

(2019) 11 CHH CK 0063

In the Chhattisgarh High Court

Case No : Writ Petition (C) No. 2403, 2428, 2570, 2646, 2755 Of 2019 Writ
Petition (S) No. 4950, 5407, 5935 Of 2019

Kumar Saurav S/O Satish Chandra And Ors

APPELLANT

Vs

State Of Chhattisgarh Through Secretary And Ors

RESPONDENT

Date of Decision : 15-11-2019

Acts Referred:

Constitution Of India, 1950 — Article 226
Indian Penal Code, 1860 — Section 320
Code Of Civil Procedure, 1908 — Section 96
Code Of Criminal Procedure, 1973 — Section 25
Evidence Act, 1872 — Section 101, 114(e)
Contract Act, 1872 — Section 25(3)
Limitation Act, 1963 — Section 18

Citation : (2019) 11 CHH CK 0063

Hon'ble Judges : Goutam Bhaduri, J

Bench : Single Bench

Advocate : B.P. Sharma, Rakesh Pandey, Shakti Raj Sinha, Vaibhav Shukla, Astha Shukla, Shobhit Mishra, Amit Chaki, Naveen Nirala, Priyamvada Singh, Alok Bakshi, Rajeev Shrivastava, Ashish Shrivastava, Vivek Sharma

Final Decision : Allowed

Judgement

1. The challenge made in this batch of petitions is to the result dated 02.07.2019 in respect of the on-line preliminary written examination conducted on 07th May, 2019 for the post Civil Judge (Entry Level) by the Chhattisgarh State Public Service Commission, Raipur.

2. The predominant common prayer made by the petitioners are to quash the result of written examination of Civil Judge (Entry Level) Exam.2019 and further again publish the correct model key question and answers and thereafter evaluate the answer sheets and accordingly allot the marks obtained by the petitioners. Since the facts and issues involved in all the petitions relate to the subject of law and questions/answers of the on-line written examination held on

07.05.2019, the petitions were heard together and are decided by this common order.

3. The facts of this case are that the respondent Chhattisgarh Public Service Commission conducted the on-line written examination on 07th May, 2019 for the post of Civil Judge (Entry level) Examination 2019. The advertisement was published in February, 2019 for conducting examination to the vacant sanctioned posts of Civil Judges. The written examination was held on 07.05.2019. Various prospecting candidates appeared in the examination and thereafter, the model key answers were published on 08.05.2019 along-with answers opted by the respective examinees. The memo was also published inviting objections by on-line. The on-line objections were received by the respondent/Chhattisgarh Public Service Commission with respect to the questions and answers too and it was placed before the Special Expert Committee for consideration and the final amended model key answer sheets were published on 22.06.2019. The publication made in subject also states that the model key answer sheets would be final and the evaluation and allotment of marks would be done on the basis of amended model key answers. The petitioners contended that after publication of the amended model key answer, out of 100 questions, more than 30 questions were apparently found wrong as they contain certain defects of incorrect answers and wrong phraseology including spelling mistakes in questions and answers and there has also been variance between the English and Hindi versions of question & answers. The petitioners contend that they had answered/ chosen correct answers and due to wrong deletion of some questions/answers, based on objections they received equal distribution of marks but individually correct answers were given. So those students deprived of full marks whereby their merit was brought down. It is stated that such incorrect evaluation resulted into wrong allotment of marks, consequently petitioners have prayed for quashing the entire result of written examination of Civil Judge (Entry Level) Examination 2019 and sought for consequential reliefs.

4. It is the case of the Chhattisgarh Public Service Commission that the petitioners without tallying and comparing the questions with the Set 'A' of PSC which was published have drawn a presumption that the model answers published on 22.06.2019 are incorrect. It is further stated that after the examination was conducted, the model answers were published on 08.05.2019 and after the objections having been received within the stipulated period, the same were decided. It is stated that few of the questions/answers were never objected except 3 questions which were numbered as 8, 38 & 40. It is stated that the said objections were dealt with and after assessment made by the 3 Experts Committee consisting of Senior Addl. District Judges, the objections were rejected by the Committee. It is further submitted that there were 100 questions in Civil Judge (Entry Level) Examination 2019 and the first model answer was issued on 08.05.2019 calling upon objections and approximately 157 candidates have raised objections with regard to 49 questions and answers. Thereafter, the Experts Committee was constituted to scrutinize and decide the objections raised

by the candidates and the Committee after assessment and scrutiny of papers proposed to delete 12 questions/answers i.e., question Nos. 1, 16, 28, 45, 47, 52, 61, 78, 81, 93, 96 & 97 (of Set-A). It is further stated that on account of reasons mentioned in the note sheets prepared against those questions and answers, primarily in both the versions i.e., English and Hindi either the questions were vague or suggested answers were not correct or none of the suggested answers were correct, therefore, those questions were dropped.

5. It further stated that the expert Committee ultimately suggested and amended the correct answers to question No.22, 41, 99 & 100 in total 4 and accordingly final amended model answers were published on 22.06.2019 thereby 12 questions were deleted on the basis of recommendation of the Expert Committee. It is stated that 12 questions were deleted for all the candidates who had appeared in the examination, thereby no prejudice is caused to any particular candidate as the marks for one deleted question was distributed to the ratio of 1.2195 to all the examinees. He further submitted that in respect of the other questions, no objections were made. It is contended that as per the usual practice, the question papers were evaluated as per Set 'A' and questions and answers were further shuffled to maintain the confidentiality and to avoid uniformity in the question/ answers so as to prevent the malpractice of copying and symmetry amongst the candidates. It is contended that thereafter Set 'A' of question papers was published by the CGPSC thereby the question papers of different candidates/ petitioners would have a different distinct serial number. consequently no prejudice would have been caused to any of the petitioner.

6. Learned counsel for the PSC would further submit that separate identification (ID) was given to each participant and they can down- load the question papers and those papers can be tallied with the key answers which is at the left and every question has a separate ID. Therefore, shuffling of questions would not make any difference. Referring to a few of the answer sheets of petitioner Kumar Saurav, it was stated that out of 100 questions, the correct answers were made of 64 questions and the mistakes were of 36. However, for the deleted questions he was also given the mark. Referring to case law laid down in (2018) 8 SCC 81 it is further submitted that as per the procedure laid down by the Supreme Court, the objections to the questions have been dealt with. He further submits that once the objection has been dealt with by the Expert Committee, it cannot be challenged before this Court.

7. It is further submitted that as many as total 4681 candidates have appeared in the examination and out of that, 427 candidates were chosen and before this Court only 8 candidates i.e., petitioners have objected and the objections would relate to only 9 questions. It is stated that 3 petitioners have not objected namely Chhabi Lal Sahu, Nushrat Tahsin Quadr and Priyamvada Singh therefore, even if the questions were not objected by those persons they are before this Court. It is stated that the question papers published by the PSC in set 'A', the objections having been invited, 157 persons objected to total 49 questions and

out of 49 questions, 12 were deleted by the expert Committee, thereby 37 questions remain undecided. He stated that in 4 questions, answers were corrected and the options were with questions bearing no. 22, 41, 99 & 100 whereas 33 questions were found not required to be corrected. Referring to further answers, it is stated that for Model Answer 'A', few of the questions were objected on the ground that there are differences between English and Hindi version, however, the expert committee did not find appropriate to delete the same. It is stated that the same cannot be subject of question.

8. Referring to the case laws reported in (2018) 7 SCC 254 (U.P. Public Service Commission v. Rahul Singh) (2018) 8 SCC 81 (Richal Vs. Rajasthan Public Service Commission); (2018) 2 SCC 357 (Ran Vijay Singh V. State of Uttar Pradesh) and (2018) 15 SCC 796 (Union Public Service Commission Vs. M. Sathiya Priya) learned counsel would further submit that the precedents of Supreme Court would show that interference in the matters of academic nature should not be made as has been laid down by the Supreme Court and would submit that the decision of expert in a field would bind the court and the challenge can be made on a very limited ground and the opinion of the expert has to be given due weight. It is further stated that no error can be found with the answer of the Expert Committee and the questions which have been deleted, the redistribution of marks with respect to the deleted questions cannot be said to be arbitrary or irrational and all the candidates at large have been benefited by redistribution of marks. Learned Counsel would further submit that it was not permissible for the Court to examine the question paper and the answer sheets itself when the PSC has assessed the inter-se merit of the candidates and if there is discrepancy in framing the questions or evaluation of the answers it would be for all the candidates, therefore, no prejudice is to have been caused to anyone. Consequently, the instant petitions have no merit and are liable to be dismissed.

9. Learned counsel for the petitioners would submit that after the final model answer was released on 22.06.2019, 12 questions were deleted from 100 questions, which made the remaining questions to be 88 and since 12 questions were deleted, the marks of 12 questions were distributed in 88 questions in the ratio of 1.2195. It is stated that out of the said 88 model questions, 23 questions were still wrong. It is further contended that merging of 12 marks in 88 marks would also not be correct as few of the questions which were deleted had the correct answers, therefore, in the examination of the like nature, few of the questions which draws a line of distinction between the merit and general were diluted.

