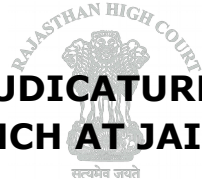




**HIGH COURT OF JUDICATURE FOR RAJASTHAN  
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 4777/2021

1. Surjan Lal Dhawan S/o Prabhu Dayal Dhawan, Aged About 35 Years, R/o Village Pandit Pura Panchmukhi, Badiya Road, Dausa, (Raj)
2. Pooja Sharma W/o Prahlad Kumar Sharma, Aged About 31 Years, R/o Fci Goam Raod, Sainik Nagar, Ganpapur City, Sawaimadhapur (Raj.) 322201
3. Bakeel S/o Mukhtyar Singh Gurjar, Aged About 31 Years, R/o Vill. Tarsuma, Tehsil Bayana, Bharatpur (Raj.). 321405.
4. Tola Ram Jakhar S/o Tejram Jakhar, Aged About 32 Years, R/o 30 Dodd, Hanuman Nagar Makeri, Bikaner (Raj.) 334023.
5. Pooja Rani Saxena W/o Rang Bihari, Aged About 43 Years, R/o Ward No. 08 Near Ram Mandir, Anupgarh, Sri Ganga Nagar, (Raj.) 335701
6. Sonia Nagpal W/o Fateh Chand Nagpal, Aged About 28 Years, R/o W. No. 12, H.no. 187, Purani Abadi, Sri Ganganagar (Raj.). 335001.
7. Durga Ram Meghwal S/o Girdhari Ram, Aged About 34 Years, R/o Vpo-Dabra, Naguar (Raj.). 341506
8. Lukman S/o Lal Khan, Aged About 34 Years, R/o Ward No. 10, Purani Ginani Near Mffr Road, Mahajan, Bikaner (Raj.) 334604.
9. Khem Raj Meghwal S/o Sava Ji Meghwal, Aged About 36 Years, R/o Vpo-Vallabh, Tehsil-Girwa, P.s. Kurawar, Udaipur, (Raj.).
10. Raj Kumar S/o Man Singh, Aged About 33 Years, R/o Viii, Bhojewala, Post-Somasar, Tehsil Suratgarh, Sri Ganganagar (Raj.)., 335804.
11. Rameshwar Lal S/o Chuna Ram, Aged About 28 Years, R/o Chak 662, Road Siyasar, Panchkosa, Tehsil Pugal, Distt. Bikaner (Raj.). 334808.
12. Bhavani Shankar Tard S/o Haramana Ram Tard, Aged About 28 Years, R/o Vpo-Surnana, Tehsil-Loonkaransar, Distt. Bikaner (Raj.). 334603.
13. Ajay Dev Dutt Pater S/o Anna Ram, Aged About 31 Years,





R/o Vpo-Bhadwan Wala, Tehsil-Raisinghpura, Shri Gangapur (Raj.). 335051.

14. Chandrabhan S/o Shri Kishori Lal, Aged About 27 Years, R/o Village Ekalkhori, Tehsil Osian, Distt. Jodhpur, Rajasthan.
15. Surajmal S/o Shri Amra Ram, Aged About 30 Years, R/o Santosh Taior, Sabji Mandi, Nehru Market, Bhinmal Distt. Jalore, Rajasthan.
16. Bharat Singh Rajpurohit S/o Shri Jog Singh, Aged About 39 Years, R/o Village Badawas, Sankarna, Tehsil Ahore, Distt. Jalore, Rajasthan.
17. Kiran Kumari D/o Shri Nayan Kumar, Aged About 37 Years, R/o Village Dhamora, Tehsil Udaipurwati, Distt. Jhunjhunu, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer

----Respondents

Connected With

S.B. Civil Writ Petition No. 2323/2021

Ritu Kumari D/o Rajveer Singh, Aged About 27 Years, R/o Village - Lotasara Ki Dhani, Post - Purohita Ki Dhani, District Jhunjhunu, Rajasthan. Pincode-333001.

----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Through Its





Secretary, Ajmer

-----Respondents

S.B. Civil Writ Petition No. 2795/2021

Shakti Singh Shekhawat S/o Vijay Singh Shekhawat, Aged About 32 Years, R/o Ward No. 13, Near Hawaii Patti Main Gate, Jhunjhunu, Raj.

-----Petitioner

Versus

1. State Of Rajasthan, Through Its Secretary, School Education Department, Govt. Secretariat, Jaipur, Raj.
2. Secretary, Rajasthan Public Service Commission, Ajmer, Raj.

-----Respondents

S.B. Civil Writ Petition No. 3944/2021

Suneel Kumar Sharma Son Of Late. Ramniwas Sharma, Aged About 39 Years, Address S-19, Krishna Marg, Bapu Nagar, Siwad Area, Lal Kothi, Jaipur (Rajasthan) - 302015.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary To Government, School Education Department, Rajasthan, Secretariat, Jaipur (Rajasthan) - 302005.
2. Director, Secondary Education, Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Ajmer Through Its Secretary, Ghooghara Ghati, Jaipur Road, Ajmer (Rajasthan) - 305001.
4. Beer Singh Son Of Ajeet Singh, Aged About 37 Years, Address Nangla House Ward No. 19 Loharu Road, Pilani, Jhunjhunu (Rajasthan).

-----Respondents

S.B. Civil Writ Petition No. 4115/2021

1. Hemraj Rodiya S/o Babu Lal Bairwa, Aged About 38 Years, R/o 357/117, Jadon Nagar A, Opposite Durgapura Railway Station, Durgapura, Jaipur, Rajasthan
2. Kamal Yadav S/o Shishram Yadav, Aged About 31 Years, R/o F-74, Gandhi Nagar, Jaipur Rajasthan.





3. Mankor Devi Gurjar D/o Babu Lal Gurjar, Aged About 28 Years, R/o Village Nekawala Post Bobari, Via Gathwari Tehsil Jawarmgarh District Jaipur, Rajasthan.
4. Dharmi Chand S/o Bheru Ram Mat, Aged About 30 Years, R/o Village Rohisara, Post Dodiyaana Tehsil Riyan Bari, District Nagaur, Rajasthan.
5. Ramprasad Meena S/o Jayanaryan Meena, Aged About 30 Years, R/o Village Trilokinathpura, Post Jhanpada Kalan Tehsil Chaksu, District Jaipur, Rajasthan.
6. Mamta D/o Nahar Mal, Aged About 32 Years, R/o Village And Post Dhingpur Tehsil Dantaramgarh, District Sikar, Rajasthan.
7. Vedprakash Choudhary S/o Laxman Singh, Aged About 30 Years, R/o Khedi, Post And Tehsil Ramgarh, District Alwar, Rajasthan.
8. Net Ram Bhupesh S/o Syochand Bhupesh, Aged About 37 Years, R/o Village Madhogarh, Via Bahai Tehsil Khetri, District Jhunjhunu, Rajasthan.
9. Manphool Ram S/o Jadish Ram, Aged About 30 Years, R/o Village 10 Bb Po Ratewala, Tehsil Padampur , District Shri Ganganagar, Rajasthan.
10. Vikram Singh S/o Madan Singh Rajput, Aged About 33 Years, R/o Village And Post Dalpatpura Tehsil Nohar , District Hanumangarh, Rajasthan.

