

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition (S) No. 4125 of 2021

1. Surendra Singh Raghuwanshi, S/o Shri Rajendra Singh Raghuwanshi Aged About 48 Years R/o Friends Colony, Ashok Nagar Road, Cantt. Guna, Distt. Guna (Madhya Pradesh).

---Petitioner(s)

Versus

1. Union of India Through Its Secretary Department of Law and Justice, New Delhi.
2. The Registrar General High Court of Chhattisgarh, Bodri, Bilaspur (Chhattisgarh).

---Respondents

For Petitioner	:	Shri Akhilesh Kumar, Advocate.
For Respondent No.1	:	Shri Tushar Dhar Diwan, Advocate.
For Respondent No.2	:	Shri Rajiv Shrivastav Sr Adv along with Shri R. K. Gupta, Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

10.08.2021

1. The petitioner is aggrieved of the evaluation of the answer script pertaining to the Higher Judicial Services Examination, 2018, conducted by the respondent No.2.
2. The primary contention of the petitioner is that paper-2 has not been evaluated and that he has been awarded marks only on the basis of evaluation of paper-1 of the said examination.
3. For proper adjudication of the dispute it would be relevant to mention that the respondent No.2 floated an advertisement on 20.08.2018 for filling up of the post of District Judge (Entry Level) under Chhattisgarh Higher Judicial Services. The number of post advertised to be filled up by way of direct recruitment was 22. The petitioner applied for the same and was called to participate in the written examination which was conducted on 02.12.2018.

4. The grievance of the petitioner is that upon obtaining the answer script under Right To Information Act it is learnt that the answer script of the petitioner so far as paper-2 is concerned has not been evaluated at all and the petitioner has been found ineligible only on the basis of marks awarded in paper-1 in which the petitioner was awarded 7.5 marks out of 100 and in second paper the petitioner has been awarded Zero marks out of 100.
5. The petitioner does not seem to be aggrieved of the evaluation or marks given in paper-1, neither is it under challenge. The petitioner through the present writ petition seems to be more aggrieved in awarding Zero marks in paper-2. The solitary ground of challenge to awarding Zero marks is that paper-2 of the petitioner has not been evaluated at all.
6. The contention of the petitioner is that from the bare perusal of the answer script it does not bear any sign, indication or marks so far as the examiner having evaluated the answer line by line, para by para or page by page, except for recording words "Zero" at the end of the answer of each questions. There does not seem to be any endorsement or any sign of correction made by the examiner in any of the pages, thus, it carried an impression that the valuation has not been done.
7. What needs to be appreciated at this juncture is that paper-2 of the petitioner does not bear any marks awarded by the valuer. Bare perusal of documents would show that for all the answers that the petitioner has attempted, the valuer at the end of each of the answers has written Zero which therefore has to be inferred that the valuer has evaluated the answers and then found that the answer was not correct or was not worth awarding any marks. So far as evaluation is concerned, the fact that there is an entry Zero reflected against each of the answers shows that it was

evaluated. The fact that each of the pages or each of the paragraphs does not have any marking of the valuer would not have any bearing unless the case of the petitioner would had been that, the contents of the answers that he has made, he could only had been awarded Zero marks which infact is not his case.

8. Another fact which needs appreciation is that a bare perusal of the marks awarded in paper-1 would also reflect that the petitioner has been awarded Zero marks in most of the questions that he has attempted and which he has not challenged or questioned. That be so, the awarding of zero marks in paper-2 also cannot be a surprising factor or element. On this ground alone, this court is not inclined to entertain the writ petition or call for the return of the respondents.
9. Another fact which forces this court not to entertain the writ petition is the fact that the petitioner has obtained the answer script under the Right to Information Act as early as in November, 2019 and the present writ petition has been filed only in July, 2021 i.e. at a much belated stage, more particularly when the respondents have now initiated fresh proceedings for fresh recruitment by way of direct recruitment for filling up of the post of District Judge (Entry Level).
10. For both the aforesaid reasons, the writ petition fails and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge