CGHC010048142021 2026:CGHC:45188

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HIGH COURT OF CHHATTISGARH AT BILASPUR

ALFIZA BAIG
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Reserved for Judgment on : 13.07.2026

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WPC No. 1114 of 2021

Narayan Datt S/o Nemi Sharan Aged About 27 Years R/o Rajeev Vihar, V. I. P. City Near Gate No. 02, Lingiadih, Bilaspur Chhattisgarh Pincode 495006

... Petitioner

versus

1 - State Of Chhattisgarh Through The Secretary,general Administration Department, Dks Bhawan, Mantralaya, Raipur Chhattisgarh

2 - Chhattigarh Public Service Commission Through Secretary, Shankar Nagar Road, Raipur Chhattisgarh

3 - Examiner Chhattisgarh Public Service Commission Through Examiner, Shankar Nagar Road, Raipur Chhattisgarh

... Respondents

For Petitioner	:	Ms. Juhi Jaiswal, Advocate
For State	:	Mrs. Shailja Shukla, Govt. Advocate
For Respondent No.2&3	:	Mr. Anand Mohan Tiwari, Advocate

SINGLE BENCH:
Hon'ble Shri Justice Parth Prateem Sahu

CAV Order

1. Petitioner pursuant to the advertisement dated 10.10.2018 (Annexure P-2) published by respondent no. 2 had submitted his application Form for appointment on the post of Civil Services. After due scrutiny of application and finding the application to be in order has issued an admit card for preliminary examination to be held on 17.02.2019 (Annexure P-3). Petitioner became successful in preliminary examination and thereafter, he participated in the mains examination to be held on four consecutive dates i.e. on 23.06.2019, 24.07.2019, 25.07.2019 and 26.07.2019 of Papers I-VII. After publication of the result of mains examination, name of petitioner did not find its place. Petitioner, thereafter submitted an application under the Right to Information Act, 2005 before the Public Information Officer for supply of copy of his answer sheets. After receipt of the application, Public Information Officer, wrote a letter dated 22.02.2020 (Annexure P-7) regarding deposit of requisite fees to which petitioner paid. Petitioner was provided with a copy of the answer sheet of mains examination and after perusal of the same, petitioner got shocked as certain pages of the answer sheets of petitioner pertaining to the subject namely General Studies- V (PAPER-VII) PART–II INTERNATIONAL & NATIONAL SPORTS EVENTS & ORGANIZATION – SUBJECT CODE-7) were missing. Pages from serial no. 17 to 20 were found to be missing. Pages which are missing contains

question no. 9, 10, 11 and 12 of which the total maximum marks were 30 (*Thirty*). Petitioner thereafter, made an oral complaint to concerned authorities, however, representation was made on 05.02.2021 (Annexure P-9) which remained un-replied, therefore, petitioner filed this writ petition under Article 226 of the Constitution of India, seeking following relief:-

> "10.1 It is prayed that this Hon'ble Court may kindly be pleased to issue appropriate writ in the nature of mandamus directing to respondent authorities to bring the relevant official records along with the original answer script of the present petitioner before this Hon'ble Court.
>
> 10.2 It is prayed that this Hon'ble Court may kindly be pleased to call for the entire records concerning the present selection, and the comparative results, for its kind perusal.
>
> 10.3 This Hon'ble Court may kindly be pleased to issue an appropriate writ conducting an independent Court monitored enquiry into the entire matter.
>
> 10.4 This Hon'ble Court may kindly be pleased to issue appropriate writ directing the respondent authorities to grant a compensation to the amount of Rs. 50 Lakhs in favour of the petitioner.
>
> 10.5 Any other relief/relief's which this Hon'ble Court may think fit and proper in the facts and circumstances

of the case, with cost of the petition may also be pleased to be granted to the petitioners."

