

(2019) 08 RAJ CK 0153

In the Rajasthan High Court

Case No : Civil Writ Petition No. 1709, 1755, 2051, 2154, 2155, 2192, 2197, 2218, 2240, 2250, 2251, 2257, 2604, 3053, 3224, 4336, 9377 Of 2019

Champa Lal And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 28-08-2019

Acts Referred:

Rajasthan Animal Husbandry Subordinate Service Rules, 1977 — Rule 19

Citation : (2019) 08 RAJ CK 0153

Hon'ble Judges : Arun Bhansali, J

Bench : Single Bench

Advocate : H.S. Sidhu, Manoj Bhandari, Dr. Nupur Bhati, Keshav Bhati, M.P. Pareek, Vijay Bishnoi, N.R. Budania, T.S. Rathore, S.R. Godara, Trilok Singh, Mahendra, Mahaveer Bhanwariya, Anil Bachhawat, Anil Gaur, Anupam Gopal Vyas, Manish Patel, Kuldeep Mathur

Final Decision : Partly Allowed

Judgement

These writ petitions have been filed by the petitioners challenging the merit list (Annex.P/6) of the written examination prepared in pursuance to the advertisement dated 14.3.2018 (Annex.P/1) for recruitment to the post of Live Stock Assistant and seeking a direction to the respondents to prepare a fresh merit list in accordance with law. Further challenge has been laid to the final answer key issued by the respondents pursuant to the written test held by the respondents for appointment to the post of Live Stock Assistant.

It is inter alia indicated in the writ petitions that an advertisement dated 14.3.2018 was issued by the respondents for recruitment to the post of Live Stock Assistant. The advertisement was issued pursuant to the provisions of Rajasthan Animal Husbandry Subordinate Service Rules, 1977 and inter alia provided that Departmental Contractual Employees (fixed pay) ('DCE'), who have worked for more than 7 years would be entitled to weightage of 15 additional

marks.

The petitioners applied pursuant to the advertisement and were issued provisional admit cards for written examination. The question booklet issued by the respondents for written examination contained 120 questions and the maximum marks provided were 200. After the written test was held on 21.10.2018, the preliminary answer key was issued by the respondents to which, the petitioners filed objections. Whereafter, the result was declared on 29.1.2019 by the Rajasthan Staff Selection Board ('the Board'), whereby, 1.5 times candidates of the number of posts advertised were called for documents verification. At the end of result, the formula adopted for calculation of marks was indicated alongwith a note as under:-

The formula, provided for calculation of total marks of a candidate, reads as under:-

$$KF = \text{Key Factor} = \frac{\text{Maximum Mark} \times \text{Total No. of Questions of a Particular Section/Subject}}{\text{Total No. of Questions Number of Valid Questions of a Particulars Section/subject}}$$

नोट :-

1. परीक्षा के प्रश्न पत्र के अनुसार कुल पूर्णांक 200 थे। अतः कुल 200 अंकों को 85% के स्केल पर भारांक देते हुए परीक्षा परीणाम तैयार किया गया है तथा Departmental Contractual Employee (DCE) को 15 प्रतिशत अंक का अतिरिक्त भारांक दिया गया है। क्वम् को दिया गया भारांक पूर्णतया अनन्तिम (Provisional) है तथा विभाग से सत्यापन होने के उपरान्त ही ये अन्तिम माने जायेंगे। अतः दस्तावेज सत्यापन के बाद अभ्यर्थियों की वरीयता में परिवर्तन होना स्वाभाविक है।"

The final answer key was also issued, in which, 7 questions were deleted and certain answers as indicated in the preliminary answer key were varied. The petitioners, who failed to get included in the list of successful candidates / are dissatisfied with the final answer key, have filed the present writ petitions.

A challenge has been laid to award of 15% marks to the DCE candidates as indicated in the final answer key instead of 15 marks as indicated in the advertisement. The challenge to the result has also been laid on the ground that roll numbers of certain candidates have appeared in the list twice, resulting in, the total number of candidates called for document verification in real terms getting reduced.

