

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17803 of 2022

1. Harshit Sharan, aged about 28 years, (Male) Son of Akhilesh Kumar Sharan, Resident of Town- Motihari, P.O. and P.S.- Town Thana, District- East Champaran, Bihar- 845401
2. Awadesh Kumar Chaudhary aged about 39 years, (Male) Son of Radhakant Chaudhary, Resident of Village- Gour Andhara P.O- Andhara Tharhi, PS- Rudrapur District Madhubani Bihar 847401
3. Munni Kumari aged about 26 years, (Female) Daughter of Late Fagu Besra, Resident of Village- Kushmaha P.O Dariyapur P.S.- Haveli, Kharagpur District Munger Bihar- 811213.
4. Anuradha Kumari aged about 27 years, (Female) Daughter of Ajay Sharma, Resident of Village- Panchmahala P.O.- Aganda P.S.- Belaganj Gaya Bihar- 804403
5. Vivek Kumar Pandey aged about 35 years, (Male) Son of Baleshwar Nath Pandey, Resident of P.S.- Agamkuan, P.O.- Lohia- Nagar Flat No. -103, Jagdish Residency, Shanti Niketan Colony, Bhoot Nath Road, in front of SBI, NMCH, Kankerbagh, B.H. Colony Patna, Bihar 800026
6. Birendra Kumar aged about 36 years, (Male) S/o Kaushlendra Kumar Singh, Resident of P.S.- Bazar Samati, P.O.- Rajendar Nagar Road No- 13B, Rajendra Nagar, Gumti, Shahpur, District- Patna, Bihar- 800016.
7. Ashish Deo aged about 28 years, (Male) Son of Tapeswar Prasad Singh, Resident of Town- P.O.- Lataura P.S- Triveni Nagar District- Supaul Bihar 852139.
8. Ayush Chawla aged about 30 years, (Male) Son of Ramswaroop Prasad Yadav, Resident of Village- Bakhari, P.S.- Fatehpur, P.O.- Nagwan Tarawan District- Gaya Bihar 805128
9. Mumtaz Ali aged about 28 years, (Male) Son of Shaukat Ali Mohiuddinagar, Resident of Town- Samastipur, P.S.- Mohuddin Nagar, P.O.- District Bihar- 848501
10. Om Prakash aged about 26 years, (Male) Son of Surendra Mishra, Resident of Village- Gandhinagar Bhuidhara P.O.- Dhurlakh, P.S.- Musassil, District- Samastipur, Bihar 848101
11. Rishi Raj aged about 25 years, (Male) Sod of Tuntun Singh, Resident of Village- Nakki Nagar P.S.- Keshopur, P.O- District- Jamalpur, Munger, Bihar- 811214
12. Abhishek Kumar aged about 36 years, (Male) Son of Prem Kumar, P.O.- Mahatma Gandhi Nagar P.S- Agamkuan Samptachak Bhootnath Colony, District- Patna Bihar- 800026.
13. Vipul Kumar Singh aged about 24 years, (Male) Son of Umesh Singh, Resident of Village- Bin Bahuara, P.O.- Nagra P.S.- Madhuara, Saran, Bihar- 841442.
14. Digvijay Singh aged about 31 years, (Male) Son of Mohan Singh, Resident of Gadhamalpur Balia P.S.- Pakri, P.O.- Garhmalpur District- Ballia, Uttar Pradesh- 221709
15. Subhash Kumar aged about 29 years, (Male) Son of Ram Swarsth Yadav, Resident of Village- Harnahi P.S.- Phesar P.O- Unthu, District- North West Delhi, Delhi-