2. Learned counsel for petitioner submits that the action on the part of respondents is highly arbitrary. Respondent no. 2 and 3 at the time of evaluation of the answer sheet came to know that the pages from the answer sheets of particular number were missing but neither any action has been taken nor the petitioner was informed about the said irregularity. She submits that respondent no. 2 being State Public Service Commission and dealing with the recruitment proceedings of the post of Public Services, therefore, it has to act maintaining the high standards while completing the requirement proceedings in pursuance to the advertisement issued, fairly, reasonably and protecting the interest of the aspirants. She also submits that the act on the part of respondent- Commission is negligent and from the facts and circumstances of the case it appears to be an attempt of deliberate suppression of entire mishap which has taken place. She further submits that had been all the pages of the answer sheets of petitioner if available for evaluation, then he would have an opportunity to participate in further selection procedure i.e. the interview and may would have chance to get selected and appointed on any of the post as advertised. But due to the act of respondent-Commission petitioner suffered serious hardship and mental harassment.

3. At last she submits that if it is not possible for respondent Commission to produce the entire answer sheet which he

submitted at the time of writing examination, then petitioner be suitably compensated in terms of money for an amount of *Rs. 50,00,000/- (Fifty Lakhs Rupees*).

4. Learned counsel for respondent- Commission would oppose the submission made by learned counsel for the petitioner and would submit that petitioner participated in the recruitment proceedings pursuant to advertisement no. 07/2018/Exam/Dated 01/10/2018 on 10.10.2018 as unreserved category candidate. The examination pattern of respondent Commission for Public Services pursuant to advertisement consisted of three modes i.e. Preliminary Examination followed by Mains and, thereafter, Interview. Petitioner though became successful in preliminary examination and appeared in main examination, however, he did not cleared mains examination and therefore, he was not called for the interview. He submits that in the main examination aspirants were provided with Question Answer Booklet (QAB) for writing their answers and according to procedure secrecy of candidates is maintained. It is thereafter, the QAB's which are given to evaluator for evaluation. He submits that the cut off score for unreserved candidate and the marks obtained by unreserved candidate was from 860.5 to 737.5. Petitioner secured only 695.5 marks to qualify for interview. He submits that appropriate and concrete steps have been taken from first date of starting of proceedings till writing of the examination, collecting and properly handling the QAB's of all the candidates participated in the examination. He submits that according to procedure

followed for conducting the mains examination, circular bearing Circular No. 1048/13/Exam/2019 (Annexure R2&3/1) was issued on 12.07.2019 to concerned Collector's of Sarguja (Ambikapur), Bilaspur, Durg, Bastar (Jagdalpur) and Raipur (regional centers of main examination). The date of collection of QAB's is also specified as 18.07.2019 which was further extended to 19.07.2019 by letter dated 15.07.2019. Nodal Officers were also appointed for smooth completion of examination in each regional examination centers. He also submits that petitioner appeared in the examination from examination center bearing Examination Center Code No. 202 i.e. Govt. Bilasa Girls Post Graduate College Link Road, Bilaspur, Chhattisgarh. Each QAB's of the subject consisted by 36 pages apart from three OMR Sheets. Each OMR sheet consisted two detachable counterparts, one is to be filled by the candidate whereas another is to be filed by Deputy Head Valuer and Head Valuer. He submits that during evaluation of the answer sheets a report of valuer was submitted before Examination Controller for Page no. 27-30 bearing Question no. 2 to 6 are not available in Answer Booklet of sticker no. 131354 i.e. for Part- III (Chhattisgarh Language) of Question Paper -I (Language). As on 07.09.2019 one of the evaluator submitted report stating that page no. 17, 18, 23 and 24 bearing question no. 1, 2 7 and 8 are not available in Answer Booklet of sticker no. 123026 for Part-II (General Studies) of Question Paper – I (Language) and in sticker no. 123027 page no. 19, 20,21 and 22 bearing Question No. 02, 03, 04, 05, 06 and 07 are also not

available. And on 27.09.2019 during course of evaluation of answer booklet evaluator found and reported to Head Valuer that page no. 17-20 of question no. 9-12 are not available in the answer booklet no. 722038 of General Studies -V (Paper VII Part-II- International & National Sports Events and Organizations). He also submits that in other sticker no. tear marks was not found but for in the question answer book of sticker no. 722038 tear marks were present and also observed that it was not reported by any of the exam center about any complaint made by candidates at the time of distribution of the question answer book in which such pages were missing. Results of the main examination was published through memo 830/3/2019, however, petitioner has approached to the authorities with inordinate delay. Pursuant to the application submitted, petitioner was permitted to peruse the QAB's of his answer book and it is Public Information Officer who informed petitioner about found pages i.e. page no. 17-20 of General Studies -V (Paper VII) Part- II International and National Sports Events and Organizations). After perusal, petitioner has submitted the certificate about his satisfaction along with Adhar Card and no objection was raised. He submits that the complaint dated 05.02.2021 submitted is still pending consideration and therefore, petitioner is not entitled for compensation or any relief as prayed for.

