



Single Bench

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2F.3001-

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) No. 2665/2012

- PETITIONERS
1. Prem Prakash Sinha aged about 31 years, S/o G.L. Sinha, R/o Laxmi Nagar Ringroad No. 1, Near Gomti Ind. Raipur
 2. Anand Kumar Kashyap aged about 31 years, S/o Puran Lal Kahyap, R/o 27 Kholi Vikas Nagar, Near Jyoti Kirana Stores Bilaspur
 3. Dev Singh Thakur, aged about 28 years, S/o Bodhan Singh Thakur, R/o 27 Kholi, Near Jyoti Kirana Stores, Bilaspur

3/3 (1/12)
Bilaspur
17/12

R. No. 2665/12
Presented by Shri. Yogesh Chandra
used.

VERSUS



- RESPONDENTS
1. The State of Chhattisgarh, through Secretary, General Administration Department, D.K. S. Bhawan, Raipur
 2. Chhattisgarh Public Service Commission through Secretary, Shanker Nagar Road Raipur
 3. Controller of Examination, Chhattisgarh Public Service Commission through Secretary, Shanker Nagar Road Raipur



pleaded
Court's order as per Honble
Justice V.K. Jaiswal dt. 19/11/12
Rajesh Kumar
29/11/12

- (4) Vivek Shukla, S/o Shri C.L. Shukla, age-33 years, R/o House No. 186, Near Trimurti Chowk, Sunder Nagar, Raipur (C.G.)
- (5) Bhupendra Mishra, S/o Shri Basant Mishra, age-31 years, R/o- Gram-Bhanpuri, P.O-Birgaon, District-Raipur (C.G.)
- (6) Sandeep Agarwal S/o Shri O.P. Agarwal, Age-32 years, R/o N.M.322, Kargil Chowk, Sunder Nagar, Raipur (C.G.)
- (7) Anurag Sharma S/o Shri M.P. Sharma Age-40 years, R/o- Jagnath Bhuvan, Brahman Para, Raipur (C.G.)



HIGH COURT OF CHHATTISGARH : BILASPUR

WRIT PETITION (S) NO.2663 OF 2012

PETITIONERS Prem Prakash Sinha & Others
Versus
RESPONDENTS The State of Chhattisgarh & Others

WRIT PETITION (S) NO.3608 OF 2012

PETITIONER Himashu Gupta
Versus
RESPONDENTS State of Chhattisgarh & Others

WRIT PETITION (S) NO.3630 OF 2012

PETITIONER Sheela Tandi (Pal)
Versus
RESPONDENTS The State of Chhattisgarh & Others

WRIT PETITION (S) NO.3977 OF 2012

PETITIONER Raghawendra Kumar Namdeo
Versus
RESPONDENTS The State of Chhattisgarh & Others

And
WRIT PETITION (S) NO.2795 OF 2012

PETITIONER Vivek Tripathi
Versus
RESPONDENTS The State of Chhattisgarh & Others

(Writ petitions under Article 226/227 of the Constitution of India)

Single Bench : Hon'ble Shri Satish K. Agnihotri, J.

Present :- Shri Parag Kotecha & Shri Vinay Pandey, Advocates for the respective petitioners.

Shri Y.S. Thakur, Dy. Adv. General for the State.

Dr. N.K. Shukla, Sr. Advocate with Ms. A. Sen Gupta & Shri B.D. Guru, Advocates for the PSC.

Shri Mateen Siddiqui, Advocate for the impleaded respondents
- Vivek Shukla & Others

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(Delivered on this 4th day of February, 2013)

1. W.P.(S) Nos.2663, 3608, 3630, 3977 & 2795 of 2012, involve the same question of law and common facts and, as such, they are being disposed of by this common order.
2. By these petitions, the petitioners seek quashing of the select list prepared for recruitment on various posts, pursuant to the advertisement dated 20-9-2008 issued by the Chhattisgarh Public Service Commission (for short "the PSC").
3. According to the learned counsel appearing for the petitioners, there were several questions in General Studies (Set-A), Public Administration (Paper-I & II), General English & Hindi, Sociology (Paper-I & II), Law (Paper-I & II), etc. subjects, wherein the model answers published by the PSC, against the question papers, were not correct and also the objections raised by the students, as provided under the scheme were not taken into consideration. The result of the main examination was declared on 6-7-2012. Learned counsel would further submit that the candidates who had given wrong answers on the basis wrong model answers, were awarded marks and the petitioners as well as other similarly situated candidates who had given proper answers to the questions have not been granted proper marks. Thus, these petitions.
4. On the other hand, Dr. Shukla, learned senior counsel appearing with Ms. A. Sen Gupta & Shri B.D. Guru, Advocates for the PSC and Shri Thakur, learned Dy. Adv. General appearing for the State, would submit that all the answers were settled by the experts of the respective subjects. The objections raised by the petitioner and



other similarly situated candidates were also placed before the experts, who had examined the same and the answers, which were found to be defective, the questions in respect of that have been deleted.