110009

16. Mona aged about 27 years, (Female) Daughter of Jyoti Kumar, Resident of Pipra P.O. and P.S.- Parsa Bazar, District- Patna, Bihar- 804453
17. Neeraj Kumar Singh aged about 32 years, (Male) Son of A.K Singh, Resident of P.O. and P.S.- Manimajra, District- Chandigrah 160101
18. Nikhil Ranjan Tripathi aged about 28 years, (Male) Son of Udhaio Prasad Tripathi, Resident of Sikhara, P.O- Sabarpur, P.S.- Khondare District- Gonda State Uttar Pradesh- 271313
19. Sarvesh Kumar aged about 31 years, (Male) Son of Shashi Bhushan Prasad, Resident of Village- Pasrila, P.S.- Rajauli, P.O.- Targir, District- Nawada, Bihar- 805125.
20. Amrita Kumari aged about 31 years, (Female) Daughter of Krishna Murari Sharma, Kaswan Kasain, P.O- Kaswan, P.S.- Parasbigha, District- Jehanabad, Bihar- 804419
21. Subhadra Bharti aged about 28 years, (female) Daughter of Late Ram Barayan Singh, Chowk Nagar Ward No.- 11 P.S. and P.O- Jainagar, District- Madhubani Bihar- 847226

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, General Administration Department, Government of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Special Secretary, General Administration Department, Government of Bihar, Patna.
4. The Bihar Public Service Commission, Bailey Road, Patna.
5. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
6. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
7. The Joint Secretary-cum-Controller Examination, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 17806 of 2022

Vikash Kumar, Son of Suresh Kumar Ishwar, resident of Mohalla - Shivpuri, P.S. - Shashtri Nagar, District - Patna.

... .. Petitioner/s

Versus

1. Bihar Public Service Commission Bailey Road, Patna through its Secretary.
2. The Chairman, Bihar Public Service Commission, Bailey Road, Patna.
3. The Secretary, Bihar Public Service Commission, Bailey Road, Patna.
4. The Controller of Examination, Bihar Public Service Commission, Bailey Road, Patna.

... .. Respondent/s



Appearance :**(In Civil Writ Jurisdiction Case No. 17803 of 2022)**

For the Petitioners : Mr.Y. V. Giri, Sr. Adv. With
 Ms. Shrishti Singh, Adv.
 Mr. Pranav Kumar Adv.
 Mr. Sumit Kumar, Adv.
 For the State : Mr. Suman Kumar Jha, AC to AAG-3
 For the BPSC : Mr. Sanjay Pandey, with
 Mr. Nishant Kumar Jha, Advocates.

(In Civil Writ Jurisdiction Case No. 17806 of 2022)

For the Petitioner : Mr.Suresh Kumar Ishwar, Advocate
 For the State : Mr.Suman Kumar Jha, AC to AAG3
 For B.P.S.C. : Mr.Sanjay Pandey, Advocate
 Mr.Nishant Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 22-12-2022

These two writ petitions are raising identical issues in respect of the same procedure in relation to 67th Combined Preliminary Competitive Re-Examination (for short 'the Preliminary Examination'). The learned counsels have, thus, submitted that the matter may be considered together.

2. Mr. Y.V.Giri, learned senior counsel, represents the petitioners in *CWJC No. 17803 of 2022*, whereas the petitioner of *CWJC No. 17806 of 2022* is represented by learned counsel Mr. Suresh Kumar Ishwar. The respective learned counsels for State and BPSC have also made submission. The relief claimed by the parties in both the writ petitions are substantially based on a criticism of the answer key based on which result of the Preliminary Examination has been declared.

3. In brief, the sequence of events leading to lodging of the instant cases and which are not in dispute is that Advertisement for the Examination was published on 24-09-2021. The Preliminary Examination consisting of Multiple Choice Questions ('MCQ' for short) was conducted on 30-09-2022. The petitioners participated in this examination. Immediately, after the examination, i.e. on 01-10-2022, the



Respondent-Commission came out with a provisional answer key, containing model answers to the questions asked in the Preliminary Examination. This provisional answer key was published along with an “Important Notice” (Annexure-3 in CWJC No. 17803 of 2022), on the same day, allowing an opportunity to the appeared candidates, which includes the petitioners to raise an objection with respect to any of the provisional answers, but with reference to authentic source/material. The objection was to be submitted on the “objection form” prescribed in the notice, giving name and other details of the appearing candidate, through speed post, so as to reach the office of the Commission on or before 5 P.M. on 12-10-2022. The notice further contained a clear stipulation that objections received after the date and time specified will not be considered. The objections received on the form were to be subjected to a detailed examination by a Committee of subject Experts. After such consideration, the final answer key was to be prepared by the Committee, based on which the OMR answer sheet(s) were to be evaluated.

