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HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 205 of 2021**

[Arising out of order dated 23.7.2021 passed by the learned Single
Judge in WPS No.2426 of 2021]

1. Ashish Kumar Goyal S/o Lalit Kumar Goyal Aged About 32 Years R/o Shanti Nagar Lailunga District Raigarh, Chhattisgarh Pin 496113.
2. Manoj Kumar Sarthi S/o Makkar Lal Sarthi Aged About 39 Years R/o Jila Panchayat Road, Near Abhinav School, Chote Attarmuda District Raigarh Chhattisgarh.
3. 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
4. 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.
5. Shiv Charan Deshmukh S/o Ram Singh Deshmukh Aged About 28 Years R/o Village Behind Post Suregaon, Tehsil Dondi Laura District Balod Pin Code 491225.
6. Madhuri Sahu D/o Mr Ishwar Prasad Sahu Aged About 24 Years Village And Post Office Nawagaon , Rajim Tehsil Abhanpur , District Raipur Chhattisgarh Pin Code 493885.
7. Kunal Mishra S/o Mr Madhusudan Mishra Aged About 30 Years R/o Ward No. 21 Shitilpara Nawapara, Tehsil Nawapara , District Raipur , Chhattisgarh Pin Code 493881.
8. Nirmal Kumar S/o Shri Kamal Singh Aged About 30 Years Resident Of Sargipat Para (Near Pani Tanki), District Kondagaon , Chhattisgarh Pin Code 494226.
9. Surbhi Shukla D/o Mr Suhsil Kumar Shukla Aged About 27

Years Resident C/o Satish Sharma , Civil Engineer Near Mukthidham Chowk New Sarkanda Bilaspur Chhattisgarh.

10. Ayush Agrawal S/o Kamlesh Agrawal Aged About 23 Years R/o Building No. 12 Ashoka Rattan, Lic Colony Shankar Nagar Raipur Chhattisgarh. 492007
11. Devyani Sao W/o Aninash Sahu Aged About 28 Years R/o Geetanjali Vihar Phase 2 Narmada Nagar, Bilaspur Chhattisgarh.
12. Munmun Baidya D/o Subhash Chandra Baidya Aged About 29 Years R/o Plot No 37 Uday Nagar Colony, Kanker , Pin Code 494334 , In Front Of Govt Pg College Kanker Chhattisgarh.
13. Madhuri Baria D/o Keshav Baria Aged About 26 Years R/o House No. 756 , Patel Para Sarvamangla Road Korba Ward No. 01 , Korba Chhattisgarh.
14. Krishnakant Choudhary S/o Kushiram Choudhary Aged About 26 Years R/o House No. 51, Ram Nagar High School, Lailunga Village District Raigarh Chhattisgarh , Pin Code 496113
15. Rajendra Singh S/o Jaipal Singh Aged About 31 Years R/o S- / 26, Annapurna Vihar, Ganesh Nagar, Bilaspur , District Bilaspur Chhattisgarh.

---- Appellants

Versus

1. State Of Chhattisgarh Through Secretary General Administration Department , Mahanadi Bhawan, Mantralaya , Naya Raipur , Raipur Chhattisgarh. Pin Code 495001.
2. Chhattisgarh Public Service Commision Through Secretary, Shankar Nagar , Road, Raipur , Chhattisgarh Pin Code 492 001.
3. Examinar Chhattisgarh Public Service Commision Through

Examiner Controller, Shankar Nagar, Road, Raipur
Chhattisgarh.

4. Rajesh Singh Rathore S/o Jaichandra Singh Rathore R/o
Durg Mandir Sukli, Village And Post Office Sukli , Janjgir ,
Pin 495668 , Tehsil Janjgir , District Jangir Champa.
5. Pallavi Kshatry D/o Damodar Singh Kshatry Aged About 27
Years R/o House No. 123 Bherimura, Ratanpur , Bilaspur
Chhattisgarh.

