HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Civil Writ Petition No. 5738/2024

1. Ram Pratap Bishnoi S/o Shri Hanumanaram Bishnoi, Aged About 44 Years, R/o Village Desalsar, Tehsil Nokha, District Bikaner.
2. Vimla Prajapat D/o Shri Omprakash Prajapat, Aged About 35 Years, R/o 169, Sundar Nagar, Pali.
3. Sarita Choudhary D/o Shri Poonam Chand Choudhary, Aged About 33 Years, R/o 4 Chd, Chhattargarh, District Bikaner.

----Petitioners

Versus

1. Rajasthan Public Service Commission, Ajmer Through Its Secretary.
2. State Of Rajasthan, Through Director, Secondary Education Rajasthan, Bikaner.

----Respondents

Connected With

S.B. Civil Writ Petition No. 2117/2024

1. Sunil Kumar S/o Shri Sahab Ram, Aged About 34 Years, Vpo Rampura Urf Ramsara, Ward No. 7, 3 Rwd, Tehsil Tibbi, District Hanumangarh.
2. Sachin Maiya S/o Shri Biradi Chand, Aged About 29 Years, Ward No. 07, Near Charan Wasi, Ratangarh, Churu.
3. Hanuman Singh S/o Shri Hari Singh, Aged About 30 Years, Vpo Bhikarniya Kallan, Tehsil Degana, District Nagaur.
4. Dilip Kumar Dapkra S/o Shri Shivnarayan Dapkra, Aged About 32 Years, Buradiya Jhala, Tehsil Gangadhar, District Jhalawar.
5. Rana Ram S/o Shri Ishara Ram, Aged About 42 Years, Vpo Leelsar, Tehsil Chouhtan, District Barmer.
6. Dilip Dan S/o Shri Bhanwar Dan, Aged About 36 Years, Vpo Charanwasi, Asalkheri, District Churu.
7. Punam Chand S/o Shri Pema Ram Nai, Aged About 30 Years, Ward No. 7, Lalamdesar, Bara, District Bikaner.
8. Sandeep Kumar S/o Shri Om Prakash, Aged About 40 Years, Near Little Heart Public School, Street No. 31, Ward No. 5, Jaipur Road, Rawatsar, District Hanumangarh.
9. Pooni D/o Shri Deeparam, Aged About 28 Years, Vpo Dolaniyo Ki Dhani, Sadari, Peelwa, District Jodhpur.
10. Hemlata Godara D/o Shri Rana Ram W/o Shri Prabhu Ram, Aged About 29 Years, Kadwasaron Ki Dhani, Ramsar Ka Kua, District Barmer.
11. Hanuman S/o Shri Simrtha Ram, Aged About 29 Years, Vpo Adarsh Kekar, Tehsil Sedwa, District Barmer.
12. Harish S/o Shri Goma Ram, Aged About 28 Years, Dheromoni Potliyon Ki Dhani, Baytu, District Barmer.
13. Satyapal S/o Shri Hardeva Ram, Aged About 41 Years, Ward No. 6, Vpo Padampura, Tehsil Nohar, District Hanumangarh.
14. Tara Swami D/o Shri Keshri Chand Swami W/o Shri Ramawatar Swami, Aged About 33 Years, 151, Bapu Asaram, Shobhasar, Tehsil Sujangarh, District Churu.

15. Prem Singh S/o Shri Padam Singh, Aged About 29 Years, Tiwariyo Ki Dhani, Hariya Dhana, Bilara, District Jodhpur.

16. Kawaraj Ram S/o Shri Mota Ram, Aged About 29 Years, Kasoombala Bhatiyan, Baytoo, Gida, District Barmer.

17. Sunita Kumari D/o Shri Girdhari Singh W/o Shri Suryanarayan Bhuriya, Aged About 38 Years, 292, Prabhat Nagar, Near Sangia Public School, Banar Road, Jodhpur.

18. Karishma D/o Shri Anand Budania, Aged About 29 Years, Dhani Pachera, Sardarshahar, Churu.

19. Achala Ram S/o Shri Bala Ram, Aged About 27 Years, Panwariya Ka Tala, Leelsar, Tehsil Chouhtan, District Barmer.

20. Sanwla Ram S/o Shri Jerama Ram, Aged About 34 Years, Mukam Mokni Kheda, Post Bavtara, Tehsil Sayala, District Jalor.

21. Devendra Singh S/o Shri Prakash Singh, Aged About 37 Years, Upari Koldi, Asrawa, Tehsil Makrana, District Deedwana-Kuchaman.

22. Kamala D/o Shri Mansi Ram W/o Shri Jodhraj, Aged About 39 Years, Dulchas, Via Bisau, Tehsil Mandawa, District Jhunjhunu.

23. Shri Niwash S/o Shri Babulal, Aged About 41 Years, Vpo Danji Ki Dhani, Jusriya, Via Makrana, District Nagaur.

24. Rajesh Kumar S/o Shri Om Prakash, Aged About 38 Years, Ward No. 6, Dhikali Jatan, 9 Ggm, Tehsil Nohar, District Hanumangarh.