Re. : Civil Writ Jurisdiction Case No. 17803 of 2022)

4. These petitioners admittedly, have not filed any objection to the provisional model answers. The impugned final answer key along with the result of the Preliminary Examination has been published on 17-11-2022. Thereafter, respondent-Commission on 25-11-2022 has notified the schedule of the 67th Combined main (Written) Competitive Examination (for short ‘the Mains Examination’) to be conducted between 29-12-2022 to 31-12-2022. Only those candidates who had emerged successful at the Preliminary Examination and whose names figured in the result published on 17-11-2022, were allowed to



appear for this Mains examination, as per the terms of Advertisement.

5. Immediately, one day after publication of the dates for the Mains Examination, the Commission came out with the additional result dated 26-11-2022. Photo copy of the same is Annexure-6 to the writ petition. From perusal of the same, the reasons necessitating its publication are apparent. The answer key provided an answer choice for one question, which was correct only for Hindi version of the question. The answer choice for English version of the same question was different. Therefore, upon consideration of the objections in this regard, and finding the objection to be correct the Commission took a decision that option “E” would be a valid answer for question booklet of all series. As a result, those candidates who had chosen option “E” as the correct answer were given one mark for this question. 15 candidates across all categories, thus, emerged successful, within the earlier determined cut-off marks. It is these 15 candidates whose results have been notified as additional result dated 26-11-2022.

6. The petitioners have filed the instant writ application seeking quashing of the result dated 17-11-2022 of the Preliminary Examination published by the BPSC. The other relief prayed for includes a direction to revise the result, produce the decision of the Panel of experts on the objection filed pursuant to the provisional answer key and to quash the same since the final answer key dated 17-11-2022, contains incorrect model answers.

7. The petitioners have made specific allegation with respect to a total of 10 questions, in series D question booklet, bearing questions Nos. 1,2, 6, 20, 38, 97, 125, 130, 143 and 147. The learned senior counsel for the petitioner has handed over a chart, wherein, the provisional answers for the 10 questions, the final model answers, after



consideration of objections; as well the correct answers, as per the petitioners' assertion based on authentic and reliable sources, has been mentioned.

8. It is submitted by the learned senior counsel for the petitioners that this is a unique examination where the selection body, namely, BPSC itself was not knowing the answers to the question that it had asked in the competitive examination. It is only subsequent to the Examination that the Commission has come out with the provisional answer key containing the provisional answers to all the questions. Many of these answers were wrong. The petitioners, in the circumstances, are praying for re-evaluation of the final answer key by an expert body of the Commission since the model answers for these ten questions, based on which, the selection has been done, was incorrect, vitiating the result of Preliminary Examination. He submits that the petitioners, in the writ petition, have relied upon authentic source/material to show that the 10 models answers were wrong.

9. This Court would take note of the fact that after publication of the final answer key on 17-11-2022, objection has been filed by 5 out of 21 petitioners. Petitioner No. 13 has filed objection on 18-11-2022 and 14-12-2022. Petitioner No.10 filed his objection on 09-12-2022, petitioner No.6 filed his objection on 14-12-2022, petitioner No. 19 filed his objection on 14-12-2022 and petitioner No.1 filed his objection on 14-12-2022.

10. It is also submitted by learned senior counsel that by the additional result dated 26-11-2022, 15 new candidates have been declared successful for the purposes of participating in the Mains Examination. However, surprisingly, not even a single candidate was removed to accommodate them and the cut-off marks has also not



changed. He submits that, in the circumstances, the result is vitiated.

11. The learned senior counsel has submitted that the petitioners' case is distinguishable from the case of *Ran Vijay Singh and others Vs. State of Uttar Pradesh and others* reported in (2018) 2 SCC 357. He has referred to paragraph Nos. 4,6,8,11, 30.3. and 33 of the said judgment.

12. Learned Senior Counsel has relied upon the decision of the Apex Court in the case of *Rishal and others Vs. Rajasthan Public Service Commission and others* reported in (2018) 8 SCC 81, decision of this court in the case of *Prakash Chandra vs. State of Bihar through the Chief Secretary Government of Bihar, Patna* reported in 2019(3) PLJR 983 affirmed by the Division Bench in *LPA No. 798 of 2019*.

13. Based on these precedents, it is submitted that this Court should consider that the petitioners have succeeded in demonstrating with reference to authentic source and material that the model answers are wrong. Therefore, an expert committee, may be of the Commission itself, should be directed to re-examine the model answers. He submits that the petitioners have been placed marginally below the cut-off marks. some of the petitioners have missed the cut-off marks by one mark, and others by less than one marks. Therefore, as a result of such exercise, the petitioners would emerge successful and eligible for appearing at the Mains Examination to be conducted on 29-12-2022.

14. Learned counsel for the Commission, on the other hand, submits that none of the petitioners have filed objection to the model answer key, pursuant to the opportunity granted under the important notice dated 01-10-2022, whereby objections were invited on the prescribed form in the notice itself.



15. From the writ petition, it is apparent that final answer key was published and final result was also published on 17-11-2022 in which petitioners have emerged unsuccessful. It is only, thereafter, that out of 21 (twenty one) petitioners only 5 (five) have claimed to have filed objections. It is settled law that having participated in the selection process, and on being declared unsuccessful, candidates cannot be permitted to challenge the process, much less heard to say that the assessment criteria itself (model answers), were incorrect. More so, when in the instant case the process of selection provided an opportunity for raising objection regarding correctness of the provisional model answers, which opportunity the petitioners have chosen not to avail.

16. He further submits that the law as regards the limits and scope of interference with a selection process on grounds alleging model answers to be incorrect, has been settled by decision of the Apex Court in the case of **Ran Vijay Singh** (supra). No case is made out by the petitioners for exercise of writ jurisdiction in favour of the petitioners.

17. Learned counsel has submitted that the other decisions relied upon by the learned senior counsel for the petitioners are distinguishable on facts and do not help the petitioners' case.

18. Learned counsel for the Commission has relied upon the following judgments:-

(1) 2018(2) SCC 357 (para 30 to 32)

(2) (2018) 7 254 (para 10 to 14 and 15) *Uttar Pradesh Public Service Commission, through its Chairman and Anr. vs. Rahul Singh & Anr.*

(3) 2022(3) PLJR 383 (para 3 to 6) *Vinod Kumar and othrs vs. The State of Bihar through Chief Secretary and otrs.*

(4) (2021)1 BLJ 673(PHC) (para 43 to 48 and 52)



Bihar Public Service Commission through its Chairman and others vs. Ashish Kumar Pathak and others.

(5) 2016(1) PLJR 865 (para 54) *Ravindra Kumar Singh v. The High Court of Judicature at Patna through its Registrar General and others.*

(6) *CWJC No. 11556 of 2021 (Vivek Pandey and others vs. The State of Bihar and others)*

19. Having considered the rival submissions, the materials on record and citations relied upon, this Court would find that in the process of selection, the respondent-Commission provided an opportunity for raising objection to the provisional answer key. The petitioners' grievance is that the answer option for 10 questions were incorrect in the answer key. Still none of the petitioners have filed their objections on the proforma prescribed when opportunity was granted by the Commission, under its important notice dated 01.10.2022. The petitioners have taken their chance and awaited the final result which was published more than one and a half month thereafter i.e., on 17.11.2022. It is only when they have emerged unsuccessful in the Preliminary Examinations that 5 of the 21 petitioners claim to have sent objection to the respondent-Commission with respect to the 10 model answers alleging that they are incorrect.

20. Law in this regard is settled that after consciously participating in the selection process and on being declared unsuccessful the petitioners are estopped from challenging selection process by alleging any infirmity in the process of selection. This issue is settle by the Hon'ble Apex Court in the case of *Anupal Singh and others vs. State of Uttar Pradesh through Principal Secretary Personnel Department and others* reported in (2020) 2 SCC 173. A Division Bench of this



Court also in the case of *Ravindra Kumar Singh vs. the High Court of Judicature at Patna & Ors.* taking note of the settled legal position has held that when petitioners took a chance of their success on the basis of questions and model answers so framed, till the result was published, and thereafter have become unsuccessful, they cannot be permitted to do hair splitting of questions and model answers in order to take a plea that the same were wrongly framed.