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner(Rajasthan).
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer

-----Respondents

S.B. Civil Writ Petition No. 4234/2021

Vishnu Kumar Sharma Son Of Ram Avatar Sharma, Aged About 35 Years, Address - Parana, Tonk (Rajasthan) - 304021.

-----Petitioner





Versus

1. The State Of Rajasthan, Through Its Principal Secretary To Government, School Education Department, Rajasthan, Secretariat, Jaipur (Rajasthan) - 302005.
2. Director, Secondary Education, Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Ajmer Through Its Secretary, Ghoghara Ghati, Jaipur Road, Ajmer (Rajasthan) - 305001.
4. Beer Singh Son Of Ajeet Singh, Aged About 37 Years, Address - Nangla House Ward No. 19 Loharu Road, Pilani, Jhunjhunu (Rajasthan).

-----Respondents

S.B. Civil Writ Petition No. 4299/2021

Ram Phool Meena Son Of Badri Narayan Meena, Aged About 27 Years, Address - Bhagto Ki Dhani, Amer, Khora Meena, Jaipur (Rajasthan) - 302028.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary To Government, School Education Department, Rajasthan, Secretariat, Jaipur (Rajasthan) - 302005.
2. Director, Secondary Education, Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Ajmer Through Its Secretary, Ghoghara Ghati, Jaipur Road, Ajmer (Rajasthan) - 305001.
4. Hukam Chand Meena Son Of Gobari Lal Meena, Aged About 40 Years, Address - 17/4 Indra Vikas Colony Near Sharma Communication (North Delhi), Delhi.

-----Respondents

S.B. Civil Writ Petition No. 4585/2021

1. Aarti Devi Sharma D/o Shri Mahesh Chand Sharma, Aged About 31 Years, R/o Village Mohanwadi, Post Jahota, Tehsil Amer, District Jaipur, Rajasthan.
2. Manraj Meena S/o Shri Bharat Lal Meena, Aged About 30 Years, R/o Village Adalwara Kalan, Tehsil Chauth Ka





Barwara, District Sawai Madhopur, Rajasthan.

3. Dharamveer Singh S/o Shri Sajjan Singh, Aged About 28 Years, R/o Data Shree Kishore Agro Farm, 15 Mile, Indroka, District Jodhpur, Rajasthan.
4. Unkar Singh Bhati S/o Shri Devi Singh Bhati, Aged About 28 Years, R/o Village Rajbera, Post Undu, Tehsil Shiv, District Barmer, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer

----Respondents

S.B. Civil Writ Petition No. 4971/2021

1. Devendra Kumar Meena S/o Ladu Ram Meena, Aged About 36 Years, Presently Residing At A-90, Model Town, Malviya Nagar, Jagatpura Raod, Jaipur.
2. Sarita Choudhary D/o Ramnivas Choudhary, Aged About 30 Years, Presently Residing At 176, C Block, Mahesh Nagar, Jaipur.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan)
2. The Director, (Secondary Education), Rajasthan, Bikaner, (Rajasthan)
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

----Respondents

S.B. Civil Writ Petition No. 5020/2021

Mahendra Singh Bareth S/o Hanuman Singh Bareth, Aged About 28 Years, R/o 130-A, Dev Nagar, Murlipura, Jaipur, Rajasthan.





----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Education Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner, Rajasthan.
3. Rajasthan Public Service Commission, Through Its Secretary, Jaipur Road, Ajmer, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 5132/2021

1. Hastu Jyani D/o Chatara Ram Jyani, Aged About 26 Years, R/o Vpo Ridi, Tehsil Sri Dungargarh, District Bikaner Rajasthan.
2. Manish Degava S/o Shri Jagdish Prasad, Aged About 27 Years, R/o Gali No. 5, Rampura Basti, Lalgargh District Bikaner Rajasthan

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary, Department Of Education, Government Of Rajasthan, Government Secretariat, Jaipur
2. The Director Secondary Education, Bikaner Rajasthan
3. Rajasthan Public Service Commission, Ajmer Through Its Secretary

----Respondents

S.B. Civil Writ Petition No. 5779/2021

1. Nitin Kumar Jain S/o Mahesh Chand Jain, Aged About 33 Years, R/o Village Post Patonda, Tehsil Hindaun City, District Karauli Rajasthan
2. Durga Shankar S/o Ghanshyam, Aged About 30 Years, R/o Vpo Gadiya Tehsil Ramganjmandi, District Kota Rajasthan
3. Beena Sharma D/o Kailash Chand Sharma, Aged About 33 Years, R/o Vpo Garh, Tehsil Bassi, District Jaipur Rajasthan
4. Ravindra Kumar Meena S/o Rampratap, Aged About 29 Years, R/o Village Heripura Post Batawada, Tehsil And





District Baran Rajasthan

5. Lakan Singh S/o Chetpal, Aged About 35 Years, R/o Vpo Nekpur, Tehsil Roopwas, District Bharatpur Rajasthan
6. Sunita Saraswat D/o Imarata Ram, Aged About 34 Years, R/o Near Raghunathsar Well, Bikaner Rajasthan

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Secretary Education Department, Govt. Of Rajasthan Government Secretariat, Jaipur
2. Director Secondary Education, Bikaner Rajasthan
3. Rajasthan Public Service Commission, Through Tis Secretary Jaipur Road, Ajmer Rajasthan

----Respondents

S.B. Civil Writ Petition No. 5820/2021

Jyoti Punia D/o Suraj Bhan Punia, Aged About 31 Years, R/o A-208, Ram Krishna Apartment, Shpira Path, Mansarovar, Jaipur Rajasthan

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Education Department Govt. Of Rajasthan Government Secretariat Jaipur
2. Director Secondary Education, Bikaner Rajasthan
3. Rajasthan Public Service Commission, Through Its Secretary, Jaipur Road, Ajmer Rajasthan

----Respondents

S.B. Civil Writ Petition No. 6024/2021

Manish Kumar Sharma S/o Keshav Kumar Sharma, Aged About 30 Years, R/o Vpo Sankarwada, Tehsil Todabhim Dist. Karauli, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary Education Department, Govt Of Rajasthan, Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner Rajasthan.







3. Rajasthan Public Service Commission, Through Its Secretary, Jaipur Road, Ajmer (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 6312/2021

Rupesh Kumar Sujanani S/o Kanhaiya Lal Sujanani, Aged About 39 Years, R/o Opp. Smmcc Government College, Keshargang, Abu Road, Sirohi, (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer.

