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HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 5286 of 2020

Prafull Kumar Tiwari S/o Shri Shiv Shankar Tiwari, Aged About 30 Years, R/o Bazar Mohalla, Marwahi, Post and Block Marwahi, District Gaurela Pendra Marwahi, Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Law And Legislative Department, Atal Nagar, Nava Raipur, District Raipur (CG)
2. High Court Of Chhattisgarh, Through The Registrar General, High Court Campus, Bodri, District Bilaspur (CG)
3. Chhattisgarh State Public Service Commission, Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur (CG)
4. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur (CG)

... Respondents

WPS No. 231 of 2021

- Amita Shrivastava W/o Praveen Chand Shrivastava Aged About 37 Years R/o Hig 503, 5th Floor, Kanchan Ashva Apartment, D.D. Nagar, District-Raipur (Chhattisgarh)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh.
3. Secretary, Public Service Commission Shankar Nagar Raipur, District Raipur, Chhattisgarh.
4. Controller Of Examination, Public Service Commission Shankar Nagar Raipur, District Raipur, Chhattisgarh.

... Respondents

WPS No. 253 of 2021

- Shivani Goyal D/o Nandlal Goyal, Aged About 24 Years, R/o F-102, Maruti Lifestyle, Kota Road, Mahoba Bazar, Police Station Saraswati Nagar, District Raipur (CG)

... Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of Law and Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur, District Raipur (CG)
2. High Court Of Chhattisgarh, Through Registrar General, Chhattisgarh High Court, Bodri, District Bilaspur (CG)
3. Secretary, Public Service Commission, Shankar Nagar Raipur, District Raipur (CG)
4. Controller Of Examination, Public Service Commission, Shankar Nagar Raipur, District Raipur (CG)

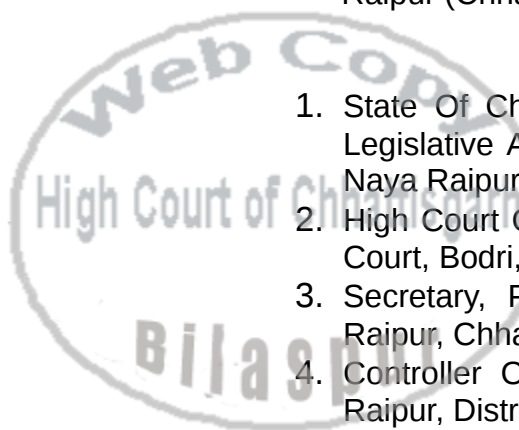
... Respondents

WPS No. 255 of 2021

- Monita Wankhede D/o M.L. Wankhede, Aged About 31 Years, R/o Plot No. 64, Street No. 1 Anand Nagar Bhilai District Durg (CG)

... Petitioner

Versus





1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur, District Raipur (CG)
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur (CG)
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur (CG)
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur (CG)

... Respondents

WPS No. 262 of 2021

- Deepak Gangwani, S/o Gopichand Gangwani, Aged About 31 Years R/o Near Old High Court Road, Namdev Bhawan, Adarsh Colony, District - Bilaspur (CG)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur District Raipur (CG)
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur (CG)
3. Secretary, Public Service Commission, Shankar Nagar Raipur, District Raipur (CG)
4. Controller Of Examination, Public Service Commission, Shankar Nagar Raipur, District Raipur (CG)

... Respondents

WPS No. 886 of 2021

- Nidhi Singh D/o Ajay Kumar Singh Aged About 29 Years R/o House No. Mig-2/212, Mahaveer Nagar, District Raipur (CG)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affair, Mahanadi Bhawan, Atal Nagar, Nawa Raipur, District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh, Through Registrar General Chhattisgarh High Court Bodri, District Bilaspur Chhattisgarh
3. Secretary Public Service Commission, Shankar Nagar, Raipur District Raipur Chhattisgarh
4. Controller Of Examination Public Service Commission, Shankar Nagar, Raipur District Raipur Chhattisgarh

... Respondents

WPS No. 73 of 2021

- Krishna Rahul Shrivastava S/o Shri Rakesh Shrivastava Aged About 33 Years R/o E.W.S. 627, Kotra, Sultanabad, Bhopal Madhya Pradesh

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.

... Respondents



WPS No. 101 of 2021

- Jayvardhan Pandey S/o Shri Dr. Subhash Chand Pandey Aged About 29 Years R/o A 6, Comfort Garden, Janki Nagar, Kolar Road, Chunabhatti, Bhopal, Madhya Pradesh.

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General , High Court Campus, Bodri, Bilaspur Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary , Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.

... Respondents

WPS No. 120 of 2021

- Sharad Kumar Mehar S/o Shri Kalashram Mehar Aged About 29 Years R/o Village And Post Reda, Tahsil Sarangarh, District Raigarh Chhattisgarh.

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.

... Respondents

WPS No. 168 of 2021

- Ankita Shukla D/o - Shri Anil Shukla Aged About 26 Years R/o - House No. 50, Phase 2 , Ashok Vihar, Chantidih, Sarkanda, Bilaspur Chhattisgarh.

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahandi Bhawan, New Raipur, Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri Bilaspur, Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh.
4. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh.

... Respondents

WPS No. 200 of 2021

- Neela Gupta D/o Shri Sudarshan Prasad Aged About 36 Years R/o Bartunga Kothi, Qr. No.- B1/3, Post/tahasil- Chirmiri, Distt.- Korea (CG)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Principal Secretary, General Administration Department Mahanadi Bhavan, Mantralaya Atal Nagar, Raipur, District Raipur, Chhattisgarh.
2. Chhattisgarh Public Service Commission Through Secretary Sankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh 492001

... Respondents





WPS No. 478 of 2021

- Bhawna Rigri D/o Shri Khilawan Ram Rigri Aged About 25 Years R/o D-4 Nutan Colony (Judges Colony) Sarkanda Bilaspur Chhattisgarh Permanent Address Bhraman Para, Dhamtari Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar, Revenue And Civil District Raipur Chhattisgarh
3. Controller Of Examinations Chhattisgarh Public Service Commission, Shankar Nagar, Revenue And Civil District Raipur Chhattisgarh

... Respondents

WPS No. 585 of 2021

- Pragati Upadhyaya D/o Drona Upadhyay Aged About 25 Years R/o Kalchuri Awas Rajkishore Nagar, Phase - li, District Bilaspur Chhattisgarh

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan Mantralaya, Post Rakhi Atal Nagar, Naya Raipur District Raipur, Chhattisgarh
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh

... Respondents

WPS No. 720 of 2021

- Sharda Kashyap D/o Shri Ramakant Kashyap Aged About 30 Years R/o H-40, Fm Park Vihar, Hiralal Vihar, Maharshi School Road, Mangla, Bilaspur Chhattisgarh

... Petitioner

Versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh
2. Chhattisgarh State Public Service Commission Through Chairman, Near Bhagat Singh Chowk, Raipur Chhattisgarh
3. Honble High Court Of Chhattisgarh Through Registrar General, Bodri, Bilaspur Chhattisgarh

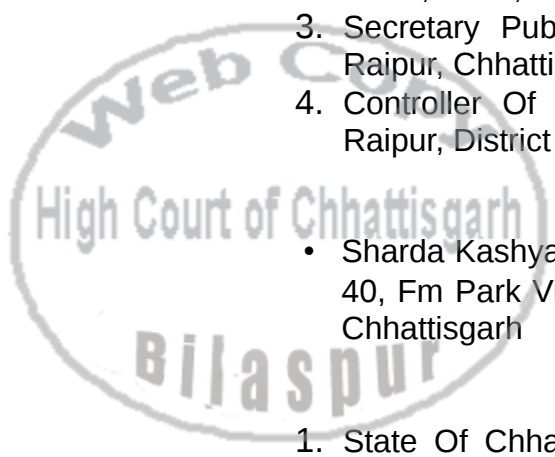
... Respondents

WPS No. 190 of 2021

1. Megha Kundal D/o Shri Arvind Kundal Aged About 25 Years R/o 3-A, Sai Vihar Colony Tilak Nagar, Indore M. P.
2. Abhinay Satya Prakash S/o Satya Prakash Aged About 28 Years R/o B-367, Central Avenue, Near Maharishi Vidya Mandir School, Smriti Nagar, Bhilai, District Durg Chhattisgarh
3. Harsha Mishra D/o Jagdish Mishra Aged About 25 Years R/o Flat No. 102, A Block Harshal Royal Apartment, Katulbod, District Durg Chhattisgarh
4. Sonal Agrawal D/o Gopal Agrawal Aged About 26 Years R/o House No. 119, Ward No. 06, Agrawal Mohalla, Tehsil Handia District Harda M. P.
5. Anima Shukla W/o Pankaj Kumar Shukla Aged About 40 Years R/o Flat No. 304, Kashi Central Avenue, Near Yes Bank Link Road, Bilaspur Chhattisgarh

... Petitioners

Versus





1. State Of Chhattisgarh Through Principal Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur Chhattisgarh
2. State Public Service Commission Through Chairman Near Bhagat Singh Chowk, Raipur Chhattisgarh
3. Controller Of Examination Near Bhagat Singh Chowk, Raipur Chhattisgarh
4. High Court Of Chhattisgarh Through Registrar General, Address Bodri, Bilaspur Chhattisgarh

... Respondents

WPS No. 271 of 2021

- Ragini Dubey, D/o Lt. Durga Prasad Dubey, Aged About 24 Years R/o Purani Basti, Behind Mahamaya Temple, Police Station - Puranibasti, District - Raipur Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh.
3. Secretary, Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.
4. Controller Of Examination, Pubic Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.