21. In view of the above noted settle position, the instant petitioners also after participating in the Preliminary Examination, and chosing not submit any objection to any question or answer in the provisional answer key, in response to “Important Notice” dated 01-10-2022 are estopped from turning around to challenge the result of the Preliminary Examination. Having taken their chance and on being declared unsuccessful, this Court would not permit them to allege that the selection process was infirm moreso since the relief if granted would adversely affect third party rights of those candidates who have emerged successful in the process.

22. At this juncture, this Court would also observe that the petitioners have not impleaded any of the successful candidates. On this ground also, the writ petition is fit to be dismissed.

23. Reliance placed by the learned senior counsel on decisions, therefore, are of no avail. The case of **Rishal** (supra), has no application, in the facts of the instant case. The direction issued by the Apex Court in the case of **Rishal** (supra) are on a consideration of the facts as obtaining in the said case. In the instant case, however, as quoted above, the petitioners are estopped from assailing the selection process.

24. The submission of the learned Senior counsel with respect to the additional result dated 26-11-2022, are also being noted



only to be rejected. The fact that there is no corresponding change in the cut-off marks or that there is no disqualification of any candidate to make room for the 15 additional candidates, who have been declared successful in the additional result, cannot be made the basis of presuming that the result was suffering from any infirmity, much less to the prejudice of the petitioners, who have not emerged successful in the process.

25. Fairness is manifest from bare perusal of the additional result dated 26-11-2022, wherein one additional mark has been granted to all candidates who have selected the answer option “E”. The beneficiaries of this exercise have been granted one marks across the Board and, therefore, there is no occasion for any candidate to raise any objection in this regard. This Court would further observe that 15 beneficiaries of this exercise who have been declared successful in the Preliminary Examination in the additional result are drawn from all categories. The benefits of the exercise leading to publication of the additional result, therefore, has been given uniformly and was based on a *bona fide* exercise. The submission that cut-off marks has not changed is also inconsequential, in view of the clear mandate, as contained in Clause 7(ii) of the Advertisement (Annexure-1) which reads as follows:-

“7.1. (ii) प्रारंभिक परीक्षा महज जाँच

परीक्षा होगी, जिसके आधार पर मुख्य परीक्षा हेतु
उम्मीदवारों का चयन किया जायेगा। मुख्य परीक्षा के
लिए चुने जाने वाले उम्मीदवारों की संख्या कुल
संसूचित रिक्तियों की दस (10) गुणी होगी। कोटिवार
समान कट ऑफ अंक प्राप्त करने वाले सभी
उम्मीदवारों का चयन मुख्य परीक्षा के लिए किया
जायेगा। ” (emphasis mine).



26. It is apparent that the Advertisement itself provided that when candidates ten times the number of seats were selected, based on a cut-off marks, then all candidates, who had secured the cut-off marks were also to be selected and declared successful for taking the Mains Examination. Therefore, the fact that the cut-off marks has not changed, even after these 15 additional candidates have been declared successful is nothing, but a manifestation of this procedure prescribed in Clause 7(ii) of the Advertisement. No infirmity can be alleged on this ground.

27. The legal position also now stands settled by the Hon'ble Apex Court, in the case of **Ran Vijay Singh** (supra) with respect to the exercise of writ jurisdiction by the High Court under Article 226 of the Constitution of India. Paragraph Nos. 30, 31 & 32 of the said judgment are considered worth reproducing in this regard:-

“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



scrutinise 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.”

28. In view of the forgoing consideration on facts and law, this Court would find that no case is made out by the petitioners within the settled legal principles for exercise of writ jurisdiction in petitioners' favour, questioning the correctness of answers key in a process of selection.

Re. CWJC No.17806 of 2022

29. Learned counsel for the petitioner of *C.W.J.C. No. 17806 of 2022* submits that this petitioner had submitted objections within time, i.e. on 08.10.2022. The petitioner had raised objection regarding nine model answers, details of which have been provided in the



supplementary affidavit, wherein copy of the petitioner's objection on the prescribed proforma has been annexed. The petitioner has objected to model answers to question nos. 111, 135, 138, 67, 93, 42, 142, 88 and 98 of question booklet of Series-B.

30. It is also submitted that candidates more than 10 times that number of vacancies have been declared successful in the general category for participating in the mains examination and as a result the petitioner who is claiming benefits of reservation in the category of dependent/ward of freedom fighter has been made to suffer. Prescription in Clause 7(ii) of the advertisement has thus been violated.