The petitioners in all the petitions, cumulatively put, have challenged the final answer key qua questions No.8, 15, 31, 41, 46, 71, 87, 89, 103, 104 and 112 on various grounds i.e. questioning the deletion, variation in the answers as indicated in the preliminary answer key and not accepting the objections raised by the petitioners qua the preliminary answer key.

Learned counsel for the petitioners made submissions that a bare look at the

advertisement clearly indicates that the DCE candidates were entitled to 15 marks as additional weightage, however, the said aspect has been varied in the final answer key, whereby, DCE candidates have been awarded 15% marks, which comes to 30 marks, which is not permissible. It was submitted that in the advertisement reference has been made to order dated 30.9.2013, which clearly provides for award of 15 marks and, therefore, the award of 15% marks to the DCE candidates is ex-facie illegal.

Submission was also made that in response to a right to information query, it was informed by the Department vide Annex.P/20 in CW No.1709/2019 that there were only 4 candidates under DCE category available in the entire department, however, the weightage as per the said provision has been accorded to several candidates, which is ex-facie illegal.

Submissions were also made that roll numbers of about 180 candidates have been repeated in the result, which clearly indicates that the respondent Board has acted casually and on that count also, the result as declared by the respondents deserves interference. Submissions were made qua each question regarding which, the petitioners had objections, which shall be dealt with at relevant place hereinafter.

Replies to the writ petitions have been filed by the respondents inter alia opposing the submissions as made in the writ petitions.

It is inter alia contended that award of 15% marks to the DCE candidates is justified on a meaningful reading of the order dated 30.9.2013, wherein, it is specifically provided that out of 100 marks 85% weightage shall be given to candidates on the basis of marks obtained by them and 15 marks shall be added for preparation of merit list for DCE candidates. The indication 15 marks was based on maximum 100 marks and, therefore, once the maximum marks are 200, DCE candidates have rightly been awarded 30 marks i.e. 15% marks.

Submissions have also been made that once the candidates like petitioners are entitled to weightage of 85% marks of the marks obtained even as per circular/ order dated 30.3.2013, which have been awarded and as such they cannot raise objection in this regard.

On behalf of the State, the contents of Annex.P/20 in CW 1709/19 were admitted / reiterated that only 4 DCE candidates were eligible.

Learned counsel for Board stated that out of 4 eligible candidate, 2 had appeared in the written examination and both have failed. Qua the allegation made that several candidates have been accorded marks under DCE category, it was submitted that as the marks have been awarded based on the claim made online, as certain candidates have wrongly claimed the benefit, they have been awarded such marks, however, during document verification, those candidates would be dealt with appropriately and would not be treated as DCE candidates.

Submissions were made that the advertisement clearly envisaged that the

candidates belonging to TSP area, were entitled to apply against vacancies of Non-TSP area as well and as the said candidates stood in merit in both TSP and Non-TSP category, their roll numbers have been reflected in both the lists, which cannot be faulted by the petitioners.

Submissions have been made that the said aspect would not result in any prejudice to the petitioners, inasmuch as, if those candidates opt for any of the category i.e. TSP or Non-TSP, to the said extent, the posts in other category would be available for candidates like petitioners, who in any case are lower in merit than the candidates whose roll numbers have appeared in both the categories.

Response qua the objections raised with regard to the final answer key have been made and as per the directions of the Court, the opinions of the Experts, after objections were raised to the preliminary answer key, have been produced for perusal of the Court, which aspects shall be examined at appropriate basis.

Further submissions have been made that scope of interference in the final answer key, which has been prepared based on the Expert Committee opinion, is very limited and, therefore, no interference is called for in the writ petitions. It was prayed that writ petitions be dismissed.

Reliance has been placed on judgment of Hon'ble Supreme Court in U.P. Public Service Commission v. Rahul Singh : (2018) 7 SCC 254.