...Respondents

WPS No. 278 of 2021

- Sanyogita Singh W/o Vishal Singh Aged About 37 Years R/o House No. E-9, Archana Vihar, Nehru Nagar, District Bilaspur, Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General, Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh.
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.

...Respondents

WPS No. 280 of 2021

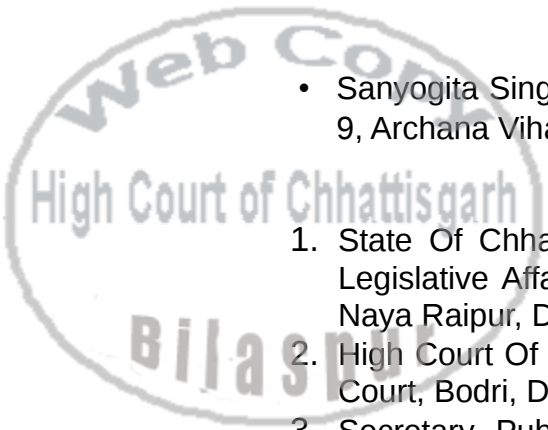
- Lata Rajput W/o Shankar Singh Parihar Aged About 41 Years R/o Mahant Marg, Kilaward, Police Station City Kotwali, Juna Bilaspur, District Bilaspur, Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur, District Raipur, Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General, Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh.
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.

... Respondents





WPS No. 323 of 2021

- Raashi Tiwari D/o Rajesh Kumar Tiwari Aged About 28 Years R/o Sirgitti Road, Opposite Memorial School, District Bilaspur Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur Chhattisgarh.
3. Secretary Public Service Commission, Shankar Nagar Raipur District Raipur Chhattisgarh.
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur Chhattisgarh.

... Respondents

WPS No. 327 of 2021

- Kriti Agrawal D/o Dinesh Agrawal Aged About 28 Years R/o Rishabh Krishi Seva Kendra, Pithora, District- Mahasamund (Chhattisgarh)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur, District Raipur (CG)
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh.
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.

... Respondents

WPS No. 331 of 2021

- Nikita Mishra W/o Lt. Krishnakant Mishra Aged About 28 Years R/o Mukut Nagar, Near Water Tank, P.S.- Aazad Chowk, District- Raipur (C.G.)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur, District- Raipur, Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District- Bilaspur, Chhattisgarh.
3. Secretary Public Service Commission, Shankar Nagar, Raipur, District- Raipur, Chhattisgarh.
4. Controller Of Examination Public Service Commission, Shankar Nagar, Raipur, District- Raipur, Chhattisgarh.

... Respondents

WPS No. 336 of 2021

- Deepa Sharma D/o Mohanlal Sharma Aged About 32 Years R/o Ward No. 22, College Road, Chota Bazar, Chirmiri District Korea Chhattisgarh

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Post Rakhi, Naya Raipur District Raipur Chhattisgarh
2. High Court Of Chhattisgarh Through Registrar General, Chhattisgarh High Court Bodri, District Bilaspur Chhattisgarh
3. Secretary Public Service Commission, Shankar Nagar, Raipur District Raipur Chhattisgarh



4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur District Raipur Chhattisgarh

... Respondents

WPS No. 403 of 2021

- Reema Tigga D/o Shri Ranjeet Tigga Aged About 30 Years R/o House No. A.S. 88, Agyey Nagar, Bilaspur, Chhattisgarh.

... Petitioners

Versus

1. The State of Chhattisgarh, Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bahawan, New Raipur, Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur, Chhattisgarh
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh
4. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Raod, Bhagat Singh Square, Raipur, Chhattisgarh

... Respondents

WPS No. 463 of 2021

1. Priyanka Deshpande D/o Shashank Deshpande Aged About 27 Years R/o C-5/5, Sector-3, Udaya Society, Care Of Sangeeta Beauty Parlour, Raipur-492099, District : Raipur, Chhattisgarh
2. Shivalika Subba D/o Late D.T. Subba Aged About 32 Years R/o Krishna Nagar Boriya Road, Near Santoshi Market, Opposite Laxmi Bakery, Infront Of A.K. Fitness Gym, Raipur (C.G.)-492001, District : Raipur, Chhattisgarh
3. Manika Dikshit D/o Mr. J.P. Dixit Aged About 28 Years R/o House No. 01, Ps City Road, Near Shyam Chowk, New Changorabhata, Raipur (C.G.), District : Raipur, Chhattisgarh

... Petitioners

Versus

1. State Of Chhattisgarh Through Principal Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Raipur (C.G.)
2. Chhattisgarh State Public Service Commission Through Chairman, Near Bhagat Singh Chowk, Raipur, (C.G.)
3. Hon'ble High Court Of Chhattisgarh Through Registrar General, Bodri, Bilspur (C.G.)

... Respondents

WPS No. 518 of 2021

- Sushma Sharma W/o Shriprakash Sharma, Aged About 30 Years R/o Cghb Colony Pirda2, Site C Ring Road No.3, Post Mandhar (Gsi), Pin 493111, Raipur (Chhattisgarh)

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat, Singh Square, Raipur, Chhattisgarh.
4. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh.

... Respondents

WPS No. 610 of 2021

- Nushrat Tahsin Quadri, D/o Mukhtar Ahmad Quadri, Aged About 35 Years R/o Punchwati Gali, Jarhagarh, Mahamaya Road, Ambikapur, District - Surguja Chhattisgarh.

... Petitioner



Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur, District Raipur (CG)
2. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, District Raipur (CG)
3. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, District – Raipur (CG)

... Respondents

WPS No. 612 of 2021

- Monica Mishra, D/o Chandrabhusan Mishra, Aged About 36 Years R/o Village Post - Amarpur, Bilaspur, District - Bilaspur Chhattisgarh.

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur, District – Raipur (CG)
2. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, District - Raipur, Chhattisgarh.
3. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, District – Raipur (CG)

... Respondents

WPS No. 584 of 2021

- Gaurav Mahilong S/o Sharad Kumar Mahilong Aged About 30 Years R/o Kalchuri Awas, Rajkishore Nagar, Phase- li House No. 10/244, Sharad Bhawan, Jarhabhata, Kumharpara, District- Bilaspur, Chhattisgarh

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affairs, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur District Raipur, Chhattisgarh
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh

... Respondents

WPS No. 471 of 2021

- Ankit Hora S/o Shri Balbir Singh Hora Aged About 25 Years R/o Gurudwara Road, Kharsia, District Raigarh, Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur, Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh.
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh.

... Respondents

WPS No. 475 of 2021

- Siddharth Mishra S/o Alok Mishra Aged About 27 Years R/o House No. 5, Parmanand Nagar, Mohaba Bazaar Raipur Chhattisgarh.

... Petitioner

Versus





1. State Of Chhattisgarh Through Secretary, Department Of Law And Legislative Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur Chhattisgarh.
2. Chhattisgarh Public Service Commission (Through Secretary), Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur Chhattisgarh.
3. Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur Chhattisgarh.

... Respondents

WPS No. 543 of 2021

- Avishek Sharma S/o Gyaneshwar Sharma Aged About 26 Years R/o Krishna Vastralay, Near New Bus Stand Shivrinarayan, Distric Janjgir Champa Chhattisgarh

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affair, Mantralaya, Mahanadi Bhawan, Atal Nagar Nawa Raipur District Raipur Chhattisgarh
2. High Court Of Chhattisgarh Through Registrar General, Chhattisgarh High Court Bodri, District Bilaspur Chhattisgarh
3. Secretary Public Service Commission, Shankar Nagar Raipur District Raipur Chhattisgarh
4. Contrloer Of Examination Public Service Commission, Shankar Nagar, Raipur District Raipur Chhattisgarh

... Respondents

WPS No. 570 of 2021

- Abhishek Raj Mishra S/o Lalit Mishra Aged About 26 Years R/o Near Police Chowki, Ramnagar, Gudhiyari Thana Raipur District Raipur Chhattisgarh

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affair, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court Bodri, District Bilaspur Chhattisgarh
3. Secretary Public Service Commission Shankar Nagar, Raipur District Raipur Chhattisgarh
4. Controller Of Examination Public Service Commission Shankar Nagar, Raipur District Raipur Chhattisgarh

... Respondents

WPS No. 571 of 2021

- Ashok Kumar Yadav S/o Ramesh Kumar Yadav, Aged About 27 Years R/o Netaji Chowk, Bazar Gali, District Janjgir - Champa Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh.
3. Secretary, Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.
4. Controller Of Examination, Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.

