
(2019) 05 RAJ CK 0060
In the Rajasthan High Court
Case No : Civil Writ Petition No. 844 Of 2019

Mohammad Aaquib Khan

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 08-05-2019

Acts Referred:

Citation : (2019) 05 RAJ CK 0060

Hon'ble Judges : Alok Sharma, J

Bench : Single Bench

Advocate : K.C. Sharma, Harshal Tholia, V.B. Sharma

Final Decision : Dismissed

Judgement

The petitioner has prayed for treating his answers to questions No.7, 14 and 45 of the model question paper as correct as against that of the examining body, at the examination for the post of Jail Warden in pursuance to the advertisement dated 20-7-2018, consequently revising his result beneficially and accordingly placing him appropriately in the select list for appointment to the post in issue

The facts of the case are that pursuant to the advertisement dated 20-7-2018 for the posts of 670 Jail Wardens, of which 14 posts were reserved for the OBC category, to which he belonged, the petitioner being eligible, applied online. He was admitted to the written examination for the post in issue held on 21-10-2018 in Shift-3. Model answer-key in respect of the examination in issue was published and objections, if any, thereto invited from the participating candidates. The petitioner states to have raised objections with regard to the answers to questions No.7&14 of General Knowledge and question No.45 of the paper related to reasoning. The three questions were as under:-

Q.No. 7- ??? ???? ?? ?????? ?????? ?????? ?? ??? ?? ??? ???? ?????????????? ??

????? ???? ???? ???? ?

1. Act 1833

2. Act 1853

3. Act 1861

4. Act 1858

Q.No. 14- ????? ?

1. ?????? ??????????????

2. ??????????????

3. ? ? ? ? ? ? ? ? ? ? ? ?

4. ??????????????

Q.No. 45- ?

1. Wp

2. W3p

3.W3p

4. W3p

The petitioner's case is that since the petitioner's answer to the aforesaid questions were right and that the model answer key in regard thereto incorrect, he should have been awarded the due marks for the said questions. It has been alleged that however without considering the petitioner's objections, the result of the examination was declared on 30-12-2018 wherein the petitioner securing 238.77551 marks was declared not qualified for PET-the next step in the recruitment process for appointment to the post of Jail Wardens. It has been submitted that the declared cut off mark at the written examination for the post in issue to proceed to the next step of Physical Examination Test (PET) for OBC male category being 245.91837, if the petitioner's answer to the aforesaid three questions were considered as correct, as they should have been, he would have qualified for the PET and been in the competition for appointment to the post in issue. The failure of the respondents to address the petitioner's objections to the answers in the model answer-key and the declaration of final result despite that has been to the petitioner's detriment and liable to be quashed and set aside. And reliefs as prayed be granted to the petitioner.

On service of notice on the petition, the respondents have filed their reply. It has been submitted that the petitioner's objections to model answer-key were considered and answer to two of the hundred questions at the written examination i.e. questions No.7 and 45 of the model question paper which are inter alia in issue in the petition were deleted for ascertaining the cut off mark at the written examination for appointment of Jail Wardens. It has been submitted that the result at the written examination has been prepared in the circumstances on the basis of the answers to 98 questions only. It has been submitted that as the total aggregate mark at the written examination was 400, with 4 marks was assigned to each of the 100 questions. With the deletion of 2 questions, each of the remaining 98 questions on being wrongly answered come to have value of $400/98$ i.e. 4.08163 marks. Similarly as the marking was negative for incorrect answers, the original deduction for wrong answer to a question being 1 (one) with only 98 valid questions remaining to be answered, the value of each wrong answer was determined as $100/98$ i.e. 1.02040. The petitioner was accordingly granted 238.77551 marks in the aggregate, constituted of 261.22449 marks for the 64 correct answers and a negative marks of 22.4488 for the 22 wrong answers. It has been pointed out that the cut off for

OBC category candidates at the written examination was 245.91837. The petitioner with mark at the written examination was, as indicated above, well below that. He was thus not found eligible for the next stage of selection i.e. PET. No less meritorious than the petitioner has been selected. It has been submitted that neither in the objections to the model answer-key in respect to question No.14 of the model question paper sufficed to hold the official answer to that question to be demonstrably wrong nor has anything conclusive in that regard has been placed before the court in this petition. Hence the petitioner has no case on that count. Further without prejudice, it has been submitted that even otherwise if the petition were to be allowed, to the benefit of petitioner's objection qua question No.14 in the model answer-key relating to the General Knowledge paper, it would not facilitate his equating or exceeding the cut off mark of 245.91837, inasmuch the petitioner with his 238.77551 is 7.14286 mark short of the cut off mark. The benefit of assuming that the petitioner was right in his answer to question No.14 of the model question paper in General Knowledge would only be 5.10203 mark as the aggregate of cancelling 1.02040 negative mark and the grant of 4.08163 additional mark for the said question. Therefore the writ petition is liable to be dismissed.

Heard counsel for the parties and perused the material available on record.

Objection of the petitioner to the correct answer to two of the three questions in issue have been accepted and the two questions No.7 and 45 deleted. The merit of candidates was then prepared only on 98 questions at the written examination. Therein the petitioner secured 238.77551 marks calculated in the manner recorded herein above, while the cut off marks for OBC category was 245.91837. The petitioner was thus not found eligible for the next stage for the selection of Jail Wardens i.e. PET. The issue that remains is with regard to the correct answer to question No.14 of the model question paper in the subject of General Knowledge. The petitioner claims his answer thereto to be right and that of the respondents wrong. For one, except for the petitioner's ipse dixit there is nothing on record to conclude that the answer to the question in issue determined by the examining authority and its experts is demonstrably wrong. For that reason no interference by the court in regard thereto is warranted. Further even if the petitioner's case is accepted and his answer to the disputed one question i.e. question No.14 in General Knowledge paper is treated to be correct, than also the petitioner for reason wholly arithmetical in nature and noticed earlier in this judgment while recording the submission of the respondents, does not achieve the cut off mark of 245.91837 for OBC candidate to be eligible to participate in the PET in the onward selection process for appointment as Jail Warden.

Consequently, there is no force in the petition. The same is dismissed.