Learned counsel appearing for the certain private respondents, who were impleaded as party respondents to the present writ petitions, supported the submissions made by learned counsel for the respondent - Board.

I have considered the submissions made by learned counsel for the parties and have perused the material available on record.

As noticed hereinbefore, the petitioners have raised 3 objections while the 1st objection pertains to award of 15% marks to the DCE category candidates, the 2nd issue pertains to roll numbers of certain candidates appearing twice in the list of those candidates called for document verification and 3rd being objections pertaining to the final answer key.

The issue pertaining to award of 15% marks as indicated in the advertisement dated 14.3.2018 was raised with much vehemence and in fact when submissions were initially made, on finding a lot of substance in the submissions made in this regard, interim order dated 5.2.2019 was granted by this Court staying further proceedings pursuant to the result dated 29.1.2019. However, a look at the material placed on record and the factual situation, the objections raised in this regard are baseless. The award of weightage of 15% marks to the DCE candidates is based on the amendment made to Rules of 1977 by Rajasthan Animal Husbandry Service (Amendment) Rules, 2013, whereby, Rule 19 was amended and the same provided for award of such weightage as may be specified by the State Government to DCE candidates, pursuant to which, initially

order dated 23.7.2013 (Annex.R/1 in CW 1709/2019) was issued, which was revised by order dated 30.9.2013.

The order dated 30.9.2013 reads as under:-

"In pursuance to powers conferred under rule 19 of Rajasthan Animal Husbandry Subordinate Service Rules, 1977, it is specified that out of total 100 marks 85% weightage shall be given to candidates on the basis of marks obtained by them in the qualifying academic examination/i.e. Senior Secondary with Physics Chemistry and Biology or Horticulture (Aariculture), Animal Husbandry and Biology and one year's/two years' training of Livestock Assistant obtained from departmental training centres or institutions recognized by the Government of Rajasthan for the post of Livestock Assistant.

After ascertaining the weightage of the said qualifying examination 15 marks shall be added for preparation of the merit list for candidates, who were appointed to the post of Livestock Assistant in the department on fixed pay, having acquired length of experience exceeding seven years and have been continuously working on the said post on the date of commencement of the Rajasthan Animal Husbandry Subordinate Service (Amendment) Rules, 2013."

(emphasis supplied)

A bare look at the order reveals that the same has been passed by assuming a total of 100 marks and provides that 85% weightage shall be given to the candidates on the basis of marks obtained in the qualifying academic examination and in 2nd paragraph, it has been provided that 15 marks shall be added for DCE candidates. The said direction of award of 15 marks in context of total 100 marks would be 15% and, therefore, the award of 15% marks pursuant to the examination of total 200 marks held, to the DCE candidates cannot be faulted.

It is true that in the advertisement it was indicated that DCE candidates would be entitled to 15 marks and not 15% marks, however, the same apparently appears to be a mistake on part of the respondent - Board while issuing the advertisement, which cannot in any case create any right in favour of the petitioners to question the validity of award of 15% marks to the DCE candidates. However, the entire controversy raised, at the end of the day, on account of the fact that in the entire department only 4 candidates were eligible to apply in the DCE quota out of which 2 applied and both of them have failed to appear in the merit list, appears to be meaningless and wholly inconsequential exercise in the entire recruitment and, therefore, the matter rests at that.

The submissions made that several candidates have awarded marks as DCE candidates is taken care of in view of the submissions made by learned counsel for the respondent - Board that the marks have been awarded on account of the candidates wrongly claiming the benefit online and that during document verification, if such candidates have been called, they will be screened out.

The submissions made regarding roll numbers of several candidates appearing twice in the list of candidates, who have been called for document verification, also stands explained based on the submissions made by learned counsel for the respondent - Board that candidates belonging to TSP area were permitted to apply in both the categories and as the candidates have appeared in the merit of both the categories, their roll numbers have appeared and as per their option they will be selected in one of the category, resulting in, the seat would be available for candidates lower in merit.