... Respondents



WPS No. 580 of 2021

- Masoom Rathod D/o Prakash Rathod Aged About 26 Years R/o Raman Mandir Marg, Fafadih, Ganj Police Station Ke Pass, District Raipur (CG)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur District Raipur, Chhattisgarh
2. High Court Of Chhattisgarh Through Registrar General, Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh

... Respondents

WPS No. 597 of 2021

- Manish Sinha S/o Sunil Kumar Sinha Aged About 27 Years R/o Bhatti Road, Kedarpur, Behind Ekta Hospital, Ambikapur, Surguja, Chhattisgarh.

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur, C.G.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur, C.G.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagt Singh Square, Raipur, C.G.
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, C.G.

... Respondents

WPS No. 617 of 2021

- Prince Lunkad, S/o Rajkumar Lunkad, Aged About 32 Years R/o Flat No. 101, Patwa Complex, M.G. Road, District - Raipur Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi, Atal Nagar, Naya Raipur District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur, Chhattisgarh.
3. Secretary, Public Service Commission, Shankar Nagar Raipur, District Raipur Chhattisgarh.
4. Controller Of Examination, Pubic Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.

... Respondents

WPS No. 628 of 2021

- Poonam Deshlahara, D/o Anoopchand Deshlahara, Aged About 33 Years R/o Shikshit Nagar, Bmy Charoda, Bhilai, District Durg, Chhattisgarh.

... Petitioner

Versus

1. Chhattisgarh Public Service Commission (Through Secretary), Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.
2. Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.



3. State Of Chhattisgarh (Through Secretary, Department Of Law And Legislative Affairs), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.

... Respondents

WPS No. 724 of 2021

- Surbhi Meshram D/o Shri Pradeep Meshram Aged About 28 Years R/o New Adarsh Nagar, Borsi Road, Durg, Chhattisgarh.

... Petitioner

Versus

1. Chhattisgarh Public Service Commission (Through Secretary), Shankar Nagar Road, Bhagat Singh Square, Raipur, District- Raipur, Chhattisgarh.
2. Examination Controller Chhattisgarh, Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District- Raipur, Chhattisgarh.
3. State Of Chhattisgarh (Through Secretary, Department Of Law And Legislative Affairs), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District- Raipur, Chhattisgarh.

... Respondents

WPS No. 785 of 2021

- Shweta Chhabria D/o Mahesh Kumar Chhabria Aged About 27 Years R/o Exotica Apartment , Shankar Nagar, Raipur , District Raipur, Chhattisgarh.

... Petitioner

Versus

1. Chhattisgarh Public Service Commission (Through Secretary), Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.
2. Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.
3. State Of Chhattisgarh (Through Secretary , Department Of Law And Legislative Affairs), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.

... Respondents

WPS No. 799 of 2021

- Disha Badesha, D/o P S Badesha, Aged About 28 Years R/o Chilphi Heights, Bhawna Nagar, Raipur, District Raipur, Chhattisgarh.

... Petitioner

Versus

1. Chhattisgarh Public Service Commission (Through Secretary), Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.
2. Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh.
3. State Of Chhattisgarh (Through Secretary, Department Of Law And Legislative Affairs), Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh.

... Respondents

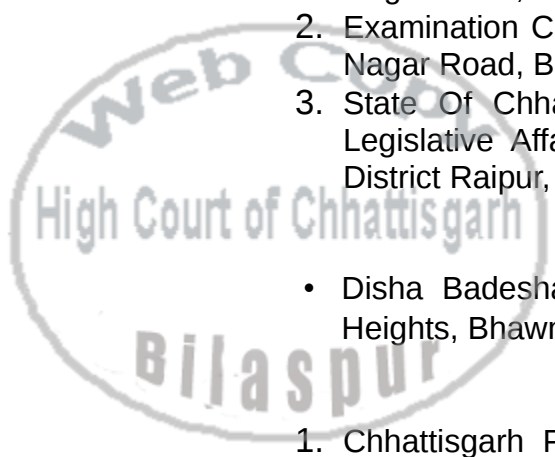
WPS No. 5310 of 2020

- Trevenee Shankar Sahu S/o Late Vijay Kumar Sahu Aged About 26 Years R/o Flat No. 204, 2nd Floor, Aasma City Homes, Bilaspur, Tehsil And District Bilaspur Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya Post Rakhi, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur Chhattisgarh.
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur, Chhattisgarh.





4. Controller Of Examination Public Service Commission Shankar Nagar, Raipur, District Raipur Chhattisgarh.

... Respondents

WPS No. 185 of 2021

- Jyoti Pandey D/o Govind Prasad Pandey Aged About 44 Years R/o Civil Line Balodabazar District Balodabazar Bhatapara Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Law And Legislative Affair, Mahanadi Bhawan Mantralaya, Post Rakhi Atal Nagar, Naya Raipur, District Raipur Chhattisgarh.
2. High Court Of Chhattisgarh Through Registrar General Chhattisgarh High Court, Bodri, District Bilaspur Chhattisgarh.
3. Secretary Public Service Commission, Shankar Nagar Raipur, District Raipur Chhattisgarh.
4. Controller Of Examination Public Service Commission, Shankar Nagar Raipur District Raipur Chhattisgarh.

... Respondents

WPS No. 277 of 2021

- Sheeba Khan D/o Naushad Ali Khan Aged About 23 Years R/o Khurje-Wala Mohallah, Daulat Ganj, Shivaji Gali, Lashkar, Gwalior, (M.P.) Pin-474001

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Department Law And Legislative Affairs, Govt. Of Chhattisgarh, Mahanadi Bhavan, Atal Nagar, Nava Raipur, P.O. Rakhi, District Raipur, Chhattisgarh
2. High Court Of Chhattisgarh Through Registrar General High Court Of Chhattisgarh, Bilaspur, Chhattisgarh
3. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh
4. Examination Controller C.G. Public Service Commission, Through Secretary, C.G. P.S.C. Shankar Nagar Road, Raipur, Chhattisgarh

... Respondents

WPS No. 5447 of 2020

1. Jaipal Rathore S/o Late Shri Vasudev Rathore, Aged About 39 Years R/o Chitar Para, Ward No. 12, Janjgir, District Janjgir Champa Chhattisgarh
2. Melveen Abhishek Tirkey, S/o Shri A.P. Tirkey, Aged About 30 Years R/o House No. 1009, Ward No. 03, Chadda Bari, Near Chaman Heights, Nehru Nagar, District Bilaspur Chhattisgarh.

... Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar, Raipur, District Raipur Chhattisgarh
3. Controller Of Examinations, Chhattisgarh Public Service Commission, Shankar Nagar, Raipur, District Raipur Chhattisgarh.

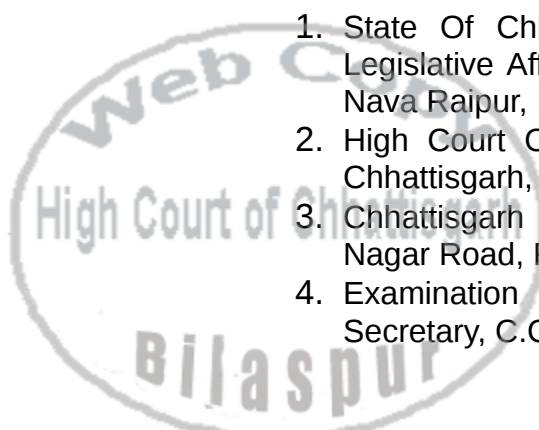
... Respondents

WPS No. 38 of 2021

- Rameshwari Rao Maratha D/o Shri Krishna Rao Maratha Aged About 25 Years R/o Village Ganiyari , Tahsil Takhatpur, Police Station Kota, District Bilaspur Chhattisgarh.

... Petitioner

Versus





1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.

... Respondents

WPS No. 233 of 2021

1. Chhabi Lal Sahu S/o Shri Chandulal Sahu Aged About 34 Years R/o Village Mohanpur Post Fulwari (F), Tahsil Lormi, District Mungeli Chhattisgarh.
2. Ritu Mishra D/o Shri Gend Prasad Mishra Aged About 23 Years R/o Gulmohar Park, Near Uslapur Phatak, District Bilaspur Chhattisgarh.
3. Miss Shubham Jain D/o Dilip K. Jain Aged About 25 Years R/o Nirmal Kirana Bhandar, Jain Mandir Road, Kunkuri District Jashpur Chhattisgarh.
4. Deepak Kumar S/o Om Prakash Aged About 27 Years R/o B - 106, Jarhi Colony Post Bhatgaon District Surajpur Chhattisgarh.

... Petitioners

Versus

1. State Of Chhattisgarh Through The Secretary, Department Of Law And Justice Mantralay, Mahanadi Bhawan, Atal Nagar, Nawa Raipur (CG)
2. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar Road Bhagat Singh Chowk Raipur Chhattisgarh.