-----Respondents

S.B. Civil Writ Petition No. 6322/2021

1. Manish Kumar S/o Pratap Singh, Aged About 32 Years, R/o Birtoli, Post Sorkha Kalan, Tehsil Mundawar, District Alwar, Rajasthan.
2. Priyanka Yadav D/o Bhoop Singh, Aged About 31 Years, R/o Village Bani Jonaicha, Post Jonaicha Khurd, Tehsil Neemrana, District Alwar, Rajasthan.
3. Poonam D/o Jagdish Prasad, Aged About 25 Years, R/op Vpo Agawana Khurd, Tehsil Surajgarh, District Jhunjhunu, Rajasthan.
4. Khaimraj S/o Angoor Singh, Aged About 32 Years, R/o Village Khedia Brahmin, Po Jharkai, Tehsil Nadbai, District Bharatpur, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Its Secretary, Education Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner, Rajasthan.
3. Rajasthan Public Service Commission, Through Its





Secretary, Jaipur Road, Ajmer, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 6586/2021

1. Lokesh Kumar Mahawar S/o Harendra Kumar, Aged About 25 Years, R/o Village Wadh Tatwara, Tehsil Gangapurcity, District Sawaimadhopur, Rajasthan.
2. Raees Mohammed S/o Saddik Mohammed, Aged About 27 Years, R/o Vpo Pachewar, Tehsil Malpura, District Tonk, Rajasthan.
3. Jitendra Meena S/o Kesari Lal, Aged About 31 Years, R/o Village Nawalpura, Post Raithal, Tehsil Mangrol, District Baran, Rajasthan.
4. Kapil Dev Sharma S/o Dinesh Chand Sharma, Aged About 26 Years, R/o Murlipura Sukh Vihar Colony, Karauli, Rajasthan.
5. Gyan Prakash Bunkar S/o Bhanwar Lal, Aged About 43 Years, R/o Village Chimanpura, Post Bahtton Ki Gali, Tehsil Amer, District Jaipur, Rajasthan.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Its Secretary, Education Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner, Rajasthan.
3. Rajasthan Public Service Commission, Through Its Secretary, Jaipur Road, Ajmer, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 8369/2021

Deena Ram Meena S/o Shri Birbal Meena, Aged About 37 Years, R/o Village Chorwada, Post Toda, Tehsil Bassi, District Jaipur, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner





(Rajasthan).

3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer

-----Respondents

S.B. Civil Writ Petition No. 8375/2021

1. Rajendra Kumar S/o Shri Rugha Ram, Aged About 31 Years, R/o Village Dhani Kumharan Wali, V.p.o. Topriyan, Tehsil Rawatsar, District Hanumangarh (Raj)
2. Rajaram Sharma S/o Shri Kani Ram, Aged About 41 Years, R/o V.p.o. Thalarka, Tehsil Nohar, District Hanumangarh (Raj.)

-----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer

-----Respondents

S.B. Civil Writ Petition No. 9358/2021

Bजारंग लाल जट Son Of Shri Hanuman Sahay Jat, Aged About 28 Years, Resident Of Village Kishorpura Via Ajitgarh, Tehsil Shri Madhopur, District Sikar, Rajasthan.

-----Petitioner

Versus

1. State Of Rajasthan, Secondary Education Department, Through Its Principle Secretary, Govt. Secretariat, Jaipur (Raj.)
2. Rajasthan Public Service Commissioner, Through Its Secretary, Ajmer (Raj.)
3. Dy. Secretary, Exam Rajasthan Public Service Commissioner, Ajmer (Raj.)

-----Respondents

S.B. Civil Writ Petition No. 10634/2021





Deen Dayal Swami Son Of Prahlad Swami, Aged About 40 Years,  
Address 223, Nagon Ki Chhawani, Muslim School Ke Pass, Moti  
Dungri Road, Jawahar Nagar, Jaipur (Rajasthan) - 302004.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Director, Secondary Education, Rajasthan, Bikaner (Rajasthan) - 334001.
2. Rajasthan Public Service Commission, Ajmer Through Its Secretary, Ghooghara Ghati, Jaipur Road, Ajmer (Rajasthan) - 305001.
3. Lokesh Nagar Son Of Madhou Lal, Address Vpo- Dholam, Tehsil- Chhipabarod-Dholam, Baran (Rajasthan) - 325221.

----Respondents

S.B. Civil Writ Petition No. 10644/2021

Bhupendra Singh Son Of Jethu Singh, Aged About 28 Years,  
Present Address- 103, Kataria Colony, Near Mehta Garden,  
Ramnagar, Sodala, Jaipur (Rajasthan) - 302019.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Director, Secondary Education, Rajasthan, Bikaner (Rajasthan) - 334001.
2. Rajasthan Public Service Commission, Ajmer Through Its Secretary, Ghooghara Ghati, Jaipur Road, Ajmer (Rajasthan) - 305001.
3. Raveendra Sharma Son Of Kalu Ram Sharma, Aged About 33 Years, Address - Village Narwar Via Kuchil-Narwar, Ajmer (Rajasthan) - 305811.

----Respondents

S.B. Civil Writ Petition No. 10671/2021

Vijay Singh Son Of Rajpal, Aged About 32 Years, Address -  
Nayasar, Jhunjhunu (Rajasthan) - 333001.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Director, Secondary Education, Rajasthan, Bikaner (Rajasthan) - 334001.
2. Rajasthan Public Service Commission, Ajmer Through Its





Secretary, Ghoghara Ghati, Jaipur Road, Ajmer  
(Rajasthan) - 305001.

3. Bal Kishan Son Of Likhama Ram, Aged About 29 Years,  
Address - Ramdev Colony, Keru, Jodhpur (Rajasthan) -  
342024.

-----Respondents

S.B. Civil Writ Petition No. 11533/2021

Bhanwar Lal Bhambi S/o Pancha Ram, Aged About 34 Years, R/o  
Ramdev Mandir Ke Pass, Vpo Kathoti, Tehsil Jayal, District  
Nagaur, Rajasthan.

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Education  
Department, Govt. Of Rajasthan, Government  
Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner, Rajasthan.
3. Rajasthan Public Service Commission, Through Its  
Secretary, Jaipur Road, Ajmer, Rajasthan.

-----Respondents

S.B. Civil Writ Petition No. 12158/2021

Rakesh Kumar Meena S/o Shri Ram Meena, Aged About 30  
Years, R/o Village Baswa, In Front Of Railway Station Baswa,  
Kool Ka Bas Baswa, Tehsil Baswa, City Baswa, District Dausa  
(Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary  
Education Department Govt. Secretariat, Jaipur  
(Rajasthan)
2. The Director, (Secondary Education), Rajasthan, Bikaner  
(Rajasthan)
3. Rajasthan Public Service Commission, Through Its  
Secretary, Ajmer.