The petitioners have failed to point out any case, wherein, the roll number of a candidate has appeared in the same list i.e. in TSP or Non-TSP twice and once the roll numbers have appeared in two separate lists, on account of the reason explained by learned counsel for the respondent - Board, merit list cannot be faulted on the said ground.

Coming to the various objections raised by the petitioners pertaining to the final answer key, the parameters with regard to the Court's interference in such matters are laid down in the latest judgment of Hon'ble Supreme Court in Rahul Singh (supra), wherein, Hon'ble Supreme Court has laid down that the following parameters:-

"8. What is the extent and power of the Court to interfere in matters of academic nature has been the subject matter of a number of cases. We shall deal with the two main cases cited before us.

9. In Kanpur University v. Samir Gupta, this Court was dealing with a case relating to the Combined Pre Medical Test. Admittedly, the examination setter himself had provided the key answers and there were no committees to moderate or verify the correctness of the key answers provided by the examiner. This Court upheld the view of the Allahabad High Court that the students had proved that 3 of the key answers were wrong. Following observations of the Court are pertinent:-

16.....We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct.

The Court gave further directions but we are concerned mainly with one that the State Government should devise a system for moderating the key answers furnished by the paper setters.

10. In Ran Vijay Singh and Others vs. State of Uttar Pradesh and Others, this Court after referring to a catena of judicial pronouncements summarized the legal position in the following terms:-

30. The law on the subject is therefore, quite clear and we only propose to

highlight a few significant conclusions. They are:

30. 1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30. 2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalisation and only in rare or exceptional cases that a material error has been committed;

30. 3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate it has no expertise in the matter and academic matters are best left to academics;

30. 4. The court should presume the correctness of the key answers and proceed on that assumption; and

30. 5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

11. We may also refer to the following observations in Paras 31 and 32 which show why the Constitutional Courts must exercise restraint in such matters:

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.

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."

Examining the various objections as raised by the petitioners in this regard based on the parameters laid down, the determination is as under:-

Question No.8 - Study of Joints in Animals is called as

- (A) Osteology
- (B) Arthrology
- (C) Dermatology
- (D) Syndesmology

Preliminary Answer Key - (B) Final Answer Key - (Deleted)

It is submitted by learned counsel for the petitioners that answer 'B' was correct and the question has been wrongly deleted. It is submitted with reference to certain material that study of joints in animals is called as Arthrology.

In the Expert opinion produced by the respondents, it is indicated with reference to material that Arthrology and Syndesmology are synonym to each other and, therefore, two answers (B & D) were correct, the question was rightly deleted.

Having examining the issue as submitted, even as per the material produced by the petitioner in CW No.2197/2019, Arthrology has been indicated in the chapter relating to Syndesmology and, therefore, the deletion of question No.8 is justified.

Question No.15 - Life Span of RBC is

- (A) 120 Days
- (B) 90 Days
- (C) 60 Days
- (D) 150 Days

Preliminary Answer Key - (Deleted) Final Answer Key - (Deleted)

It is submitted by learned counsel for the petitioners that correct answer would be 'A' with reference to material placed on record.

The Expert apparently on account of vagueness of the question deleted the same as the Life Span of RBC is different in different species, which ranges from 30 to 250. In view thereof, the mere fact that in the material it is indicated that Life Span of RBC is 120 Days in Man and different days for different species cannot be a reason to accept the objection by the petitioners and, therefore, the deletion of question No.15 is justified. Question No.31 - 'Mad Cow' disease is caused by:

- (A) Bacteria
- (B) Protozoa
- (C) Fungus
- (D) Prion

The objection raised is that this question is out of syllabus. Reference has been made to the syllabus as produced at Page-132 in CW No.2197/2019 to indicate that the 'Mad Cow' disease is a disease of nervous system and the syllabus only indicated as under:-

"d. Disease of nervous system - meningitis, encephalitis etc."

Therefore, the question pertaining to 'Mad Cow' disease was out of syllabus.

