

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 294 of 2021**

1. Jitesh Kumar Das S/o Shri Jhasaketan Das Aged About 24 Years R/o 4/66, Janki Kutir, Anant Vihar Colony, Raipur (Chhattisgarh)
2. Abhishek Thakur S/o Shri Harish Lochan Thakur Aged About 25 Years R/o Ward No.-5, Tahsil Para, Bhanupratappur, District- Uttar Bastar Kanker (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 Petitioners	:	Mr. Siddharth Rathod, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.
For Respondent No.2	:	Dr. Saurabh Kumar Pande, Advocate

Hon'ble Shri Justice P. Sam Koshy**Order on Board****04/02/2021**

1. Present is a second round of litigation. The challenge is to the outcome of the second scrutiny done by the body of experts in respect of the questions, which were objected to by the petitioners in respect of the State Eligibility Test (SET) for the year 2019.
2. The facts of the case is that the petitioners had appeared in the said examination on 08.08.2019. The model answer was subsequently published, to which objections were called. The petitioners raised an objection in respect of certain questions, which according to the

petitioners were not correct as per the model answer published. The said objection was subsequently turned down and the final result was published, which led to the petitioner filing a writ petition i.e. WPC No. 2039/2020 in respect of petitioner No.1 and WPS No. 3768/2020 with respect to petitioner No.2. Both these writ petitions stood disposed of vide order dated 22.09.2020 and 30.09.2020 respectively.

3. This Court had allowed the writ petitions and directed the respondents to constitute a Committee of experts to scrutinize the objections in respect of the questions raised by the petitioners. The order of this Court was duly complied with by the respondents and the Committee of experts was constituted and the questions were scrutinized and thereafter the Committee found that the answers reflected in the model answer as also in the final answer list were found to be proper and correct and did not warrant any interference. It is this finding of the Expert Committee which has now been questioned by the petitioners 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. It would be relevant at this juncture to take note of the judgment passed by the Division Bench in **Writ Appeal No. 165/2020** in the

case of “**Umang Gauraha v. State of Chhattisgarh & Others**”, wherein in a similar nature of dispute, certain appeals were preferred against the judgments rendered by this Court under similar circumstances. The Division Bench while allowing the aforesaid writ appeal, set-aside the order of the Single Bench and has held that once when the matter has already been scrutinized by the Expert Committee, then the scope of interference is very minimal for this Court to re-appreciate the merits/findings given by the Expert Committee.

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 minimals. In the light of the judgment of the Division Bench in the case of “**Umang Gauraha**” (supra) 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. Given the aforesaid decision of the Division Bench in the case of “**Umang Gauraha**” (supra) and also a view taken by this Court in a similar set of facts **WPS No. 5427/2020 (Bhwneshwar Lal Sahu v. State of Chhattisgarh & Another)** decided on 21.01.2021, this

Court is inclined to take the same view and hold that the scope of judicial review further does not permit to scrutinize into the merits of the findings given by the Committee of experts to the objections raised by the petitioners and the writ petition therefore in view of the same being devoid of merits, deserves to be and is accordingly rejected.

Sd/-
(P. Sam Koshy)
Judge

Ved