-----Respondents

S.B. Civil Writ Petition No. 14513/2021

Mahendra Singh Bareth Son Of Hanuman Singh Bareth, Aged  
About 29 Years, Address 130-A, Dev Nagar, Murlipura, Jaipur





(Rajasthan) 302039

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Director, Secondary Education, Rajasthan, Bikaner (Rajasthan) 334001
2. Rajasthan Public Service Commission, Ajmer, Through Its Secretary, Ghooghara Ghati, Jaipur Road, Ajmer (Rajasthan) 305001
3. Lokesh Nagar Son Of Madhou Lal, Aged About 33 Years, Address Vpo Dholam, Tehsil Chhipabarod-Dholam, Baran, (Rajasthan) 325221

----Respondents

S.B. Civil Writ Petition No. 3995/2022

1. Lalu Ram S/o Shriram Karan Jat, Aged About 33 Years, R/o Vpo Bikamsara, Tehsil Sardarshahar, Churu, Rajasthan.
2. Radhakishan Sharma S/o Shri Mangilal Sharma, Aged About 26 Years, R/o Behind Govt. Hospital, Main Market, Near Bob Bank, Gangashahar, Bikaner, Rajasthan.
3. Trapti D/o Shri Sheoyrtilal Sharma, Aged About 32 Years, R/o Pragyaapeeth New Govind Nagar, Gali No.2, Ramganj, Ajmer, Rajasthan.
4. Alka Chaurasiya D/o Shrihemendra Kumar Chaurasiya, Aged About 38 Years, R/o A-17, Sukhdham Colony, Police Line, Baran Road, Kota, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through Principal Secretary Education Department Govt. Secretariat, Jaipur (Rajasthan).
2. The Director, (Secondary Education), Rajasthan, Bikaner (Rajasthan).
3. Rajasthan Public Service Commission, Through Its Secretary, Ajmer

----Respondents

S.B. Civil Writ Petition No. 13572/2022

1. Arjun Lal Barala S/o Narsa Ram Barala, Aged About 39





Years, R/o Ward No. 19, Kacholiya, Post Jetpura, Tehsil Chomu, District Jaipur, Rajasthan.

2. Akta Gajraj D/o Mukhtyar Singh, Aged About 32 Years, R/o Choudhary Colony, Ward No. 18, Chirawa, District Jhunjhunu, Rajasthan.
3. Kailash Chand Yadav S/o Budha Ram Yadav, Aged About 38 Years, R/o Baghawas, Via Kishangarh Renwal, District Jaipur, Rajasthan.
4. Dhan Raj Meena S/o Mool Chand Meena, Aged About 30 Years, R/o Village Kanwarpura, Post Geroli, Tehsil Dooni, District Tonk, Rajasthan.
5. Deva Ram S/o Gulla Ram, Aged About 31 Years, R/o Dade Ki Beri, Vpo Dasaniya, Tehsil Shergarh, District Jodhpur, Rajasthan.
6. Subhash Chand Bajiya S/o Birdi Chand Bajiya, Aged About 36 Years, R/o Vpo Tapiliya, Via Ringus, District Sikar, Rajasthan.

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Secretary, Education Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner, Rajasthan.
3. Rajasthan Public Service Commission, Through Its Secretary, Jaipur Road, Ajmer, Rajasthan.

----Respondents

S.B. Civil Writ Petition NO o. 13842/2022

1. Kedar Mal Yadav S/o Mali Ram Yadav, Aged About 36 Years, R/o 109, Ahir Mohalla, Samrathpura, Sikar, Rajasthan.
2. Virendra Singh Tanwar S/o Kishor Singh Tanwar, Aged About 39 Years, R/o Village Aagwari, Post Sirohi, Tehsil Neem Ka Thana, District Sikar, Rajasthan.

----Petitioners

Versus

1. The State Of Rajasthan, Through Its Secretary, Education Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner, Rajasthan.
3. Rajasthan Public Service Commission, Through Its Secretary, Jaipur Road, Ajmer, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 14510/2022

Praveen Sharma W/o Sunil Kumar Sharma, Aged About 38 Years, R/o Ward No. 10, Sanjay Chowk, Bhadra, District Hanumangarh, Presently Residing At H.no. 3/20, Chitrakoot





Scheme, Vaishali Nagar, Jaipur, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Secretary, Education Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Secondary Education, Bikaner, Rajasthan.
3. Rajasthan Public Service Commission, Through Its Secretary, Jaipur Road, Ajmer, Rajasthan.

----Respondents

For Petitioner(s) : Mr. P.C. Dewanda  
Mr. Himanshu Tholia  
Mr. Hemraj Rodiya  
Mr. Ram Pratap Saini with  
Mr. Aamir Khan  
Ms. Shobha Sharma for  
Mr. Sunil Kumar Jain  
Mr. Tribhuvan Narayan Singh  
Ms. Harshita Sharma  
Ms. James Bedi  
Ms. Komal Kumar Giri

For Respondent(s) : Mr. M.S. Singhvi, AG with  
Mr. Sheetanshu Sharma  
Mr. Siddhant Jain &  
Mr. Darsh Pareek  
Mr. M.F. Baig, for RPSC  
Mr. S.S. Raghav, AAG with  
Mr. Mananjay Singh Rathore

**HON'BLE MR. JUSTICE SAMEER JAIN****Judgment****Reserved on            13/04/2023****Pronounced on        25/08/2023**

1. In the present batch of writ petitions, the scope of the controversy involved, albeit not limited to but is broadly and predominantly defined by the challenge raised to the correctness and/or validity of the impugned revised answer keys for various subjects, as issued by the respondent-Rajasthan Public Service Commission, pursuant to the constitution of the subject-wise







expert committees. Therefore, considering the fact that the writ petitions warrant adjudication of common questions of law, with the consent of learned counsel appearing on behalf of all the parties, **S.B. Civil Writ Petition No. 4777/2021** titled as **Surjan Lal Dhawan vs. State of Rajasthan**, is being taken up as the lead case. It is cautiously clarified that any discrepancies in the present batch of writ petitions, pertain purely to the factual narratives contained therein and not viz-a-viz the questions of law to be determined by this Court.

**FACTUAL NARRATIVE:**

2. The ineluctable facts, necessary for discerning the issue at hand, are concisely noted herein-under:

2/1 That on 13.04.2018, the respondent-Rajasthan Public Service Commission (for brevity, RPSC or Commission) issued an advertisement for the post of School Lecturer-2018 for different subjects, whereby 5000 posts were advertised in toto.

2/2 That on 03.01.2020, the examination for G.K. (Paper-I) (Group-A) and Hindi was conducted by the respondent-RPSC. For the other subjects, the examination was conducted on several distinct dates, which are immaterial for adjudicating upon the legal issue at hand.

2/3 That on 12.03.2020, the model answer key for the subjects of G.K. (Group-A) and Hindi was issued.

2/4 That vide press note dated 12.03.2020, online objections were invited for G.K. (Group A) from 17.03.2020 to 19.03.2020. In the said note, it was made clear that all the objections must be submitted online and not through any other





mode. Additionally, the press note also clarified that the respondent-RPSC shall entertain the objections on only one occasion i.e. the candidates, after being duly informed, were granted only one single opportunity to raise their objections qua the model answer key. Similarly, model answer keys were also issued for various other subjects as well, appended with an identical press note qua the mode and medium of raising objections, as mentioned herein-above.

2/5 That while raising the objections qua the model answer key online, the candidates were provided with seven distinct options, amongst which, they ought to select the one most suited to their grievance. The options provided were: (i) All options are wrong (ii) More than one options are correct (iii) Question is incorrect/vague (iv) Difference in Hindi and English version (v) Out of syllabus (vi) Question is not clear (vii) Others.