Submissions as made have been contested by learned counsel for the respondents on an apparently baseless ground that as the syllabus pertaining to general knowledge provides for the animals of the State, the issue would be covered.

However, a bare look at the syllabus produced by the petitioners as noticed hereinbefore, indicates that disease of nervous system are not confined to two diseases named therein as the same is followed by 'etc.' and, therefore, it cannot be said that the syllabus was confined only to two diseases of nervous system and consequently, the objection in this regard, cannot be accepted.

Question No.41 - pH of a good silage is:

- (A) 4.2 - 4.5

(B) 3.5 - 4.2

(C) 4.5 - 4.8

(D) 4.8 - 5.8

Preliminary Answer Key - (A) Final Answer Key - (A)

It is submitted that answer 'B' is correct. Reference has been made to certain material.

The Expert opinion in this regard, which is based on a Book "Nutrition and Feed Technology by D.V. Reddy", wherein good silage has been indicated as under:-

"2. Good Silage: Silage possessing acidic taste and odour, traces of butyric acid (less than 0.2%), pH 4.2-4.5 and above and ammoniacal nitrogen 20% of the total nutrition."

Though a book cited by the petitioners indicates the same to be 3.5 to 4.2, however, the context in which the same has been indicated is not very clear, whereas, the material produced by the respondents is very specific.

In view of the above discussion, the determination made by the respondents cannot be faulted.

Question No.46 -Dry matter requirement of Indian Cattle (cow) is:

(A) 2.5 kg/100kg body weight

(B) 3.0 kg/100kg body weight

(C) 2.0 kg/100kg body weight

(D) 1.5 kg/100kg body weight

Preliminary Answer Key - (A) Final Answer Key - (Deleted)

It is submitted with reference to the material produced that the dry matter requirement for a cow is 2.5kg/100kg body weight and, therefore, answer 'A' is correct.

In the material produced by the respondents, it is found that the answers 'A' & 'C' both were correct with reference to the material produced in support thereof, which indicate that cattle will generally eat daily 2.0 to 2.5kg dry matter for every 100kg of live weight. In view thereof, as the Experts have come to a conclusion that more than one answer were correct, merely because in the book cited by the petitioners it has been indicated that the cow requires 2.5kg of dry matter for 100kg body weight, cannot be accepted as correct answer and, therefore, deletion of question No.46 cannot be faulted.

Question No.71 - How Many are days of estrus cycle in the sheep?

(A) 21 days

- (B) 16 days
- (C) 20 days
- (D) 28 days

Preliminary Answer Key - (B) Final Answer Key - (Deleted)

It is submitted that the estrus cycle in the sheep is 16 days and, therefore, answer 'B' is correct.

In the Expert opinion based on material, it is indicated that cycle is repeated every 16 days on the average (actual range may be 14 to 20 days) and as the answers 'B' & 'C' provides 16 days and 20 days as well, two answers being correct, deletion of question No.71, cannot be faulted.

Question No.87 - Maharana Bhupal Singh of Mewar became the Maharaj Pramukh of Rajasthan in the year:

- (A) 1947
- (B) 1948
- (C) 1949
- (D) 1956

Preliminary Answer Key - (C) Final Answer Key - (B)

It is submitted that answer 'C' i.e. 1949 is correct. With reference to material produced alongwith the writ petition, wherein, it is indicated that Greater Rajasthan was inaugurated on 30.3.1949 and Maharana Bhupal Singh of Mewar became its Maharaj Pramukh and, therefore, 30th March is celebrated as Rajasthan Day, which aspect has been reiterated in several books, which has been annexed in the writ petition.

In the Expert opinion, reliance has been placed on History of Rajasthan of Roopa & Company indicating that on 18.4.1948, the New Union was inaugurated, which was called United State of Rajasthan and a Cabinet consisting of Manikya Lal Verma as 1st Prime Minister with Raj Pramukh was formed and, therefore, the year 1948 i.e. answer 'B' is correct.