... Respondents

WPS No. 81 of 2021

- Ruchi Pathak, D/o Shri Pramod Pathak, Aged About 27 Years R/o Gitanjali Nagar, Kashyap Colony, Bilaspur, Chhattisgarh.

... Petitioner

Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur, Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh.
4. The Examination Controller, Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh.

... Respondents

WPS No. 93 of 2021

- Lucky Soni D/o Shri Umesh Kumar Soni Aged About 28 Years R/o Near Bus Stand, Karanjiya, District Dindori, Madhya Pradesh.

... Petitioner

Versus

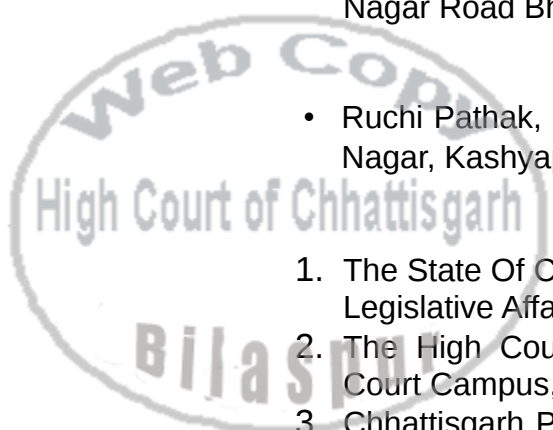
1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur Chhattisgarh.
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur Chhattisgarh.
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur Chhattisgarh.

... Respondents

WPS No. 154 of 2021

- Rohit Tripathi S/o Shri Kedar Prasad Tripathi Aged About 27 Years R/o Village And Post Semra Via Rajnagar, District Anuppur, Madhya Pradesh

... Petitioner





Versus

1. The State Of Chhattisgarh Through The Secretary, Department Of Law And Legislative Affairs, Mahanadi Bhawan, New Raipur, Chhattisgarh
2. The High Court Of Chhattisgarh Through The Registrar General, High Court Campus, Bodri, Bilaspur, Chhattisgarh
3. Chhattisgarh Public Service Commission Through The Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh
4. The Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, Chhattisgarh

... Respondents

WPC No. 42 of 2021

- Richa Jain W/o Dhanesh Jain Aged About 37 Years R/o H- No. 63, Simran City, Mathparena, Raipur, District Raipur, Chhattisgarh

... Petitioner

Versus

1. Chhattisgarh Public Service Commission Through Secretary, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh
2. Examination Controller Chhattisgarh Public Service Commission, Shankar Nagar Road, Bhagat Singh Square, Raipur, District Raipur, Chhattisgarh
3. State Of Chhattisgarh Through Secretary, Department Of Law And Legislative Affairs, Mantralaya, Mahanadi Bhawan, Atal Nagar, Raipur, District Raipur, Chhattisgarh

... Respondents

WPS No. 855 of 2021

- Nitesh Jain S/o Shri Jitendra Jain Aged About 25 Years R/o Adarsh Nagar, District Kanker Chhattisgarh.

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Law And Legislative Affairs, Mantralaya, Naya Raipur.
2. Chhattisgarh Public Service Commission Through Its Secretary, Raipur.

... Respondents

WPS No. 856 of 2021

- Shrishti Dutt Daughter Of Ashutosh Dutt Aged About 26 Years Resident Of Shri Ram Towers, G-Block, Second Floor, H.No. 02, Vyapar Vihar, Bilaspur (Chhattisgarh)

... Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary, Ministry Of Law And Legislative Affairs, Mantralaya, Naya Raipur, District : Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission Through Its Secretary, Raipur, District : Raipur, Chhattisgarh

... Respondents

For Petitioners:

Mr. Shivang Dubey, Mr. Rohit Sharma, Mr. Rakesh Pandey, Mr. T.K. Jha, Mr. Yashwant Thakur, Mr. Vivek Sharma, Mr. Shobhit Sharma, Mr. Vivek Mishra, Mr. Shubhank Tiwari, Mr. Y.C. Sharma, Mr. Rajeev Kumar Dubey, Mr. Shreyankar Nandy, Mr. Himanshu Sinha, Mr. Kishore Bhaduri with Mr. Pankaj Singh & Mr. Sabyasachi Bhaduri, Mr. M.P.S. Bhatia, Mr. Utsav Mahiswar, Mr. Malay Shrivastava with Mr. Sourabh Sahu, Mr. B.P. Sharma, Advocates.

For Respondent - State:

Mr. Rahul Jha and Mr. Sudeep Verma, Dy. Govt. Advocates.

For Respondent - High Court:

Mr. Ashish Shrivastava, Advocate.

For Respondent - CGPSC:

Mr. Anand Mohan Tiwari, Advocate.



Hon'ble Shri Justice P. Sam Koshy

"ORDER"

Reserved on 10/03/2021

Pronounced on 18/03/2021

1. The present is a bunch of 52 Writ Petitions filed with a common grievance in respect of the results declared of Civil Judge (Entry Level) Examination-2020 conducted by the Chhattisgarh Public Service Commission (in short, "CGPSC").
2. Facts common in all the Writ Petitions and the grounds and contentions of the Counsels appearing for the parties also being similar, if not identical, and the relief sought for also being common, this bunch of Writ Petitions is being decided by this common order.
3. The relevant facts necessary for appreciation of the facts of the present case, common in all the Writ Petitions, are as under:

The CGPSC published an Advertisement on 5.2.2020 for filling up of 32 posts of Civil Judge (Entry Level) in the State of Chhattisgarh. Advertisement was issued on 5.2.2020. Preliminary Examination initially was ordered to be conducted on 17.5.2020. However, because of COVID-19 pandemic, the examination as per the schedule could not be convened and finally the date of Preliminary Examination was rescheduled and conducted on 10.11.2020. The CGPSC published the model answers on 12.11.2020. Objections were called from all the candidates, if any, and the final amended model answers were declared on 20.12.2020. When the final amended answers were published, it was found that the CGPSC has deleted 9 questions and the answer to one question was amended, which has given rise to the filing of the present bunch of Writ Petitions. The 9 questions which have been deleted are in fact Law related questions.

4. There were primarily two major grounds that were raised by Petitioners in common. Firstly, the examination itself was conducted in an inappropriate and illegal manner contrary to the rules governing the field and also contrary to the Advertisement, prejudicial and detrimental to the interest of the candidates and therefore should be interfered with in exercise of its power of Judicial Review by the High Court under Article 226 of the Constitution of India. The second ground



was that after the objections were called on the publication of amended answers, the CGPSC has wrongly deleted the 9 questions holding that they were contrary to the available sources and literature, leading to the Petitioners being put to a substantial loss and as a result being declared ineligible for the Mains examination.

5. Another common ground raised by a few of the Petitioners was that as a result of deletion of 9 questions, the results of the Petitioners have been adversely affected as the awarding of marks after the deletion of 9 questions does not show the awarding of marks to be from 100 Marks. Another ground raised by some of the Petitioners was that while publishing the results, there was no cut off marks published or declared.

6. So far as ground of procedural lapse is concerned, the contention of learned Counsels for Petitioners is that when the Advertisement as such was published on 5.2.2020, as per the Scheme of Examination for the Civil Judge (Entry Level) Examination-2020 the examination was said to be conducted in 3 parts; first part would be the Preliminary Examination; second part would be the Mains Examination and the third part shall be that of viva voce Interview.

7. For the purpose of conducting of Preliminary Examination, 3 centers were prescribed, that are, (1) Bilaspur, (2) Durg-Bhilai and (3) Raipur. As per the scheme floated along with the Advertisement; the Preliminary Examination shall be conducted online; the examination shall be of 100 Marks, and the Question Paper shall consist 100 Objective Type questions with each question having 4 Options of answer out of which one option had to be chosen to be correct answer. The Appendix to the Scheme of Examination also revealed that the time for the examination schedule was 2 hours. Now, the grievance of the Petitioners is that though when the Advertisement was issued, the mode of examination was said to be online. Subsequently, when the call letters were issued they were informed that the examinations shall be conducted off-line instead of online. The time schedule was shown to be 10:00 AM to 1:00 PM. The total marks allotted was 200 Marks for 100 questions. Further, in the Question Paper that was circulated the valuation



procedure prescribed reflected that there shall be negative marking for each wrong answer, which initially was not reflected in the Advertisement or the Scheme for Examination floated along with the Advertisement. This made the candidates quite apprehensive in attempting the answers fearing negative marking and it was only after a considerable period of time in the course of examination that the authorities passed on an instruction/message that there shall be no negative marking and the said condition in the Question Paper shall be treated as cancelled or deleted.

8. Further contention of learned Counsels for Petitioners is that though in the Question Paper the time schedule showed the examination to be conducted from 10:00 AM to 1:00 PM but in fact the time granted was only for 2 hours that is from 10:00 AM to 12:00 PM which again created a lot of confusion in the mind of the participants. Likewise, the Question Paper showed that each question would carry 2 Marks taking the maximum marks to 200 whereas under the Advertisement the maximum marks prescribed were 100 Marks which means 1 Mark was to be allotted to a correct answer. Thus, all these procedural lapses had put the candidates to a mental strain in the course of attempting the questions and thereby their interest has been prejudicially affected so far as their performance is concerned. Further, highlighting on the procedural lapses, learned Counsels for Petitioners submitted that the Maxim "*Sublato Fundamento Cadit Opus*" should be brought into force and it should be held that since the foundation of conducting of the examination itself was erroneous, all subsequent process also has to be deemed to be erroneous and it would stand collapsed and vitiated without any further necessity of judicial scrutiny in respect of subsequent proceedings.