10. Referring to the model answer sheets, counsel for the petitioners would submit there has been serious variance in English and Hindi versions. Consequently, it cannot be expected that the candidates will read both the questions of Hindi & English and draw a presumption. It is further submitted that the Expert Committee selected only 12 questions to be defective and deliberately left the other faulty questions/answers to bring it out from the corners of the re-

examinations as the notification purports that if there is a defect in more than 20% of the questions, then it would result into re- examination. Therefore, it is contended that the Expert Committee has acted arbitrarily and without application of mind.

11. Further it is submitted that different sets of papers though were distributed to different candidates, the shuffling in questions was allowed but shuffling of answers were not allowed but was done. In the result, when the answers were tallied with the model answers because the questions were shuffled and the answers were not shuffled, the incorrect evaluation has been done. While advancing the said arguments, the petitioners referred to different question numbers and would submit that if the answer no.4 is correct in a certain question but the question is shuffled, the answer would be different from the question. It is further stated that when the translation is wrong about the English and Hindi questions, it would be the mistake of translator and the entire questions would be wrong consequently the candidate who has answered such question(s) on the presumption would be at the disadvantageous stage. It is further submitted that few of the candidates have raised limited objections towards questions for the reason that for every objection, charge of Rs.50/- is collected and if the objections are made to 70 questions, the amount would be of Rs.3500/- which would be more than that of examination fee. It is further submitted that raising objection cannot be sin quonam for correctness of a question and it's answer.

12. With respect to the deleted 12 questions, one of the petitioners would submit that out of 12 questions, 10 were correctly answered and wrong deletions have been made by the Expert Committee though the questions and answers were correct, therefore, that number as against the person who has wrongly answered would be a gainer for the wrong and it would be a wrong procedure adopted in a competitive examination. Referring to a case law reported in (2018) 8 SCC Pg. 81 (supra), it is further submitted that the Supreme Court has supported the equal distribution of the number when the questions are wrong. But in case the right questions/answers are deleted and equal marks are given in lieu of deletion of such questions/answers, it would be a further wrong. Learned counsel further referred to different questions and would submit that the objections though were raised, it has been wrongly dealt with and the Expert Committee also failed to discharge its obligation and has cursorily done the job which is completely illegal and has an eventual affect of legal right.

13. I have heard learned counsel for the parties. During the course of hearing, the question papers of English version and Hindi versions were placed for perusal. In order to appreciate the nature of questions & answers including the questions which are deleted, the questions which are subject of issue have been identified and separately taken out. For the purpose of identification and verification for English version, the participants ID 1903104434 is considered and for Hindi version, participants ID 1903100713 is taken up for consideration. There were two sets of questions in the papers. One was in English and the other

was in Hindi. The total questions were numbering in 100 for each English and Hindi. As per the prevalent system, the on- line written examination was conducted on computers, therefore, as is averred while the examinee appears for the examination, it was within their choice either to read in English or Hindi according to their medium of language. Importantly on the Computer screen, the English as also Hindi questions both were to appear. The candidate who opted for English would tick mark the English answer and the candidate who opted for Hindi would choose the Hindi answer. Therefore, the candidate would have both the English and Hindi questions on his computer screen. These facts are being discussed for the reason that a candidate has a limited time of 2 hours. Therefore, naturally the candidates who have opted the English medium will read 100 questions of English and similarly the Hindi opted candidates would read 100 questions within the period of two hours. Meaning thereby the candidates are not expected to read both English and Hindi questions simultaneously within the limited time, as otherwise, it would make the number of questions to be 200. With such back ground the questions and answers are being considered.

14. This Court cannot over-look and sideline the pattern of examination as the examination was to choose a competent Civil Judge i.e., Judicial Officer. The Supreme Court while evaluating the gravity of Judicial Officer's Post has drawn a line of distinction between a general candidate of selection other than that for a Judge. In a recent decision rendered in Civil Appeal No. 7306/2019 (Shri Rang Wagmare vs. State of Maharashtra) decided on 16.09.2019 the Supreme Court has held that the Judges must remember that they are not merely employees but hold the public office. In the said case, reiterating the observations made in R.C. Chandel Vs. High Court of Madhya Pradesh (2012) 8 SCC 58 the Supreme Court has further held that the standard of conduct expected of a Judge is much higher than that of an ordinary person. The observations made in R.C. Chandel V. High Court of M.P. (supra) at Para 37 would be relevant here and quoted below :

"37. Judicial Service is not an ordinary government service and the judges are not employees as such judges hold the public office; their function is one of the essential functions of the State. In discharge of their functions and duties, the Judges represent the State. The Office that a judge holds is an office of public trust. A judge must be a person of impeccable integrity and impeachable independence. He must be honest to the core with high moral values. When a litigant enters the courtroom, he must feel secure that judge before whom his matter has come, would deliver justice impartially and uninfluenced by any consideration. The Standard of conduct expected of a Judge is much higher than an ordinary man. This is no excuse that since the standards in the society have fallen, the Judges who are drawn from the Society cannot be expected to have high standards and ethical firmness required of a judge. A Judge like Caesar's wife must be above suspicion. The credibility of the judicial system is dependent upon the Judges who man it. For a democracy to thrive and rule of law to survive, judicial system and the judicial process have to be strong and every judge must discharge his judicial functions with integrity, impartially and

intellectual honesty".

15. In *Shrirang Yadavrao Waghmare (Supra)*, the Court has further held that the judge must decide the case only on the basis of facts on records and the law applicable to the case. It categorically held that if the judge decides a case for extraneous reasons then he is not performing his duties in accordance with law. The said judgment reminds time and again the value of post of a judge and the duty he would discharge. Therefore, considering the post for which a candidate is to be selected, the selection process including the examination should also stand the test of purity devoid of any confusion deciding a fact on extraneous considerations by drawing a presumption. This Court is also conscious of the fact that the examination was conducted for selection of Civil Judge and after going through the nature of questions as the same do not refer to any serious statutory interpretation or intricate question of law, this Court would deal to examine the question and answers including the findings of experts on objections. It is also obvious that when the High Court is deciding the case in respect of competitive examination, which pertains to questions and answers for selection of a candidate to the post of Civil Judge being of nascent stage of law, it can certainly examine the same while adjudicating. With both the grounds as stated herein-above, the questions and answers of the English and Hindi both are being tested and considered. Both for English version and Hindi version, separate IDs of participants have been referred to maintain the secrecy and the names of candidates have not been disclosed.

16. For the sake of brevity, to appreciate the nature of defective questions and answers as has been argued by the petitioners, the questions and answers along-with the Experts Report on the objections were considered. The said questions and answers are discussed herein below :

17. Question No.1 of English version equivalent to question no.1 of Hindi version read as under:

Q.1 'A' shoots 'Z' with intention of killing him. 'Z' dies in consequences. 'A' is guilty of

Ans. 1. Murder

2. Culpable homicide

3. Both (A) and (B)

4. None of the above

Q.1 'A' को मार डालने के आशय से 'Z' को उस पर गोली चलाता है। मर जाता है। 'A' की दोषी है।

Ans 1. हत्या

2. आपराधिक मानववध

3. (अ) और (ब) दोनों

4. उपरोक्त में से कोई नहीं

The aforesaid question was deleted by the Experts. Reading of Question No.1 would show that English version was defective as "A schools Z" was a mistake which should have been 'A' shoots 'Z'. Then in the next sentence, the words A is quality of have been used which should have been A is guilty of. Therefore, the question is deleted for all the candidates. Whereas in Hindi Version, no mistake was found. But since there was defect in English the entire question was rightly deleted. The principle is that there cannot be different versions of Hindi & English.

18. Question No.2 of English version equivalent to question No.2 Hindi version :

Q.1 'A' imports in to India, or exports therefrom, any counter feit coin knowing, the same to be counter feet is, quality under section --- of I.P.C.

Ans. 1. 236

2. 237

3. 235

4. 234

Q.2 जो कोई किसी कूरकृत सिक्के को यह जानते हुये कि वह कूरकृत है भारत में आयात करगा वह भा.द. वि. की धारा के अंतर्गत दोषी है।

Ans 1. 234

2. 236

3. 237

4. 235

In this question, the word 'quality' has been used which should have been 'guilty'. Then after the word 'counter' word 'feet' has been used showing 'counter feet' in the second part which is also wrong as it should have 'counterfeit'

Likewise, in Hindi, the word 'Kurkrit' (कूरकृत) has been used.

Since both these questions of English and Hindi versions were having wrong spelling and meaning, a candidate has to draw a presumption before answering or has to read questions in both the versions to compare which is correct. Therefore, the entire exercise to answer a question would be against the scheme of examination. Meaning thereby Hindi or English version of question should be correct distinctly and be correct in isolation.