A bare look at the question No.87 indicates that the same relates to Maharana Bhupal Singh of Mewar becoming 'Maharaj Pramukh of Rajasthan'. The entire material produced by the petitioners clearly indicates that the formation/ inauguration of Rajasthan took place in several stages, wherein, on 11.4.1948 when Maharana Udaipur decided to join Rajasthan Union, he was appointed as 'Raj Pramukh' and a Cabinet was formed under the leadership of Sh. Manikaya Lal Verma, however, the formation of Greater Rajasthan took place on 30.3.1949, wherein, Maharana Bhupal Singh was appointed as 'Maharaj Pramukh' and Cabinet was formed under the leadership of Sh. Heera Lal Shastri.

From the above, it is apparent that insofar as appointment of Maharana Bhupal Singh as 'Maharaj Pramukh' is concerned, the same happened on 30.3.1949 and in the year 1948 he was appointed as 'Raj Pramukh' only. Apparently, the Expert based on misreading of the question, whereby, instead of 'Maharaj Pramukh', 'Raj Pramukh' has been read and the answer given has been ordered to be corrected, whereby, instead of answer 'C', answer 'B' has been indicated as correct answer.

The action of the respondents is palpably incorrect, the original answer 'C' as indicated in the preliminary answer key was indeed correct and, therefore, to the said extent, the action of the respondents cannot be sustained even within the parameters laid down by Hon'ble Supreme Court in Rahul Singh (supra). Question No.89 - Ajrakh print is associated with :

- (A) Balotara
- (B) Pali
- (C) Bagru
- (D) Barmer

Preliminary Answer Key - (D) Final Answer Key - (Deleted)

It is submitted with reference to the material produced that answer 'D' i.e. Barmer was correct.

It is submitted by learned counsel for the respondent - Board that as the two answers indicated i.e. Balotara and Barmer and as Balotra falls within district Barmer, are correct and, therefore, deletion of question No.89 was justified.

In view of the fact that Balotara indeed is part of district Barmer and, therefore, both answers i.e. Balotara and Barmer were correct, deletion being justified, deletion does not call for any interference.

Question No.103 - Which one of the following is the fundamental element to determine the climate of Rajasthan:

- (A) Distance from sea
- (B) Height from sea level
- (C) Temperature
- (D) Vegetation

It is submitted with reference to the material produced that all the four options were correct as all the said reasons determine the climate of Rajasthan and therefore the question must have been deleted.

The respondents have indicated answer 'C' as correct answer. The Expert in his opinion has indicated as under:-

"अन्य विकल्प कारक के रूप में न की आधारभूत तत्व के रूप में। वनस्पती तो वैसे अन्य तत्वों का by product है।

Objection is not allowed"

It is submitted by learned counsel for the Board that the question pertained to fundamental element and as the reference made to the material only indicates various elements and not the fundamental element, the answer 'C', which is 'temperature' is fundamental element as per the expert opinion and, therefore, the answer does not call for any interference.

Having considered the submissions and on perusal of the material available on record, it is apparent that various elements have been indicated, which determine the climate of Rajasthan and as the question pertain to 'fundamental element', the answer 'C' as determined by the respondents i.e. temperature, appears to be justified and does not call for any interference.

Question No.104 - Which is the most significant Process of desertification in Rajasthan:

- (A) Vegetation degradation
- (B) Water erosion
- (C) Wind erosion
- (D) Water logging

Preliminary Answer Key - (C) Final Answer Key - (C)

It is submitted that as more than one options are correct, question must be deleted.

