

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (S) No. 6107 of 2018

Amrit Anjul Petitioner

Versus

1. State of Jharkhand through Department of Personnel, Administration and Rajbhasa, through its Principal Secretary, having office at Project Bhawan P.O. & P.S. Dhurwa District Ranchi.
2. Jharkhand Staff Selection Commission through its Secretary having its office at Chaibagan, Kalinagar P.O. & P.S. Namkom District Ranchi.
3. Controller of Examination, Jharkhand Staff Selection Commission having its office at Chaibagan, Kalinagar P.O. & P.S. Namkom District Ranchi.

.. ... Respondents.

CORAM: HON'BLE MR. JUSTICE ANANDA SEN.

For the petitioner: Mr. Amritansh Vats, Advocate

For the Respondents: Mr. Sanjay Piprawall, Advocate

05/07.05.2019. The petitioner in this writ application has prayed to re-evaluate the answer sheet of the petitioner after taking into consideration the objections which the petitioner has raised in respect of model answer key which was the basis of publishing the results.

2. The petitioner appeared in the Intermediate Standard Combined Competitive Examination-2017 pursuant to Advertisement No. 03/2017 for the post of Amin, Revenue Clerk etc. The petitioner was a candidate of unreserved category and had selected optional language Paper-II as (Khortha). The petitioner appeared for the said subject and also the paper for General Knowledge. Question Booklet Code "B" was supplied to the petitioner for the language Khortha so far as General Knowledge, Booklet Code "C" was supplied to the petitioner. The petitioner claims that some of the answers of questions of these two subjects have been wrongly evaluated by the Staff Selection Commission and the model answer, which is the basis, was not correct. He submits that his objection was not considered and the final result was published. He submits that because of the wrong answers, which have been relied upon by the respondents, the petitioner was declared unsuccessful.

3. Counsel appearing on behalf of Staff Selection Commission submits that the answer booklets were evaluated on basis of the model answer key which was prepared by the experts. He submits that objections were called for and after considering the objections, a final answer key was published which forms the basis of the results. He submits that now

recommendation has also been made to the State for filling up the said post. He lastly submits that this Court has no jurisdiction to entertain the correctness of the answers and there is no scope of evaluation.

4. I have heard the counsel for the parties. The petitioner has prayed for evaluation. His contention is that some answers to the questions of subject Khortha and General Knowledge has not been evaluated properly and there could have been alternative answers which has not been taken note of by the respondents. He relies upon question nos. 86 and 91 of General Knowledge Paper to support his case.

5. Scope of judicial review in respect of correctness of any answer key has been set at rest by the Hon'ble Supreme Court in the case of ***Ran Vijay Singh & Ors. v. State of U.P. & Ors.*** reported in (2018) 2 SCC 357 and in the case of ***Uttar Pradesh Public Service Commission through its Chairman and Anr. Vs. Rahul Singh and Anr.*** in (2018) 7 SCC 254. In both the judgments the Hon'ble Supreme Court has held that the constitutional courts must exercise great restraint in such matters and should refrain from entertaining them. The Hon'ble Supreme Court has further held that when there are conflicting views, the Court must bow down to the opinion of experts and should not over step their jurisdiction. The Court should not and should never take upon itself the task to re-evaluate the answer sheets. It has also been held that in the event of a doubt, the benefit should go to the examination authority rather than to the candidates.

6. In the instant case, I find that it is the claim of the petitioner that the alternative answers are also correct, so the person who has opted for the alternative answer should also get marks and the paper be evaluated afresh. I find that it is a disputed question as to whether the alternative answers are correct or not. There is an element of doubt. Thus, in view of the judgments of the Hon'ble Supreme Court of India, this Court cannot interfere with the model answer key which forms the basis of the final result. Thus, no interference is this case.

7. Accordingly, this writ application stands dismissed.

(Ananda Sen, J.)