19. Question No.3 of English version equivalent to question No.3 of Hindi version :

Q.3 Intentional omission to give information, of offence by a person legally found to inform is dealt under section

Ans. 1. 204

2. 205

3. 202

4. 203

Q.3 इतला देने के लिए आबद्ध व्यक्ति दक्त दारा अपराध की इत्तिला देने का साशय लोग किया जाता है यह भा.द. वि. की किस धारा अनतगरत आता है।

Ans 1. 204

2. 202

3. 205

4. 203

In English version, the words 'legally found' have been used. It should have been 'legally bound'. The reading of words "legally found" in English completely changes the meaning of question.

Likewise in Hindi the words, Shashay Log (साशय लोग) have been used, which should have been Shashay Lop (साशय लोप) .

The words 'Log' and 'Lop' would make entirely the different meaning, which changes the nature of question. Therefore, for the existing ambiguity it should have been deleted.

20. Question No.8 of English version equivalent to question No.8 of Hindi version :

Q.8 Which kind of hurt is not a previous hurt

Ans. 1. Disfiguration of head of face.

2. Emasculation

3. Privation of any member of joint..

4. Fracture of dis location of tooth.

Q.8 कौन सी उपहित घोर उपहति नहीं है।

Ans 1. पुंसतव हरण

2. सिर या चेहरे का विदुपीकरण

3. दांत का भंग या विसंधान

4. किसी अंग या जोड़ का विच्छेद

This question itself would show that before the word hurt, 'previous' has been used showing 'previous hurt'. But according to the correct question, it should

have been 'grievous hurt'. The model answers in English version shows that the answer at serial No.1 i.e., "disfiguration of the head of face", was held to be correct and the Committee also held the same to be correct.

Likewise, in Hindi, at Sl. No.2 of the answer, the word "Vidupikaran' (विदुपीकरण) has been used in the answer, which should have been "Vidrupikaran".

The Committee while deciding the objection on such question/answer held that since the word 'permanent' has not been used in the answer, the "disfiguration of head of face" is correct, as such, over ruled the objection on that ground.

Section 320 of IPC, sixthly explanation shows what is "Permanent disfiguration of the head or face". Therefore, the meaning of words "disfiguration of head of face" would completely change the nature of answer when the word 'of' is used instead of 'or'. In order to answer this question, a candidate has to draw a presumption of his own inference according to his own choice, which is the last resort to be adopted by a Judge to draw his own presumption. In the background of the discussion, the Expert Committee committed a wrong to over-rule the objection. Therefore, the questions being wrong should have been dropped.

21. Question No.9 of English equivalent to Question no.9 of Hindi version :

Q.9 Whoever, wages war against the Government of India or attempts to wage such war shall be punished with.

Ans 1. Imprisonment up to 10 year with fine.

2. Imprisonment up to 7 year with fine

3. Imprisonment up to 14 years with fine.

4. Death or imprisonment of life with fine.

Q.9 जो कोई भारत सरकार के विरुद्ध युद्ध करने का प्रयत्न करेगा दण्डनीय होगा

Ans 1. 10 वर्ष तक के कारावास एवं जुर्माना

2. मृत्यु अथवा आजीवन कारावास एवं जुर्माना

3. 14 वर्ष तक के कारावास एवं जुर्माना

4. 7 वर्ष तक के कारावास एवं जुर्माना

In English version, the words "wages war against" have been used and in the later part, the words "such war" have been used after the word wage, thereby again a presumption has to be drawn.

The objection was raised to this question. However, the Experts Committee has found that both the English and Hindi versions do not have any difference, therefore, the objection was over ruled, but in order to understand the question, the presumption has to be drawn by the candidate. The expert committee made a mistake to drop the objection. If to answer the issue an ensuing judge has to

draw a presumption then it would be a wrong at the inception.

22 Question No.10 of English version equivalent to question No.14 of Hindi version :

Q.10 A lets a house to B at yearly rent of RS 12000/-. The rent for the whole of the years 2015, 2016 and 2017 is due and unpaid. A sues B in 2018 only for the rent due for the year 2016. Whether A can after wards sue for the rent due for the year of 2015 and 2017?

Ans1. Yes

2. No

3. If he shows good cause

4. None of the above

Q.14 क एक घर ख को 12000\ वार्षिक भाटक के पट्टे पर देता ह। वर्ष 2015, 2016 और 2017 इन सभी पूरे वर्षों का भाटक शोध्य है और दिया नहीं गया है। क सन 2018 मे ख पर केवल वर्ष 2016 के शोध्य भाटक के लिए वाद प्रस्तुत करता है। क्या क पश्चावर्ती प्रक्रम पर वर्ष 2015 एवं 2017 के शोध्य भाटक के लिए वाद ला सकता है।

Ans 1. हों

2. नहीं

3. यदि वह उचित कारण दर्शित करता है

4. उपरोक्त मे से कोई नहीं

On reading of the question, the English version appears to be correct whereas in Hindi version, the words 'Pure Varno' (पूरे वर्षों) have been used but it should have been 'Varsho' (वर्षों). The word 'Varno' (वर्णों) changes the complete meaning. Therefore, applying the different meaning in both the versions i.e., English & Hindi, the question itself should have been dropped.

23. Question No.11 of English version equivalent to question No.16 of Hindi version :

Q. 11 'A' shakes his fist at z, intending or knowing it to be likely that he may thereby caus z to believe that 'A' is about to strike 2, A has. -

Ans 1. Commilted force

2. Commilted Assault

3. Commilted gave provacotion

4. None of the above

Q.16 य पर अपना मुक्का क इस आशाय से यह संभावय जानते हुये हिलाता है कि उसके दारा य को यह विश्वास हो जाये कि क, य को मारने वाला ही है। क ने

Ans 1. बल प्रयोग किया है

2. हमला किया है

3. गंभीर प्रकोपन किया है

4. उपरोक्त में से कोई नहीं

In the first part of the sentence, after 'A', the word 'shakes' has been wrongly used instead of the word 'strikes' and in the second part of the line, after the word strike, '2' has been used instead of 'Z'. Therefore, two deficiencies appear in the question.

Likewise, in Hindi version, the word 'Aashay' (आशय) has been used in the first part of sentence which is wrong and then after the word 'Hue' (हुये) the words 'Hilata Hein' (हिलाता है) have been used which completely change the meaning. Whereas as compared to English, in the last line 'Ka' & 'Ya' have been used which is correct as against the English wherein after the word 'strike' digit 2 was used instead of 'Z'. Therefore, the candidate had to read both the English and Hindi versions and compare the questions and thereafter had to draw a presumption to answer. The analogy would be that though a candidate is required to attempt 100 questions in 3 hours, but to compare the correctness he has to read 200 questions in 3 hours. The normal presumption would be that if a candidate has attended for Hindi option, he would not be expert in English vis a vis if a candidate has attended English paper he cannot be presumed to be expert or in know of of Hindi vocabulary.

24. Question No.12 of English version equivalent to question No.13 of Hindi version :

Q.12 Principle of Res-judicata does not apply to.-

Ans 1. Suits.

2. Execution of decree.

3. Arbitration proceeding.

4. All the above

Q.13 प्राण न्यास का सिद्धांत किस पर प्रयोज्य नहीं है।

Ans 1. वाद पर

2. डिकी के निष्पादन कार्यवही पर

3. माध्यस्थम कार्यावाशियों पर

4. उपरोक्त सभी

The entire question in English and Hindi was deleted as the answer was not possible. The decision of the Expert Committee for deleting the question on

objection appears to be correct.

25. Question No. 15 of English version equivalent to question No. 10 of Hindi version :

Q. 15 Where a person commits a public nuisance -

Ans 1. He is liable to criminal prosecution under I.P.C.

2. Suit may be filed against him under sec 91 of civil procedure code.

3. Suit for damages may be filed against him.

4. All the above

Q.10 जब कोई व्यक्ति लोग न्यूसेंस करता है

Ans 1. वह भा.द.स. के अनतगरत आपराधिक अभियोजन के लिए उत्तरदायी है

2. सिविल प्रक्रिया संहिता की धारा 91 के अंतर्गत उसके विरुद्ध वाद लाया जा सकता है

3. उसके विरुद्ध क्षतिपूर्ति का वाद लाया जा सकता है

4. उपरोक्त सभी

In Hindi version, the words 'Log Nuisance' (लोग न्यूसेंस) have been used whereas it should have been 'Lok', (लोक) therefore, the words 'Log nuisance' (लोग न्यूसेंस) change the complete meaning of the question. The question/answers of English version was correct as a whole whereas the Hindi version was wrong. Though the objection was made to this question, the Expert Committee over ruled it. Consequently, a candidate who appeared in Hindi has to read the English version apart from Hindi to understand the question. Therefore, the objection, as has been over ruled by the Expert Committee, does not seem to be justified for the candidates of the Hindi version. Therefore as discussed above, the entire question should have been dropped.