5. In respect of WP (S) No.2663 of 2012 :

General English & Hindi :

Question No.	Answer given in amended model answer	Whereas the correct answer is
52. उत्त +श्रखल की संधि होगी	Deleted	According to the petitioners, wrongly deleted.
96. CALIGRAPHIST का हिंदी रूप है	-do-	-do-
53. दुर्जन का संधि विच्छेद होगा	'A'	'C' petitioner relies on page Nos.49 & 51 of the paper book
54. दीनानाथ का संधि विच्छेद होगा	'C'	'A' petitioner relies on page Nos.53, 56 & 59 of the paper book
82. किस शब्द में 'इ' का प्रत्यय नहीं है	'D'	'A' petitioner relies on page No.47 of the paper book

General Studies :

30. Which one of the following statements is correct about the Beijing Olympic of 2008 ?	Deleted	According to the petitioners, wrongly deleted.
46. Which one of the following statements are not related with the formation of Chhattisgarh State ?	'C'	'None' petitioner relies on page No.101. of the paper book i.e. M.P. Reorganization Act, 2000.
33. Which one of the following statements is not true about India's progress in medical sciences ?	'C' (as per model answer) 'A' (as per amended model answer)	'A' petitioner relies on page No.125 of the paper book



72. In which period maximum number of under-5 mortality occurs ?	'A'	'None' petitioner relies on page Nos.105, 109 & 112 of the paper book
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Sociology (Paper-I) :

35. Which is the incorrect match of the following ?	Deleted	According to the petitioners, wrongly deleted.
80. Who wrote the books 'Methods of Social Research' ?	-do-	-do-
99. Which of the following is the Karl Marx's theory of Social Change ?	-do-	-do-

Sociology (Paper-II) :

20. Which one of the following statements is related to constitutionally provided criteria for the backward classes ?	Deleted	According to the petitioners, wrongly deleted.
82. According to Westermarck the earlier form of family was :	-do-	-do-
86. Which provision of the Fundamental Rights is directly related to the exploitation of children ?	-do-	-do-
68. Chhattisgarh's tribal population is :	'C'	'D' petitioner relies on page No.248 of the paper book



In respect of WP (S) No.3608/2012 :

Subject Code – 26 : Subject – General Studies – Set 'A' :

Question No.	Answer given in amended model answer	Whereas the correct answer is
1. The following statements are associated with the value system of Vedic Culture ?	'B'	'A' Petitioner relies upon – Ancient India-Class-II-By NCERT
17. Which of the following statements is not associated with the policy of the Government of Chhattisgarh towards the poor ?	'C'	'A' and 'C' petitioner relies upon – A magazine published by the Chhattisgarh State Government – Rahein Vikas Ki Page No.44-45.



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53. Which district of Chhattisgarh contains maximum forest area ?	'A'	'C' Sarguja Petitioner relies upon – Tata McGRAW Hill's – Chhattisgarh General Studies. Page No.1.54, 1 56
80. The works of MNREGA need to be taken on top priority for ?	'A'	'D' Petitioner relies upon – (i) The gazette of India Extraordinary page No.8 to 13 (ii) Panchayat Prasnauttari Pustika page No.48
92. Under which circumstances an assault by one person on another is not considered a crime ?	'C'	'B' and 'C' As per Section 84 of the Indian Penal Code, 'B' is also correct. (relevant portion has been filed).

Subject Code – 19 : Subject – Public Administration (paper II) –
Set 'C' :



Question No.	Answer given in amended model answer	Whereas the correct answer is
14. The President of India is not a Member of Parliament because ?	'C'	'None' Petitioner relies upon – Indian Constitution Bare Act-Art. 59 (1) page No.35
19. Which of the following is not true about Cabinet Secretary ?	'B'	'D' Petitioner relies upon – (i) Bharat Ka Prashashan – By Hosiyar Singh page No.116-120 (ii) Bhartiya Prashashan – By Ram Maheshwari Page No.40-41 (iii) Lok Prashashan – By Laxmikant (Tata McGRAW Hill's) page No.9.38-9.39
30. Which of the following communities are predominant in Chhattisgarh ?	'B'	'D' Petitioner relies upon – Data available in NFHS Page No.25

Subject Code – 19 : Subject – Public Administration (paper I) –
Set 'C' :