---- Respondent

WA No. 203 of 2021

[Arising out of order dated 23.7.2021 passed by the learned Single
Judge in WPS No.2576 of 2021]

1. Harishankar Verma S/o Devi Prasad Verma Aged About 30
Years R/o Aditya Nagar, Near Naveen School, Ward 20
District Durg Chhattisgarh
2. Veerbhadra Singh S/o Bhojray Banchhor Aged About 29
years R/o M.N. 14 Shashtri Chowk Demar Devada, Patan
District Durg Chhattisgarh.

---- Appellants

Versus

1. State Of Chhattisgarh Through Its Secretary General
Administration Department Mahanadi Bhawan, Mantralaya,
Naya Raipur Chhattisgarh
2. Controller Of Examination Chhattisgarh Public Service
Commission, Shankar Nagar, Raipur Chhattisgarh
3. Chhattisgarh Public Service Commission Through Its
Secretary, Shankar Nagar, Raipur Chhattisgarh
4. Neeraj Kumar Dewangan S/o Yashwant Kumar Aged About
27 Years R/o Katul Board Yadav Gali, Hari Nagar, S. A. F.
Line Durg Chhattisgarh

5. Bhanendra Kumar Sinha S/o Dikeshwar Sinha Aged About 27 Years R/o Mahverapara Sankra Ward No. 18, Nagari District Dhamtari Chhattisgarh
6. Manish Verma S/o Prem Lal Verma Aged About 25 Years R/o Central Jail, Jail Colony, Ward No. 48, District Durg Chhattisgarh
7. Payal Sinha S/o Sinha Aged About 27 Years R/o 156 Ward No. 18 Nehru Nagar Supela District Durg Chhattisgarh

---- Respondents

WA No. 204 of 2021

[Arising out of order dated 23.7.2021 passed by the learned Single Judge in WPS No.2658 of 2021]

- Durgesh Dixena S/o Laxman Prasad Dixena Aged About 26 Years Resident Of Village Lakhanpur Post Office Sutarra Pin Code 495445 Tehsil Pondi , Uprora District Korba Chhattisgarh.

---- Appellant

Versus

1. State Of Chhattisgarh Through Its Secretary, General Administration Department Mahanadi Bhawan , Mantralaya Naya Raipur Chhattisgarh.
2. Controller Of Examination Chhattisgarh Public Service Commission, Shankar Nagar, Raipur Chhattisgarh.
3. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar, Raipur Chhattisgarh.
4. Sanjay Kumar Tandon S/o Vijay Kumar Tandon Aged About 26 Years R/o Minimata Chowk Temri, Bemetara , District Bemetara Chhattisgarh.

---- Respondents

For Appellant in WA No.205/2021:-Mr. P. Acharya, Advocate
For Appellant in WA No.203/2021 :- Mr. Arjit Tiwari, Advocate
& WA No.204/2021
For Respondent-State :- Mr. Sudeep Agrawal, Dy.A.G.
For Respondents No.2&3:- Mr. Anand Mohan Tiwari, Advocate

Proceedings through Video Conferencing

Hon'ble Shri Prashant Kumar Mishra, Ag.CJ
Hon'ble Shri Narendra Kumar Vyas, J
Judgment On Board

By

Prashant Kumar Mishra, Ag.CJ

30/07/2021

1. Since all the writ appeals involve common grounds and common question of law, they are being considered and decided by this judgment.
2. The appellants (henceforth 'the petitioners') preferred the writ petitions seeking for the following reliefs:-

WA/205/2021 (WPS No.2426/2021)	WA/203/2021 (WPS No.2576/2021)	WA/204/2021 (WPS No.2658/2021)
Seeking quashment of the entire selection process dated 14.3.2021 issued by the respondent/PS C;	Seeking setting aside of modal answer dated 14.3.2021 to the extent of deletion of question No.14, 18, 37, 70, 88,	- Seeking quashment of modal answer dated 14.3.2021 to the extent of deletion of question No.14; - seeking a