26. Question No. 16 of English version equivalent to question No. 12 of Hindi version :

Q.16 Sec 96 of civil procedure code applies to appeal from -

Ans 1. Against injunction order

2. Original Decree

3. Restoration order under - order 9 rule 13

4. None of the above

Q.12 सिविल प्रक्रिया संहिता की धारा 96 अपील में लागू होती है

Ans 1. निषेधाज्ञा आदेश के विरुद्ध

2. मूल डिक्री

3. आदेश 9 नियम 13 के अंतर्गत पुनर्स्थापना आदेश

4. उपरोक्त में से कोई नहीं

In this question, the entire objection was over ruled by the Expert Committee. The same appears to be correct as section 96 of CPC pertains to appeal from original decree. Therefore, the finding of the expert committee was correct.

27. Question No. 19 of English version equivalent to question No. 20 of Hindi version :

Q.19 When police may arrest without warrant.

Ans 1. Who commits, in the presence of police officer a cognizable offence.

2. Who has been proclaimed as an offender by state government.

3. Both (A) and (B)

4. None of the above

Q.20 पुलिस वारंट के बिना कब गिरफ्तार कर सकती है ।

Ans 1. जो किसी पुलिस अधिकारी की उपस्थिति में संज्ञेय अपराध कारित करता है

2. जो राज्य सरकार द्वारा अपराधी उद्घोषित किया जा चुका है

3. (अ) और (ब) दोनों

4. उपरोक्त में से कोई नहीं

In this question of English version, at option no.2 of the answer, the words "proclaimed as an offender" have been used. Therefore, there exists a spelling mistake. On objection being made to the answer of this question, the same was over ruled by the Committee, which also appears to be not correct. The committee however did not go through the fact that the word 'offender' has been used as 'offendev'. So to answer the same, a candidate has to draw presumption. The change of word changes the entire meaning of the answer. The word 'offendev' is not synonym to the word 'offender'.

The expert committee has dropped the entire question.

28. Question No. 22 of English version equivalent to question No. 22 of Hindi version :

Q.22 Under which section of Cr.P.C Assistant Public prosecutor is appointed by the Government.

Ans 1. Section 24

2. Section 26

3. Section 29

4. Section 25

Q.22 द.प.स. की किस धारा के अंतर्गत शासन द्वारा सहायक लोक अभियोजक की नियुक्ति की जाती है।

Ans 1. धारा 24

2. धारा 26

3. धारा 25

4. धारा 29

The objection has been correctly decided by the Expert Committee as section 25 of Cr.P.C., is said to be correct.

29. Question No. 26 of English version equivalent to question No. 28 of Hindi version

Q.26 Who is not competent to pass an order under section 106 Cr.P.C. to take security. For keeping the peace on conviction.

Ans 1. Chief judicial magistrate

2. Executive magistrate

3. Additional session judge

4. Judicial megistrate first class

Q.28 धारा 106 द.प्र.स. के अंतर्गत दोषसिद्धि पर परिशांति कायम करने हेतु कौन सकम नहीं है।

Ans 1. अपर सत्र न्यायाधीश

2. मुख्य न्यायिक रजिस्ट्रार

3. न्यायिक मजिस्ट्रेट प्रथम श्रेणी

4. कार्यवाहिक रजिस्ट्रार

Since there was ambiguity in the answers of Hindi version as against the English answers as the words 'Mukhya Nyayik Registrar' (मुख्य न्यायिक रजिस्ट्रार) at option No.2 and "Karyavahik Registrar" (कार्यवाहिक रजिस्ट्रार) at option no.4 have wrongly been used, this question of Hindi was ignored for all the candidates whereas the question of English version would show no mistake in the options of answers about the description of the Court to choose the right answer. However, this has been deleted for all the candidates, and therefore, rightly deleted.

30. Question No. 27 of English version equivalent to question No. 29 of Hindi version :

Q.27 Power of court to convert summons case in to warrant case is provided under.

Ans 1. Section 301 Cr.P.C.

2. Section 322 Cr.P.C.

3. Section 302 Cr.P.C.

4. Section 259 Cr.P.C.

Q.29 समंस मामले का वारंट मामले में परिवर्तन करने की शक्ति दफ्तर द.प्र.स. के किस प्रावधान में है।

Ans 1. धारा 322 द.प्र.स.

2. धारा 301 द.प्र.स.

3. धारा 302 द.प्र.स.

4. धारा 259 द.प्र.स.

This question of Hindi has been compared with English. On comparison, it shows that the words "Power of Court" though appeared in English question but have not been used in Hindi version, therefore, it has changed the entire meaning of question in Hindi. Though it is not objected but as compared to the English, the question of Hindi is defective when the marks of Hindi question is rated against the English. To understand the question in Hindi, the candidate had to turn back to read English. Therefore, applying the similar analogy as discussed above, the entire question should have been dropped.

31. Question No.29 of English version equivalent to question No.25 of Hindi version :

Q.29 When any person has reason to believe that he may be arrested on an accusation of having committed a non bailable offence he may apply for anticipatory bail under.

Ans 1. Section 436 Cr.P.C.

2. Section 439 Cr.P.C.

3. Section 438 Cr.P.C.

4. Section 437 Cr.P.C.

Q.25 जब किसी व्यक्ति दफ्तर को यह विश्वास करने का कारण है कि उसको किसी अजमानतीय अपराध के अभियोग में गिरफ्तार किया जा सकता है अग्रिम जमानत हेतु आवेदन कर सकता है अंतर्गत -

Ans 1. धारा 439 द.प्र.स.

2. धारा 437 द.प्र.स.

3. धारा 438 द.प्र.स.

4. धारा 436 द.प्र.स.

The English version would show that the word 'be' has been used after the words

'believe that' instead of 'he'. Likewise, in Hindi phraseology "Aavedan Kar Sakat Hein" (आवेदन कर सकत है), the word 'Sakat' (सकत) has been used instead of 'Sakata' (सकता). The absence of word, 'he' in English creates confusion as who is to be arrested whether the stranger or a concerned person. Further, in Hindi, the spelling of word 'Sakat' (सकत) changes the nature of meaning. Since there is a difference and ambiguity, the entire question should have been dropped.

32. Question No. 31 of English version equivalent to question No. 36 of Hindi version :

Q. 31 A desires, a court to give judgement that he is entitled to certain land in the possession of B or basis of certain facts. Which 'B' denies to be true under section 101 of evidence Act-.

Ans 1. A can not prove the existence of those facts

2. A need not prove the existence of those facts

3. A must prove the existence of those facts

4. None of the above

Q.36 'A' चाहता है कि न्यायालय ऐसा निर्णय दे कि वह एक निश्चित भूमि का अधिकार कुछ तथ्यों के आधार पर है, जो कि 'ब' के कब्जे में है, 'ब' इन तथ्यों से इकार करता है धारा 101 साक्ष्य अधिनियम के अंतर्गत

Ans 1. A' उन तथ्यों को साबित नहीं कर सकता है

2. A' को उन तथ्यों को साबित करने की आवश्यकता नहीं है

3. A' को उन तथ्यों को साबित करना जरूरी है

4. इनमें से कोई नहीं

In English, the word 'or' has been used after the phrase "in the possession of B " whereas it should have been 'on'. If the word 'or' is read as correct, then it changes the entire meaning of the question. This question too should have been deleted.

33. Question No.32 of English version equivalent to question no.31 of Hindi version :

Q. 32 When court is to form an opinion regarding electronic signature then opinion of certifying officer who issued electronic signature is.

Ans 1. Not admissible in Evidence

2. Is relevent

3. Not relevent

4. None of the above

Q.31 जब न्यायालय को किसी व्यक्ति के इलेक्ट्रॉनिक हस्ताक्षर के बारे में राय बनानी हो , तब प्रमाणिकर्ता अधिकारी कि

राय , जिसने इलेक्ट्रॉनिक हस्ताक्षर जारी किये हो -

Ans 1. साक्ष्य से ग्राह्य नहीं है

2. सुसंगत तथ्य है

3. सुसंगत तथ्य नहीं है

4. इनमे से कोई सही नहीं है

In English, the word 'is' has been used both at the ending of the question and at the beginning of the answer at Serial No.2. As such, the answer would be 'is is relevant' which is also a wrong framing of the answer as it creates confusion whereas in Hindi version, there is no ambiguity in the question and answer. Since there is difference in framing of English words, one has to read the Hindi version and therefore the entire question should be dropped. This fact cannot be ignored that the examination was conducted to select the Civil Judge of lower division.

34. Question No.33 of English version equivalent to Question No. 33 of Hindi version :

Q. 33 Relevant facts to consider a statement under section 32 of Evidence Act, are

Ans 1. When it relates to cause of death

2. When it relates to existence of relationship

3. When it is made in will or in deed relating to family affair.

4. All the above

Q.33 किसी कथन को धारा 32 साक्ष्य अधिनियम के अंतर्गत सस आवश्यक तथ्य है ।

Ans 1. जब कि वह मृत्यु के कारण से सम्बंधित है

2. जबकि वह नातेदारी के आस्तित्व के सम्बन्ध में है

3. जबकि वह कौटुम्बिक बातों से सम्बंधित विलया विलेख में किये गये हैं

4. उपरोक्त सभी

In English version, at answer No.2, the phraseology "when it relates to" has been used. There exists a spelling mistake in the word 'relaies'. It should have been 'relates', which makes the answer meaningful. In order to pick up the correct answer the examinee has to read Hindi version apart from English as the removal of word 'relates' changes the complete meaning. This question should also have been deleted.

