
(2014) 01 RAJ CK 0174
In the Rajasthan High Court
Case No : Civil Writ Petition No. 8886/2013

Maresh Kumar

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 15-01-2014

Acts Referred:

Citation : (2014) 3 WLN 289

Hon'ble Judges : Mohammad Rafiq, J

Bench : Single Bench

Advocate : S.R. Surana, Senior Counsel and Sanjay Yadav, Vigyan Shah, Ravi Chirania, Gaurav Sharma, Tanveer Ahmed, Rinesh Gupta, Girraj Prasad Sharma, Vijay Pathak, Ram Pratap Saint, Vikas Ganani and Ajay Rajawat, Advocate for the Appellant; Sayed Zakawat Ali, Deputy Government Counsel, Advocate for the Respondent

Final Decision : Disposed Off

Judgement

Rafiq, J.—All these petitions seek to challenge the selection made by the Board of Revenue for appointment on the post of Land Record Inspector pursuant to advertisement Dt. 17.06.2011. Allegation of petitioners is that the Board conducted written examination for selection to aforesaid posts by inviting applications from amongst "Patwaris" working under it. Such examination was conducted on 21.04.2013 and result thereof was declared on 16.05.2013. It is alleged that there are large number of inaccuracies in question papers. The examination was divided into two papers i.e. first papers consisted of 50 questions carrying 100 marks and second paper also consisted of 50 questions carrying 100 marks. All the writ petitioners have alleged that there were large number of inaccuracies in the setting of question papers inasmuch as questions were objective type having multiple options as answer and some such options were having more than one correct answer or had no correct answer at all. It so happened because serial numbers of questions was not changed in four different series but the order in which options were placed as answers were changed, in some of which "none of the above" was given as the very first option. This

further resulted in lot of inaccuracies. Petitioners have categorized the defects in the question papers in different groups such as; the questions, which were out of syllabus, questions with respect to which the wrong option was given, questions wherefor incorrect options were given, questions which justified grant of bonus marks to the candidates, questions in respect of which bonus marks were wrongly given by the Board, questions wherefor the Board ought to have given bonus marks, which it had failed to give, questions which were rendered defective following decision of the Board to change the answer-key, when they invited objections to the provisional key and issued the revised key which resulted in change of the answers.

2. Learned counsel for respondents opposed the writ petition and submitted that already the Board had referred the matter to Expert Committee when it received the objections in response to provisional key and thereafter revised the final key. If at all there remain other defects or inaccuracies, the petitioners should approach the Board of Revenue, which may consider objections submitted by petitioners with open mind and do the needful as warranted by law.

3. If what the petitioners are alleging is believed to be correct that nearly half the questions in the first as well as second question papers were marred by such defects/inaccuracies, magnitude of this is bound to affect the fairness of entire process of selection, but that is a decision which ought to be taken by the Board, which may get the correctness of such questions examined vis-?-vis the objections raised by petitioners.

4. In the circumstances, this Court deem it appropriate to disposed of these writ petitions directing the Board of Revenue to refer all such objections raised by petitioners in reference to various questions in two question papers, referred to above, to an Expert Committee consisting of at-least two Members preferably those having expertise in the field of revenue law, who may have served as its Member in the past within seven days of filing objections alongwith a copy of this order before it. The Experts' Committee may submit their report within fifteen days of entrustment of the task to them. The Board may take final view on receipt of such report within next seven days thereafter. Petitioners shall submit their objections within one week before the Registrar, Board of Revenue, if any.

5. At this stage, learned counsel for the petitioners submitted that the respondents have gone ahead with process of selection and sent the selected candidates to training. Learned counsel for respondents has cited a detailed interim order passed by a coordinate Bench of this Court at its Principal Seat, Jodhpur, in S.B. Civil Writ Petition No. 6098/2013 - Hinglaj Dan Charan and Ors. v. State of Rajasthan and Ors., decided vide judgment Dt. 12.11.2013, vide which the respondents were permitted to go ahead with appointments, however, subjecting the same to final out come of writ petitions. Similar order was passed by this Court in the present matters on the basis of said order, on 30.05.2013. It is made clear that training of selected candidates would not therefore confer any right on them to claim appointment/promotion as a matter of right, if eventually

their result is revised or the Board decides otherwise. All the writ petitions accordingly stand disposed of. This also disposes of stay applications, if any, filed with writ petitions and all pending applications, if any.