Question No.	Answer given in amended model answer	Whereas the correct answer is
4. Simon's decision making theory is based on methodology of ?	'B'	'A' Petitioner relies upon – (i) Public Administration: Prashashnik Siddhant Awaysm Awadharnaiyen – By Prof. A.C. Mehta (RHGA). Page No.169 to 171. (ii) Public Administration: Administrative Behaviour – By Laxmikant (Tata McGRAW Hill's) page No.152 to 153. (iii) Administrative behaviour – By Prof. Jain Page No.376 to 377
34. Which of the following is not associated with financial administration ?	'A'	'None' Petitioner relies upon – (i) Public Administration, Administrative behaviour – By Laxmikant (Tata McGRAW Hill's) Page No.84 to 85 (ii) Vittiya Prashashan – By Prof. P.N. Gautam (Haryana Sahitya Academy) page No.8-9
57. The various types of public policies are ?	'C'	'B' Petitioner relies upon – Prashashnik Sidhhant Aywam Prabhand – By Prof. Katariya Page No.553 to 554
87. Which of the following is the fourth branch of Government in USA ?	'D'	'B' Petitioner relies upon – (i) Tulnatmak Lok Prashashan – By Prof. Chaturvedi Page No.206 to 207 (ii) Lok Prashashan – By Laxmikant (Tata McGRAW Hill's) Page 6.6 to 6.7

98. Rensis Likert's System III is related to which among the following leadership ?	'D'	<p>'None'</p> <p>Petitioner relies upon –</p> <p>(i) Sangathatmak Vyavhar – By Prof. P.C. Jain (RGHA) Page No.226 to 229 (relevant portion has been filed)</p> <p>(ii) Lok Prashashan – By Laxmikant (Tata McGRAW Hill's) page No.170 to 171</p> <p>(iii) Public Administration: Prashashnik Siddhant Awaym Awadharnaiyen – By Prof. A.C. Mehta (RHGA) Pge No.184 to 185</p>
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7. In respect of WP (S) No.3630/2012 :

General English & Hindi :

Question No.	Answer given in amended model answer	Whereas the correct answer is
53. दुर्जन का संघि विच्छेद होगा	'A'	'C'
54. दीनानाथ का संघि विच्छेद होगा	'C'	'A'
73. शुद्ध वाक्य बताइये	'A'	'D'
77. कौन सा वाक्य शुद्ध है	'C'	'D'
80. किस शब्द में 'ज' उपसर्ग नहीं है	'A'	'D'
82. किस शब्द में 'इ' का प्रत्यय नहीं है	'D'	'A'
		<p>In respect of questions 53, 54, 73, 77, 80 & 82, the petitioner relies on page Nos.24 to 38 of paper book</p>

8. In respect of WP (S) No.3977.of 2012 : According to the petitioner, it is equivalent to WP (S) No.2663 of 2012.

9. In respect of WP (S) No.2795 of 2012 :

Law (Paper-I) :

Question No.	Answer given in amended model answer	Whereas the correct answer is
47. A delegation of quasi-legislative power in certain well specified limits is called	'D'	'B' Petitioner relies upon page Nos.55 to 57 of the paper book i.e. Administrative law by Dr. I.P. Massey

Law (Paper-II) :

Question.No.	Answer given in amended model answer	Whereas the correct answer is
21. A servant collected money from the debtor of his master as authorized by him. The servant retained the money in his hands because it was due to him as wages. Servant commits :	'D'	'C'
67. Which is actionable per se in the following :	'A'	'B' In respect of question Nos.21 & 67 the Petitioner relies upon page Nos.114 & 123 to 134 of the paper book.
8. Which one of the following is not essential for an offence ?	Deleted	According to the petitioner, wrongly deleted.



10. It is the well settled proposition of law that the finality should be given to the decision of the experts and the Court may not interfere with the correctness or otherwise of the answers, unless contrary is proved. The merit should not be sacrificed on the technicality of the fact that experts have examined the answers. Even if a reasonable person is of the opinion that the answers are, *prima facie*, incorrect, it would be proper that either those questions be deleted after reexamination or marks be awarded accordingly. (See: *Guru Nanak Dev University v. Saumil Garg and Others*¹).

¹ (2005) 13 SCC 749



11. After scrutinizing the result again, in the case on hand, the model answers on which marks are to be awarded by the valuers are, *prima facie*, incorrect. The petitioners have established their contention by placing reliance upon several authentic books. There is a merit in their contention that the answers given in model answers by the experts are not correct. Thus, the objections raised by the petitioners required to be referred again to the highly qualified experts in the respective subjects for reexamination of the same.

12. In view of the above, it is directed that the PSC will consider the representations of the petitioners in respect of incorrect answers and refer the same to the highly qualified experts in the respective subjects and after scrutinizing the same, the marks shall be awarded properly. Thereafter, if the petitioners are found successful, they shall be called for interview for further recruitment process.



13. In the result, the writ petitions are allowed to the extent indicated above, leaving the parties to bear their own costs.

Sd/-
Satish K. Agnihotri
Judge

Gowri

Handwritten notes and stamps including the number '02' and a date '4/2/13'.

Handwritten signature and date: 'spat hgc' and '2-2-13'.

Handwritten date: '4/2/13' with a triangle symbol.

Handwritten date: '2021' over '07/21/11'.