35. Question No. 35 of English version equivalent to question No. 35 of Hindi version

Q.35 'A' is tried for murder of 'B' intensely beating him with a club causing his

death, which of the following facts are is issue.

Ans 1. A's beating 'B' with club.

2. A's causing B's death by such breathing

3. A's intention to cause B's death.

4. All the above

Q.35 'क' का 'ख' की हत्या के लिए विचारण किया जाता है कि 'क' जानबूझकर डंडे से 'ख' को इतना पीटता है कि उससे 'ख' की मृत्यु हो जाती है निम्न में से कौन विवादक तथ्य है -

Ans 1. क' के द्वारा 'ख' को डंडे से पीटा जाना

2. क' द्वारा इस प्रकार पीटने से ख की मृत्यु होना

3. ख' की मृत्यु कारित करने का 'क' का आशय

4. उपरोक्त सभी

In the first part of the question, the word 'intensely' has wrongly been used after 'B' and in the second line the word 'is' has wrongly been used in the phraseology "which of the following facts are is issue". It should have been "are in issue" The replacement of word 'in' by 'is' changes the complete meaning of the question. Hence for the reason stated hereinabove, the entire question should have been deleted.

36. Question No.36 of English version equivalent to question No.34 of Hindi version :

Q.36 When any fact is especially with in the knowledge of accused, the burden of proving that fact is upon.

Ans 1. Accused

2. Prosecution

3. Either accused or prosecution

4. None of the above

Q.34 जबकि विशेषतः ज्ञात तथ्य अभियुक्त की जानकारी में है, तो उसका प्रमाणित करने का भार है ----

Ans 1. अभियुक्त पर

2. अभियोजन पर

3. अभियुक्त या अभियोजन पर

4. उपरोक्त में से कोई नहीं

In English question, after the word 'any', the word 'fact' has wrongly been used. It should have been 'fact'. Likewise, in the second part, the word 'burden' has

been used which should have been 'burden'. Replacing the word 'burden' by 'furden' completely changes the object of the question. Accordingly, this question should have been deleted.

37. Question No.38 of English version equivalent to question No. 37 of Hindi version :

Q.38 Queen V Abdulla (1885) ALL 385 case Law is related to. Ans 1. Conduct

2. Prepration

3. Motive

4. Consequences

Q.37 न्यायदृष्टान्त क्वीन वि. अबदुल्ला (1185) एला. 385 सम्बंधित है----

Ans 1. तैयारी

2. हेतुक

3. परिणाम

4. आचरण

In English, after the word 'Abdulla' the year '(1885)' has been used whereas in Hindi the year is shown as '(1185)'. This is also wrong as both the questions which pertain to a particular year of a case law create a doubt in the minds of examinees of Hindi and English. Since there was major mistake in question, on comparison, the entire question should have been dropped.

38. Question No. 39 of English version equivalent to question No. 38 of Hindi version:

Q.39 Presumption as to dowary death is provided in -- Sec of Evidence Act.

Ans 1. Sec 113 B

2. Sec 113 A

3. Sec 111 A

4. Sec 114 A

Q.38 दहेज मृत्यु के बारे में साक्ष्य अधिनियम की किस धारा में प्रावधान किया गया है।

Ans 1. धारा 113 क

2. धारा 113 ख

3. धारा 114 क

4. धारा 111 क

In English, the word 'dowary' has been used after the words "Presumption as to". It

should have been 'dowry'. Like-wise in Hindi, the words "Kis Dhara Mein Pravadhan" (किस धारा में प्रावधान किया गया है।) have been used. The meaning of word 'pravadhan' is completely wrong against the word 'presumption' used in English Version. It should have been "Updharna" (उपधारणा) which means presumption. Though the objection was made to this question, however, the Expert Committee decided to over rule the same which appears to be wrong and the entire questions should have been dropped.

39. Question No. 41 of English version equivalent to question No.42 of Hindi version:

Q.41 Whether following document are public documents.

Ans 1. Relating to acts or records of ads of the sovereign authority

2. Public record kept in. State of private documents

3. Both (A) and (B)

4. None of the above

Q.42 क्या निम्न दस्तावेज लोक दस्तावेज है।

Ans 1. प्रभुता संपन्न अधिकारी के कार्यों के अभिलेख से संबंधित

2. किसी राज्य में रखे गये प्राइवेट दस्तावेज के लोक अभिलेख

3. (अ) और (ब) दोनों

4. उपरोक्त में से कोई नहीं

In English answer at option 1, after the words 'records of', the word 'ads' has been used which should have been acts. By using the word 'ads' instead of 'acts', it changes the complete meaning of the answer. Though the objection was raised, but the Expert Committee did not go into it and only confined to the answer at Sl. no.3 that Both 'a' and 'b' are correct but failed to take notice of the fact that the word 'ads' instead of 'act' has been used which has changed the complete meaning. Therefore the question should have been dropped.

40. Question No. 42 of English version equivalent to question No.45 of Hindi version:

Q.42 A owes B Rs 1000/- but the debt is barred by the Limitation Act. A signs a written promise to pay B Rs 500/- on account of debt.

Ans 1. This is not a contract

2. This is a contract

3. Either A or B

4. None of these

Q.45 B, A को 1000 रु. देता है लेकिन यह कर्ज़ परिसीमा अधिनियम के अंतर्गत अवधि बाधित हो जाता है इस कर्ज़ के एवज़ में A B को 500 रु. देने का लिखित आश्वासन देता है ।

Ans 1. यह कोई सिवदा नहीं है

2. यह एक सिवदा है

3. या तो अ या ब

4. इनमें से कोई नहीं

The objection was raised to the answer. The Expert Committee came to a conclusion that promise to pay a time barred debt will not constitute a contract and came to a conclusion that it is not a contract whereas the model answer shows that it was a contract. On this point, section 25(3) of the Contract Act would be relevant which provides that a promise to pay a time barred debt creates a contract whereas the Expert committee came to a conclusion that since the debt was barred by time, the same cannot be acknowledged under section 18 of the Limitation Act. The Expert Committee failed to evaluate the provisions of section 25(3) of the Contract Act and various laws laid down including the law laid down by the Chhattisgarh High Court reported in AIR 2015 Chhattisgarh 15. Therefore, the question which the candidates who have answered that "this is a contract" was correct but the Expert Committee accepted the objection by holding that it is only an offer and contract is not complete and recommended for correction of the answer. Consequently the examinees who had correctly answered the question were put at a loss as the Expert Committee failed to evaluate the correct answer and wrong answer was proposed to be amended. Thereby the competitive intelligence of a candidate was diluted and wrong evaluation was affected.

41. Question No. 43 of English version equivalent to question No. 43 of Hindi version :

Q.43 In order to convert a proposal into a promise the acceptance must

Ans 1. Be absolute and qualified

2. Be expressed in some usual and reasonable manner

3. Both (A) and (B)

4. None of the above

Q.43 प्रस्थापना को वचन में संपरिवर्तित करने के लिये प्रति ग्रहण ---

Ans 1. आत्यांतिक और अविशेषित होना चाहिये

2. किसी प्रेयिक और युक्ति युक्त प्रकार से अभिव्यक्त होना चाहिये

3. (अ) और (ब) दोनों

4. उपरोक्त में से कोई नहीं

This question rightly appears to be deleted.

42. Question No.45 of English version equivalent to question No. 44 of Hindi version :

Q.45 A employs B to beat C and agree to indemnify him against all consequences of the Act. B there upon beats C and pays damages to C for so doing.-

Ans 1. A is liable to indemnify B for these damages

2. A is partially liable to indemnify to those damages

3. A is not liable to indemnify B for these damages

4. None of these

Q. 44 ए, 'सी' को पीटने के लिए नियुक्त करता है तथा यह करार करता है कि इससे होने वाली किसी भी आपत्तियों को संभाल लेगा। 'बी', 'सी' को पीट देता है और ऐसा करने के लिए सी को हर्जाना देता है।

Ans 1. ए, बी द्वारा दिये हर्जाने के लिए दायित्वाधीन है

2. ए, बी द्वारा दिये हर्जाने के आंशिक रूप से दायित्वाधीन है

3. ए, बी द्वारा दिये गये हर्जाने के लिए दायित्वाधीन नहीं है

4. इनमें से कोई नहीं

Reading of question in English would show that the English is correct. When the Hindi question is compared with the English question, it shows that after the word 'A' C Ko Peetne Keliye, Niyukt Karta Hein, (ए, 'सी' को पीटने के लिए नियुक्त करता है) but the word 'B' is missing. Meaning thereby it changes the complete complexity of the question since the appointment of 'B' has been omitted. Then in the second line the words "Kisi Bhi, Apattiyon Ko Wah Sambhal Lega" (किसी भी आपत्तियों को वह संभाल लेगा।). The use of word 'Apattiyon' (आपत्तियों) changes the complexity of Hindi as damages cannot be substituted for the word Apatti (आपत्ति) 'Apatti' means problem. Thereafter the words 'B' "C' Ko Peet Deta hein ('बी', 'सी' को पीट देता है) have been used. In the first part, if the 'B' is not appointed, how the 'B' will come into existence. Therefore, the complexity of the Hindi question is completely changed. Therefore for such major ambiguity, the entire questions should have been dropped.

