
(2014) 12 JH CK 0084
In the Jharkhand High Court
Case No : WP(C) No. 3391 of 2013

Fuleshwar Saw

APPELLANT

Vs

State of Jharkhand and Others

RESPONDENT

Date of Decision : 16-12-2014

Acts Referred:

Citation : (2015) 2 JLJR 1

Hon'ble Judges : S. Chandrashekhar, J.

Bench : Single Bench

Advocate : Priya Shreshtha, for the Respondent

Final Decision : Dismissed

Judgement

S. Chandrashekhar, J.?Seeking a direction upon the respondents why the result published on 19.4.2013 of the 2nd, 3rd and 4th Limited Deputy Collector Competitive Examination, 2010 for Jharkhand Administrative Services be not cancelled, the present writ petition has been filed. Briefly stated, the facts of the case are that, on 9.10.2010 an advertisement bearing Advertisement. No. 9 of 2010 was published in daily newspaper "Prabhat Khabar" for 2nd, 3rd and 4th Limited Deputy Collector Competitive Examination, 2010 for Jharkhand Administrative Services. There were 133 vacancies for the post of Deputy Collector for the Jharkhand Administrative Services and the examination was conducted on 27.1.2013 and model answer sheet was put on website on 21.2.2013. The applicants were permitted to submit objections till 2.3.2013. After receiving objections from the applicants/candidates the same was referred to the subject Experts and upon receiving recommendation of the subject Experts, question No. 33 of the A-Booklet-set was deleted from consideration.

2. Heard the learned counsel for the parties.

3. Mr. Vishnu-Kumar Sharma, the learned counsel appearing for the petitioner submits that the objections were invited and it was informed to the candidates that they can submit application for scrutinizing the answer-sheets and though

the petitioner submitted application dated 22.5.2013 seeking scrutiny of his answer-sheets, the same has not been done by the respondent-J.P.S.C. It is further submitted that a bare perusal of the question Booklet would indicate that there are more than one wrong questions or questions containing wrong answers however, the same has not been considered by the Commission.

4. As against the above, Mr. Sanjay Piprawal, the learned counsel appearing for the Jharkhand Public Service Commission submits that the objections of the candidates were examined by the subject Experts and question which was found incorrect or for which wrong options of answer was indicated in the question Booklet, was deleted from consideration. The examination was conducted for 100 marks and upon the recommendation of the Expert, question No. 33 of the A-Set of question Booklet was deleted from consideration and thus, evaluation of the candidates was done on the basis of 99 marks only.

5. Ms. Priya Shreshtha, J.C. to Sr. S.C.-II submits that there is no allegation of any irregularity conducted in the examination. The examination was conducted in a fair and proper manner and therefore, this writ petition deserves to be dismissed.

6. I have carefully considered the submissions of the learned counsel for the parties and perused the documents on record.

7. In Kanpur University and Others Vs. Samir Gupta and Others, , the Hon''ble Supreme Court observed that "Lastly, if the attention of the University is drawn to any defect in a Key Answer or any ambiguity in a question sought in the Examination, prompt and timely decision must be taken by the University to declare that the suspect question would be excluded from the paper and no marks assigned to it".

8. From the fact of the case, it is apparent that when it was found that one question out of 100 questions was wrong such question was excluded from consideration. The evaluation of the candidates has been done for 99 marks and thus, there is no discrimination between the candidates. In so far as, the grievance of the petitioner for re-totaling of the answer-sheet is concerned, the learned counsel for the J.P.S.C. has stated that the same has been done and the petitioner has been permitted to peruse his answer-sheet. In view of aforesaid, I find no merit in the writ petition and accordingly, the writ petition is dismissed.