

(2013) 11 JH CK 0031
In the Jharkhand High Court
Case No : Writ Petition (S) No. 6663 of 2012

Md. Lal Ali

APPELLANT

Vs

The State of Jharkhand and Others

RESPONDENT

Date of Decision : 11-11-2013

Acts Referred:

Citation : (2014) 1 AJR 256

Hon'ble Judges : Aparesh Kumar Singh, J

Bench : Single Bench

Advocate : Rajeeva Sharma, Birendra Kumar and Raj Kishore Sahu, for the Appellant;

Final Decision : Dismissed

Judgement

Aparesh Kumar Singh, J.—Heard counsel for the parties. The petitioner had appeared for being appointed as a constable under Advertisement No. 1/10 issued by the respondent State of Jharkhand. According to him, he succeeded in the physical test, but in the written test comprising Hindi Language, he has been awarded 02 out of 10 marks which is wholly illegal and arbitrary. The petitioner has annexed the answer sheet of Hindi written exam at Annexure-2.

2. Counsel for the petitioner has made abortive attempt to read the answer sheet in order to justify his submission that evaluation is wholly unreasonable and needs to be interfered with in the writ jurisdiction. Accordingly, the petitioner has prayed for a direction upon the respondents to declare him as successful candidate in the examination of Hindi Language and consequently direct the respondents to appoint him on the post of police constable.

3. Respondents have in their counter affidavit, however contested the claim of the petitioner. It is submitted on behalf of the learned counsel for the respondents that as per the terms and conditions of the advertisement contained at Annexure-1 dated 25th March 2010, though a candidate may have succeeded in the physical test, but in the written test, he was required to qualify by

obtaining minimum of 30% marks in Hindi paper also. The written test comprised of two part i.e. first part and second part and in both part, a candidate was required to secure minimum of 30% marks in order to qualify. It is submitted that the petitioner has miserably failed to qualify the Hindi written examination as he has secured 20% marks instead of 30% marks. Therefore, he does not appear in the merit list which has been prepared in consonance with the terms and conditions of the advertisement. It is further submitted that there are no other provisions to reevaluate the answer sheet under the respondents. This Court may refrain from entering in the exercise of an expert of reevaluating the answer sheet of the petitioner.

4. I have heard learned counsel for the parties and gone through the relevant materials on record. Though, much emphasis has been laid by the learned senior counsel for the petitioner on evaluation of Hindi paper answer sheet which is at Annexure-2, but mere perusal of such one page answer sheet shows that it does not make out any continuous and coherent reading. According to the learned senior counsel for the petitioner, candidates were required to undertake dictation exercise which was being dictated by the examining authorities in the conduct of such examination.

5. There are no other materials on record to show that the dictation given was itself inaudible, incoherent and did not lead to any continuous reading. Any other answer sheet is not on record to make a reasonable comparison with that of any other successful candidate so as to arrive at a conclusion relating to unreasonableness of evaluation exercise of the petitioner's answer sheet. In sum and substance therefore, this Court would be wise enough not to undertake the exercise of an expert who are competent to evaluate the answer sheet of such subjective exams. There are no other rules otherwise which mandate reevaluation of answer sheet of such candidate appearing in a competitive examination for appointment of constable under the respondent. In the aforesaid facts and circumstances and under the terms and conditions of the advertisement, the petitioner having failed to qualify in the Hindi written paper by scoring only 20% marks instead of minimum 30% marks, has failed to make out a case for interference in the present writ application. The writ petition being devoid of any merit, is accordingly dismissed.