



IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR

:: ORDER ::

D.B. CIVIL WRIT PETITION 11708/2013
Shanu Goyal Vs. State of Rajasthan & Ors.

Date of Order : 08.07.2013

HON'BLE THE CHIEF JUSTICE MR. AMITAVA ROY
HON'BLE MR.JUSTICE VEERENDR SINGH SIRADHANA

Ms.Nidhi Khandelwal for the petitioner.

BY THE COURT (PER HON'BLE THE CHIEF JUSTICE) :

Heard Ms.Nidhi Khandelwal, learned counsel for the petitioner.

For the order proposed to be passed, it is not considered necessary to issue formal notice.

The pleaded version of the petitioner, in short, is that in response to the advertisement for recruitment to the Rajasthan Judicial Service, the petitioner being eligible in terms thereof, offered her candidature whereafter, the *Rajasthan Public Service Commission (for short, hereinafter referred to as 'the Commission')* allowed her to participate in the related written examination conducted from 21.3.2013 to 24.3.2013. The petitioner was issued the admit card with Roll No.200184 and she duly took the said examination. The results were declared on 14.6.2013, which disclosed that she was unsuccessful, having scored 150 marks out of 300 marks.

She was declared to have failed in the examination for not having been able to secure minimum qualifying marks as prescribed by the



relevant Rules. According to the petitioner, she has been grossly underevaluated, as she had performed very well in the examination.

Thus, being aggrieved, she submitted an application with the Commission for providing her the question paper booklets and her answer booklets in all the four papers so as to enable her to make correct assessment of her performance and evaluation thereof. Her grievance is that her request has not been acceded to, and instead, interview of the successful candidates has been scheduled to be held on 10.7.2013. The petitioner thus seeks judicial intervention for direction to the respondents to provide her the question paper booklets and her answer booklets in all the subjects. A further direction has also been sought for that in case there is any discrepancy in the matter of evaluation of her answers, her performance may be reevaluated and thereafter, her results be declared afresh and she be allowed to participate in the interview to be held on 10.7.2013.

The learned counsel for the petitioner, while reiterating the above, has sought to rely on the decision of the Hon'ble Apex Court in Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors., (2011) 8 SCC 497.

We have duly considered the pleaded averments and the submissions in endorsement thereof.

In terms of the *Rajasthan Judicial Service Rules, 2010 (as amended upto 2012) (for short, hereinafter referred to as 'the Rules')*, the process of recruitment to the Rajasthan Judicial Service, as involved herein, has



two broad segments, namely, written examination followed by interview of the successful candidates. Both these processes of evaluation of the candidates constitute the selection process as a whole and cannot be segregated. The process of selection thus, gets completed only after the interview is conducted and the candidates are selected on the basis of their overall performance for recruitment.

The Hon'ble Apex Court in *Central Board of Secondary Education & Anr. Vs. Aditya Bandopadhyay & Ors. (supra)*, had observed, in the context of the Right to Information Act, 2005, that revelation of information thereunder should not be in conflict with other public interests, which include efficient operation of the Government, optimum use of limited fiscal resources and preservation of confidential and sensitive information.

In *Institute of Chartered Accountants of India Vs. Shaunak H.Satya & Ors., (2011) 8 SCC 781*, the Hon'ble Apex Court also, with reference to the said enactment, had held that informations relating to intellectual property, question papers, solutions/model answers and instructions, in regard to any particular examination cannot be disclosed before the examination is held as it would harm competitive position of innumerable third parties taking the same. It was clearly underlined as well that the examining body is not liable to give any citizen any such information relating to any particular examination before the date thereof.

In view of the emphatic enunciation and the legal proposition as



above, we are of the unhesitant opinion that considering the nature of the ongoing selection process as stipulated by the Rules and the bearing of the results of the written examination on the eventual selection of the candidates, the request of the petitioner, as made in the instant petition, ought not to be entertained at this stage. This request, we construe, if allowed, would undermine the confidentiality of the exercise underway, apart from affecting the third party rights. Besides, the very basis of the relief sought for by the petitioner is speculative i.e. her perception that her performance has not been correctly evaluated for which there is no tangible basis for this Court to act upon.

The petition therefore, lacks in merit and is rejected. The stay application is also dismissed.

(VEERENDR SINGH SIRADHANA),J.

(AMITAVA ROY),C.J.

Skant/-

All the corrections made in the judgment/order have been incorporated in the judgment/order being emailed.

Shashi Kant Gaur, PA

सत्यमेव जयते