9. Coming to the second major ground of the 9 questions being deleted to be improper, the contention of all the Petitioners was that the CGPSC while publishing the amended and final answers to the question paper has committed an error of law and error of judgment. According to learned Counsels for Petitioners, there was no necessity for the Respondents to have deleted the 9 questions and which has substantially and adversely affected the results so far as



the Petitioners are concerned. The answers given in the model answers initially published by the CGPSC were, proper, legal and logical and justified and there was no scope of any alteration to the said answers in any manner.

10. Learned Counsels appearing for Petitioners also harped upon the Instruction No.7 provided with the Question Paper which envisages that the candidates were expected of understanding and perceiving the questions after considering the Hindi and English format of the questions so far as the minor spelling and other mistakes in any one of the languages is concerned. Which, in other words, means that since the Petitioners were all Graduates, slight errors or otherwise in the questions, the petitioners/candidates are to perceive and understand the question in its proper perspective and attempt the answers. This, in other words, also means that the slight errors in the questions were to be ignored by the CGPSC also in the course of publishing the amended and final answers while considering the objections that were called on the publication of model answers.

11. Further contention of learned Counsels for Petitioners is that the answers arrived at by the CGPSC in the course of publishing the amended and final answers were highly conflicting and contradictory and were also in contravention to the legal provisions as it stand. Thus, the deletion of the 9 questions is bad in law as it adversely affected the prospects of the Petitioners, leading to the filing of the present Writ Petitions and thus the Writ Petitions therefore need to be allowed and the Petitioners to be given appropriate benefit of the same.

12. Learned Counsels for Petitioners in support of their contentions relied upon the cases of *Kanpur University & Others v. Samir Gupta & Others* reported in 1983 (4) SCC 309, *Manish Ujjawal & Others v. Maharishi Dayanand Sarawati University & Others* reported in 2005 (13) SCC 744, *Uttar Pradesh Public Service Commission & Others v. Rahul Singh & Another* reported in 2018 (7) SCC 254 and also on W.P.(S) No. 2403/2019 (*Chandrasen Verma v. State of Chhattisgarh & Others*) and WA No. 605/2019 (*Rituraj Burman & Others v. State of Chhattisgarh & Others*).



13. Per contra, learned Counsel appearing for Respondent-CGPSC, on advance notice, having sought instructions has produced before this Court the records in respect of 14 Questions which were dealt with on receiving the objections from the candidates after the publication of model answers. He submits that immediately after the model answers were published, the objections were called on and many of the candidates have submitted their objections to the model answers. As per the procedure, the CGPSC subsequently constituted a committee of Experts and as regards the questions relating to the subject of Law, a senior level Committee was constituted with the approval of the High Court. That, according to learned Counsel for CGPSC, the said committee consisted of three of the senior Judicial Officers in the State of Chhattisgarh and all the three Judicial Officers are in the Super Time Pay Scale category Officers having rich experience in the field of Law. This Committee having scrutinized the entire objections has given the finding that 9 questions have to be deleted and one question has to be amended so far as the correct answers are concerned.

14. Learned Counsel for CGPSC further submitted that all the candidates who had participated in the examination have been granted *pro rata* marks for the 9 questions that were deleted and which redresses their grievances as they have not been put to loss on the questions being deleted. Moreover, according to learned Counsel for CGPSC, this awarding of *pro rata* marks on the deletion of questions is not something which has been introduced for the first time, rather, it is this practice and procedure adopted since ages and is also applied in all the examinations conducted either by the Chhattisgarh Public Service Commission or by the Chhattisgarh Professional Examination Board. Therefore, the Petitioners do not have the right to cry foul of on such a procedure being adopted. Learned Counsel for CGPSC in support of his contentions submitted that it is always within the prerogative of the CGPSC insofar as adopting the mode and process of examination is concerned. Initially, when the Advertisement was published on 5.2.2020, the candidates were made to know that there will be 3 examination centers, that are, (1) Bilaspur, (2) Durg and (3) Raipur which by itself clearly



suggests that the candidates were required to go to the examination centers for attempting the answers and therefore they should not carry the impression that only because the examination was said to be conducted online they were not required to go to the examination centers. According to learned Counsel for CGPSC, it was subsequently decided that the examination has to be conducted off-line and the questions would be the Objective Type and the candidates were required to fill up the OMR sheet so far as the correct option is concerned. This, therefore, has not in any manner adversely affected the performance of the candidates. Likewise, it was also contended by learned Counsel for CGPSC that as regards the contention of Petitioners of there being a confusion so far as the negative marking is concerned, there is a report available with the CGPSC which would show that immediately when the error regarding negative marking in the valuation procedure was depicted in the question paper, the CGPSC had issued instructions to all the Nodal Officers deputed in the 3 examination centers to immediately intimate the concerned centers in respect of there being no negative marking and in just around 15 minutes of time from the start of the examination there was a public announcement made at all the 3 centers in respect of the said correction.

15. Apart from the aforesaid contentions, it was also the contention of learned Counsel for CGPSC that immediately after the examination was conducted, except for one candidate who had raised the aforementioned procedural lapses immediately after the Preliminary Examination, none of the candidates has raised any objection which would also suggests that there was in fact not much grievance for the candidates, so far as procedural lapses are concerned and it was only for the sake of adding the ground to the Writ Petition, this ground procedural lapse has been raised. Thus, learned Counsel for CGPSC submitted that given the aforesaid facts and circumstances of the case there is hardly any scope for interference left for this Court under Article 226/227 of the Constitution of India.



16. According to learned Counsel for CGPSC, after the objections having been scrutinized by the Experts in the field, there is no further scope of judicial review available for the High Court under under Article 226 of the Constitution to further test the veracity of the finding of a team of Experts. Moreover, when the team of Experts has been constituted with the consent and approval of the High Court itself, their competence and findings cannot be doubted and thus he prayed for the dismissal of the present Writ Petitions.

17. Having heard the contentions put forth on either side and on perusal of record, what is necessary to be taken note of is that, true it is when the Advertisement was published on 5.2.2020 it was mentioned in the advertisement that the Preliminary Examination shall be conducted online; there will be 100 questions of Objective nature; the maximum marks would be 100 Marks and the duration of time shall be 2hours. Further, there was no reference of any negative marking. However, subsequently, when the Preliminary Examination was conducted on 10.11.2020, the Question Paper that was circulated to each of the candidates contained certain instructions which were not there in the Advertisement such as negative marking in the process of valuation procedure. Likewise, the maximum marks were said to be 200 Marks as compared to 100 Marks which were published in the advertisement. The time schedule given in the Question Paper was for 10:00 AM to 1:00 PM reflecting it to be of 3hours time.

18. Immediately, when the Writ Petitions were filed by the Petitioners, this Court had directed the learned Counsel for CGPSC to make available the records. From the records made available, it is revealed that there were three Nodal Officers appointed for the three centers at Bilaspur, Raipur and Durg. On the date of examination, immediately on the circulation of the question papers, the objections were received in respect of the instructions of negative marking reflected in the question paper. The matter was reported at the Head Office of the CGPSC and immediately instructions were sent to the three Nodal Officers to immediately make a public announcement of there not being any negative marking and the instructions in the question paper are to be ignored.



19. As regards the controversy so far as time schedule of 3hours is concerned, the question paper specifically carried a column where apart from the time schedule the question paper also had duration of examination reflected and in the duration column it was specifically mentioned that the duration shall be that of 2hours. This also was specifically intimated to the candidates appearing in the examination. Similarly, the contention of Petitioners that in the Advertisement the maximum of 100 Marks for 100 Questions being reflected whereas in the examination 200 Marks for 100 Questions were shown, this as such would not have prejudiced the claim of the Petitioners in any manner as only by increasing the marks for each question, the total marks or the percentage of marks would not get affected in any manner.

20. Thus, for all the aforesaid reasons, this Court does not find any substantial hamper and prejudice occurring in the course of attending the examination by the candidates on the procedural front. The fact that there was no objection received from any of the candidates except for one, these grounds raised by the Petitioners do not seem to have sufficient force and the same therefore stand negated.

21. Coming to the major ground of alleged wrongful deletion of 9 questions, it would be relevant at this juncture to refer to the 9 questions in the 4 different Set of Question Papers circulated:-

Set	Questions								
Set-A	18	21	23	25	47	63	75	90	96
Set-B	58	61	63	65	87	03	15	30	36
Set-C	94	97	99	53	75	37	49	12	18
Set-D	12	15	17	19	41	51	63	78	84

22. As per the model answers, the correct answers as per Set-A to these 9 questions are as under:-

Questions	Model Answer
18	D
21	B
23	C
25	A
47	A
63	A



75	A
90	D
96	C

23. After the amended and final answers were published, the aforementioned 9 questions have been ordered to be deleted.

24. It would now be relevant to take note of these 9 questions which are the bone of contentions made by the Petitioners of having been wrongly deleted. For ready reference, the 9 questions from Set-A as also the findings of the Expert Committee in respect of these 9 questions on the basis of which they have ordered for deleting the questions, are reproduced herein below:-

Question No.18 in Set-A

आयोग द्वारा दिया गया मॉडल उत्तर –D

18. सिविल प्रक्रिया संहिता 1908 के उपबंधों के अंतर्गत अभिवचनो का संशोधन किया जा सकता है :	18. Pleading can be amended under which of the provisions of Civil procedure code 1908 :
A) केवल विचारण न्यायालय के समक्ष B) केवल प्रथम अपीलीय न्यायालय के समक्ष C) केवल द्वितीय अपीलीय न्यायालय के समक्ष D) विचारण न्यायालय प्रथम अपीलीय न्यायालय अथवा द्वितीय अपीलीय न्यायालय में से किसी भी के समक्ष	A) Before the trial court only B) before the first Appellate court only C) Before the second Appellate court only D) Before either the trial Court, first Appellate Court or second Appellate Court

इस प्रश्न के सन्दर्भ में विभिन्न आपत्ति की गई हैं, किन्तु इस प्रश्न के “हिन्दी प्रश्न” एवं “अंग्रेजी प्रश्न” में तात्त्विक भिन्नता है, दोनों प्रश्न का आशय भिन्न है और आशय भिन्न होने के कारण उत्तर भी भिन्न होंगे।

हिन्दी प्रश्न में “न्यायालय” पूछा गया है किस न्यायालय के समक्ष अभिवचनों में संशोधन किया जा सकता है, जबकि अंग्रेजी प्रश्न में “Provision” प्रावधान पूछा गया है, कि किस प्रावधान में अभिवचनों में संशोधन किया जा सकता है। अंग्रेजी प्रश्न में पूछे गये प्रश्न के सही उत्तर दिये गये नहीं हैं।

अतः इस प्रश्न को निरस्त की जाने की अनुशंसा की जाती है।

SD/- विषय विशेषज्ञ नाम—R.K. Agrawal पदनाम/विषय—Legal advisor to संस्था का नाम—Governor Raipur	SD/- विषय विशेषज्ञ नाम—R.K. Tiwari पदनाम/विषय—D.J. संस्था का नाम Raipur	SD/- विषय विशेषज्ञ नाम—Susma sawant पदनाम/विषय— D.J. Mahasamund संस्था का नाम—
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Question No.21 in Set-A

आयोग द्वारा दिया गया मॉडल उत्तर—B

21. किसी आदेश की अवज्ञा या उसको भंग करने पर सिविल कारागार मेंसे अनाधिक अवधि के लिए निरुद्ध किया जायेगा :-	21. The period of detention in civil imprisonment as a consequence of disobedience or breach of any injunction shall not exceed
A) एक माह B) तीन माह	A) One month B) Three months



C) छः माह D) एक साल	C) Six months D) One year
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प्रश्न के अंग्रेजी रूपान्तरण के अनुसार यह प्रश्न “Breach of injunction” के संबंध में है, जिसे हिन्दी में व्यादेश अथवा निषेधाज्ञा लिखा जाना था, किन्तु हिन्दी प्रश्न में आदेश शब्द का उल्लेख है आदेश कई प्रकार के हो सकते हैं।

इसे अलावा यह प्रश्न The Code of Civil procedure, 1908 के आदेश 39 उसे संबंधित है, जो Temporary Injunctions and Interlocutory Order से संबंधित है, लेकिन न तो हिन्दी प्रश्न में अस्थायी न अंग्रेजी प्रश्न में Temporary शब्द का प्रयोग हुआ है।

अतः प्रश्न पूर्णतः अस्पष्ट है, सही उत्तर देने की स्थिति नहीं है।

अतः आपत्तियाँ स्वीकार कर प्रश्न निरस्त की जाने की अनुशंसा की जाती है।

SD/- विषय विशेषज्ञ नाम—R.K. Agrawal <u>पदनाम/विषय</u> —Legal advisor to संस्था का नाम—Governor Raipur	SD/- विषय विशेषज्ञ नाम—R.K. Tiwari <u>पदनाम/विषय</u> —D.J. संस्था का नाम Raipur	SD/- विषय विशेषज्ञ नाम—Susma sawant <u>पदनाम/विषय</u> — D.J. Mahasamund संस्था का नाम—
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Question No.23 in Set-A

आयोग द्वारा दिया गया मॉडल उत्तर—C

23. जहाँ किसी पक्षकार की मृत्यु सुनवाई की समाप्ति पर किन्तु निर्णय उद्घोषित करने के पूर्व होती है तो A) वाद का उपशमन होगा B) वाद का उपशमन नहीं होगा C) यह माना जाएगा की निर्णय पक्षकार की मृत्यु होने के पहले उद्घोषित किया गया D) उपर्युक्त में से कोई नहीं	23. Where a party dies after conclusion of the hearing and before pronouncement of the judgement, A) The suit shall abate B) The suit shall not abate C) It will be deemed that the judgement has been pronounced before death of the party D) None of the above
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व्यवहार प्रक्रिया संहिता, 1908 के आदेश 22 नियम 6 के प्रावधान निम्नानुसार :—

“6. सुनवाई के पश्चात् मृत्यु हो जाने से उपशमन न होना— पूर्वगामी नियमों में किसी बात के होते हुये भी, चाहे वाद हेतुक बचा हो या न बचा हो, सुनवाई की समाप्ति और निर्णय के सुनाने के बीच वाले न्यायालय में किसी भी पक्षकार की मृत्यु के कारण कोई भी उपशमन नहीं होगा, किन्तु ऐसी दशा में मृत्यु हो जाने पर भी निर्णय सुनाया जा सकेगा और उसका वही बल और प्रभाव होगा, मानो वह मृत्यु होने के पूर्व सुनाया गया हो।”

इस प्रावधान के अनुसार उत्तर विकल्प B एवं C दोनों सही है।

इसलिए आपत्तियाँ स्वीकार करते हुये, प्रश्न निरस्त की जाने की अनुशंसा की जाती है।

SD/- विषय विशेषज्ञ नाम—R.K. Agrawal <u>पदनाम/विषय</u> —Legal advisor to संस्था का नाम—Governor Raipur	SD/- विषय विशेषज्ञ नाम—R.K. Tiwari <u>पदनाम/विषय</u> —D.J. संस्था का नाम Raipur	SD/- विषय विशेषज्ञ नाम—Susma sawant <u>पदनाम/विषय</u> — D.J. Mahasamund संस्था का नाम—
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Question No.25 in Set-A

आयोग द्वारा दिया मॉडल उत्तर—A

25. विबन्ध क्या है? A) किन्हीं तथ्यों को प्रमाणित करने से प्रतिषेध B) संपत्ति का दावा करने से प्रतिषेध	25. What is estoppel? A) Prohibition form proving a certain fact B) Prohibition form claiming a
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C) किसी व्यक्ति को रोकना	certain property
D) उपर्युक्त में से कोई नहीं	C) To stop a person
	D) None of the above

भारतीय साक्ष्य अधिनियम, 1872 के “अध्याय-8 विबन्ध” में धारा 115 से 117 तक के प्रावधानों को देखते हुये। इस प्रश्न के लिये उत्तर विकल्प A और C दोनों सही हैं।

उत्तर के एक से अधिक विकल्प होने से आपत्तियाँ स्वीकार कर प्रश्न निरस्त करने की अनुशंसा की जाती है।

SD/-
विषय विशेषज्ञ
नाम—R.K. Agrawal
पदनाम/विषय—Legal advisor to
संस्था का नाम—Governor Raipur

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पदनाम/विषय— D.J. Mahasamund
संस्था का नाम—

Question No.47 in Set-A

आयोग द्वारा दिया गया मॉडल उत्तर—A

47. अपराध के कौन से 2 आवश्यक तत्व हैं?	47. Which are the essential elements of an offence?
A) हेतुक एवं कृत्य	A) Motive and Act
B) हेतुक एवं दोष सिद्धी	B) Motive and Conviction
C) हेतुक एवं क्षति	c) Motive and Injury
D) तैयारी एवं दण्ड	D) Preparation and Punishment

इस प्रश्न में जो चार विकल्प दिये गये हैं उनके अनुसार

- (A) “हेतुक एवं कृत्य” “Motive and Act” में “हेतुक” Motive प्रत्येक अपराध के लिये आवश्यक नहीं है।
- (B) “हेतुक एवं दोषसिद्धि” “Motive and Conviction” यह दोनों भी प्रत्येक अपराध के लिये आवश्यक नहीं।
- (C) “हेतुक एवं क्षति” “Motive and Injury” यह दोनों भी प्रत्येक अपराध के लिये आवश्यक नहीं।
- (D) “तैयारी एवं दण्ड” “Preparation and Punishment” यह दोनों भी प्रत्येक अपराध के लिये आवश्यक नहीं।

