

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 5427 of 2020**

Bhuwneshwar Lal Sahu S/o Shri Tirath Ram Sahu Aged About 43 Years
R/o Ward No. 12, Kalle, Anwari, Dhamtari, District Dhamtari Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Commissioner , Directorate Of Higher Education , Indrawati Bhawan, Atal Nagar , District Raipur Chhattisgarh.
2. Chhattisgarh Professional Examination Board (CGVYAPAM) Through Its Advisor, Vyapam Bhawan, North Block , Sector 19, Atal Nagar , Raipur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Siddharth Rathod, Advocate
For State	:	Mr. Avinash Singh, Panel Lawyer
For Respondent No.2	:	Dr. Saurabh Kumar Pandey, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****21/01/2021**

1. The present is a second round of litigation. The question revolves around the result published by the respondents in the State Eligibility Test, 2019.
2. The preliminary examination was conducted on 08.09.2019. The model answer of which was published on 25.11.2019. Objections were called and the final answers were released on 07.01.2020. Not satisfied with that the petitioner had preferred a writ petition i.e. WPS No. 3772/2020, which came up before this Court on 08.10.2020 and this Court allowed the writ petition directing the respondent No.2 to constitute a body of experts to deal with the

questions raised in the writ petition and it was further directed that in the event if any change of answers, amended result should be published.

3. It is said that pursuant to the said direction by this Court the respondent No.2 constituted a body of experts consisting of three members, who thereafter scrutinized the objections raised by the petitioner and thereafter vide the impugned order Annexure P/3 have found that the final answers published by the respondent No.2 on 07.01.2020 were correct and does not warrant interference. It is this order which is subjected to challenge in the present writ petition.
4. The contention of the petitioner assailing the same is on the ground that there appears to be discrepancy on the stand taken by the experts in as much as in one point, they say that the answers attempted by the petitioner to be correct and at the same time they hold that the answers published in the final answers to be correct. Thus, the discrepancy has arisen, which warrants judicial review by this Court.
5. At this juncture, it would be necessary to submit that a matter of similar nature traveled to the Division Bench of this Court in a bunch of writ appeals preferred against certain judgments rendered by this Court under similar circumstances directing the respondents for reevaluation of the answer sheet constituting of an Expert Committee for deciding the correctness of the questions involved in the writ petition. The Division Bench of this Court taking into consideration certain judgments of the Hon'ble Supreme Court

rendered in the recent past on subject matter in paragraphs No. 13 to 19 reached to the conclusion for constitution of an Expert Committee to re-appreciate the questions involved in matter to be bad without jurisdiction and the competence of the Writ Court.

6. In the instant case also, if we look into the factual matrix of the case, it would reveal that as regards the petitioner, he has in fact succeeded at the first round, when the writ petition was allowed and disposed of directing the respondents to constitute an Expert Body consisting of experts on the relevant subject, and who were directed to scrutinize the relevant questions involved and having done so and the report also having submitted by the said Expert Committee, thereafter the scope of judicial review gets reduce to minimal. In the light of the judgment of the Division Bench in the aforesaid writ appeal i.e. **W.A. No. 165/2020** in the case of **“Umang Gauraha v. State of Chhattisgarh & Others”** and also taking note of the fact that the objections of the petitioner have been also taken care of by an Expert Committee constituted at the behest of the impugned order passed by this Court does not warrant any interference.
7. The writ petition therefore to the aforesaid extent being devoid of merits deserves to be and according dismissed.

Sd/-
(P. Sam Koshy)
Judge

Ved