31. Mr. Sanjay Pandey learned counsel for the respondent-Commission has submitted that applying the settled parameters for exercise of writ jurisdiction, as per decision of the Apex Court in the case of *Ran Vijay Singh* (supra), the relief prayed for by the writ petitioner is fit to be dismissed. He has submitted that from bare perusal of the form containing objections enclosed with the supplementary affidavit filed by the petitioner, as well as the pleadings, it is apparent that objection have been made casually and there is no authentic basis for assailing the model answers.

32. This Court would find from bare perusal of copy of the form containing petitioner's objections, as well as averments made in the writ petition, it is apparent that the petitioner has not referred to any authentic source or material in support of his objections. He has not mentioned the basis/source or material in support of the answers claimed by the petitioner, with reference to which he alleges the model answers to be wrong. Even in the petitioner's writ petition, he has not disclosed any authentic basis, source or material in support of his objections. He has made a vague assertion in paragraph-15 of the writ petition that he had



submitted the objection to the nine model answers with “proof”. In paragraph 1(ii) he has stated that the petitioner and other candidates have supplied the correct answers “on the basis of proof provided by the reference book and Google”.

33. The submissions advanced by the petitioner regarding model answers being incorrect has to be considered by this Court with reference to the nature of objections, as also the law laid down by the Apex Court in the case of **Ran Vijay Singh** (supra). The petitioner’s objections are not based on any authentic basis, source or material and as such are not worth consideration in view of the requirement in the “Important Notice” dated 26.11.2022 in response to which petitioner has submitted his objection. As per this notice, objections were required to be made on basis of authentic source/material. The form of which petitioner has submitted the objection (Annexure-9 to the supplementary affidavit) also contains a column for specifying the authentic source/material. The petitioner has not specified any source/material whatsoever in this column, much less any authentic basis/source or material. The baseless objection of the petitioner is contrary to the notice in response to which it has been submitted. The requirement of objection being based on some authentic basis/source or material, in the opinion of this court serves a purpose. It ensures that the objection is *bona fide* and substantial, and not only because a particular candidate thinks that the model answer is wrong. Only if authentic source/material for making objection is disclosed, the same can be considered by the subject experts with reference to the same.

34. Secondly, the Court would take notice of the settled legal position emanating from judgment of the Apex Court in the case of **Ran Vijay Singh** (supra), in this connection paragraphs 30,31 and 32 of



the said judgment, quoted above, has laid down the scope and limits of exercise of writ jurisdiction. In the instant case this Court would find that the petitioner has submitted his objection without reference to any authentic basis, source or material. The objection is not in accordance with the important notice dated 26.11.2022. It is also not as per the prescribed form. The baseless objection claimed to have been submitted by the petitioner does not make out any material error, much less any rare or exceptional circumstance. Applying the bar as laid down in the case of ***Ran Vijay Singh*** (supra), no case is made out by the petitioner for invoking writ jurisdiction in his favour.

35. From bare perusal of the relevant Clause 7 (ii) quoted above, which is relied upon by learned counsel for the respondent-Commission, (copy of which has been handed over by learned counsel for the petitioner in the course of hearing and is being kept on record) it is apparent that the Advertisement specified allowing candidates ten times the number of seats. At the same time, the Advertisement required that the cutoff marks, based on which candidates, ten times the number of seats are being called, to be uniformly applied to all appearing candidates. All the candidates who secure this cutoff marks were required to be declared successful.

36. The submission of learned counsel for the petitioner that candidates in excess of ten times the number of seats could not have been called, is, therefore, without any basis. In fact the Advertisement is explicit in its intention that after identifying ten times the number of candidates, all such candidates who have secured the cutoff marks should also be declared successful and allowed to participate in the mains written examination. On going through Clause 7(ii) of the Advertisement (quoted above), this Court would observe that the petitioner's grievance



to this extent is also baseless.

37. Both the writ petitions, for the reasons indicated above, are considered by this Court to be devoid of any merit.

38. Writ petitions are dismissed.

(Madhuresh Prasad, J)

Shyambihari/
Shashank-

AFR/NAFR	AFR
CAV DATE	NA
Uploading Date	24-12-2022
Transmission Date	NA

