

(1992) 11 RAJ CK 0009

In the Rajasthan High Court

Case No : Civil Miscellaneous Writ Petition No. 5749 of 1992

Omi Purohit

APPELLANT

Vs

The State of Rajasthan and Another

RESPONDENT

Date of Decision : 25-11-1992

Acts Referred:

Citation : (1992) 2 RLW 305 : (1993) 1 WLC 606 : (1992) 2 WLN 411

Hon'ble Judges : B.R. Arora, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.R. Arora, J.—The petitioner, after passing his L.L.M. Examination, appeared in the competitive examination for the recruitment to the Rajasthan Judicial Service. The roll number allotted to him was 2082. The examination was conducted by the Rajasthan Public Service Commission, Ajmer. The following Syllabus was prescribed by the Rajasthan Public Service Commission for the Rajasthan Judicial Service Competitive Examination:

(1) Law Paper I 100 marks (2) Law Paper II 100 marks (3) Language (I) Paper I- Hindi Essay 50 marks (4) Language (II) Paper II- English Essay 50 marks (5) Viva Voce 35 marks

2. It is contended by the learned Counsel for the petitioner that the paper Language (II) Paper II-English Essay-contained four questions relating to writing of essay, expansion of an idea, precis writing and translation of passage from Hindi to English and as such it was beyond the scope of the Syllabus. As per the Syllabus, the questions could have been asked in this paper only for writing of any essay. According to the petitioner, as the paper was not set in conformity with the Syllabus published by the Rajasthan Public Service Commission for the competitive Examination of Rajasthan Judicial Service, therefore, the respondents may be directed to re-set the paper and get the candidates re-examined in the paper and no selection can be made on the basis of this paper

for English Essay; and in the alternative, it is contended that only the question relating to the essay should be examined and the remaining questions set-out in the paper should be ignored for judging the suitability of the candidates in this paper. The case of the respondents, on the other hand, is that the Language (II)-Paper-II-which relates to English Essay was in conformity with the Syllabus and the paper had been set-out in order to judge the proficiency of the candidates in the English Language and the Syllabus is not restricted only to the essay writing. The respondents' case further is that in previous years, also, in the Language (II)-Paper-II-English Essay-the question paper contained questions on precis writing and translation, also. According to the respondents, the writ petition, filed by the petitioner, is therefore, liable to be dismissed.

3. The controversy involved in the writ petition is: whether the Language (II)-Paper II-English Essay set-up for the 1992- Competitive Examination for recruitment to the Rajasthan Judicial Service is in conformity with the Syllabus prescribed by the Rajasthan Public Service Commission or it is beyond the Syllabus? The contention of the learned Counsel for the petitioner is that the Language (II)-Paper II-English Essay- only requires an essay to be written by the candidates and the action of the Commission in holding the examination in the English Essay paper by calling upon the candidates to answer the questions of expansion of ideas, precis writing and translation of a passage from Hindi to English, is beyond the scope of the Syllabus. The Syllabus with respect to English Language provides as under:

Language (II) (II) Paper II 50 marks English Essay The Paper Language (II) Paper II-English Essay- for the year 1992, contained four questions. Question No. 1 related to essay writing and carrying 20 marks, question No. 2 was with respect to expansion of an idea carrying 5 marks, question No. 3 was with respect to precis writing carrying 10 marks and question No. 4 relates to translation from Hindi to English carrying 10 marks. Paper- IV was of English Language and not of Essay alone. Language is the basis of man's uniqueness and essence of his culture. It is a systematic means of communicating the idea or feelings and is a form or manner of expression of thoughts. Language is the whole body of words and the methods of combining them for the expression of the thoughts. It is a form of words in which the person expresses himself and the language paper set-out by the Commission is meant to judge the proficiency of the candidates in using the English Language and a study of language as a subject. According to Handry Sweet, an English Language phonetician "Language is the expression of idea by means of speech, sound, combined into words. Words are combined into question". According to Random House Dictionary of the English Language (College Edition), "language" means body of words and system for their use common to the people of the same community or nation of same geographical area or the same cultural tradition. According to Webster's Third New International Dictionary, "language" means, the words, their pronunciation and the method of combining them used and understood by a considerable community and established by long use, a systematic means of