5. I have heard learned counsel for the respective parties, and also perused the documents placed on record along with this writ petition as also the reply and rejoinder.

6. Undisputed facts of the case are that the petitioner pursuant to advertisement dated 10.10.2018 participated in the recruitment proceedings initiated by Public Service Commission for Civil Services Post. He became successful in preliminary examination and thereafter participated in the mains examination. It is also not in dispute that after publication of result when the petitioner sought copies of the question answer book he found that four pages i.e. page no. 17 to page no. 20 were missing. In the writ petition, petitioner has pleaded that maximum marks of missing pages and the question paper published therein were of 30 marks in para no. 8.7.

7. Fact pleaded by the respondent -Commission that petitioner participated as unreserved candidate and cut off marks scored by selected candidate of unreserved category was 860.5 to 737.5 whereas the marks scored by petitioner is only 695.5 and this is not disputed by him in its rejoinder in specific terms. From the relief as sought for, it is appearing that after becoming aware of the cut off marks and marks obtained by him, he has not prayed for the relief that by adding certain marks petitioner may be interviewed and thereafter, to conclude the proceedings with regard to the finalization of the recruitment proceedings of petitioner, thereafter.

8. Maximum marks of page of question answer book which was missing is 30 marks and by adding even marks 30 to the marks secured by petitioner, then also petitioner would not get marks

more than the marks scored by last selected candidate i.e. 737.5.

9. From the facts as culled out from the pleadings of writ petition as also from the reply is that, the respondent -Commission became aware of the fact of missing of pages from QAB's including question answer book of petitioner about four pages were missing. Pursuant to report submitted by evaluator the Commission thereafter, has not taken any concrete steps to get the responsible person caught and have neither thought it proper to inform the candidate about the same. Case of petitioner appears to be a different case than that of the other candidates as in the question answer book of petitioner there was a sign of pages missing, were tore out and removed but even then this fact was not informed to petitioner and have kept quite till petitioner submitted an application under the Right To Information Act, 2005 to Public Information Officer. Even after coming to the knowledge that the petitioner is curious and have submitted an application for appropriate steps to be taken then also except the formal direction conducting the inquiry, till date it has not been finalized. Petitioner aggrieved with the arbitrary and inaction on the part of the respondent-Commission and Public Authority dealing with the recruitment proceedings of the Public Service felt harassed and has filed this writ petition before the High Court which remained pending for considerable period of time. Petitioner has pursued this writ petition for last about more than five years and therefore, in the facts of the

case, petitioner is entitled for the monetary compensation for his mental, financial and physical sufferings or cost of petition.

10. Hon'ble Supreme Court in case of **Dr. B.R. Ambedkar University, Agra Vs. Devarsh Nath Gupta and Ors.** Reported in **2023 (12) SCALE 45** has observed that even if an ancillary relief or direction is considered appropriate, the same could be granted or issued by Court only in direct co-relation with the facts and circumstances of the case and not beyond. More over for one particular fault of one individual in one particular matter, all the concluded matters could not be ordered to be reopened.

11. In the aforementioned facts of the case, where the petitioner though approached with some delay but considering the fact that respondent if after becoming aware of the fact that pages from the petitioner's book were missing, petitioner was not informed nor any steps were taken which led the petitioner to approach this Court by filing of the writ petition. Petitioner suffered harassment due to the act of respondent and further have spended money in the process of obtaining information, question answer book and by filing the writ petition and therefore, in the opinion of this Court, I find that petitioner be paid an appropriate amount of compensation and this Court assessed the compensation of **Rs. 50,000/- (*fifty thousand only*)** to be paid to the petitioner by respondent no. 3 and 4. Accordingly, respondent no. 3 and 4 are directed to pay Rs. 50,000/- to the petitioner within a period of three months.

12. With the aforesaid observation as also the direction, this writ petition stands disposed of.

Certified copy as per rules.

Sd/-

(Parth Prateem Sahu)

Judge

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