25. Bhagvant Singh S/o Shri Prakash Dan, Aged About 35 Years, Nathusar, Tehsil Loonkaransar, District Bikaner.

26. Manga Ram S/o Shri Mula Ram, Aged About 38 Years, Thirod, District Nagaur.

----Petitioners

Versus

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

2. State Of Rajasthan, Through Director, Secondary Education Rajasthan, Bikaner.

----Respondents

S.B. Civil Writ Petition No. 2199/2024

1. Shiv Ratan Saini S/o Shri Magani Ram Saini, Aged About 35 Years, R/o Ramanand Sharma Ki Badi Ke Pass, Ward No 01, Taranagar, District Churu, Rajasthan.

2. Rajendra Singh Poonia S/o Shri Avtar Singh, Aged About 31 Years, R/o Village Post Kohina, Tehsil And District Churu, Rajasthan.

3. Jagdish S/o Shri Bhagchand, Aged About 37 Years, R/o Village Post Nosar, District Jodhpur, Rajasthan.

4. Vikram Singh S/o Shri Mohan Lal, Aged About 31 Years, R/o Village Post Kotra, Karwada, District Jalore, Rajasthan.

5. Dinesh Kumar S/o Shri Narna Ram, Aged About 27 Years, R/o Village Bhateep, Raniwara, District Jalore, Rajasthan.

----Petitioners

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Secondary Education, Government Of Rajasthan,

Secretariat, Jaipur.

2. The Director, Secondary Education, Bikaner, District Bikaner, Rajasthan.

3. The Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 2573/2024

Jugal Kishor Paliwal S/o Shri Tikam Chand, Aged About 30 Years, R/o Mandla Khurd, Tehsil - Dechu, District - Jodhpur, Rajasthan.

----Petitioner

Versus

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

----Respondent

For Petitioner(s)	:	Mr. Vivek Firoda Mr. Jayram Saran Mr. Anil Bishnoi Mr. Durgesh Khatri
For Respondent(s)	:	----

HON'BLE MR. JUSTICE ARUN MONGA

Order

23/05/2024

1. Before this Court, in the afore titled bunch of petitions, are a few of the unsuccessful candidates who participated in the selection process carried out by RPSC for recruitment on the post of Lecturers in the subjects of English and History. Their common grievance is that in respect of some of the questions which were put in the written examination, the answers opted by the expert examiners qua the same were wrong as per the answer key uploaded on the website.

2. Before adverting on the merits, at the threshold, I am constrained to observe that there is no gain saying that once the selection process has attained finality and the successful candidates have been issued appointment letters, after that stage, it is too belated for this Court to interfere in the matter on the sketchy allegations of the petitioners that some wrong answers to

the questions under challenge have been uploaded in the answer key.

3. Moreover, it is not even the petitioners' case that there is any oblique motive on the part of the respondents to deliberately upload those questions to favour certain candidates who would have attempted the wrong answers. In the case in hand, same answer key has been applied across board to all the candidates who appeared in the examination and based on their performance, they were awarded the marks and the merit list was prepared. On that ground alone, no interference is warranted.

4. Furthermore, merely because the petitioners are making a self-serving declaration that as per their research, the answers appeared to be incorrect in the answer key, it is not appropriate for this Court to substitute the petitioners' opinion over that of the expert examiners.

5. There is another aspect of the matter i.e. inviting of the objections by RPSC qua the questions which have been put in the written examination. It is the affirmative pleading of the petitioners that the RPSC had published on their website that if any of the candidates had objections, the same could be filed by following the due procedure. Pursuant thereto, the petitioners had indeed submitted their objections. The said objections were entertained by RPSC. And, it is also their case that some of the questions were in fact deleted after the objections were received by RPSC.

6. It is not even the case of the petitioners that the committee of the experts, which was constituted by the RPSC to review the objections, did not look into the their objections. The very fact

that some of the questions were deleted, itself-reflects that the expert committee applied its mind and wherever it was deemed appropriate, corrective measures were taken.

7. In the premise, I am of the view nothing further survives for adjudication by this Court.

8. No doubt, in certain cases where blatant and glaring mistake is found, this Court may substitute its own opinion over for that of the examiners. However, present is not a case where this Court ought to sit over and interfere with the expert opinion of the examiners and for substituting its own. The domain expertise is best left to the experts and it is not for this Court to substitute its own opinion by sitting in appeal over the decision of the experts.

9. It was open to the petitioners to have challenged the key answers to the questions prior to declaration of the result. The very fact that only after having remained unsuccessful they have belatedly challenged them, is also additional reason enough for this Court to not interfere on the ground of delay and latches.

10. As an upshot, no grounds to interfere. Dismissed.

11. Pending application(s), if any, shall stand disposed of.

(ARUN MONGA),J

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Whether Reportable: Yes