इसलिये प्रश्न और विकल्प दोनों गलत हैं। अतः आपत्ति स्वीकार करते हुये प्रश्न निरस्त किये जाने की अनुशंसा की जाती है।

SD/-
विषय विशेषज्ञ
नाम—R.K. Agrawal
पदनाम/विषय—Legal advisor to
संस्था का नाम—Governor Raipur

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विषय विशेषज्ञ
नाम—R.K. Tiwari
पदनाम/विषय—D.J.
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नाम—Susma sawant
पदनाम/विषय— D.J. Mahasamund
संस्था का नाम—

Question No.63 in Set-A

आयोग द्वारा लिया गया मॉडल उत्तर—A

63. निम्नलिखित में से कौन सा अनुयोज्य दावा नहीं है?	63. Which of the following is not an actionable claim?
A) भविष्य निधि खाते का अधिकार	A) Right to a Provident Fund Account
B) एलएलबी की परीक्षा में वचनगृहीता के उत्तीर्ण होने पर रु. 5000/- भुगतान करने का वचन	B) Promise to pay Rs. 5000/-, if the promisee succeeds in L.L.B. Examination.
C) वचनगृहीता द्वारा किसी विशिष्ट लड़की से विवाह करने पर रु. 2000/- भुगतान करने का करार	C) Agreement to pay Rs. 2000/- if the promisee marries a particular woman.
D) संविदा जो दायित्व से युग्मित के लाभ का दावा करने का अधिकार	



	D) Right to claim benefit of a contract coupled with a liability.
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संपत्ति अंतरण अधिनियम, 1882 की धारा 3 में उल्लिखित “अनुयोज्य दावे” “Actionable claim” की परिभाषा के अनुसार मॉडल आंसर में दिया गया उत्तर विकल्प ‘A’ सही नहीं है, क्योंकि विकल्प A अनुयोज्य दावे “Actionable claim” में आयेगा। इसलिये यह उत्तर गलत है।

इसके आलावा वैकल्पिक उत्तर में B और C, D में उल्लिखित दावे भी अनुयोज्य दावे के अन्तर्गत आते हैं। अतः एक से ज्यादा उत्तर सही होने से आपत्तियों स्वीकार करते हुये यह प्रश्न निरस्त किये जाने की अनुशंसा की जाती है।

SD/- विषय विशेषज्ञ नाम-R.K. Agrawal पदनाम/विषय-Legal advisor to संस्था का नाम-Governor Raipur	SD/- विषय विशेषज्ञ नाम-R.K. Tiwari पदनाम/विषय-D.J. संस्था का नाम Raipur	SD/- विषय विशेषज्ञ नाम-Susma sawant पदनाम/विषय- D.J. Mahasamund संस्था का नाम-
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Question No.75 in Set-A

आयोग द्वारा दिया गया मॉडल उत्तर-A

75. छत्तीसगढ़ भाड़ा नियंत्रण अधिनियम 2011 के अंतर्गत किसी विशिष्ट को प्राप्त अधिकार प्रावधानित है-	75. The right available to a tenant under the Chhattisgarh Rent Control Act 2011 is provided in-
A) अधिनियम की अनुसूची 1 में B) अधिनियम की अनुसूची 2 में C) अधिनियम की अनुसूची 3 में D) अधिनियम की अनुसूची 4 में	A) Schedule 1 of the Act B) Schedule 2 of the Act C) Schedule 3 of the Act d) Schedule 4 of the Act

हिन्दी प्रश्न में “विशिष्ट” शब्द का प्रयोग किया गया है, जबकि अंग्रेजी प्रश्न में “tenant” शब्द का प्रयोग किया गया है। जिसका हिन्दी अनुवाद “किरायेदार” है।

हिन्दी प्रश्न में tenant के लिये सही शब्द का प्रयोग नहीं हुआ है, इसलिये हिन्दी प्रश्न पूर्णतः अस्पष्ट हो गया है जिसका सही जवाब दिया जाना संभव नहीं रह गया है।

इसलिये आपत्ति स्वीकार करते हुए, इस प्रश्न को निरस्त करने की अनुशंसा की जाती है।

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Question No.90 in Set-A

आयोग द्वारा दिया गया मॉडल उत्तर-D

90. छत्तीसगढ़ आबकारी अधिनियम 1915 के अंतर्गत कतिपय अपराधों के पश्चात्तर्वर्ती दोष सिद्धी के लिए वर्णित दण्ड का प्रावधान है-	90. Provision for enhanced punishment in case of subsequent conviction for certain crimes punishable under Chhattisgarh Excise Act 1915 is provided under-
A) धारा 34(1) में B) धारा 34(2) में C) धारा 36 में D) धारा 45 में	A) Section 34(1) B) Section 34(2) C) Section 36 D) Section 45



छत्तीसगढ़ आबकारी अधिनियम, 1915 की धारा 34 उपधारा (1) एवं धारा 34 उपधारा(2) के परन्तु “Provided” में पश्चात्वर्ती दोषसिद्धि हेतु दण्ड का प्रावधान वर्णित है। जबकि धारा 45 धारा 34, 35, 36, 36क, 36ख, 36ग या धारा 40ग के अधीन पश्चात्-वर्ती दोषसिद्धि में “पूर्व दोषसिद्धि के पश्चात् वर्धितदण्ड” “Enhanced punishment after previous conviction” का प्रावधान सम्मिलित रूप से दिया गया है।

ऐसी स्थिति में प्रश्न के हिन्दी रूप में “वर्णित दण्ड” शब्द का प्रयोग होने से विकल्प A धारा 34(1), विकल्प B- धारा 34(2) तथा विकल्प D- धारा 45 तीनों सही उत्तर हैं। ऐसी स्थिति में उत्तर के एक से अधिक विकल्प सही होने के कारण आपत्ति सही है, क्योंकि मात्र विकल्प D ही सही नहीं है, ऐसी स्थिति में प्रश्न निरस्त करने की अनुशंसा की जाती है।

SD/-
विषय विशेषज्ञ
नाम—R.K. Agrawal
पदनाम/विषय—Legal advisor to
संस्था का नाम—Governor Raipur

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नाम—R.K. Tiwari
पदनाम/विषय—D.J.
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पदनाम/विषय— D.J. Mahasamund
संस्था का नाम—

Question No.96 in Set-A

आयोग द्वारा दिया गया मॉडल उत्तर—C

96. परकाम्य लिखत अधिनियम 1881 की धारा के अंतर्गत डिमांड ड्राफ्ट परिभाषित है	96. A 'Demand Draft' is defined under section_____ of the Negotiable Instruments Act 1881
A) धारा 17	A) Section 17
B) धारा 18(B)	B) Section 18(B)
C) धारा 85(A)	C) Section 85(A)
D) धारा 7	D) Section 7

परकाम्य लिखत अधिनियम, 1881 की धारा— 85A में “Demand Draft” शब्द को परिभाषित नहीं किया गया है, मात्र ड्राफ्ट शब्द का उपयोग किया गया है। इस धारा में ड्राफ्ट के उन्मोचन के संबंध में प्रावधान किया गया है।

इसलिए मॉडल आंसर में दिया गया उत्तर विकल्प—C सही नहीं है और न ही कोई अन्य विकल्प सही है।

अतः प्रश्न निरस्त किये जाने की अनुशंसा की जाती है।

SD/-
विषय विशेषज्ञ
नाम—R.K. Agrawal
पदनाम/विषय—Legal advisor to
संस्था का नाम—Governor Raipur

SD/-
विषय विशेषज्ञ
नाम—R.K. Tiwari
पदनाम/विषय—D.J.
संस्था का नाम Raipur

SD/-
विषय विशेषज्ञ
नाम—Susma sawant
पदनाम/विषय— D.J. Mahasamund
संस्था का नाम—

25. On perusal of the findings arrived at by the Expert Committee and the explanation given by them and on perusal of record, it would clearly reflect that the Committee has taken into consideration the available literature and legal position as it stand and there appears to have been a clear application of mind applied while reaching to the conclusion and the findings are based on cogent materials and conclusions arrived at.

26. Hon'ble the Supreme Court in the case of “Ran Vijay Singh And Others v. State of Uttar Pradesh And Others”, (2018) 2 SCC 357, dealing with a similar issue after referring to all the judicial pronouncements in the past on the subject in



Paragraph 30 while concluding the issue laid down certain instructions and guidelines. For ready reference, the conclusion and instructions given by the Hon'ble Supreme Court in Paragraph 30 are reproduced herein under:

“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.”

After laying down the aforesaid instructions and conclusions, the Hon'ble Supreme Court further went on and in Paragraphs 31 & 32 and held as under:

“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.”