2/6 That after duly taking note of the objections raised by the candidates, the subject experts on 26.06.2020, issued the provisional merit list. Thereafter, subsequent to the verification of the documents, the final list was issued on 22.12.2020.

2/7 That on 07.01.2021, the final answer key was issued by the respondent-RPSC. It is pertinent to note that simultaneously, the process as enunciated herein-above, was also carried out for various other subjects and thereafter, the final answer key for the other subjects was also issued by the Commission on respective dates.

2/8 That on 17.02.2021, this Court passed an order in **S.B. CWP No. 638/2021** titled as **Kamal Yadav vs. State of**





**Rajasthan**, whereby it was observed that the objections raised by the candidates/petitioners shall be considered by a Special Expert Committee, consisting of experts from various subjects, at the level of the respondent-RPSC.

2/9 That in pursuance to the order dated 17.02.2021, the respondent-RPSC constituted the Special Expert Committee-I to examine the objections raised by the candidates which were in existence up until 17.03.2021. By the said committee consisting of subject experts, 99 questions of different subjects were examined.

2/10 That on 05.03.2021, in **S.B. CWP No.1347/2021** titled as **Namrata Jat vs. State of Rajasthan**, this Court gave directions that no further petition shall be entertained as recruitment cannot be an unending process as a time plan had been laid down by the RPSC for disposal of the issue by the expert committee.

2/11 That up until 17.03.2021, the respondent-RPSC received objections against 99 questions only, which were duly examined by the experts.

2/12 That subsequently, the present writ petitions were filed with the contention that certain questions/objections were not examined by the respondent-RPSC. Thereafter, during the pendency of the writ petitions, the respondent-RPSC found out that the orders of certain petitions, which were filed up until 05.03.2021, were not available with the respondent-RPSC and therefore, some objections could not be examined by the experts. 2/13 That vide press note dated 10.11.2021, the





respondent-RPSC *suo moto* intimated that the Commission had arrived at a decision to constitute the expert committees for the examination of those remaining questions/objections as well, qua whom the petitions were filed up until 05.03.2021, and which were not examined earlier.

2/14 That in pursuance to the press note dated 10.11.2021, the respondent-RPSC constituted the Special Expert Committee-II for ascertaining the objections regarding the remaining questions, qua whom the petitions were filed up until 05.03.2021. In toto, objections were received against 74 questions. The expert committee found no change in the answers.

2/15 That during the pendency of the present writ petitions, this Court vide order dated 05.04.2022 directed the respondent-RPSC to re-examine the disputed questions as mentioned in the writ petitions, list of which had been enclosed along with the press note dated 10.11.2021.

2/16 That in pursuance to the direction(s) passed by this Court vide order dated 05.04.2022, the respondent-RPSC again constituted the Special Expert Committee-III. It is noted that the said committee examined 99 questions in toto and found no change in the final answer key issued by the respondent-RPSC.

### **SUBMISSIONS OF THE PETITIONERS**

3. At the outset, learned counsel for the petitioners, unanimously and unequivocally, argued that the impugned actions of the respondents, in not adequately and correctly examining the objections raised by the petitioners, are patently





arbitrary, unjust, unfair and violate the fundamental rights guaranteed to the petitioners under the Constitution of India. As a result, the principle relief sought by the petitioners is twofold. Primarily, the petitioners pray for the quashing and setting aside of the final merit lists issued by the respondent-RPSC for various subjects as well as the subsequent appointments made in connection therewith. Secondly, the relief pertains to the re-examination of the objections raised by the petitioners before the respondent-RPSC by a newly constituted Special Expert Committee, comprising of subject experts from various fields. The other relief(s), as sought, are purely incidental to the rudimentary issues stated-herein-above. In order to establish their case, learned counsel for the petitioners raised the following arguments:

3/1 That the directions given by this Court to the respondent-RPSC in the case of **Kamal Yadav (Supra)** were not followed by the Commission in letter and spirit. In the said case, the Court had observed that the objections raised by the candidates/petitioners shall be considered by a Special Expert Committee, consisting of experts from various subjects, at the level of the respondent-RPSC. However, despite the same, the process undertaken by the respondent-RPSC was arbitrary as the objections raised by the petitioners, were not dealt with adequately insofar as the objections were cursorily negated without placing sufficient reliance upon the prescribed study material.

3/2 That despite the constitution of the Special Expert





Committee by the respondent-RPSC, the Commission was unable to furnish an explanation as to how questions, which did not form part of the prescribed subject-wise syllabi, were incorporated in the examinations so conducted for various subjects. Furthermore, no reference was given in the report of the expert committee regarding the inclusion of such questions in the examination.

3/3 That under Article 226 of the Constitution of India, a writ court can exercise judicial review in respect of disputed answer keys and/or question-answers, where it clearly appears that the disputed answer keys and/or question-answers are palpably and demonstrably erroneous and that if a prudent man can prove them to be incorrect by way of his ordinary understanding, then judicial review is not prohibited under such circumstances. Thus, considering the fact that the answer keys issued by the respondent-RPSC are *prima facie* demonstrably erroneous and objectively incorrect, judicial review in respect of such answer keys and/or question-answers is warranted for protecting the fundamental rights of the petitioners.

3/4 That in order to establish *prima facie* errors apparent qua the final answer keys under challenge, learned counsel submitted that many answers/questions, against whom objections were raised by the petitioners, which came to be subsequently negated, were asked by the Commission in the previous years in relation to the examination conducted for the same post as well in the subsequent years of the recruitment under challenge. On such previous as well as subsequent





occasions, the answers as opted by the petitioners were considered to be correct. However, in the impugned examinations, the same answers have been deemed incorrect, even by the special expert committees so constituted to examine the objections raised by the candidates. To further establish the errors apparent, it was submitted that even the authentic study material as well as books prescribed per curriculum, were not considered by the respondent-RPSC before issuing the final answer key. Moreover, even upon examination of the objections, the aforesaid material stipulations escaped the attention of the experts examining the objections raised by the candidates.

3/5 That the answers to the questions were either changed or arbitrarily deleted while releasing the final answer key, after the final result was released by the respondent-RPSC. Thus, no opportunity of being heard was granted to the petitioners before the final result, as previously released, was altered, thereby violating the principles of natural justice.

3/6 That the reports qua the determination of the correctness and/or validity of the answers/questions, as presented by the Special Expert Committees, in response to the objections raised by the candidates, were prepared without any application of mind and thereby, could not be relied upon for issuing the final merit list/revised answer keys. To establish the non-application of mind on part the Commission as well as the experts, learned counsel submitted that the RPSC till date has not apprised the petitioners regarding the basis on which the answers of some questions in the model answer key were





considered to be correct earlier. Moreover, even subsequent to the examination of the objections by the experts, the Special Expert Committee did not furnish detailed reasons in their reports in support of their decisions for not changing the answers or otherwise, insofar as no rationale was provided by the experts for not considering the material submitted by the petitioners as well, in support of their objections.

3/7 That the respondent-RPSC failed to furnish any explanation regarding the basis on which some of the answers which were considered correct in the model answer key were subsequently changed and/or deleted in the final answer key.

3/8 That the respondent-RPSC failed to furnish any explanation regarding the basis on which some questions/answers, which are demonstrably and palpably wrong, were accepted as correct. In this regard, it was submitted that even a common man could express his clear opinion on whether or not such answers are correct, thereby warranting judicial review under Article 226 of the Constitution of India.

3/9 That the respondent-RPSC has been unable to explain how they have followed the guidelines given in the case of **Kamal Yadav (Supra)** i.e. how and in what manner the objections of the petitioners have been disposed of.

3/10 That the respondent-RPSC has failed to explain how and why it did not consult the study material and authentic books in discerning the objections raised by the candidates against the erroneous questions/answers, such as those books prescribed for the Board Examinations of Class X and XII, and as







relied upon by the petitioners in respect of their answers. Additionally, it was also contended that the respondent-RPSC has been unable to categorically exhibit several material stipulations qua the assessment done by the purported experts i.e. who the Special Expert Committee comprised of and the qualification they possessed to scrutinize the objections raised by the petitioners in various subjects. In this regard, it was also submitted that the experts have not appended any clear reasons to justify their findings in the expert reports i.e. the experts reports have not been issued clearly and authentically.

4. To conclude, learned counsel for the petitioners submitted that by preparing disputed questions/answers in the arena of public employment, the respondent-RPSC has tainted the entire examination process, due to which the future of many candidates has been left hanging in the balance, despite no fault on their part. Therefore, the petitioners cannot be blamed for the errors attributable to the Commission and as a result, the petitioners cannot be denied selection as well. The denial of selection to the petitioners is a direct violation of their fundamental rights conferred under Articles 14,15 and 16 of the Constitution of India. As a result, in light of the submissions made herein-above, learned counsel for the petitioners prayed for the relief(s) as encapsulated above. In support of the arguments, reliance was placed upon **D.B. Special Appeal Writ No. 847/2022** titled as **Suman and Ors. vs. State of Rajasthan; Richal and Ors vs. Rajasthan Public Service Commission and Ors.** reported in **(2018) 8 SCC 81; D.B.**





**Special Appeal Writ No. 1092/2015** titled as **Pankaj Oswal and Ors vs. RPSC and Ors.; Kanpur University and Ors. vs. Samir Gupta and Ors.** reported in **(1983) 4 SCC 309; Manish Ujwal and Ors. vs. Mahrishi Dayanand Saraswati University** reported in **(2005) 13 SCC 744** and **State of Rajasthan and Ors. vs. Kamlesh Kumar Sharma and Ors.** reported in **2014 (1) WLC (Raj) 349.**

### **SUBMISSIONS OF THE RESPONDENTS**

5. *Per contra*, learned Advocate General Mr. M.S. Singhvi, appearing on behalf of the State along with Mr. M. Faisal Baig, counsel for the respondent-RPSC have raised a preliminary objection regarding the maintainability of the present batch of writ petitions. It was contended that qua the subject matter involved herein viz-a-viz the petitioners before this Court, the doctrine of *res judicata* would operate as a bar on the maintainability of the present batch of petitions, as the same subject matter between the same parties, has already been conclusively decided by this Court. In this regard, it was submitted that vide the judgment dated 17.02.2021 passed in the case of **Kamal Yadav (Supra)** and judgment dated 05.03.2021 passed in **Namrata Jat (Supra)**, both of which pertained to the same examination process which forms the subject matter of the present batch of petitions, this Court has categorically held that it is not for the Court but for the Commission to examine the issue regarding the correctness of the model answer key. In **Kamal Yadav (Supra)**, it was held:

"3. *In the case of Vikesh Kumar Gupta & Anr. versus*





*State of Rajasthan & Ors. (2020) 13 SCALE 689, the Supreme Court has held that High Courts ought not interfere with the examination process generally and as the Courts cannot be said to be expert body however, this Court finds that candidates were not given an opportunity to put their objections relating to the final answer key although as per them, their answers were correct as per model answer key. This aspect requires to be examined at the level of RPSC. 4. Leaving it open for the RPSC to examine the aspect and allow them to form a special expert committee consisting of experts in the field relevant."*

Furthermore, in the case of **Namrata Jat (Supra)**, this Court held:

*"It is made clear that no further petition shall be entertained as it cannot be an unending process as a time plan has been laid down by RPSC for disposal of the issue by the expert committee".*

Thus, in view of the findings recorded by this Court in **Kamal Yadav (Supra)** and **Namrata Jat (Supra)**, which have become final as no appeal has been preferred against them, the petitioners cannot be permitted to question the correctness of the report of the expert committee constituted pursuant to the directions issued by this Court. Accordingly, it was contended that as this Court has held in the first round of litigation that RPSC alone will examine the matter, the said finding operates as *res judicata* and as a result, the issue regarding the judicial review of the decision of the expert committee operates as *res judicata* in view of the judgment and orders dated 17.02.2021 and 05.03.2021.

6. In addition to the preliminary objection regarding the maintainability of the present batch of writ petitions, learned Advocate General Mr. M.S. Singhvi and Mr. M. Faisal Baig,





counsel for the respondent-RPSC, prayed for the dismissal of the present batch of writ petitions, on the following grounds:

6/1 That the scope of judicial review is limited in the matter of administrative decisions. It was contended that the court can only consider the correctness of the decision-making process and not the decision itself. While exercising its powers under Article 226 of the Constitution, the Court cannot take it upon itself to actually ascertain the correctness of the answer key, for the simple reason, that the Courts are not experts of the subject-matter and therefore, do not possess the expertise to ascertain the correctness of the answer key. Hence, for undertaking the said task, the Court must leave it upon the experts in various subjects/fields to ascertain the correctness and validity of questions, as they would be more susceptible to the nuances of the subjects and thereby, adjudge upon the correctness in an informed manner. In this regard, it was submitted that in the facts and circumstances of the present matter, the respondent-RPSC on several occasions, constituted an expert committee to duly take into consideration the objections put forth by the candidates and only after examining the said objections thoroughly, arrived at the impugned findings, which are challenged by way of the present writ petitions.

6/2 That while exercising judicial review, courts must only see that whether the decision impugned is vitiated by an apparent error of law. In this regard, it was submitted by the learned counsel for the respondent-RPSC that apart from the fact that the scope of judicial review in the matter of expert





committees is very limited, in the facts and circumstances of the present case, there is no error apparent on the face of the record as well. The expert committee, after duly taking into consideration the objections raised by the candidates, has applied its own mind and thereafter, arrived at the impugned answers. Moreover, to further substantiate upon their findings, the experts have also appended the material relied upon by them to arrive at the impugned answers.

