
(2021) 01 JH CK 0136
In the Jharkhand High Court
Case No : Writ Petition(S) No. 1230 Of 2020

Kismanti Minz

APPELLANT

Vs

Jharkhand Public Service Commission, Ranchi And Ors

RESPONDENT

Date of Decision : 12-01-2021

Acts Referred:

Constitution Of India, 1950 — Article 226

Citation : (2021) 01 JH CK 0136

Hon'ble Judges : Dr. Ravi Ranjan, CJ; Sujit Narayan Prasad, J

Bench : Division Bench

Advocate : Ritu Kumar, Sanjay Piprawall

Final Decision : Dismissed

Judgement

1. The matter has been heard through video conferencing with the consent of the learned counsel for the parties. They have no complaint about any audio and visual quality.
2. This writ petition is under Article 226 of the Constitution of India whereby and whereunder direction has been sought for upon the respondents to re-evaluate Paper I and Paper II of the petitioner who had appeared in the examination for appointment of Civil Judge (Jr. Division) in pursuance to the Advertisement No.12/2018 conducted by Jharkhand Public Service Commission (hereinafter referred to as the JPSC) with a further direction upon the respondents to recommend the name of the petitioner for her appointment on the post of Civil Judge (Jr. Division) under Schedule Tribe category, if there is a vacancy.
3. The brief facts of the case as has been pleaded in the writ petition reads as hereunder:

The JPSC came out with an advertisement being Advertisement No.12/2018 inviting applications for appointment of Civil Judges (Jr. Division).

The petitioner on finding herself eligible, applied in pursuance thereto for consideration of her candidature under Schedule Tribe category. She

participated in the process of selection and was declared successful in the main examination and accordingly, participated in the interview. The result

of the Civil Judge (Jr. Division) was declared on 12.02.2020 in which she was declared unsuccessful.

The petitioner came to know about her marks from the website of JPSC that she had obtained 38 marks in Paper I and 42 marks in Paper II.

Further case of the petitioner is that the cut off marks for Schedule Tribe category was 201.67 whereas the petitioner had obtained 198.67 marks and

in that pretext she has filed this writ petition seeking direction for re-evaluation of Paper I and Paper II.

4. We have heard learned counsel for the parties. The relief sought for in this writ petition is for re-evaluation of Paper I and Paper II.

5. In course of argument, a specific query has been made by this Court to the learned counsel for the petitioner as to whether there is any regulation

for re-evaluation under the Rule?

6. Mrs. Ritu Kumar, learned counsel for the petitioner with all fairness has submitted that there is no such Rule to that effect.

7. It is the settled position of law as has been held by Hon'ble Apex Court in *Ran Vijay Singh and Ors. vs. State of Uttar Pradesh and Ors.*, (2018) 2

SCC 357 that in absence of any rule/regulation for re-evaluation of the answer-sheet, there cannot be any direction for the same.

Further, in *Vikesh Kumar Gupta and Anr. vs. State of Rajasthan and Ors.*, 2020 SCC Online SC 993 it has been laid down that re-evaluation can be

directed, if Rule permits.

8. This Court, after taking into consideration the aforesaid position of law, is of the view that the relief sought for in this writ petition is not fit to be

allowed.

Accordingly, the writ petition fails and is dismissed.