27. Again, a similar matter came up for hearing before the Hon'ble Supreme Court in the case of *“Uttar Pradesh Public Service Commission & Another v. Rahul Singh & Another”*, (2018) 7 SCC 254, wherein the Hon'ble Supreme Court referring to the aforementioned judgment in the case of *“Ran Vijay Singh”* (supra) in Paragraphs 12, 14 & 15 has held as under:

“12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case (supra), the Court recommended a system of -

- (1) moderation;
- (2) avoiding ambiguity in the questions;
- (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.

13. xxx xxx xxx

14. In the present case we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.

15. In view of the above discussion we are clearly of the view that the High Court over stepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant - Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of the prima facie view that the answer given by the Commission is correct.”



28. A Division Bench of this High Court in one of its recent decisions in W.A. No.108/2020 (Chhattisgarh Professional Examination Board v. Vikram Singh Rana & others) in Paragraph 14 has held as under:

“14. ...There is absolutely no challenge as to the competence of the Expert Committee, constituted by the Appellant-Board or as to any instance of mala fides. This being the position, the idea of the writ petitioners with reference to the way in which it has been painted in some of the textbooks and sought to be relied on by them to suit to their stand cannot be a ground to tilt the balance in respect of the opinion given by the Expert Committee, for the reasons as given in Annexure-A/5. The course of action pursued by the Appellant-Board is demonstrated as transparent in all respects. The questions were framed by the Experts and after completion of the Examination, the Model Answers were published as per Annexure-A/3, giving a chance to the candidates to submit the objections, if any. It was after considering all the objections, that the opinion was formed by the Expert Committee, leading to finalization of the answers as per Annexure-A/4 and the publication of merit list. This being the position, the 'decision making process' pursued by the Appellant-Board is quite in order and there is no scope for interference in this regard.”

29. Likewise, dealing on the issue of deleting 9 questions and the distribution of marks having drastically got disturbed and that maximum marks thereafter do not arrive at 100 Marks, it would be relevant to take note of Paragraph 16 of the judgment of the Division Bench in W.A. No. 108/2020 (supra).

“16. The grievance is only with regard to the deletion of 18 questions and nothing else. By virtue of the deletion of 18 questions, which were found as not correct or sustainable because of ambiguity or due to availability of more answers or having been framed wrongly without giving proper answer, the marks available in respect of such 18 questions (one mark each) have been re-distributed to the remaining 132 questions (out of total of 150) as per the formula stipulated in this regard. All the candidates, who participated in the Examination, are either 'beneficiary' or 'not a loser' in any manner and hence there cannot be any valid or sustainable grievance or cause of action for the writ petitioners. That apart, the writ petitioners cannot contend or insist that the question paper should carry a minimum of 150 questions always. No provision of law or precedent is brought to the notice of this Court that, if the multiple choice questions get reduced (from 150 to 132 in the instance case, with equitable distribution of marks to all the candidates in respect of remaining questions), it will vitiate the exercise. No legally sustainable cause of action has been substantiated by the writ petitioners and therefore, the interference made by the learned Single Judge, upsetting the selection process and widening the scope is not correct or sustainable, which requires to be interdicted.”



30. More recently, a Division Bench of this High Court again in a bunch of Writ Appeals, leading case of which is W.A. No. 165/2020 (Umang Gauraha v. State of Chhattisgarh & others), decided on 10.12.2020, in Paragraphs 17, 19, 20 & 21 has held as under:-

“17. It is settled law that the Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answer, as the Judges are not Experts in every field to decide the issue either one way or the other. The matter can be dealt with only by the Experts in the field and judicial scrutiny can only be to the limited extent, to see whether proper course of action has been pursued by the agency conducting the selection or whether the final answers given are palpably wrong as discernible from the face of it, without going for any research.

18. xxx xxx xxx

19. As observed in paragraph-30.5, the Apex Court alerted all concerned that in the event of a doubt, the benefit should go to the examination authority rather than to the candidate. This being the position, even if it is to be held that the Writ Petitioners have referred to some literature in their hand to support their answers, that by itself is not sufficient to hold that the Expert opinion relied on by the Respondent-Board is bad in all respects or to be ignored. The observations made by the Apex Court in Ran Vijay Singh (supra) were adverted to in the subsequent decision in Uttar Pradesh Public Service Commission (supra). It was reiterated in the said judgment (paragraph-12) that the law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. It was simultaneously observed that the Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answer. The Apex Court then held in paragraph-14 that if there are conflicting views, then the Court must bow down to the opinion of the Experts, Judges are not and cannot be Experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the Experts.

20. When the Writ Petitioners seek to rely on the decision rendered by the Apex Court in Guru Nanak Dev University v. Saumil Garg and Others reported in (2005) 13 SCC 749 (paragraph-12) seeking to revisit the final answer key, it is discernible from the declaration made by the Apex Court in 'paragraph-9' of the same verdict that, insofar as the key answers are concerned, the benefit of doubt, as per the law well settled by the Apex Court, has to go in favour of the examining body. Similarly, we are of the view that the verdict passed by the Apex Court in Richal and Others v. Rajasthan Public Service Commission and Others reported in (2018) 8 SCC 81 (paragraph-20) sought to be relied on by the Petitioners to cause reappraisal of the key answer by another Expert Committee does not come to their rescue, as the inference made therein is for the reasons as discussed on specific facts; simultaneously alerting that the scope of judicial review in such matters is very limited.



21. As mentioned already, there is no dispute with regard to the course and events insofar as after conducting the examination, the model answers were published by the Board inviting objections from the interested participants. The objections obtained were forwarded and subjected to scrutiny by the Expert Committee. Considering the objections, the Expert Committee found that some questions were liable to be deleted because of the defects either in the questions or the answers and in respect of some other questions, the model answers were noted as required to be corrected. It was on the basis of the said opinion of the Experts that the final answer key was published by the Board, followed by further steps. This clearly shows that the course pursued by the Respondent-Board was quite transparent in all respects and it cannot be held as arbitrary, malafide or unreasonable in any manner.”

31. In both the aforesaid judgments, the view of the Division Bench was that once the matter having been scrutinized by an Expert Committee, there is hardly any scope left for the Writ Court to interfere with the findings unless it is blatantly perverse or contrary to the materials available.

32. As regards the judgments relied upon by learned Counsels for Petitioners, a bare perusal of those judgments would clearly reveal that those judgments have been pronounced under entirely different contextual background and the objections and point of issues involved in all those writ petitions also were distinct from the facts and issues in the present case and many of the judgments are those which have been passed long back and much water have since flowed. The scope of judicial review in such matters have now been settled in the judgments of the recent past discussed in the preceding paragraphs.

33. Given the aforesaid legal position as it stands and on the basis of the judicial pronouncements, the contentions and the objections raised by the Petitioners so far as the rule of the game having been changed or the procedure prescribed in the Advertisement having been deviated from etc., are concerned, the same do not have much force, particularly for the reason that no prejudice as such has caused. Another reason for the contentions raised by Petitioners deserving rejection is the fact that from a large section of many thousands candidates who had appeared, the grievance has been raised only by these 52 Petitioners and of which also except for one Petitioner, that is the Petitioner in WPS No. 5286/2020 (Prafull Kumar Tiwari), not a single candidate had raised



objection immediately after the examination was conducted so far as the deviation of the procedural part is concerned.

34. As regards the issue of negative marking is concerned, from the records submitted by the CGPSC before this Court, it clearly reflect that the Nodal Officers had taken all steps promptly at all the three centers by making announcement that there shall not be any negative marking and the instructions given in respect of negative marking in the question papers were to be treated as cancelled.

35. This Court therefore finds it difficult to hold that the entire procedure has to be treated as having vitiated on these grounds. Likewise, also the issue of distribution of the marks on *pro rata* basis to all the candidates has already been dealt with by the Division Bench of this Court in the case of “Chhattisgarh Professional Examination Board” W.A. No. 108/2020 (*supra*) holding that such deletion of questions and the distribution of marks to all candidates will not vitiate the examination and thus this ground of the Petitioners also would not be sustainable.

36. As regards the 9 deleted questions, if we take into consideration the report of the Expert Committee in respect of each of the 9 Questions, this Court has no hesitation in reaching to the conclusion that the findings so arrived at by the Committee was based on sufficient reasonings and the same cannot be in any manner held to be either arbitrary or contrary to law. Since the Expert Committee has given its report after due consideration of the subject matter and based on cogent materials available with them, therefore, merely because another view was possible or another view could had been taken does not mean that the report of the Expert Committee is without any basis or contrary to law. Another aspect which needs consideration is that the committee of Experts has been constituted with the consent and approval of the High Court and the team of Experts was consisting of three of the senior Judicial Officers in the State, all of whom having a vast experience of judicial service. Further, there is also no challenge to the competency of this team of Experts from the side of the Petitioners.



37. Thus, for all the aforesaid reasons, this Court is of the firm view that no strong case has been made out by Petitioners calling for an interference to the amended and final answers published by Respondents and more particularly to the findings given by the Expert Committee in deleting the 9 Questions.

38. As a consequence, all these Writ Petitions fail and are accordingly dismissed.

sharad

Sd/-
(P. Sam Koshy)
JUDGE