6/3 That qua the contention of the petitioners that the expert committee has not given its reasoning for arriving at the impugned answers, learned counsel submitted that the expert committee has categorically referred the material in support of its conclusions and appended the relevant portions of the same with the report. Thus, instead of repeating what has been contained in the appended material, the expert committee has appended the material itself. Therefore, the material which has been appended constitutes the rationale adopted by the expert committee and as a result, it cannot be said that the findings/recommendations of the expert committee are vitiated.

6/4 That some of the petitioners have themselves answered various questions correctly as per the final answer key of the Commission and yet, they have questioned the final answer key with regards to such questions also. Therefore, it is impermissible for the petitioners to raise objections to such questions, which are in themselves contradictory to the interests of the respective petitioners.

6/5 That without conceding to the submissions made by





the learned counsel for the petitioners, learned Advocate General argued that even if the contentions of the petitioners are momentarily accepted, even then, it may not materially change the final result in as much as it would not be necessary that the petitioners may fall in the merit list/final list. In this regard, by way of an illustration, it was submitted that so far as the paper in the subject of G.K. Group B is concerned, in all 2088 candidates have been selected. Out of these 2088 candidates, 992 candidates have given the correct option for Question No. 72. Therefore, it may be possible that even if the answer was to be changed, the remaining candidates might improve their merit and in that event also, any of the petitioner may not get in the merit list. Therefore, in such a situation, the principle laid down by the Hon'ble Supreme Court of non-interference in the opinion of the expert is clearly applicable.

6/6 That for the selection on different posts of Lecturer-School Education, large number of candidates appeared for the examination. For example, in General Knowledge (Group B), overall 100086 candidates appeared in the examination, out of which the number of petitioners who have challenged the correctness of the answer key of different questions is only 20. Similarly, in the paper of General Knowledge of Group C, total number of candidates who appeared in the examination were 105038 whereas only five persons have approached this Court seeking challenge to the answer key. Thus, the number of persons approaching this Court by way of the present writ petitions challenging the validity of the answer key issued by the





Commission is miniscule, when juxtaposed with the total number of candidates who appeared in the examination. Thus, any interference would unnecessarily hamper the entire selection process and affect/disturb the large number of appointments made in connection therewith.

7. Therefore, in light of the arguments raised hereinabove, learned Advocate General appearing for the State as well learned counsel for the respondent-RPSC prayed for the dismissal of the present batch of writ petitions. In support of their contentions, reliance was placed upon **Ran Vijay Singh vs. State of U.P. and Ors** reported in **(2018) 2 SCC 357**; **Vikesh Kumar Gupta and Anr. vs. State of Rajasthan** reported in **(2012) 2 SCC 309**; **West Bengal Central School Service Commission and Ors. vs. Abdul Halim** reported in **(2019) 18 SCC 39**; **D.B. Special Appeal No. 697/2019** titled as **RPSC vs. Pankaj Raj**; **S.B. Civil Writ Petition No. 4088/2022** titled as **Gaurav Sharma vs. Rajasthan Public Service Commission and Ors.** and **State of Rajasthan vs. Jagdish Chopra** reported in **(2007) 8 SCC 161**.

**DISCUSSION AND FINDINGS:**

8. Heard the arguments advanced by learned counsel for the parties, perused the voluminous records produced by both the sides and considered the judgments cited at Bar.

9. As is immediately apparent from the overarching factual narrative of the present batch of writ petitions, the previous litigation preferred by the candidates/petitioners and the judgments of this Court therein, coupled with the challenge





raised to the correctness and/or validity of the impugned revised answer keys for various subjects, the scope of the controversy involved in the present batch of writ petitions has been adequately defined. Preceding to the discussion on merits, this Court deems it appropriate to outline the scope of judicial review under Article 226 in the matters concerning the evaluation of candidates, particularly of those appearing in examinations for recruitment in public services.

10. It is a settled position of the law, as is consistently underlined by the Hon'ble Apex Court, that in the absence of any categoric provision for re-evaluation, judicial review must be rarely and sparingly exercised, preferably under exceptional circumstances. The cardinal principles of judicial review in evaluation of candidates, including circumstances wherein judicial review is sparingly permitted, as well as the caution to be observed by the courts in matters of recruitment in public services, are defined in the judgment of the Apex Court in **Ran Vijay Singh (Supra)**. The observations made therein are reiterated herein-under:

*30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it; (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated*







very clearly, without any "inferential process of reasoning or by a process of rationalization" and only in rare or exceptional cases that a material error has been committed; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate-it has no expertise in the matter and academic matters are best left to the academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of the impasse-exclude the suspect or offending question.

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates





*who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination-whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.*

11. In obedience of the aforesaid, it is apparent that though re-evaluation of answers/questions may be permitted by Courts subject to the rules framed in connection therewith, the practice of re-evaluation has been time and again abhorred by several judicial pronouncements, especially on account of the mitigating factum of the courts not possessing the requisite expertise in academic matters to understand the nuances of the impugned questions-answers and the framework within which they are incorporated into the examination and/or drafted therewith. Therefore, it is not permissible for Courts to examine the question papers and answers sheets by itself, particularly when the body conducting the examination has assessed the inter-se merit of the candidates. Furthermore, the interference is sparingly permissible, only after obtaining the opinion of an expert committee, which has sufficiently accumulated prowess in their stream of academia. In any event, the assessment of the





questions by the Courts itself to arrive at the correctness of answers is not permissible. Similar views, as those enunciated in **Ran Vijay Singh (Supra)**, have been endorsed in **Vikesh Kumar Gupta (Supra)** and **Pankaj Raj (Supra)** as well.

12. At this juncture, it is necessary to address the argument raised by the petitioners regarding the power of a writ court to exercise judicial review in respect of disputed answer keys and/or question-answers, where it clearly appears that the disputed answer keys and/or question-answers are palpably and demonstrably erroneous. In this regard, it is necessary to duly take note of the exception carved by the Hon'ble Apex Court in **Kanpur University (Supra)** whereby interference with the answer keys may be permissible, provided that the same is proved to be wrong on the face of it and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. The answer key must be clearly demonstrated to be wrong, that is to say, it must be such that no reasonable body of men well-versed in the particular subject would regard as correct.

13. Therefore, the primary impediment that the petitioners need to vault across, in order to warrant judicial review, is that of satisfying the Court that the disputed answers are palpably and demonstrably erroneous. In **West Bengal Central School Service Commission (Supra)**, the Hon'ble Apex Court laid down the test to determine whether an answer-key is palpably and demonstrably erroneous, albeit in addition to the criteria laid down in **Kanpur University (Supra)** for





adjudging the correctness of the answer key.