• seeking a direction to the PSC to issue fresh result of the preliminary examination on the basis of proper calculation based on correct question and answers, in accordance with law; and • seeking a direction towards the PSC to allow them to sit in the main examination.	89, 91; • seeking a direction to the respondents to correct the answer of questions No.16, 20, 48, 58, 71, 93 on account of material defects; • seek a direction to the respondent/PS C to evaluate the deleted questions 53 and 98 of set B which have been deleted without any legal basis; and • seeking a direction towards PSC to declare the marks obtained by the candidate appeared in examination and direct the respondents to publish the new mark-sheet after correction.	direction towards the PSC to correct the answer of questions No. 20, 48, 58, 71 on account of material defects and 67 and 97 of the CSAT paper; • seeking a direction to PSC to evaluate the deleted questions 53, 98 of set B which have been deleted and; • seeking a direction towards the PSC to declare the marks obtained by the candidate appeared in examination and direct the respondents to publish the new mark-sheet after correction.
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3. The petitioners in all the writ appeals appeared in the

preliminary examination conducted by the PSC for State Services Examination 2020 on 14-2-2021. The model answer was published on 15-2-2021.

4. Learned counsel for the petitioners would argue that the subject questions were attempted by the petitioners and had given correct answers yet the expert appointed by the PSC for examining the objections put forth by the candidates, have modified/changed the answer to the detriment of the petitioners. Had the answers been not changed the petitioners would have been qualified.
5. While dismissing the writ petitions, learned Single Judge has relied upon the decision rendered by the Division Bench of this Court in **Umang Gauraha v State of Chhattisgarh & Others**¹ and quoted paras 17 to 20 of the said judgment.
6. In **Umang Gauraha** (supra) the Division Bench has referred the judgment rendered by the Supreme Court in **Ran Vijay Singh and Others v State of Uttar Pradesh and Others**² particularly paras 30 to 32 thereof to hold that while making correction in the model answer the PSC has followed the opinion of the experts, therefore, the same cannot be interfered under writ jurisdiction.
7. In **Ran Vijay Singh** (supra) the following principles have

¹ WA No.165 of 2020 [decided on 10-12-2020]

² (2018) 2 SCC 357 : AIR 2018 SC 52

been laid down by the Supreme Court as to the scope of interference in matters relating to the revaluation or scrutiny of answers :

30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1 If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2 If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;

30.3 The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics;

30.4 The Court should presume the correctness of the key answers and proceed on that assumption; and

30.5 In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that

cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination – whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers. “

8. In the case at hand, the experts appointed by the PSC were examining the objections put forth by the candidates as to

the correctness of the model answer to certain questions, including the questions pointed out by the petitioners. Upon evaluation by the team of experts, the model answers were corrected. Writ Court is not expected to adorn itself the role of expert of experts by re-examining the opinion accorded by the experts. Even otherwise, the occasion for examination by experts arose because the model answers published on 15-2-2021, in respect of the subject questions, were objected by several other candidates. Thus, there are two sets of candidates who have competing claims about correctness of the model answers or the answers suggested by the experts. If the PSC chooses either of them, the matter is bound to be brought to the writ Court and it is precisely for this reason the Supreme Court in **Ran Vijay Singh** (supra) has laid down the principles that interference in such matters should be only in rare or exceptional cases where the error in the model answers or the answer suggested by the experts are writ large. If examination of the answer which has been questioned before this Court requires inferential process of reasoning or by a process of rationalization, the same is beyond the jurisdictional domain of this Court.

9. For the foregoing, in our considered view, the learned Single Judge has correctly applied the principles governing the issue by following the law laid down by the Supreme Court

in **Ran Vijay Singh** (supra) and the Division Bench of this Court in **Umang Gauraha** (supra). The orders impugned passed by the learned Single Judge are just and proper, warranting no interference of this Court.

10. As an upshot, all the writ appeals, *sans substratum*, are liable to be and are hereby dismissed at this motion stage itself.

11. Certified copy of this judgment be supplied to the parties only after defect is cured.

SD/-

(Prashant Kumar Mishra)
Acting Chief Justice

SD/-

(Narendra Kumar Vyas)
Judge

Ayushi