

(2020) 03 RAJ CK 0116
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2257 Of 2020

Sukhveer Kaur And Ors

APPELLANT

Vs

State Of Rajasthan And Ors

RESPONDENT

Date of Decision : 03-03-2020

Acts Referred:

Citation : (2020) 03 RAJ CK 0116

Hon'ble Judges : Dinesh Mehta, J

Bench : Single Bench

Advocate : B. S. Sandhu, Vinit Sanadhya

Final Decision : Dismissed

Judgement

1. By way of the present writ petition, the petitioners have challenged the revised result, issued by the respondent - Rajasthan Staff Selection Board on 16.01.2020.
2. The facts appertain to the present writ petition are that the petitioner applied for the post of Supervisor (Women) (Anganwadi Workers Quota), pursuant to the advertisement dated 01.10.2018 for direct recruitment.
3. All the candidates were required to undergo a written examination based on the following scheme :

परीक्षा स्कीम

प्रथम खण्ड

क्र. सं.

विषय

अंक-100

समय

क) भाषा ज्ञान, तर्क शक्ति एवं सामान्य ज्ञान

3 घंटे

1

सामान्य हिन्द

50

2

सामान्य अंग्रेजी

25

3

गणित एवं सामान्य तर्क शक्ति

25

द्वितीय खण्ड

क्र. सं.

विषय

अंक-100

(क) पोषण व स्वास्थ्य का ज्ञान तथा योजनाएं

65

(ख) शिशु की प्रारम्भिक देखभाल एवं शिक्षा

35

कुल अंक

200

4. The result was declared by the Selection Board on 22.07.2019. Certain candidates preferred writ petitions and challenged the paper set by the Selection Board (being SB Civil Writ Petitions No.6722/2019 and No.6058/2019), inter alia alleging that the scheme of the examination required that written paper would contain questions bearing 50, 25, 25, 65 & 35 marks respectively from subjects General Hindi, General English, Mathematics & Reasoning, पोषण व स्वास्थ्य का ज्ञान तथा योजनाएं और शिशु की प्रारम्भिक देखभाल एवं शिक्षा whereas the question paper given during the examination, contained 150 questions of equal marks - 30 questions from each of the five subjects.

5. It was the contention of the petitioners in the above mentioned writ petitions that paper set by the Selection Board was not in conformity with the scheme of the examination, as the questions relating to the concerned subject did not carry

the marks, which were fixed for concerned subject in the scheme of examination.

6. The Selection Board realized, rather accepted its mistake during the pendency of above writ petition and published a revised result.

7. The result was revised; separate weightage or marks for different subjects were allocated, so that total marks for each subject came in tandem with scheme of examination.

8. The revision of result was done while providing the following marks (weightage) to each question of different subjects as follows :

परीक्षा स्कीम के अनुसार विषयवार भारांक:-

क्र.सं.

विषय

परीक्षा स्कीम के

अनुरूप भारांक

प्रश्न पत्र में

आये प्रश्नों की

संख्या

पूर्व परिणाम में

प्रत्येक प्रश्न

का भारांक

संशोधित परीक्षा

परिणाम में प्रत्येक

प्रश्न का भारांक

1

Hindi

50

30

1-33

1-666

2

English

25

30

1-33

0-833

3

Maths & Res.

25

30

1-33

0-833

4

पोषण व स्वास्थ्य का

ज्ञान तथा योजनाए

65

30

1-33

2-166

5

शिशु की प्रारम्भिक

देखभाल एवं शिक्षा

35

30

1-33

1-166

9. It is the case of the petitioners that as the paper set for the examination contained the stipulation that all the questions carry equal marks, the respondents cannot change the weightage of the marks or change the number qua the questions. Mr. Sandhu put forth his argument by stating that the respondents cannot change the rules of the game, after the game was played.

10. Mr. Sanadhya, learned counsel for the respondents submitted that the Selection Board has simply brought the paper and the corresponding weightage

in line with the scheme of the examination. He emphasised that as a matter of fact, they have corrected the inadvertent error or omission, committed by the Paper Setter, while setting the paper.

11. It was submitted that there is no substantial difference, inasmuch as neither the total number of questions has been changed nor the rules relating to examination have been changed, while arguing that the principles on which the petitioners have relied, is not applicable in the facts of the present case.

12. Learned counsel argued that merely because the weightage of question has been changed, it cannot be said that rules of the examination have been changed, particularly when the revised result relating to subjects has now come in tandem with the total marks allocated to each subjects.

13. He zealously pointed out that as a matter of fact, the revision of result has put the petitioners to an advantageous position, inasmuch as marks of both the petitioners have been increased, while meekly informing that it is a different matter, that after the revision of result, the cut off marks too spiked to 116, which was 104 marks earlier.

14. Heard.

15. Concededly, after the revision of result, marks of petitioners No.1 & 2 have been increased from 108 to 114 and 107 to 109 respectively.

16. The petitioners have benefitted due to revision of result. This fact itself shows that the respondent - Selection Board has rightly revised/rationalised the result, while giving appropriate weightage to the questions relating to individual subject, so as to bring the same in sync with the scheme of the examination.

17. Merely because the petitioners have been scooped out of the select list, as a consequence of revision of result and corresponding upward movement of the cut off, they cannot challenge such revision.

18. This Court does not find any substance in the petitioners' arguments.

19. The rules of examination or the rules of game - as branded by the petitioners, refers to the scheme of examination, according to which, each subject was to carry different total marks given therein. Admittedly, due to inadvertence, the examiner who set the paper lost sight of the fact that each subject did not carry equal marks and he had framed 30 questions each from all the five subjects for a paper comprising of 200 marks.

20. It may be relevant to take stock of the backdrop facts. The result was firstly prepared by allocating 1.33 marks to each question. A writ petition came to be filed by Anupama & Ors (CWP No.6722/2019), in which the respondent - Board candidly accepted the fault. During the course of hearing the Selection Board came up with a solution to deal with such anomaly. Without making any observation, the Board was permitted to declare the result.

21. In considered opinion of this Court, the revision of marks and allocation of higher or lower weightage to the questions in such process does not amount to changing rules of the game, particularly in the present factual matrix.

22. Neither the total number of questions have been changed, nor the questions have been deleted. What has been done is that number/weightage qua each of the question with respect to individual subject has been rationalised in such a manner that total numbers in each subject become equal to the numbers fixed in the scheme of examination, as indicated in the table above.

23. If such rationalisation is not accepted, and any interference is made - it would lead to accepting/upholding previous method/result. It would then, permit an apparent, rather admitted illegality to perpetuate.

24. Had this rationalisation not been done, or if earlier result was to be examined, There could have been no course left, except to quash the entire examination and to order for a fresh examination.

25. This Court does not find any palpable or manifest irregularity warranting interference so far as the result impugned is concerned. The petition is thus dismissed.

26. The stay application is also dismissed.