43. Question No.50 of English version equivalent to question No. 48 of Hindi version:

Q.50 Fee on memorandum appeal against order relating to compensation is provided under.-

Ans 1. Section 7

2. Section 8

3. Section 9

4. None of the above

Q.48 प्रतिकर सम्बन्धी आदेश के विरुद्ध अपील के ज्ञापन के फीस के बारे में दिया गया है।

Ans 1. धारा 7 में

2. धारा 8 में

3. धारा 9 में

4. उपरोक्त में से कोई नहीं

On objection being raised, the entire question was dropped for the reason that both the questions in English and Hindi only section is indicated as such to answer the same is not feasible.

44. Question No. 53 of English version equivalent to question No. 54 of Hindi version:

Q.53 When a witness fails to comply with the summons --- may be issued under CG. Land revenue code

Ans 1. Bailable and arrest warrant

2. To furnish security for appearance

3. Fine not exceeding Rs 1000/-

4. All of the Above

Q.54 छत्तीसगढ़ भू राजस्व संहिता के अंतर्गत जब कोई साक्षी समंस तामील या अनुपाल में चूक करता है तो उसे जारी किया जा सकता है।

Ans 1. जामनतीय या गिरफ्तारी वारंट

2. प्रतिभूति देने के लिये उपसंज्ञात होना

3. एक हजार रुपये से अधिक जुर्माना

4. उपरोक्त सभी s

On objection being raised, the Expert Committee came to a conclusion that in Hindi, all the three options were wrong. Therefore, the question was dropped, which appears to be correct.

45. Question No.57 of English version equivalent to question No. 57 of Hindi version:

Q.57 A document executed out of India can be registered if presented with in

Ans 1. Six months of its arrival in India

2. One month of its arrival in India

3. Two months of its arrival in India

4. Four months of its arrival in India

Q.57 भारत के बहार किसी दस्तावेज को निष्पादित किया गया है यदि उसे पंजीयन के लिये प्रस्तुत किया जाये तो अवधि है।

Ans 1. भारत में पहुंचने के दो एक में

2. भारत में पहुंचने के दो चार में

3. भारत में पहुंचने के दो छह में

4. भारत में पहुंचने के दो माह में

In English except the word "with in" which has been separately used, the other part of question and answers are correct.

However, in respect of Hindi, the answers to the question completely give a different meaning.

At Sl. No.1 of the answers, the words "Bharat Me Pahunchane Ke Do Ek Mein" (भारत में पहुंचने के दो एक में) have been used . Similarly at S.No.2, the words "Do Char Mein" (दो चार में) have been used and at S.No.3 of the answer, the words "Do Chah Mein" (दो छह में) have been used. The stipulated period of registration of such document as to within how many days, how many months or years was not clearly mentioned at Answers 1, 2 & 3. However, at option no.4, the answer has been shown as "Bharat Mein Pahunchane Ke Do Mah Mein" (भारत में पहुंचने के दो माह में) wherein the time frame of 2 months was mentioned. Therefore, if the answer itself is compared to English version, it completely creates confusion about the period of stipulation of time and in order to properly understand the question and answer, the examinee was required to again read both the English and Hindi and find out which is the correct answer. For such reasons i.e., difference in Hindi and English the entire question should be dropped.

46. Question No. 58 of English version equivalent to question no.58 of Hindi version:

Q.58 The document registration of which is optional have been dealt in.

Ans 1. Section 17 of Registration Act

2. Section 18 of Registration Act

3. Section 19 of Registration Act

4. Section 16 of Registration Act

Q.58 जिन दस्तावेज के पंजीयन को ऐच्छिक रखा गया है, वह उल्लेखित है

Ans 1. पंजीयन अधिनियम की धारा 17 में

2. पंजीयन अधिनियम की धारा 16 में

3. पंजीयन अधिनियम की धारा 18 में

4. पंजीयन अधिनियम की धारा 19 में

In English, the word 'optional' has been used. The spelling of 'ooptional' is wrong which should have been 'optional'

47. Question No. 60 of English version equivalent to question No. 63 of Hindi version

Q.60 The term negotiation of the negotiable instrument act 1881. refers to

Ans 1. The transfer of a bill of exchange, promissory note or cheque to any person, so as to constitute the person the holder thereof

2. The payment by a bank on a negotiable instrument after due verification of the instrument

3. The bargaining between the parties to a negotiable instrument

4. All of the above

Q.63 परिक्राम्य लिखित अधिनियम 1881 के अंतर्गत परिक्राम्य शब्द संदर्भित करता है।

1. विनियम पत्र का अंतरक वचन पत्र किसी व्यक्ति का चेक, उस व्यक्ति को धारक प्रदर्शित करता है

2. बैंक द्वारा किसी परिक्राम्य लिखित कि देय यह उस लिखित को सत्यापित करता है

3. पक्षकारों के बीच परिक्राम्य लिखित की, सौदेबाजी को इंगित करती है

4. उपरोक्त सभी

In Hindi version, at option No. 1 of the Answer, the word 'Antarak' (अंतरक) has wrongly been used which means transferer. However, in English question at answer 1, the word 'transfer' has been used which was correct. It appears that due to mistake of the translator, the word 'Antarak' has wrongly been used in Hindi though the word 'transfer' has rightly been used in English. Therefore, since there was material irregularity in answer, the entire question should have been dropped.

48. Question No. 63 of English version equivalent to question No. 59 of Hindi Version :

Q.63 When presentment for payment is to be made under section 65 of the Act?

Ans 1. Presentment for payment can be made at any reasonable time

2. Presentment for payment must be made during the usual hours of business and , if at a banker's within banking hours

3. there is no such stipulation on time for presentment

4. None of the above

Q.59 परिक्राम्य लिखित अधिनियम का धारा 65 के अंतर्गत भुगतान कब दिया जाता है।

Ans 1. भुगतान के लिये प्रस्तुतीकरण के युक्ति युक्त समय पर भुगतान दिया जाता है

2. भुगतान के लिये प्रस्तुतीकरण पर भुगतान व्यापारिक सामान्य घंटों में यदि बैंक है तो बैंक के समय में दिया जाना चाहिये

3. भुगतान के लिये ऐसी कोई शर्त नहीं

4. उपरोक्त में से कोई नहीं

This was objected and the Expert Committee came to a correct conclusion that since there was a material difference in English and Hindi, consequently the entire question was dropped.

49. Question No.78 of English version equivalent to question No. 79 of Hindi Version :

Q.78 vice president may be removed from his post by resolution of members of council of state?

Ans 1. By 3/4 th majority of then members

2. By supreme court only

3. By at least majority of then members and agreed by house of people

4. By 2/3 rd majority of then members

Q.79 उप राष्ट्रपति को राज्य सभा के सदस्यों के संकल्प के द्वारा हटाया जा सकता है।

Ans 1. सदस्यों के 3 चौथाई बहुमत के द्वारा

2. केवल उच्चतम न्यायालय द्वारा

3. सदस्यों के 2 तिहाई बहुमत के द्वारा

4. लोकसभा के कम से कम सदस्यों द्वारा बहुमत से सहमति दी गई हो

The Expert Committee dropped the entire question as the answers were wrong, therefore, the Committee has rightly dropped the entire question.

50. Question No. 80 of English version equivalent to question No. 82 of Hindi Version :

Q. 80 In movable property does not include- Ans 1. Standing Limber

2. Growing crop

3. Grass

4. All the above

Q.82 स्थावर संपत्ति के अंतर्गत नहीं आता है ।

Ans 1. खड़ा काष्ठ

2. उगती फसलें

3. घास

4. उपरोक्त सभी

This question was objected. Taking into consideration the fact that the word, 'immovable property' has been shown as 'In movable property' and the questions of Hindi and English versions being wrong, the Expert Committee has rejected the questions for all the candidates. Therefore, the finding of the Expert Committee is correct.

51. Question No. 81 of English version equivalent to question No. 80 of Hindi version:

Q.81 What is maximum age for retirement of president-

Ans 1. 65 Years

2. 70 Years

3. 75 Years

4. None of the above

Q.80 राष्ट्रपति की सेवानिवृत्ति की अधिकतम आयु है।

Ans 1. 65 वर्ष

2. 70 वर्ष

3. 75 वर्ष

4. उपरोक्त में से कोई नहीं

In this question, the age of the retirement of the President has been asked. Therefore, the examinee has to draw a presumption of the age of which President. This question is vague and presumption has to be drawn by the examinee. On similar ground, the Expert Committee while deciding the questions No.50 & 48 (of the respective ID numbers) has dropped the entire question on the ground that in the memorandum of appeal, only section has been shown and the question is vague. But this question though was vague was not considered to be dropped and it is only on presumption the examinee must have answered. Therefore, for the contradictory approach of expert committee and ambiguity in question, the entire question should have been dropped.