14. In **West Bengal Central School Service Commission (Supra)**, it was held that:

*"In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in *Satyanarayan Laxminarayan Hegde vs. Millikarjun Bhavanappa Tirumale AIR 1960 SC 137*. If the provision of a statutory rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ court. It is only an obvious misinterpretation of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ court by issuance of a writ of certiorari."*

15. As a result, upon an application of the tests so laid in **Kanpur University (Supra)** and **West Bengal Central School Service Commission (Supra)**, in the facts and circumstances of the present batch of writ petitions, this Court after giving reasonable thought and consideration to the impugned question-answers as appended with the petitions, deems it appropriate to hold that upon a mere perusal of the contested question-answers across subjects for the post of School Lecturer, in the absence of any material to substantiate upon the incorrectness of the answer-key, no prudent man, would be able to categorically catch a glimpse of the mistake so purported to





have crept in the impugned question-answers i.e. in order to lift the veil of falsity/inaccuracy in the contested questions-answers, reasonable debate would be necessary before an informed decision can be made in adjudging the validity of their answers. Therefore, in the impugned question-answers, as appended in the present batch of writ petitions, an error has to be established by way of arguments or a study of the contested answer key. As a result, there is no error apparent on the face of the record. In such an event, the impugned problem recuses itself from the domain of being demonstrably erroneous, thereby excluding itself from the ambit of judicial review under Article 226 of the Constitution of India. For illustration:

**Subject: G.K. & G.S. (1<sup>st</sup> Paper) (Group A)**

**Question No.10:** When was the Swaraj Party formed?

- (a) December, 1992
- (b) January, 1923
- (c) March, 1923
- (d) December, 1923

**Option deemed correct by the Commission:** Option (b)

January, 1923

**No change found by Special Expert Committee I as well as**

**Special Expert Committee-II.**

**Prayer of the petitioners:** Option (c)- March, 1923 should have been correct.

**Rationale for Change:** Reliance placed by the experts on the text books namely, India's Struggle for Independence 1857-1947-Penguin Books as well as Indian History and Culture of Secondary Education Board Edition 2005 was erroneous. Rather, reliance ought to have been placed on Indian History Book of





Rajasthan Secondary Education Board Edition 2019.

16. In furtherance of the observations made hereinabove, this Court deems it appropriate to opine that judicial review is not warranted in the facts and circumstances of the present batch of petitions, especially on account of the fact that in order to address and examine the objections raised by the candidates/petitioners, Special Expert Committees were constituted thrice by the respondent-RPSC, on three distinct occasions. On the first occasion, the **Special Expert Committee-I** was constituted pursuant to the decision of this Court in the case of **Kamal Yadav (Supra)** whereby it was observed that the objections raised by the candidates/petitioners shall be considered by a Special Expert Committee, consisting of experts from various subjects, at the level of the respondent-RPSC. The said Special Expert Committee-I examined the objections raised by the candidates which were in existence up until 17.03.2021. In total, 99 questioned were examined by the Committee. Thereafter, vide press note dated 10.11.2021, the respondent-RPSC *suo moto* intimated the candidates that the Commission had arrived at a decision to constitute the expert committees for the examination of those remaining questions/objections as well, qua whom the petitions were filed up until 05.03.2021, and which were not examined earlier by the Special Expert Committee-I. As a result, the respondent-RPSC constituted the **Special Expert Committee-II** for considering the objections qua the remaining questions, qua whom the petitions were filed up until 05.03.2021. In toto, objections were





received against 74 questions. The expert committee found no change in the answers. Lastly, during the pendency of the present writ petitions, this Court vide order dated 05.04.2022 directed the respondent-RPSC to re-examine the disputed questions as mentioned in the writ petitions, list of which had been enclosed along with the press note dated 10.11.2021. As a consequence, the respondent-RPSC again constituted the **Special Expert Committee-III**. It is noted that the said committee examined 99 questions in toto and found no change in the final answer key issued by the respondent-RPSC. Thus, the process of examination of correctness of questions has passed three times and therefore, the finality to the result does not warrant interference of this Court.

17. A court carrying on the exercise of judicial review merely scrutinizes the process in question-administrative or statutory, but necessarily public in its outcome, to see if it was arrived at in a procedurally fair and regular manner, free from illegality, not motivated by malice or *mala fides* or not so manifestly unreasonable in its conclusion that no reasonable individual placed in that situation would arrive at such a conclusion. In the present case, the objections raised by the candidates/petitioners were duly taken note of by the respondent-RPSC and thereafter, in examining those objections, matters were duly referred to the Special Expert Committees on three distinct occasions, in response to which, the Committees examined the contested question/answers and thereafter, presented their findings duly appended with the material relied





upon by them, to arrive at their findings. Therefore, no procedural lapse occurred in carrying out the said exercise, as discussed-above. In such an event, any challenge raised to the correctness and/or validity of the opinion of the experts is not to be interfered with by this Court, especially in light of the dictum of the Hon'ble Apex Court in **Ran Vijay Singh (Supra)**, as well as the consequent observations made herein-above qua the nature of impugned question-answers not being palpably and demonstrably erroneous, in light of the test laid down in **West Bengal Central School Service Commission (Supra)**.

18. Emphasis must be laid on the fact that the recruitment in question pertains to the advertisement issued in the Year 2018, and selections therewith have been conducted by the Commission, pursuant to which appointments have been made in 2021. Moreover, fresh selections have also been notified by the Commission in the Year 2022 for which the written examination has already been held in the month of October 2022, in relation to which, the model answer key has also already been issued by the Commission. Therefore, as on date, no relief can be granted to the petitioners, even if their submissions were momentarily taken to be tenable.

19. Hence, encapsulating the observations made above, it can be conclusively said that as long as the procedure adopted in the evaluation of the answer scripts/impugned questions and/or answers is not arbitrary, unreasonable or inconsistent, then the system in place to conduct the said exercise, cannot be found faulty. As long as all the students who took the examination, are







treated equally viz-a-viz the system of evaluation in place, *sans* discrimination, then no grievance subsists. It is well settled law that in academic matters, the experts word is the last word. The court neither has the requisite expertise nor infrastructure to go into the correctness of such decisions. As a result, the court cannot sit in judgment over those findings of experts and examine the material on record and arrive at its own conclusions as a court of appeal. It is also not possible in such circumstances to go on appointing committees after committees to delve into the correctness of the decision of the committee. If the same is permitted, there shall not be any end to this exercise. An unending litigation for employment in public posts, in connection with which, the career trajectory of so many young individuals is coherently tied up with, cannot be permitted to be in abeyance for so long, that the end result subsumes and overshadows the duress and hardship faced by the litigants. Moreover, even as per the salutary rule as endorsed in **Ran Vijay Singh (Supra)**, in the event of doubt, the benefit ought to go to the examination authority rather than to the candidates perceiving injustice. Therefore, the answer key should be assumed to be correct unless it is proved to be wrong, albeit the same should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. However, such was not the case in the facts and circumstances of the present case, as demonstrated above. If it





is a case of doubt, unquestionably the answer-key must be preferred and only if it is beyond the realm of doubt, the possibility of judicial review must be entertained.

20. Therefore, considering the observations made herein-above and relying upon the dictum of the Apex Court in **Ran Vijay Singh (Supra)** , **West Bengal Central School Service Commission (Supra)**, **Pankaj Raj (Supra)** and **Vikesh Kumar Gupta (Supra)**, this Court deems it appropriate to dismiss the present batch of writ petitions.

21. As a result, the writ petitions are dismissed. Pending applications, if any, stand disposed of.

(SAMEER JAIN),J

Pooja /199-225, 230-232

