

(2018) 07 RAJ CK 0041

In the Rajasthan High Court

Case No : Spl. Appl. Writ No. 324, 278, 279 of 2017

Satish Kumar Sharma @APPELLANT@Hash Secretary, Rajasthan Public Service Commission

Date of Decision : 10-07-2018

Acts Referred:

Citation : (2018) 07 RAJ CK 0041

Hon'ble Judges : PRADEEP NANDRAJOG , CJ;DINESH MEHTA, J

Bench : Division Bench

Advocate : K.K.Shah, B.L.Swami, J.P.Joshi, Khet Singh

Final Decision : Dismissed

Judgement

Pradeep Nandrajog,CJ

1. By a common judgment dated 8th February, 2017, 16 writ petitions filed have been dismissed by the learned Single Judge. The three captioned

appeals have been filed by the appellants: Satish Kumar Sharma, Anju Meena and Anu Shree Pradhan. It appears that the other writ petitioners are

satisfied with the impugned judgment.

2. To fill up posts in the State Service and State Subordinate Service, RPSC issued an advertisement on 18.6.2013 inviting applications from the

eligible candidates. Under the caption: "Important Notes" it was notified to the prospective candidates vide Clause (C) that answers could be

attempted to the various questions either in Hindi or English. Not in both languages. It was also indicated that for language papers, answer in

concerned language and script has to be given unless directed otherwise to be written in Hindi or English.

3. Four papers had to be attempted by the candidates. Each paper having 200 marks. Paper-I was for General Studies-1. Paper-II was for General

Studies-2. Paper-III was for General Studies-3 and Paper-IV was for General Hindi and General English.

4. Dispute with which the learned Single Judge was concerned, and so are we, in the appeals concerns questions No.6 and 7 each carrying 5 marks

marks in Paper-IV i.e. General Hindi and General English.

5. The two questions are in devnagari script but the dialect is in Rajasthani. Pertaining to the two questions the direction is to answer the questions in Rajasthani language.

6. After the results were declared the appellants filed writ petitions pleading that the two questions need to be deleted for the reason the advertisement

clearly indicated to the candidates that the question papers had to be attempted either in Hindi or in English. Clause (C) of the advertisement under

the caption 'Important Notes' requiring an answer to be given in the concerned language related only to a language paper. That Paper IV in

which the two questions were put was a part of General Hindi and General English.

7. Dismissing the writ petitions filed the learned Single Judge has reasoned that the syllabus made known to the candidates that their knowledge would

be tested, amongst others, on the dialect spoken in Rajasthan as also Rajasthani literature. The learned Single Judge has reasoned that therefore the

questions were as per the syllabus and thus no prejudice on said count has resulted to the writ petitioners. The learned Single Judge has also further

reasoned that the syllabus required knowledge of Rajasthani language and thus the direction qua the two questions i.e. to be answered in Rajasthani

language was not an error committed. The learned Single Judge has further highlighted that the three appellants attempted both questions in Rajasthani

dialect. The answers were evaluated and marks were assigned. Satish Kumar Sharma wrongly answered the first question and was thus assigned

0 mark. For the second question he was assigned one mark. Similar was the position regarding Anu Shree Pradhan. Anju Meena was given

2 marks for the first question and 0 mark for the second. Meaning thereby, the learned Single Judge has found that no prejudice was

caused to the appellants.

8. The arguments in the appeals are:-

(i) There is no language known as Rajasthani. In Rajasthan various dialects are

spoken but the script is devnagari. In other words the argument is that the direction to answer the two questions in Rajasthani language was inherently flawed because there is no language known as Rajasthani.

(ii) The candidates were clearly told to attempt the answers in Hindi or in English. Only pertaining to language paper was it permissible to require the answer to be in the language concerned. It was argued that Paper-IV was in General Hindi and General English. It was not a language paper.

9. Concerning the second contention urged, suffice it to state that Paper-IV was for General Hindi and General English; and Hindi and English are

languages. That the syllabus made it known to the candidates that their knowledge would be tested on Rajasthani script and Rajasthani literature

meant that the RPSC could test the knowledge of the candidates on Rajasthani literature with dialect in Rajasthani. By Rajasthani language it has to

be understood the various dialects spoken of in Rajasthan and indeed the appellants so understood, evident by the fact that each one of them

attempted the two questions.

10. Thus, the contention that the direction for the two questions requiring the same to be answered in Rajasthani language fouled the advertisement is

noted and rejected. The paper No.IV was for language i.e. Hindi and English. Clause (C) of the advertisement applies. It clearly records that qua a

language paper the candidate could be required to answer a question in the language concerned.

11. Regarding the first contention urged, the answer has already been given by us while dealing with the second contention urged. Technically it may

be correct that under the Constitution, Rajasthani as a language has not been enlisted but understood from a common sense point of view,Â any

person would understand that it would be in dialect of the devnagari script which is spoken of in the different regions in Rajasthan, for example in

marwar area the language is marwari and in mewad it is mewadi etc.

12. We terminate our opinion by affirming the view taken by the learned Single Judge and simply highlight that neither appellant was handicapped by

any alleged ambiguity which could possibly arise, for the reason each one of them has attempted the two questions in dispute in the dialect spoken of

in Rajasthan.

13. The appeals are dismissed.