52. Question No. 82 of English version equivalent to question No. 81 of Hindi version

Q.82 Section 6 of Transfer of Property Act is related to -

Ans 1. Transfer of property

2. Person competent to transfer

3. what may be transferred

4. None of the above

Q.81 संपत्ति अंतरण की धारा 6 सम्बंधित है।

Ans 1. संपत्ति का अंतरण

2. अंतरण के लिये सक्षम व्यक्ति

3. क्या अंतरित किया जा सकता है

4. उपरोक्त में से कोई नहीं

In English, instead of 'section 6', the word 'see' has been used before '6'. Therefore, to answer the question presumption was to be drawn.

53. Question No. 84 of English version equivalent to question No. 84 of Hindi version :

Q.84 Provisions of longor period in the matter of accamulation of property under sec 17 of T.P. Act amounts to-

Ans 1. 20 Years

2. 25 Years

3. 18 Years

4. 22 Years

Q.84 संपत्ति अंतरण अधिनियम की धारा 17 के अंतर्गत संपत्ति के संचयन के मामले में लंबे समय के प्रावधान किस समय तक किये जा सकते हैं।

Ans 1. 22 वर्ष

2. 20 वर्ष

3. 18 वर्ष

4. 25 वर्ष

In English, after the word 'provision of' the word 'longor' has been used and further after the words 'matter of' the word 'accamulation' has been used which are also wrong as spelling mistakes exist. The examinee has to answer the question on presumption.

54. Question No. 93 of English version equivalent to question No.95 of Hindi version:

Q.93 Which of the following are true about the word "possession" used in sec 5 of the specific relief Act

Ans 1. It is Prima facie proof of property

2. It is good title against all who can not show better title
3. It is constituted by itself, a limited title to the property
4. All of the above

Q.95 विनिर्दिष्ट अनुतोष अधिनियम की धारा 5 के अनुसार शब्द कब्ज़ा के अंतर्गत निम्न में से कौन सा सही है।

Ans 1. यह प्रथम द्रष्टया संपत्ति का साबुत है

2. यह एक अच्छा स्वत्व है, उन सभी के विरुद्ध, जो उससे अच्छा स्वत्व नहीं बता सकते हैं
3. यह अपने आप में उस संपत्ति के लिए सीमित दायित्व है
4. उपरोक्त सभी

This question was dropped by the Expert Committee. If we see the question, it shows that the 'definition of possession' word has not been used whereas the Expert Committee has held the nature of possession and the effect has not been shown but u/s 5, it pertains to recovery, therefore, the entire question was dropped.

The model answer given by the Commission to this question at Option No.4 i.e., "All of the above" appears to be correct as the question covers all the answers shown at Options 1, 2 & 3 which seem to be correct. The question does not create a doubt as definition of possession has not been asked, but only the simple question was that for what the application of word 'possession' in section 5 is used. Therefore, the question which the candidates have answered would be at the disadvantageous position as against the candidates who have failed to answer. The nature of these types of questions marks the differences between merit of the students. In other words, the answer given by a student who can secure a better position in merit by answer of these tricky questions is compromised thereby such talent is defeated. In competitive examination, these questions mark the difference. Therefore, the Expert Committee prima facie appears to have wrongly dropped the questions of both the English and Hindi versions.

55. Question No. 95 of English version equivalent to question No. 100 of Hindi version:

Q.95 Specific performance of a contract can not be enforced in favour of a person

Ans 1. Who would not be entitled to recover compensation for breach

2. Who has become incapable of performing
3. Who fails to over and prove that he has performed
4. All of the above

Q.100 किसी संविदा के विशिष्ट पालन किसी व्यक्ति दफ्त के पक्ष में पवितरत नहीं कराया जा सकता।

Ans 1. जो उसके भंग के लिए प्रतिकर वसूल करने का हकदार न हो

2. जो उसके करने में अक्षम हो

3. जो प्रकथन करने और साबित करने में विफल रहा हो

4. उपरोक्त सभी

In both English and Hindi versions, answer no.2 on objection was found to be corrected by the Expert Committee. However, reading of answer 2 in English would show that it is an incomplete answer as it is not clear who has become incapable of performing the contract whether it is a condition of contract or it is a personal incapacity to perform. Likewise, in Hindi, answer no.2 is also ambiguous as the word 'Jo' (जो) has been used which refers to whom ? Though the Expert Committee has corrected the answer but the answer itself is too vague to draw the presumption and was incomplete if it is answered by reading in between the lines of the statute.

56. Question No. 96 of English version equivalent to question no. 98 of Hindi version :

Q.96 Powers and functions of the rent control tribunal does not include

Ans 1. Reconciling disputes between land lord and tenant

2. Establishment of rent controller

3. Functioning as appellate authority

4. (B) and (C)

Q.98 भाड़ा नियंत्रण अधिकरण की शक्तियाँ एवं कृत्य में शामिल नहीं हैं।

Ans 1. भवन स्वामी और किरायेदार को बीच विवाद का निपटारा

2. भाड़ा नियंत्रण की स्थापना

3. अपीलीय प्राधिकरण के रूप में काम करना

4. (ब) और (स)

The Expert Committee after deliberation rejected the same which prima facie appears to be correct.

57. Question No. 97 of English version equivalent to question No. 94 of Hindi version :

Q.97 Schedule -1 of the Chhattisgarh rent control Act is related to Ans 1. Tenant rights available under the Act

2. Land lords rights available under the Act

3. Land lord's obligation under the Act

4. None of the above

Q.94 छत्तीसगढ़ भाड़ा नियंत्रण अधिनियम की अनुसूची सम्बंधित है।

Ans 1. अधिनियम के अंतर्गत किरायेदार को प्राप्त अधिकार

2. अधिनियम के अंतर्गत भवन स्वामी को प्राप्त अधिकार

3. अधिनियम के अंतर्गत भवन स्वामी की बाध्यता

4. उपरोक्त में से कोई नहीं

In Hindi question, after the word 'Anusuchi' (अनुसूची) the digit '1' was missing whereas it appears in English. There are many schedules in The Chhattisgarh Rent Control Act, which has a different application to the right of land lord-lord/tenant, rights and liabilities etc. If the numerical 'Schedule-1' is absent in Hindi, then it would create a confusion and all the first three answers 1 to 3 would be correct. The Expert Committee though discussed it, but held that Schedule-1 is mentioned in English. Therefore, the objection was over-ruled, which also appears to be completely wrong. Consequently a candidate has to read both English and Hindi to answer the question. More so, in the instant case, if the candidate has not read the English then the answer would be confusing in Hindi. Therefore, the finding of the Expert Committee that since 'Schedule-1' is shown in English, as such, even if the same has not been shown in Hindi, the discrepancy does not exist is wrong and the objection has been wrongly over-ruled. Since there was material irregularity in Hindi version, the entire question should have been dropped.

58. Question No. 99 of English version equivalent to question No. 96 of Hindi version:

Q.99 What is remedy where a lease or agreed to sell property to his lease and accepted part of the price

Ans 1. Specific performa

2. A suit for eriction

3. Either A or B

4. Non of these

Q.96 जहाँ किसी पट्टा कर्ता ने किसी पट्टा गृहीता को अपनी संपत्ति बेचने का करार कर लिया हो और आंशिक मूल्य प्राप्त कर लिया हो, तो क्या उपचार है।

Ans 1. विशिष्ट प्रदर्शन

2. निष्कासन का दावा

3. या तो अ या ब

4. इनमें से कोई नहीं

Since there is an ambiguity in question the same was rightly dropped by the

Experts.

59. Question No. 100 of English Version equivalent to question No. 93 of Hindi Version :

Q.100 Which of the contracts can not be specifically enforced-

Ans 1. A contract which is in its nature determinable

2. A contract for the non performance of which compensation in money is an adequate relief

3. (A) and (B)

4. None of the above

Q.93 कौन सी संविदाएं विनिर्दिष्ट प्रवर्तित नहीं कराई जा सकती हैं ।

Ans 1. कोई संविदा जो उसकी प्रकृति से पर्यवये हो

2. कोई संविदा जिसके अपालन के लिए धन के रूप में प्रतिकर यथायोग्य अनुतोष है

3. आ और ब दोनों

4. उपरोक्त में से कोई नहीं

In Hindi version at option No.1 of the Answer, the words 'Paryavayeye Ho' (पर्यवये हो) have been used. No meaning exists to such word in Hindi. If no such word exists in Hindi and if the answer at Option No.1 is correct, then Option no.4 would be correct for Hindi. The Experts though have corrected the answer but since certain wrong was existing in Hindi, it created a doubt and the examinee has to go through both in Hindi and English to find out which question is understandable.