In the Expert opinion, which is supported by extract from 'Rajasthan Ka Bhugol' by Professor H.S. Sharma and M.L. Sharma, wherein, it is indicated as under:-

"1-शुष्क क्षेत्रों में मरूस्थलीकरण प्रक्रम-इस क्षेत्र की पूर्वी सीमा 300 मिलीमीटर की समवर्षा रेखा बनाती है। इसमें पश्चिमी राजस्थान के बाड़मेर, जैसलमेर, जोधपुर, बीकानेर, जालौर का कुछ भाग श्रीगंगानगर एवं हनुमानगढ़, बीकानेर का कुछ भाग आता है। जैसलमेर एवं बाड़मेर के पश्चिमी भागों में 80% से 100% तक मरूस्थलीय स्थितियाँ पाई जाती हैं। यहाँ बालुका स्तूप, बालू की भरमार है। जोधपुर की ओर उत्तर-पूर्व में प्रदर्शित किया गया है। इस तालिका में विभिन्न प्रक्रमों के क्षेत्र को तथा होने वाले परिवर्तन को भी दर्शाया गया है। राजस्थान में सर्वाधिक प्रभावी प्रक्रम वायु अपरदन है जो सन् 2003-04 में 44.80 : था जो सन् 2011-13 में घटकर 44.41 प्रतिशत हो गया। अर्थात् वायु अपरदन में कमी आई है जबकि वन क्षरण 2003-04 में 7.59% था जो कि सन् 2011-13 में बढ़कर 7.62 प्रतिशत हो गया है जो कि चिन्ता का विषय है।"

The material produced by the petitioners, wherein though the same book as produced by the respondents has been produced, however, the relevant part which deals with the same, has not been produced. The other material only refers to the various reasons, whereas the question asked pertains to the 'most significant process' which stands answers by the material produced by the respondents - Experts and, therefore, the plea raised by the petitioners seeking

deletion of the question cannot be sustained.

Question No.112 - The percent share under 'Reserved Forest' category to the total forest area of Rajasthan as per the State of Forest Report 2017 is:

स्टेट ऑफ फॉरेस्ट रिपोर्ट 2017 के अनुसार 'रक्षित वन' श्रेणी के अन्तर्गत राजस्थान के कुल वन क्षेत्र का प्रतिशत अंश है -

- (A) 38.11%
- (B) 55.65%
- (C) 9.57%
- (D) 6.24%

It is submitted that there is difference between the English question and Hindi question and, therefore, the question deserves to be deleted and/or answer indicated by the petitioners be accepted.

Learned counsel for the respondent - Board submitted that in the question paper in point 9, it has been indicated as under:-

"If there is any short of ambiguity mistake either printing of factual nature in Hindi and English Version of the question, the English version will be treated as standard."

It is submitted that as per the English version,³ the answer which has been indicated is correct and, therefore, the same does not call for any interference.

In view of the above specific stipulation in the question paper, the plea raised by the petitioners in this regard cannot be accepted and the objections qua question No.112 are, therefore, rejected.

In view of the above determination made by this Court, it is apparent that the respondents were not justified in changing answer to question No.87 from 'C' to 'B' and answer 'C' is palpably incorrect in view of the historic fact as noticed herein before by confusing between 'Maharaj Pramukh' and 'Raj Pramukh'. Rest of the objections raised by the petitioners pertaining to the final answer key have no substance.

As already noticed hereinbefore, the further process pursuant to the declaration of list of candidates called for document verification has already been stayed by this Court, therefore, the respondents would be required to revise the final answer key by modifying the answer to question No.87 to answer (C) from answer (B), re-determine the merit list, publish the merit list of the candidates to be called for document verification.

Rest of the objections raised by the petitioners in the writ petitions qua the recruitment, result and procedure adopted as discussed hereinbefore are rejected/ in view of the submissions made by counsel for the respondent - State / Board have been rendered infructuous.

Consequently, the writ petitions filed by the petitioners are partly allowed. The final answer key for recruitment to the post of Live Stock Assistant pursuant to the advertisement issued on 14.3.2018, is directed to be modified qua question No.87 by taking answer (C) as suggested in the preliminary answer key as correct instead of (B), the merit list/ result be revised by the respondent - Board and a fresh list of candidates to be called for documents verification, based on the revised result, be published. Whereafter, the recruitment process be proceeded further.