communicating the ideas or feelings. The "language", therefore, means a form of expression and a method of combining the words. Language art is a skill including reading, composition, speech, spelling, dramatics etc. Writing of an essay, expansion of ideas, writing of precis, translating the text to English, grammatical form and structure composition alongwith vocabulary are the things which serves to express all the meaning required. The "essay" is an analytic interpretation or critical literary composition dealing with its subject from a limited point of view, while the precis is an abstract or a summary and the translation is the act of rendering something into another language and the expansion of idea means the expansion with preciseness and clarity the ideas given in the question. Thus, all these questions, which have been asked in the Language (II)-Paper-II English Essay- are set-up in order to judge the proficiency of the candidates in using the English Language. They cannot, therefore, be said to be beyond the Syllabus. The question papers for the earlier years for the same examination have, also, been placed on record by the learned Counsel for the respondent No. 2. In the earlier years, also, the paper was for the Language (II)-Paper II-English Essay- but the questions were asked on precis writing as well as for translation. The petitioner was, therefore, fully knowing the fact that the questions in the Essay paper can be asked on the precis writing as well as for translation and in spite of that if he did not prepare for these then he should blame himself. The paper contains the questions which were not out-side the scope of the Syllabus and the paper was set in accordance with the prescribed Syllabus.

4. Learned Counsel for the petitioner has placed reliance over the Single Bench judgment of this Court in the case of Prabhu Dayal Sesma v. R.P.S.C. and Ors. 1992 WRL 121. The contention of the petitioner further is that this judgment of the Single Bench has been up-held by the Division Bench of this Court at Jaipur Bench. In the case of Prabhu Dayal Sesma, in answer the questions of Algebra and Geometry as well as Statistics while the paper was only for Arithmetic. Arithmetic is the science of number while Algebra is the investigation of the property of the number by means of general symbols and Geometry is the science of property in relation of magnitudes in space. Algebra and Geometry are not the part and parcel of Arithmetic or a branch of Arithmetic. Arithmetic, Algebra and Geometry are different branches of Mathematics which is a science of space and numbers. When the Algebra, Geometry and Statistics are not the branches of Arithmetic, therefore, no question could have been asked on Algebra, Geometry and Statistics in the paper relating to Arithmetic and, therefore, in Prabhu Dayal's case, it was rightly held that the paper of Arithmetic containing Algebra, Geometry and Statistics are beyond the scope of the Syllabus. But in the present case, in the paper of English Language, questions carrying essay, expansion of an idea, precis writing and translation from Hindi to English, are not foreign to the Language, but they are the part of the language and are meant to judge the proficiency of the candidates in using the English Language. "Language" means, the body of words and is a diction or style of

writing and to express in language means to put in words. Writing of essay, translation, expansion of an idea and precis writing are the style of writing and expression into the words. Even as per Webster's Third New International Dictionary, the word "essay-question" means an examination that requires an answer to be framed in a sentence, paragraph or short composition and usually for an individual analysis, assembling of facts. Even as per this, the questions can be asked in the paper of Essay for expansion of idea and writing of precis as it covers the essay question. Thus, the judgment in Prabhu Dayal's case, relied upon by the petitioner, is, therefore, of no help to him.

5. The present controversy stands concluded by the Division Bench judgment of this Court in the case of the Subhash Kumar Saxena v. the State of Rajasthan and Anr. D.B. Civil Writ Petition No. 1205 of 1987-decided on June 30, 1987. In case of Subhash Kumar Saxena, the same Language (II)-Paper II- English Essay-Paper for the competitive examination for R.J.S. was under consideration before the Division Bench and the argument was raised that the paper prescribes only for English Essay and the questions have been asked relating to precis writing, translation etc., which are out-side the Syllabus for the competitive examination for recruitment to the Rajasthan Judicial Service. The Division Bench, after considering the arguments of the parties, held as under:

From the Syllabus itself, it is evident that the papers related to language and the names of the papers are given as Paper-I-Hindi Essay- and Paper II-English Essay-. Papers Annexure 5 and 6 bear testimony to the fact that the title of the paper is Language Paper I- Hindi Essay-and Language Paper II-English Essay. A paper relating to language with greater emphasis on essay may include precis and translation. Thus, the paper cannot be said to be outside the scope of the Syllabus.

The same contentions have been raised by the learned Counsel for the petitioner in the present case which were raised in the case of Subhash Kumar Saxena and were repelled by the Division Bench. Thus, the paper of Language (II)-Paper II-English Essay- set up by the Rajasthan Public Service Commission to judge the proficiency of the candidates in the use of the English Language was set-up in accordance with the prescribed Syllabus and it does not include any question outside the Syllabus.

6. In the result, I do not find any merit in this writ petition and the same is hereby dismissed.