60. The examination of the aforesaid questions and answers would show that minor mistakes were found in 8 questions which are shown at Para 21 (Question No. 9 of English equivalent to Question No. 9 of Hindi); Para 22 (Question No. 10 of English equivalent to Question No. 14 of Hindi); Para 27 (Question No.19 of English equivalent to Question No. 20 of Hindi), Para 33 (Question No.32 of English equivalent to Question No. 31 of Hindi); Para 34 (Question No. 33 of English equivalent to Question No.33 of Hindi); Para-46 (Question No.58 of English equivalent to Question No. 58 of Hindi), Para-59 (Question No. 100 of English equivalent to Question No. 93 of Hindi). Though minor mistakes appeared in these questions but the mistake changes the meaning of question or made it meaningless.

61. Likewise, the Expert Committee deleted 12 questions, out of which 11 were found rightly deleted. Those are described at Para 17 (Question No. 1 of English equivalent to Question No. 1 of Hindi); Para 24 (Question No. 12 of English equivalent to Question No. 13 of Hindi); Para 29 (Question No.26 of English equivalent to Question No.29 of Hindi); Para-41 (Question No.43 of English equivalent to Question No. 43 of Hindi); Para 43 (Question No.50 of English

equivalent to Question No. 48 of Hindi); Para 44 (Question No. 53 of English equivalent to Question No.54 of Hindi); Para 48 (Question No. 63 of English equivalent to Question No.59 of Hindi); Para 49 (Question No. 78 of English equivalent to Question No. 79 of Hindi); Para 50 (Question No.80 of English equivalent to Question No. 82 of Hindi); Para 56 (Question No.96 of English equivalent to Question No.98 of Hindi) and Para 58 (Question No. 99 of English equivalent to Question No. 96 of Hindi). However, one question which is described at Para 54 i.e., Question No. 93 of English equivalent to Question No. 95 of Hindi) was wrongly deleted.

62. On perusal of questions as cited above in different Paras, this Court cannot loose sight of the fact that out of total objected questions, other 20 questions remained in the list should have been deleted apart from the questions deleted by the Expert Committee for the reasons stated in the foregoing paras. The questions shown at Para 18 (Question No.2 of English equivalent to Question No.2 of Hindi); Para-19 (Question No. 3 of English equivalent to Question No. 3 of Hindi); Para 20 (Question No. 8 of English equivalent to Question No.8 of Hindi); Para 23 (Question No. 11 of English equivalent to Question No. 16 of Hindi); Para 25 (Question No.15 of English equivalent to Question No. 10 of Hindi); Para 30 (Question No.27 of English equivalent to Question No.29 of Hindi), Para 31 (Question No.29 of English equivalent to Question No. 25 of Hindi); Para 32 (Question No. 31 of English equivalent to Question No.36 of Hindi); Para 35 (Question No. 35 of English equivalent to Question No. 35 of Hindi), Para 36 (Question No.36 of English equivalent to Question No. 34 of Hindi), Para 37 (Question No. 38 of English equivalent to Question No.37 of Hindi), Para 38 (Question No.39 of English equivalent to Question No. 38 of Hindi), Para 39 (Question No.48 of English equivalent to Question No. 42 of Hindi), Para 42 (Question No. 45 of English equivalent to Question No.44 of Hindi); Para 45 (Question No. 57 of English equivalent to Question No.57 of Hindi); Para 47 (Question No.60 of English equivalent to Question No. 63 of Hindi); Para 51 (Question No. 81 of English equivalent to Question No.80 of Hindi); Para 53 (Question No.84 of English equivalent to Question No. 84 of Hindi); Para 55 (Question No.95 of English equivalent to Question No.100 of Hindi) and Para 57 (Question No.

97 of English equivalent to Question No.94 of Hindi) should have been dropped for the reasons which are cited above.

63. Two objections were rightly over-ruled by the Expert Committee which are at Para 26, (Question No. 16 of English equivalent to Question No.12 of Hindi) and Para 28 (Question No.22 of English equivalent to Question No. 22 of Hindi). The Expert Committee has wrongly changed the answer for the questions shown at Para 40 i.e., Question No.42 of English equivalent to Question No. 45 of Hindi) and the wrong answer was arrived at.

64. In view of the above discussion, the 11 questions were rightly deleted by the Expert Committee and further more 8 questions having a minor mistakes as

shown above along-with 20 questions which were completely wrong for the reasons stated above in the foregoing paragraphs should have been dropped. Therefore, 11 questions + 28 questions i.e., total 39 questions were wrongly framed either on account of spelling mistakes or on account of wrong interpretation or application of law as discussed above. The Expert Committee has wrongly deleted one question and wrongly changed the answer of one question, as such, the number of defective/wrong questions would be further increased from 39 to 41 (39 + 1 + 1), as such, total 41 questions were wrongly framed or their answers were wrongly made.

65. The Supreme Court in recent decision in Civil Appeal No. 7306/2019 Shri Rang Wagmare vs. State of Maharashtra (supra) has emphasized the significance of the post of a Judge. Therefore, when a candidate passes through the process of selection, the said process should be in conformity with no-fault procedure. When these facts are brought to the notice of the Court and the Court observes the silence despite going through the faults in the questions and answers, it would amount to enforcement of silence for the wrong by the Court itself. The Court will do well to remember the right of a candidate who is going to be a Civil judge and what would be the duty after he is selected to the principal part of the judicial office. If a person who passes such examination which contains the number of defective questions and to answer the same, a presumption has to be drawn, then the candidate who is selected subsequently would carry an impression at the inception that while passing a judgment, any inference can be drawn and casual non- serious approach would be a normal attitude. Apart from that, when the defective procedure of selection is carried forward and is perpetuated, then a Judge who deliver the judgment will also carry forward the impression in his mind that the deliberate human mistakes would be common and can be allowed to be precipitated in routine in judgment. The Selected Judge should not be allowed to carry the ignorance of presumption and thereafter pass the judgments/orders ignoring the right of parties which the Judge is invested with.

66. The case laws relied upon by the Public Service Commission do not deal with the appointment of Civil Judge. The Supreme Court time and again has placed the Post of Judge into a different category in a separate compartment, therefore, it cannot be compared at par with the other civil posts. Mostly in case laws which are relied on by the respondent have dealt with judicial restraint over the answers dealt by the Expert Committee. In the cases in hand, the questions framed and the answers given are in respect of the law. These are not so complicated or require intricate interpretation of law and the answer is available in statute book and the dictums laid down by the Supreme Court and the High Court. Therefore, the answers given by the experts in respect of law can always be tested by the High Court and it can certainly look into correctness of it and if found wrong, it cannot shut its eyes on the ground that the answers given by the expert is final. The nature of questions does not show that the questions & answers are so tough that the Courts cannot understand. The questions framed

by the PSC are the basic fundamental questions which can always be tested by application of open book procedure of statute. The Expert Committee appears to have dealt with the issue little casually and should have taken it more seriously as it pertains to appointment of Civil Judges, who would be the future Judges and would hold the high office in the judiciary.

67. It is trite that presumption of either fact or law or both can only be drawn by the authority, if the authority cloths with the power embodied in any statutes. The maxim "*omnia praesumuntur rite esse acta*" i.e., all acts are presumed to have been rightly and regularly done, is chiefly applied to judicial and officials acts as per Section 114 (e) of the Indian Evidence Act, 1872. The Chhattisgarh Public Service Commission, being statutory body, has in its official act, conducted the examination for the post of Civil Judge (Junior division), therefore, in view of the law of presumption, it will be presumed that the questions written on the question paper are rightly written and asked unless otherwise brought to the notice of the concerned.

By no stretch of imagination, it can be presumed that an examinee is supposed to presume that what has been written in the question paper may be wrong and he has to draw inference of his own and understand the question by a process of probable and logical reasoning as per his own knowledge, ability and perception and answer accordingly. The power under Article 226 is extraordinary, discretionary and equitable and is required to be exercised in the larger interest of justice. Once a wrong is brought to the notice of the High Court under Article 226 of the Constitution of India, it can look into all the aspects of the lis. In view of the above settled position of law, this Court can look into the correctness of the questions asked in the question paper though not objected by any of the examinee.

68. Considering the degree and percentage of defects in the question papers which according to this Court as much as 41 wrong questions/answers have been found out of 100, the percentage of it would certainly dilute the module of selection process and the Court cannot observe the silence. The Court after the examination cannot allow it as one horse-race but would accept the steep challenge with an idea of reform. Serving certain problems requires multi prolonged approach and reform and they will persist if we view through narrow lens and the carelessness will always have a price. Consequently the way in which the entire examination was conducted cannot be allowed to sustain.

69. In the result, the final result of the preliminary examination conducted by the P.S.C. on 02.07.2019 pursuant to the advertisement dated 06.02.2019 is hereby quashed. The P.S.C., is directed to conduct a fresh preliminary examination on the basis of advertisement dated 06.02.2019 to all those candidates who had appeared in the examination and filled up the forms. No separate examination fee shall be charged for the subsequent examination, which is ordered herein. Accordingly, the writ petitions stand allowed to the extent as directed here-in-above.