand taken by the PSC, I do not find the present to be a case where petitioner has been treated arbitrarily and whimsically by the PSC”

7. The aforesaid judgment of learned Single Bench has subsequently been put to test before the Division Bench vide Writ Appeal No.602 of 2019 and the Division Bench also has dismissed the writ appeal vide its judgment dated 14.02.2020 affirmed the order passed by learned Single Judge.
8. Coming to the facts of the present case, learned counsel for the respondent PSC, on instructions, submits that it is a case where from bare perusal of answer sheet of the petitioner provide under Right to Information Act itself shows that the answer sheet of the petitioner was subjected to re-evaluation by the Deputy Head Valuer and also by the Head Valuer and their signatures also appear to have been put on the said answer sheet as would be revealed from the document Annexure P/6 wherein the portion where the signatures of the Deputy Head Valuer and Head Valuer has been put, have been concealed so as to hide the identity of the person in the process of providing information under the Right to

Information Act. Thus, it cannot be said that the document does not have signatures as contended by the petitioner.

9. As regards the second ground of the petitioner, the rules of procedure, 2014 does not envisage providing reasons by the Deputy Head Valuer or the Head Valuer in the course of reduction of marks of a particular candidate in a particular subject and that answer sheet have been subjected to re-evaluation on random basis and incidentally the answer sheet of the petitioner have been examined by the Deputy Head Valuer and the Head Valuer.
10. In view of the same, this court is of the firm opinion that the issue involved in the present case stands squarely covered by the two decisions rendered by the Single Bench which has been affirmed by the Division Bench in Writ Appeal No.602 of 2019. This court under the given facts and circumstances of the case does not find any strong case made out by the petitioner calling for an interference.
11. Thus, the writ petition being devoid of merit deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge