



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



D.B. Special Appeal Writ No. 232/2024

Ashish Kumar Sharma S/o Sh. Vinod Kumar Sharma, Aged
About 27 Years, R/o 83 Shiv Vihar-C, Manyawas, Mansarovar,
Jaipur, Rajasthan

----Appellant

Versus

ajasthan Public Service Commission, Through Its Secretary,
hooghra Ghati, Jaipur Road, Ajmer

----Respondent

Connected With

D.B. Special Appeal Writ No. 710/2022

Arvind Singh Rathore S/o Bhanwar Singh, Aged About 36 Years,
R/o Bhanwar Vilas Ladnun Road, Didwana Nagaur

----Appellant

Versus

1. Rajasthan Public Service Commission, Through Its
Secretary, Ghooghra Ghati, Jaipur Road, Ajmer
2. Diksha Sankhala D/o Jagdish Sankhla, Aged about 25
Years, R/o H.n. 13, Vidyanagar Jodhpur
3. Raiman Krishana S/o Brij Mohan Mishra, Aged About 27
Years, R/o 1-P-26, Sdc Housing Board Colony, Bharatpur
4. Anju Choudhary D/o Bahadur Singh, Aged About 29
Years, R/o Kartarpura Phatak, Jaipur
5. Devyani Dodiya D/o Anil Raj Singh, Aged About 28
Years, Gaurav Villa, F-19, Housing Board Colony, Savina
First, Udaipur Rajasthan
6. Rachna Rani Sharma D/o Pooran Chand Sharma, Aged
About 45 Years, R/o Flat No. 206, Hakimi Plaza, Sagwara
Road Dungarpur Rajasthan
7. Arvind Goswami S/o Shiv Chander, Aged About 30 Years,
R/o H.no 316, Nahrawali, Anupgarh, 12 N.d. Nahranwali,
Ganganagar, Rajasthan.

----Respondents

D.B. Special Appeal Writ No. 711/2022

1. Mudit Mittal S/o Adarsh Kumar Mittal, Aged About 24



Years, 1150, Kisam Marg Barkat Nagar, Tonk Road Jaipur.

2. Rahul Soora S/o Shrichand Singh Soora, Aged About 28 Years, R/o 4143, Rangoli Gardens, Maharana Pratap Road, Panchyawala, Jaipur.
3. Manish Kumar Kamelia S/o Heeralal, Aged About 33 Years, R/o Shiv Colony Manohar Ghat Ke Pass Baran.

-----Appellants

Versus

Rajasthan Public Service Commission, Through Its Secretary, Ghooghra Ghati, Jaipur Road, Ajmer.

2. Jagdhish Kumar S/o Kishan Lal, Aged About 30 Years, R/o Village Aranya, Via Jalore, Sanchor.
3. Om Prakash S/o Babulal, Aged About 37 Years, R/o Village Post Padardi, Sindhaswa, Harniya, Gudamalani Barmer.
4. Lipendr Kumar Saini S/o Prakash Chand Saini, Aged About 27 Years, Resident Of Vpo Palanheda Tehsil Mahwa Dist. Dausa.

-----Respondents

D.B. Special Appeal Writ No. 718/2022

1. Gourav Sharma S/o Sh. Gopal Krishna Sharma, Aged About 26 Years, R/o B-84 Arya Nagar Vistar, Dadi Ki Fatak, Murlipura, Jaipur (Raj.).
2. Prashant Yadav S/o Sh. Hansraj Yadav, aged about 25 Years, R/o VPO Khanpur Ahir, Tehsil Mundawar, District Alwar (Raj.)

-----Appellant

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Ghooghra Ghati, Ajmer (Raj.)- 305001.
2. State Of Rajasthan, Through Principal Secretary, Forest Department, Government Secretariat, Jaipur, Rajasthan.
3. Vikram Singh Rathore S/o Shri Ganpat Singh Rathore, R/o Khari Ka Lamba, Gulabpura (Rural), Bhilwara-311021, Rajasthan (Roll No. 311341 And Merit No. 13-General)
4. Ameesh Dev Singh S/o Shri Omendra Singh, R/o 32, Saket Colony, Path No. 7, Vijay Bari, Vidyadhar Nagar, Sikar Road, Jaipur-302023, Rajasthan (Roll No. 376736 And Merit No. 21- Obc).



5. Madan Lal Dhaka S/o Shri Jalu Ram Dhaka, R/o Village Bamaniya, Tehsil- Sujangarh, District Churu, Rajasthan (Roll No. 341902 And Merit No. 15- Obc)

----Respondents

D.B. Special Appeal Writ No. 853/2022

Naresh Sharma S/o Shri Arjunlal, Aged About 33 Years, R/o 19-A, Nandpuri, Purana Ramgarh Mode, Jaipur (Raj.)

----Appellant

Versus

1. State Of Rajasthan, Through Additional Chief Secretary, Forest Department, Government Secretariat, Jaipur (Raj.).

2. Rajasthan Public Service Commission, Through Its Secretary, Ghooghra Ghati, Ajmer (Raj.).

----Respondents

D.B. Special Appeal Writ No. 865/2022

Vikas Gurjar S/o Shri Chhajuram Gurjar, Aged About 32 Years, R/o Village Badharna, Harmada, District Jaipur, Rajasthan.

----Appellant

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Ghooghara Ghati, Jaipur Road, Ajmer.
2. Ameesh Dev Singh S/o Sh. Omendra Singh, R/o 32, Saket Colony, Path No. 7, Vijaybadi, Vidhyadhar Nagar, Sikar Road, Distt. Jaipur. (Roll No. 376736 And Merit No. 21, Category Obc)

----Respondents

D.B. Special Appeal Writ No. 887/2022

1. Raman Kumar Meena S/o Sh. Ram Charan Meena, Aged About 30 Years, R/o-C/o Sh. Ghamandi Ram Meena, Village Mohanpura, Tehsil- Todabhim, District Karauli (Raj.).
2. Chandramohan Sharma S/o Sh. Satya Narayan Sharma, Aged About 24 Years, R/o 17, Govinda Wali Colony, Didwana, District Dausa (Raj.).

----Appellants

Versus



1. Rajasthan Public Service Commission, Through Its Secretary, Ghooghra Ghati, Ajmer (Raj.)-305001.
2. Gourav Sharma S/o Sh. Gopal Krishna Sharma, Aged About 26 Years, R/o B-84 Arya Nagar Vistar, Dadi Ki Fatak, Murlipura, Jaipur (Raj.).
3. Prashant Yadav S/o Sh. Hansraj Yadav, Aged About 25 Years, R/o Vpo Khanpur Ahir, Tehsil Mundawar, District Alwar (Raj.)

-----Respondents

D.B. Special Appeal Writ No. 1268/2022

1. Man Mohan Singh S/o Shri Suresh Chandra Saini, Aged About 34 Years, R/o Near Nar Narayan Mandir Road No. 3, Chandra Vihar, Jhunjhunu.
2. Avdhesh Singh Bhadoria S/o Shri Mahendra Pal Singh Bhadoria, Aged About 31 Years, R/o House No. 145, Village Bangla Kachogara, Tehsil Bhind, Madhya Pradesh.

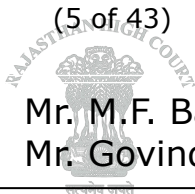
-----Appellants

Versus

1. Rajasthan Public Service Commission, Through Its Secretary, Ghooghara Ghati, Jaipur Road, Ajmer.
2. Vikas Gurjar S/o Shri Chhajuram Gurjar, Aged About 32 Years, R/o Village Badharna, Harmada, District Jaipur, Rajasthan.

-----Respondents

For Appellant (s)	: Mr. R.K. Mathur, Sr. Adv. assisted by Mr. Aditya Vikram Singh Panwar Mr. Sushil Pujari Mr. Manish Parihar Mr. Ashwini Kumar Jaiman with Mr. Keshav Parashar, Mr. Moin Khan and Mr. Ashish Kabra Mr. Raghunandan Sharma with Mr. Arvind Kumar Arora Mr. Abhinav Srivastava Ms. Kritika Rajawat and Mr. Ayush Bishnoi
For Respondent(s)	Mr. B.S. Chhaba, AAG assisted by Mr. Avinash Chaudhary and Mr. Hardik Singh



Mr. M.F. Baig for RPSC assisted by
Mr. Govind Gupta

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU

JUDGEMENT

<u>Date of conclusion of arguments:</u>	<u>15/10/2025</u>
<u>Date on which judgement was reserved:</u>	<u>15/10/2025</u>
<u>Whether the full judgement or only the operative part is pronounced:</u>	<u>Full judgement</u>
<u>Date of pronouncement:</u>	<u>21/11/2025</u>
<u>Reportable</u>	

Per: BALJINDER SINGH SANDHU, J

1. The brief facts giving rise to the present special appeals are that the Rajasthan Public Service Commission (hereafter referred to as RPSC/Commission) issued an advertisement dated 04-04-2018 publishing 99 posts of the Assistant Conservator of Forest under the Rajasthan Forest Service Rules 1962 and 70 posts for Forest Range Officer Grade-1 under the Rajasthan Forest Subordinate Service, Rules 2015 (hereinafter referred to as the "Rules of 1962" and the "Rules of 2015"). After issuing the corrigendum, the total seats were increased to 115 for the post of Assistant Conservator of Forest and to 127 for the post of Forest Officer Grade-I.
2. The recruitment process was to be undertaken in two phases, written test and interview. The syllabus for the competitive examination was provided in the advertisement. As per the scheme of the written examination, the same was divided into two parts. The first one was the compulsory subjects of General



Knowledge and General English carrying hundred marks each. The second part consisted of the optional subjects. Out of 20 subjects provided in the syllabus, the candidates were to select any two subjects of their choice and the same carried 200 marks each. As per the note, the candidates were not allowed to take more than one subject in the five groups provided in the syllabus. The written examination was objective in nature and the same was conducted from 18-02-2021 to 26-02-2021 in various subjects, and the result of the said examination was declared on 09-12-2021.

3. Before declaration of the result, the respondent-RPSC in its full commission meeting dated 01-10-2021, took a decision to adopt the scaling and constituted a special committee for recommending the procedure of scaling or otherwise to be adopted for declaration of the results. The meeting of the committee was held on 12-11-2021 as well as on 04-12-2021. The Committee considered the scheme of the examination as well as the compulsory and the optional papers, that the candidates were to undertake. The committee after considering the scheme of the syllabus, resolved not to adopt any scaling in the compulsory papers, which was to be undertaken by all the candidates. Regarding the optional papers, the committee resolved, after taking into consideration the difficulty level of each of the question papers, the mean and the standard deviation of raw scores obtained in



paper, to implement the method of scaling of raw scores in optional paper, as per the formula used by the RPSC. The tables prepared on the difficulty index of each optional paper, as well as on the mean and standard deviation of the raw scores obtained by the candidates in the optional papers, were considered. Only after technically examining the things, the scaling formula was adopted.

4. The RPSC declared the result after scaling of the marks and 871 candidates who obtained the qualifying marks were called for the interview. It is an admitted position that after the interviews were conducted, the appointments have been granted and all the vacancies have been filled during the pendency of the present petitions.
5. Aggrieved against the action of the respondent-RPSC in the recruitment process, several writ petitions were preferred before this court challenging the scaling of marks on several grounds. The reply was filed by the respondent-RPSC defending the application of the scaling and the declaration of the results. The learned Single Judge after hearing the parties and considering in detail the law laid down by the Hon'ble Apex Court as well as by the Division Benches of this High Court, dismissed the writ petitions filed by the petitioners vide judgment dated 25-05-2022. Hence, these appeals.



6. The appellants have laid challenge to the judgement passed by the learned Single Judge mainly on the ground that the learned Single Judge has failed to consider that neither the rules of 1962 nor the rules of 2015 provide for any such scaling method to be undertaken by the RPSC. It is stated that the rules provide for a complete mechanism and the adoption of the scaling method for the purpose of recruitment is wholly unreasonable and unjustified. It is further alleged that the formula of scaling as adopted by the RPSC has created absurdity and resulted in casualty of merit. It is submitted that candidates who have scored 125 or 173 marks in Physics or 140 marks in mathematics have been awarded 200 marks, which is maximum marks likewise. And as such inter se merit which leads to such absurd results and gives leverage to lesser meritorious candidates, cannot be applied to select best available candidates. It is also contended that no prior information was given to the candidates that the scaling would be applied. It is also contended that the RPSC has applied the formula without any application of mind ignoring the critical concepts of application of scaling formulas. The examination being objective in nature and the subjects being common from science stream, the variation of difficulty level/index cannot be established in a justified manner.

7. The appellants have placed reliance on the judgement of

Sanjay Singh and Ors. Vs. UP Public Service





Commission reported in **2007 (3) SCC 720** and **Sarita Noushad Vs. RPSC & Ors. 2009 (4) WLC 679** to converse that scale marks cannot be considered to be marks awarded to the candidates in the written examination and that the scaling system and method so adopted has been declared to be irrational and arbitrary. Therefore, the results so declared after applying the scaling may be declared illegal and be quashed and set aside. The RPSC be directed to prepare the list of candidates on the basis of raw marks obtained by them.

8. The respondent-RPSC in reply have contended that the scaling method adopted by the RPSC has been applied since 1993 and it has been approved the Division Bench of this Court in the case of **Chandu Parihar & Anr. v. State of Rajasthan & Ors. reported in 2015(3) RLW (Raj.) 2599** as well as in the case of **Jai Singh Vs. State of Rajasthan reported in 2011 (1) RLW (Raj.) 728**. It is contended that the scaling formula is a time-tested method, wherein the candidates undertake the written examination in different optional subjects, to bring uniformity in the scores of all subjects and to provide appropriate and fair opportunity to the candidates who had opted for different subjects in the competitive examination. The RPSC after constituting the committee of the experts, and the committee after taking into consideration the entire scheme of the examination, and the difficulty level as well as the mean and standard



deviation in the raw marks, have applied the formula. The formula applied, has been technically examined by the committee and is appropriate for the present examination, wherein there are several subjects having distinct difficulty level.

Heard learned counsel for the parties at length.

Before proceeding further, it will be relevant to reproduce the relevant Rules of 1962 as well as Rules of 2015, for the adjudication of the present controversy, as well as the syllabus of the written examination mentioned in the advertisement.

“Syllabus for the Competitive Examination for Rajasthan Forest Service”

1-A candidate for the Rajasthan Forest Service must take all the compulsory subjects and any two of the optional subjects listed below. The time allowed for each paper shall be three hours.

(I) Compulsory subjects:	Marks
1- General Knowledge	100
2- General English	100
(II) Optional Subjects:	
Any two subjects out of the following-200 marks (each)	
1. Agriculture	2. Botany
3. Chemistry	4. Computer
Application/Science	
5. Engineering(Agricultural/Chemical/Civil/Computer/ Electrical/Electronics/Mechanical)	
6. Environmental Science	7. Forestry
8. Geology	9. Horticulture
10. Mathematics	11. Physics
12. Statistics	13. Veterinary
Science	
14. Zoology	

(The standard of these subjects shall be equivalent to the prevalent standard of India Forest Service examination conducted by Union Public Service Commission, New Delhi)



Note: No candidate shall be allowed to take more than one subject from the following groups;

- (i) Agriculture, Agricultural Engineering and Veterinary Science.
- (ii) Chemical Engineering and Chemistry
- (iii) Computer Application/Science and Computer Engineering
- (iv) Electrical Engineering and Electronics Engineering
- (v) Mathematics and Statistics

(Such of the candidate who qualify in the written test shall be required to appear for the personality and viva- voce examination, which carries maximum 75 marks)

Physical Fitness

	Height	Chest Girth	
		Normal	Expansion
(a) Male Candidates	163 cm.	84 cm.	05 cm.
Female Candidates	150 cm.	79 cm.	05 cm.
(b) For Forest Range, Officer Grade-I: The following minimum height standards may be allowed in case candidates belonging to Scheduled Tribes and races such as Assamese, Bhutanese, Garhwalies, Gorkhas, Kumaonis, Ladakhese, Mizo, Naga, Nepasese, Sikkimese and those from Arunachal Pradesh, Lahul & Spiti, Meghalaya;			

Male candidate: 152 cm.
Female candidate: 145 cm.

(c) **Walking Test:** Male/Female candidates must pass a physical efficiency test covering a distance of 25/16 kms wals within 4 hours on foot, respectively. This test will be arranged either by the Rajasthan Public Service Commission or by the State Government.

(d) Medical Fitness Certificate issued by the Medical Board authorised by State Government.

नोट: उक्त पदों हेतु परीक्षा के सभी प्रश्न पत्र (General English, General Knowledge and any two of the Optional subjects) वस्तुनिष्ठ प्रकार के होंगे।

- Note: (1) Candidates who have obtained a minimum of 35% marks in each of the compulsory subjects and a minimum of 40% marks in the aggregate for the written test held by the Commission shall be considered to have obtained qualifying marks at the examination. The Commission may in its discretion award grace marks up to one in each of the compulsory papers and up to three in the aggregate. Such of the candidates who have obtained qualifying marks shall be called by the Commission for interview.
- (2) The commission shall not recommend any candidate who has failed to obtain a minimum of 33% marks in the personality and viva-voce examination and a minimum of 45% marks in the aggregate.
- (3) The Commission shall, in the case of women, candidates belonging to Backward Classes, Most Backward



Classes, Scheduled Castes and Scheduled Tribes recommend the names of such candidates up to the number of vacancies reserved for them amongst those who have qualified for interview even if they fail to obtain the minimum marks in the personality and viva-voce examination or in aggregate prescribed under the aforesaid proviso."

RULES, 1962

18. Authority for conducting the examination and syllabus:- (1) the Examination shall be conducted by the Commission in accordance with the syllabus prescribed in Schedule-II.

(2) Subject to the provisions of sub-rule (1), the Commission may hold a combined examination for direct recruitment to the Services, Rajasthan Forest Subordinate Service, and to any other service or services. The candidates shall be required to pay such examination fee as may be fixed by the Commission from time to time. The Commission shall prepare separate lists of selected candidates to each Service in accordance with the provisions of the relevant service rules.

24. Personality and viva-voce Examination:- After the marks obtained by the candidates in the written test have been received, the Commission shall call for interview such of them as have obtained a minimum of 35% marks in each of the compulsory subjects and a minimum of 40% marks in the aggregate for the written test. The commission may in its discretion award grace marks up to 1 in each of the compulsory papers and up to 3 in the aggregate. Such of the candidates who have obtained qualifying mark shall be called by the Commission for interview. "There shall be "75" marks for interview." The Commission shall award marks to each candidate interviewed by them. In interviewing the candidates, besides awarding marks in respect of general bearing, physique, personality, address and interest in an outdoor life marks shall also be awarded for the candidate's proficiency in any one of the Rajasthani dialects and his knowledge of social customs of Rajasthan. The marks so awarded shall be added to the marks obtained in the written test by each such candidate.

25. Recommendations of the Commission.- (1) The Commission shall prepare a list of the candidates recommended by them for direct recruitment to the Service in order of their proficiency as disclosed by their aggregate marks. If two or more of such candidates obtain equal marks in the aggregate, the Commission shall arrange them in the order of merit on the basis of their general suitability for the Service: Provided that the Commission shall not recommend any candidate who has failed to obtain a minimum of 33% marks in the personality and viva-voce examination and a minimum of 50 marks in the aggregate.

(2)

RULES,2015

23. Authority for conducting the competitive examination.- (1) The competitive examination for direct recruitment to the post of Forest Range Officer Grade I shall be held by the Commission.

(2)



27. Syllabus for examination.- The syllabus for competitive examination for direct recruitment to the post of Forest Range Officer Grade I and Soil Conservation Assistant (Engineering/ Agriculture) shall be as specified in Schedule-III and syllabus for competitive examination for direct recruitment to the other posts shall be as specified in Schedule-IV.

29. Selection to the post of Forest Range Officer Grade I.- (1) Candidates who have obtained a minimum of 35% marks in each of the compulsory subjects and a minimum of 40% marks in the aggregate for the written test held by Commission shall be considered to have obtained qualifying marks at the examination. The Commission may in its discretion award grace marks up to one in each of the compulsory papers and up to three in the aggregate. Such of the candidates who have obtained qualifying marks shall be called by the Commission for interview. Commission shall award marks to each candidate interviewed by them. In interviewing the candidates, besides awarding marks in respect of general bearing, physique, personality, interest in outdoor life, marks shall also be awarded for the candidate's proficiency in any one of the Rajasthan dialects and his knowledge of social customs of Rajasthan. The marks so awarded shall be added to the marks obtained in written test by each such candidate.

(2) The Commission shall prepare a list of the candidates arranged in order of merit as disclosed by their aggregate marks finally awarded to each candidate. If two or more of such candidates obtain equal marks in the aggregate the Commission shall arrange them in order of merit on the basis of their general suitability for service. The Commission shall recommend to the Appointing Authority a list of candidates equal to the number of vacancies in order of merit for appointment.

Provided that-

(i) the Commission shall not recommend any candidate who has failed to obtain a minimum of 33% marks in the personality and viva-voce examination and a minimum of 45% marks in the aggregate.

(ii)

(iii).....

(3) the Commission may order re-totaling of the marks obtained by a candidate during such period as may be decided by the Commission in their discretion on payment of such fee as may be fixed by the Commission, from time to time, but evaluation of the answer paper shall not be re-examined.

(4).....

(5).....

11. From the scheme of the examination, it is clear that the candidates have to take two compulsory papers and two



optional papers. The optional papers are to be selected from about 20 subjects which are given in the syllabus. As per the rules, the candidates have to obtain minimum marks and thereafter such candidates are called for interview by the Commission of Interview.

The marks so awarded in the interview are added to the marks obtained in the written examination, and the aggregate marks are finally awarded to the candidates, and based upon these aggregate marks, the merit is prepared. As there were 20 different subjects available to the candidates of different nature, the full commission in its meeting dated 01.10.2021, took a decision to apply scaling in the examination and a Committee for the same was constituted. The RPSC has made available the minutes of the meeting of the Commission dated 01.10.2021 as well as the minutes of the Expert Committee dated 04.12.2021. The meetings clearly reveals that Expert Committee was constituted by the R.P.S.C. to ascertain whether scaling is required or not before declaration of the result. It was to examine the procedure of scaling to be adopted before declaration of the result in respect of marks obtained by candidates in different optional papers, considering the *inter-se* merit of candidates in the written examination which is objective type (multiple choice questions). The Committee has taken into consideration all the technical aspects of the matter, and was only thereafter decided to apply the





scaling of the raw scores. The Committee after analyzing the difficulty levels of the different optional subjects and assessing the other statistical data, recommended that the scaling of raw marks is needed in optional papers and also recommended the formula for the same, which is adopted by the RPSC. While taking into consideration the same, the difficulty index as well as the mean and standard deviation of raw marks was taken into consideration and only thereafter, the formula has been approved by the Special Committee. Herein, we would like to reproduce the relevant portion of the minutes of the meeting as well as the Table-1 showing the difficulty index, as well as Table-2 showing the mean and standard deviation and the Annexure-3 scaling formula adopted by the Special Committee.

" Today's meeting of the Committee is in continuation of last meeting held on 12-11-2021. The Committee as per the information provided by RPSC noted as follows:-

1. Each candidate is supposed to appear in two compulsory papers and in two optional papers.

Since each candidate is supposed to appear in both the compulsory papers, irrespective of their optional papers, therefore, scaling of the raw scores obtained in compulsory papers by the candidates is not required.

2. There were twenty optional papers, out of which a candidate was to opt two papers. The Committee has gone through:-

a) Computation of the difficulty level of each of the question paper [Table 1]

b) The mean and standard deviations of the raw scores obtained in each paper. [Table 2]



c) The frequency curves of raw scores and their super imposition with scaled scores as well.

On the basis of the above, The Committee recommends that scaling of raw scores is needed in optional papers as per the formula used by RPSC. (ANNEXURE 3)”

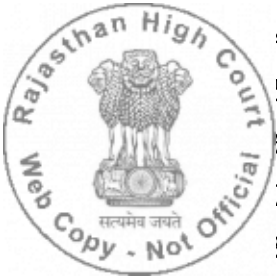
Annexure-1

TABLE 1 – DIFFICULTY INDEX OF EACH OPTIONAL PAPER

r. No.	Subject Code	Subject Name	No. of Valid Questions	Difficulty Index
	103	Environmental Science	119	0.428482076
	204	Mathematics	115	0.687922077
	305	Statistics	113	0.73169845
3	406	Zoology	119	0.700307846
4	507	Botany	113	0.59000011
5	608	Physics	119	0.732620138
6	709	Agriculture	118	0.546273366
7	810	Agricultural Engineer- ing	116	0.630553328
8	911	Veterinary Science	119	0.523456865
9	1012	Computer Application/ Science	121	0.647950152
10	1113	Computer Engineering	116	0.719996619
11	1214	Electrical Engineering	113	0.634664485
12	1315	Electronics Engineering	118	0.674650321
13	1416	Chemistry	120	0.552658303
14	1517	Chemical Engineering	119	0.550213528
15	1618	Civil Engineering	114	0.535204631
16	1719	Horticulture	114	0.476654896
17	1820	Forestry	118	0.583637386
18	1921	Geology	117	0.593680161
19	2022	Mechanical Engineering	119	0.58701929

TABLE – 2 SUBJECT WISE DATA

No.	Subject Code	Subject Name	Mean	Standard Deviation	No. of Candidates Appeared
1	03	Environmental Science	96.45	34.48	13916
2	04	Mathematics	44.21	29.57	7347
3	05	Statistics	25.38	25.72	748
4	06	Zoology	31.83	24.35	7227
5	07	Botany	60.51	36.32	7179
6	08	Physics	30.57	28.37	3380
7	09	Agriculture	69.07	36.38	3381



8	10	Agricultural Engineering	50.01	33.07	208
9	11	Veterinary Science	74.28	38.63	266
10	12	Computer Application/ Science	48.37	34.24	2401
11	13	Computer Engineering	27.71	18.23	460
12	14	Electrical Engineering	54.73	37.6	1698
13	15	Electronics Engineering	41.38	34.59	962
4	16	Chemistry	66.09	44.95	4626
5	17	Chemical Engineering	70.13	36.35	120
6	18	Civil Engineering	72.36	35.92	2440
7	19	Horticulture	86.82	35.6	2180
3	20	Forestry	59.13	34.87	1557
19	21	Geology	56.7	33.38	1982
20	22	Mechanical Engineering	60.46	39.48	1556

Annexure-3

RAJASTHAN PUBLIC SERVICE COMMISSION
Scaling Formula

Scaled Marks = M + (Xi-μi)*σ/α

M = COMBINED MEAN OF ALL THE SUBJECTS

O= POOLED STANDARD DEVIATION OF SCORES OF ALL THE SUBJECTS

X_i RAW MARKS OF ith SUBJECT

μ_i= MEAN MARKS OF ith SUBJECT

σ_i= STANDARD DEVIATION OF MARKS OF ith SUBJECT CONCERNED"

13. From Table-1, it is clear that there is clear variation in the difficulty index, and Table-2 shows the mean and standard deviation. It clearly shows that there is huge difference between the mean of the 20 subjects. The mean of the Environment Sciences is 96.45, whereas the mean of Statistics is 25.38. As such, the difference of mean in both the subjects is 71.07. Therefore, looking to such huge difference, in the mean of the different optional subjects, the uniformity in all these subjects could have



only been brought by applying the scaling formula.

Moreover, the reply of the RPSC clearly shows that if the scaling formula would not have been applied then the candidates only in 12 subjects would have been successful and the remaining would not have found any place in the select list. But, however, after application of the scaling, the candidates in 18 subjects have been found to be successful for the interview. Hence, to bringing uniformity and to give equal opportunity to the candidates belonging to all the optional subjects scaling was resorted to.

14. The reliance has been placed by the appellants on the judgement of **Sanjay Singh (supra)** stating that the scaling formula could not have been resorted to in view of the judgement, as the scaling system has been overruled by the Apex Court. It is further stated that the said judgement was also followed by the Division Bench of this Court in **Sarita Noushad (supra)**.
15. The reliance placed upon the judgement in **Sanjay Singh (supra)** and **Sarita Noushad (supra)** by the appellants, on the premise that the scaling formula was impermissible, is misconceived for two reasons. *Firstly*, the judgement of **Sanjay Singh (supra)** itself lays down that when there are more than one optional subjects, the scaling formula is an ideal method for evaluation of the marks and *Secondly*, the said judgement pertains to the Judicial Service Examinations, in which there are only compulsory papers and there are no optional papers. The



Apex Court in **Sanjay Singh (supra)** has laid down that in the competitive examinations, where the candidates have option of selecting one or more heterogeneous subjects and the number of students taking different options also vary, it becomes necessary to prepare a common merit list in respect of such candidates. In such a situation, candidates who have opted for easier subjects may steal an advantage over those who opt for difficult subjects. The paper setters in regard to some optional subjects may set questions which are comparatively easier to answer when compared to some paper setters in other subjects who set tougher questions which are difficult to answer. In view such peculiarities, Apex Court observed that there is a need to bring the assessment of valuation to common scale so that inter se merit of candidates, who have opted for different subjects, can be ascertained. The Apex Court held that moderation is no answer where the problem is to find inter se merit across several subjects and in such a situation, the scaling is a recognized method of ensuring uniformity inter se among the candidates who have taken examination in different subjects. Therefore, the Apex Court in **Sanjay Singh's (supra)** case has recognized that the method of scaling is to ensure uniformity inter se among the candidates who have taken examination in different subjects and the same can be resorted to, to arrive at a just result. The observations of the Hon'ble Apex court are as under:-





"24. In the Judicial Service Examination, the candidates were required to take the examination in respect of all the five subjects and the candidates did not have any option in regard to the subjects. In such a situation, moderation appears to be an ideal solution. But there are examinations which have a competitive situation where candidates have the option of selecting one or few among a variety of heterogeneous subjects and the number of students taking different options also vary and it becomes necessary to prepare a common merit list in respect of such candidates. Let us assume that some candidates take Mathematics as an optional subject and some take English as the optional subject. It is well recognised that marks of 70 out of 100 in Mathematics do not mean the same thing as 70 out of 100 in English. In English 70 out of 100 may indicate an outstanding student whereas in Mathematics, 70 out of 100 may merely indicate an average student. Some optional subjects may be very easy, when compared to others, resulting in wide disparity in the marks secured by equally capable students. In such a situation, candidates who have opted for the easier subjects may steal an advantage over those who opted for difficult subjects. There is another possibility. The paper-setters in regard to some optional subjects may set questions which are comparatively easier to answer when compared to some paper-setters in other subjects who set tougher questions which are difficult to answer. This may happen when for example, in Civil Service Examination, where Physics and Chemistry are optional papers, Examiner 'A' sets a paper in Physics appropriate to degree level and Examiner 'B' sets a paper in Chemistry appropriate for matriculate level. In view of these peculiarities, there is a need to bring the assessment or valuation to a common scale so that the inter se merit of candidates who have opted for different subjects, can be ascertained. The moderation procedure referred to in the earlier para will solve only the problem of examiner variability, where the examiners are many, but valuation of answer-scripts is in respect of a single subject. Moderation is no answer where the problem is to find inter se merit across several subjects, that is, where candidates take examination in different subjects. To solve the problem of inter se merit across different subjects, statistical experts have evolved a method known as scaling, that is creation of scaled score. Scaling places the scores from different tests or test forms on to a common scale. There are different methods of statistical scoring. Standard score method, linear standard score method, normalised equipercentile method are some of the recognised methods for scaling.

25. A. Edwin Harper Jr. and V. Vidya Sagar Misra in their publication Research on Examinations in India have tried to explain and define scaling. We may usefully borrow the same. A degree "Fahrenheit" is different from a degree "Centigrade". Though both express temperature in degrees, the "degree" is different for the two scales. What is 40 degrees in Centigrade scale is 104 degrees in Fahrenheit scale. Similarly, when marks are assigned to answer-scripts in different papers, say by Examiner 'A' in Geometry and Examiner 'B' in History, the meaning or value of the "marks" is





different. Scaling is the process which brings the marks awarded by Examiner 'A' in regard to Geometry scale and the marks awarded by Examiner 'B' in regard to History scale, to a common scale. Scaling is the exercise of putting the marks which are the results of different scales adopted in different subjects by different examiners onto a common scale so as to permit comparison of inter se merit. By this exercise, the raw marks awarded by the examiner in different subjects are converted to a "score" on a common scale by applying a statistical formula. The "raw marks" when converted to a common scale are known as the "scaled marks". Scaling process, whereby raw marks in different subjects are adjusted to a common scale, is a recognised method of ensuring uniformity inter se among the candidates who have taken examinations in different subjects, as, for example, the Civil Services Examination.

26. The Union Public Service Commission ("UPSC", for short) conducts the largest number of examinations providing choice of subjects. When assessing inter se merit, it takes recourse to scaling only in Civil Service Preliminary Examination where candidates have the choice to opt for any one paper out of 23 optional papers and where the question papers are of objective type and the answer-scripts are evaluated by computerised scanners. In regard to compulsory papers which are of descriptive (conventional) type, valuation is done manually and scaling is not resorted to. Like UPSC, most examining authorities appear to take the view that moderation is the appropriate method to bring about uniformity in valuation where several examiners manually evaluate answer-scripts of descriptive/conventional type question papers in regard to same subject; and that scaling should be resorted to only where a common merit list has to be prepared in regard to candidates who have taken examination in different subjects, in pursuance of an option given to them.

33. The reason given for introducing scaling is to cure the disparity on account of strictness or liberality of the examiners. But the effect of the scaling formula adopted by the Commission is to average the marks of a batch of candidates and convert the raw marks of each candidate in the batch into scaled marks with reference to the average marks of the batch and the standard deviation. The scaling formula therefore, does not address or rectify the effect of strictness or liberality of the examiner. The scaling formula is more suited and appropriate to find a common base and inter se merit, where candidates take examinations in different subjects. As the scaling formula has no nexus or relevance to give a solution to the problem of eliminating the variation or deviation in the standard of valuation of answer-scripts by different examiners either on account of strictness or liberality, it has to be concluded that scaling is based on irrelevant considerations and ignores relevant considerations."



16. The Apex Court in **Sanjay Singh (supra)** summarized the position regarding scaling thus:-

"45. We may now summarize the position regarding scaling thus :

(i) Only certain situations warrant adoption of scaling techniques.

(ii) There are number of methods of statistical scaling, some simple and some complex. Each method or system has its merits and demerits and can be adopted only under certain conditions or making certain assumptions.

(iii) Scaling will be useful and effective only if the distribution of marks in the batch of answer scripts sent to each examiner is approximately the same as the distribution of marks in the batch of answer scripts sent to every other examiner.

(iv) In the Linear Standard Method, there is no guarantee that the range of scores at various levels will yield candidates of comparative ability.

(v) Any scaling method should be under continuous review and evaluation and improvement, if it is to be a reliable tool in the selection process.

(vi) Scaling may, to a limited extent, be successful in eliminating the general variation which exists from examiner to examiner, but not a solution to solve examiner variability arising from the 'hawk-dove' effect (strict/liberal valuation)."

46. The material placed does not disclose that the Commission or its expert committee have kept these factors in view in determining the system of scaling. We have already demonstrated the anomalies/absurdities arising from the scaling system used. The Commission will have to identify a suitable system of evaluation, if necessary by appointing another committee of experts. Till such new system is in place, the Commission may follow the moderation system set out in para 23 above with appropriate modifications."

17. The case before the court in **Sanjay Singh's** case (**supra**) was with regard to the question of suitability of scaling system to an examination, where the question paper was compulsory and common to all candidates. The scaling method was found not suitable in the above context. The Hon'ble Apex Court has in fact approved the scaling process where the examination is held in different subjects. And disapproving of the scaling formula and that scaling violated Rule 20 (3) of the Judicial Service



Rules, in para no. 21 of the judgement, has to be understood in light of the facts in that case, where the subjects were compulsory and common to all candidates. Whereas, the Apex Court has categorically held that the award of "*marks awarded or marks obtained in written papers*", does not refers only to the actual marks awarded to the appellants. '*Valuation*' is a process which does not end on marks being awarded by the examiner. Award of marks by the examiner is only one stage of process of valuation. Modernization, when employed by examining authority, becomes part of the process of the evaluation, and the marks awarded on moderation becomes the final marks of the candidate. It was held as under:-

"19. Rule 20(3) provides for the final list of selected candidates in order of their proficiency as disclosed by the aggregate of "marks finally awarded to each candidate in the written examination and the interview". Note (i) to Appendix II of the Judicial Service Rules provides that the "marks obtained in the interview" will be added to "the marks obtained in the written papers" and that the candidate's place will depend on the aggregate of both. Though the Judicial Service Rules refers to "marks finally awarded", the said Rules do not contain a provision similar to the proviso to Rule 51 of the PSC Procedure Rules, enabling the Commission to adopt any method, device or formula to eliminate variation in the marks. It is not possible to read the proviso to Rule 51 or words to that effect into Rule 20(3) or Note (i) of Appendix II of the Judicial Service Rules. It is well settled that courts will not add words to a statute or read into the statute words not in it. Even if the courts come to the conclusion that there is any omission in the words used, it cannot make up the deficiency, where the wording as it exists is clear and unambiguous. While the courts can adopt a construction which will carry out the obvious intention of the legislative or the rule-making authority, it cannot set at naught the legislative intent clearly expressed in a statute or the rules. Therefore, Rule 20(3) and Note (i) of Appendix II have to be read as they are without the addition of the proviso to Rule 51 of the PSC Procedure Rules. If so, what can be taken into account for preparing final list of selected candidates, are "marks finally awarded to a





candidate" in the written examination and the interview. The marks assigned by the examiner are not necessarily the marks finally awarded to a candidate. If there is any error in the marks awarded by the examiner it can always be corrected by the Commission and the corrected marks will be "the final marks awarded to the candidate". Where the Commission is of the view that there is "examiner variability" in the marks (due to strict or liberal assessment of answer-scripts) or improper assessment on account of erratic or careless marking by an examiner, they can be corrected appropriately by moderation. The moderation is either by adding (in the case of strict examiners) or deducting (in the case of liberal examiners) a particular number of marks which has been decided with reference to principles of moderation applied. If there is erratic or careless marking, then moderation is by fresh valuation by another examiner. Therefore, the marks assigned by the examiner as moderated will be the marks finally awarded to the candidates or marks obtained by the candidates. Moderation, it has to be held, is inherent in the evaluation of answer-scripts in any large scale examination, where there are more than one examiner.

20. We cannot accept the contention of the petitioner that the words "marks awarded" or "marks obtained in the written papers" refer only to the actual marks awarded by the examiner. "Valuation" is a process which does not end on marks being awarded by an examiner. Award of marks by the examiner is only one stage of the process of valuation. Moderation when employed by the examining authority, becomes part of the process of valuation and the marks awarded on moderation become the final marks of the candidate. In fact Rule 20(3) specifically refers to the "marks finally awarded to each candidate in the written examination", thereby implying that the marks awarded by the examiner can be altered by moderation."

18. The judgement of **Sanjay Singh (supra)** was considered by the Hon'ble Apex Court in the judgement of **Sunil Kumar V. Bihar Public Service Commission** reported in **2016 (2) SCC 495** and it was observed that the judgement did not lay down any binding and inflexible requirement of law with regard to adoption of the scaling method to an examination where the candidates are tested in different subject. It was held that the decision therefore has to be understood in light of the facts of the case rendered upon the consideration of the relevant service Rules prescribing a particular syllabus. The relevant paras



no. 19 and 20 are reproduced hereunder for ready reference:-



"19. The entirety of the discussion and conclusions in *Sanjay Singh* with regard to the question of the suitability of the scaling system to an examination where the question papers were compulsory and common to all candidates. The deficiencies and shortcomings of the scaling method as pointed out and extracted above were in the above context. But did *Sanjay Singh* lay down any binding and inflexible requirement of law with regard to adoption of the scaling method to an examination where the candidates are tested in different subjects as in the present examination? Having regard to the context in which the conclusions were reached and opinions were expressed by the Court it is difficult to understand as to how this Court in *Sanjay Singh* could be understood to have laid down any binding principle of law or directions or even guidelines with regard to holding of examinations; evaluation of papers and declaration of results by the Commission. What was held, in our view, was that scaling is a method which was generally unsuitable to be adopted for evaluation of answer papers of subjects common to all candidates and that the application of the said method to the examination in question had resulted in unacceptable results. *Sanjay Singh* did not decide that to such an examination i.e. where the papers are common the system of moderation must be applied and to an examination where the papers/subjects are different, scaling is the only available option. We are unable to find any declaration of law or precedent or principle in *Sanjay Singh* to the above effect as has been canvassed before us on behalf of the appellants. The decision, therefore, has to be understood to be confined to the facts of the case, rendered upon a consideration of the relevant Service Rules prescribing a particular syllabus.

20. We cannot understand the law to be imposing the requirement of adoption of moderation to a particular kind of examination and scaling to others. Both are, at best, opinions, exercise of which requires an in-depth consideration of questions that are more suitable for the experts in the field. Holding of public examinations involving wide and varied subjects/disciplines is a complex task which defies an instant solution by adoption of any singular process or by a straitjacket formula. Not only examiner variations and variation in award of marks in different subjects are issues to be answered, there are several other questions that also may require to be dealt with. Variation in the strictness of the questions set in a multi-disciplinary examination format is one such fine issue that was coincidentally noticed in *Sanjay Singh*. A conscious choice of a discipline or a subject by a candidate at the time of his entry to the University thereby restricting his choice of papers in a public examination; the standards of inter-subject evaluation of answer papers and issuance of appropriate directions to evaluators in different subjects are all relevant areas of consideration. All such questions and, may be, several others not identified herein are





required to be considered, which questions, by their very nature should be left to the expert bodies in the field, including, the Public Service Commissions. The fact that such bodies including the Commissions have erred or have acted in less than a responsible manner in the past cannot be a reason for a free exercise of the judicial power which by its very nature will have to be understood to be, normally, limited to instances of arbitrary or mala fide exercise of power.”

19. The Hon'ble Apex Court in ***Sunil Kumar's case (supra)*** has held that the choice of paper in public examinations, the standard of inter-subject evaluation of answer papers, and issuance of appropriate directions to evaluators in different subjects are the questions required to be left to the expert body like the Public Service Commission.
20. Recently, the hon'ble Apex Court, in the case of ***State of Uttar Pradesh Vs. Atul Kumar Dwivedi*** reported in ***2022 INSC 24***, again had an occasion to consider the method of scaling adopted by the examining bodies. The Hon'ble Court considered the earlier judgements passed in ***Sanjay Singh, Sunil Kumar, Subash Chandra Dikshit*** and ***Mahender Kumar Vs. High Court of Madhya Pradesh***, and approved the scaling method adopted in the case before the Court. Although the case before the Hon'ble Court was not of optional subjects, but of compulsory subjects, nevertheless, the examination was undertaken in 29 different batches, meaning thereby that 29 different question papers were set for which the method of scaling was adopted by the examining body.
21. The Hon'ble Apex Court held that it was inevitable for the Board to adopt the process of *scaling of marks* or *normalization* in cases where variability arises on account



of multiple sets of question papers. While interpreting the term '*marks*' as appearing under Rule 15, which uses the expression '*marks obtained by each candidate in the written examination*', the Court held that the expression '*marks*' is to be understood and construed as '*normalized scores*' and not as '*raw marks*'. The relevant paras are reproduced herein:-

"40. Cases of single examination where there are multiple number of examiners may call for moderation to be adopted by the examiner-in-chief or such body constituted for the purposes. On the contrary, scaling of marks has been accepted to be an appropriate method where candidates are tested in different subjects. As noticed by this Court in Sanjay Singh , a candidate having secured 70% marks in "Mathematics" cannot be said to be on an equal footing as against the candidate who had secured 70% marks in "English". As against examiner variability in the same or compulsory examination, the subject variability was thus found to be a good ground to adopt "Scaling of Marks" as a method to put all the candidates on an even keel.

46.If we construe the expression '*marks*' in Rules 15(b) and 15(e) to be '*raw marks*' at both the stages that will go against the very basic idea which calls for applicability of '*scaling of marks*' or '*normalization*' because of the variability arising from multiple examinations. Thus, if '*raw marks*' is to be the basis at both the stages, the candidates would never be tested on an equal footing or basis. This would, therefore, call for either of the following two alternatives:- Either to consider expressions '*marks*' in both these provisions to be marks after the adoption of normalization, or '*normalized score*', or to accept the course suggested by the learned counsel for the respondents and construe expression '*marks*' in Rule 15(b) to be '*raw marks*' and apply normalization at Rule 15(e) stage only to consider inter se merit position.

52. If the intent is to see that every candidate must have obtained minimum 50% marks and those '*candidates failing to obtain 50% marks in each of the above subjects shall not be eligible for recruitment*' as mandated by Rule 15(b) of Recruitment Rules or by paragraph 9 of the notification dated 28.6.2017, even going by the context and purposive interpretation, the expression '*marks*' must be given the same meaning at both the stages; and the only possible meaning that can be ascribed is '*normalized score*'. Adopting different standards as suggested by the learned counsel for the respondents would result in anomalous situations. Such anomaly will however stand removed if the expression '*marks*' appearing in Rules 15(b) and 15(e) stages is construed in the same light and as '*normalized score*'.





The submissions advanced by the learned Additional Advocate General and other learned counsel for the appellants, therefore, merit acceptance."

सत्यमेव जयते

22. The Division Bench of this Hon'ble court in ***Mahesh Kumar Khandelwal and Ors Vs. State of Rajasthan & Ors., (1994) 1 RLR 533*** had the occasion to consider the method of scaling in the Rajasthan State and Subordinate Service, (Direct Recruitment by Combined Competitive Examination Rules 1962) of 1993. The examination is objective type taken in two phases, one is compulsory paper and another is the optional, which is to be chosen out of 22 optional subjects. The Division Bench approved the method of scaling in the cases where the examination is taken in optional papers and also when the same is objective type. We reproduce the relevant paras of the judgement.

"42. The authors summed up the conclusions drawn from various studies regarding areas which warranted adoption of Scaling/equating techniques. They state-
"Based on the findings of the research studies quoted earlier, the following seven areas have been identified which warrants adoption of scaling/ equating technique.

(1) When many examiners are involved in marking the scripts relating to subject.

(2) When scripts relating to two sets of students, one set answering in English and the other in a regional language, have to be scored;

(3) When marks relating to different subjects are to be added so as to get an aggregate;

(4) When Internal and External Assessment marks are to be added and/or compared;

(5) When students' performance from different School Boards/Universities are to be compared;

(6) When marks relating to objective part is to be added with that of essay part in a paper; and

(7) When candidates' performance in alternate forms of an objective question paper are to be compared." page 45 of Scaling Techniques.

To these, we may add that scaling would be necessary where marks obtained by different candidates in diverse





subjects have to be compared. As noticed already, the candidates at the examination in question had a choice of as many as 22 optional subjects. How to compare the merit of a student opting a particular subject with the merit of another student opting an altogether different subject was a real problem faced by the RPSC. To our mind, to bring uniformity in evaluation, devising of a common scale, on which comparative assessment could be made, was an absolute must, in such a situation, how do you otherwise compare the merit of a candidate opting history with a candidate opting for physics, chemistry or for that matter any other subject say, English Literature or philosophy. Even in the same subject, one examiner may be more liberal in awarding marks, while the other may be quite stingy and strict. Hence, in our opinion, resorting to scaling, normalization or moderation was quite proper and it cannot be said to be illegal because the rules did not specifically make provision for this exercise. To our mind, if there was no scaling, meaning thereby that no common scale was to be devised for candidates opting for different optional subjects, comparative assessment of their merit would have been a farce because then it would have amounted to assessment of merit on the basis of unequal scales."

23. The Hon'ble Division Bench also examined the Rule 13, wherein the marks obtained in the preliminary examination was interpreted to include the scaled marks. The honorable court clearly held that Rule 13 of the Rules does carry an implicit power of moderation as accepted modern technique of evaluation. The relevant portion of the judgement is reproduced hereunder for ready reference:-

"44. Learned counsel for the petitioners laid much emphasis on the expression "marks obtained in the preliminary examination" occurring in Rule 13 of the Rules and urged that this referred only to raw marks and not to scaled marks. In our considered opinion, when scaling is an accepted technique and has been upheld for UPSC, there can be no reason to hold that 'marks obtained' in the context must necessarily be raw marks and not scaled marks, 'scaled marks' to our mind are also 'marks obtained' for purposes of the said rule and hence scaling of marks for optional papers does not violate the scheme of examination, at all.

45. On behalf of the petitioners, it was alternatively urged that if Rule 13 of the Rules confers a power on the RPSC to moderate the marks, then it must be struck down as ultra vires of the Constitution, being violative of the equality clauses of the Constitution. The argument deserves to be noticed only for the sake of rejection.



Equality clauses enshrined in the Constitution are also violated when unequals are treated equally. Evaluation of diverse optional papers, unequal in every respect to each other, evaluated by different examiners may result and often results in assessment, which may not have any measure of uniformity or equality. Hence, evaluation of the diverse subjects papers by diverse examiners necessitates that they are brought at par by moderation techniques, so that equal treatment is meted to all. In our opinion, moderation if properly applied, does correct the vice of unequal treatment in a large measure and hence this contention has really no legs to stand upon. In our considered opinion Rule 13 of the Rules does carry an implicit power of moderation, as an accepted modern technique of evaluation and the rule cannot be said to be violative of Articles 14 and 16 of the Constitution in any way. We, therefore, repeal this contention."



24. The scaling method again came up for consideration in the RAS Examinations in the case of ***Jai Singh Vs. State of Rajasthan (supra)*** and the same was upheld by the Hon'ble Division Bench of Rajasthan High Court after following the judgements of ***Mahesh Kumar Khandelwal (supra)*** and ***Rajasthan Public Service Commission Vs. Ramesh Chandra Pilwal reported in (1997) 2 RLW 1348***. The Hon'ble court in para no. 26 and 27 held as under :-

"26. In view of the decision of the Apex Court in Sanjay Singh (supra), the scaling resorted to consider the reference of the variation was appropriate so as to arrive at just result. It is not in dispute that in the RAS Examination and Subordinate Service Examination, the method of scaling had been resorted to with effect from 1993. In Mahesh Kumar Khandelwal (supra), this Court has upheld the action of the Commission in similar set of facts and the Apex court dismissed the SLP in limine.

27. In Rajasthan Public Service Commission Vs. Ramesh Chandra Pilwal (supra) also, this Court relying upon the decision in Mahesh Kumar Khandelwal (supra) approved the method of scaling. Thus consistently, this Court has approved the method of scaling in RAS Examination held by the Commission. Decision of this Court in Dhanpat Mali Vs. RPSC & Ors. alongwith other writ applications decided vide order dated 27.10.2009 is in respect of RJS Rules, 2005 wherein the decision of the Apex Court in Sanjay Singh (supra) is squarely attracted as the question papers were similar to all the candidates. Whereas the scaling resorted to was held to be permissible considering large number of optional



subjects available in the RAS and Subordinate Service Examination in question. Ratio of the decision in Ramesh Chandra Pilwal (supra) cannot be applied in the instant case. This Court has taken note of common post and also the fact that optional subjects were not available in Rajasthan Judicial Service examination. Thus, the ratio in the aforesaid case has different field to operate."

25. The Hon'ble Division Bench also considered the arguments raised by the appellants regarding the power of the commission to adopt the method of scaling in absence of any provision under the rules. The Hon'ble Court after considering the provisions of Rule 15 clearly held that the Rules do not oust the scaling method and hence no illegality has been committed by the commission in applying the same.

"38. It was submitted that scaling was not permissible in view of Rules of 1999. Rule 15 of the Rules of 1999 provides scheme of examination, personality and viva-voce test. Rule 15 is quoted below:-

"15. Scheme of Examination, Personality and Viva-voce Test: The competitive examination shall be conducted by the Commission in two stages i.e. Preliminary Examination and Main Examination as per the scheme specified in Schedule -III. The marks obtained in the Preliminary Examination by the candidates, declared qualified for admission to the Main Examination will not be counted for determining their final order of merit. The number of candidates to be admitted to the Main Examination will be 15 times the total approximate number of vacancies (category wise) to be filled in the year in the various services and posts but in the said range all those candidates who secure the same percentage of marks as may be fixed by the Commission for any lower range will be admitted to the Main Examination.

Candidates who obtain such minimum qualifying marks in the Main Examination as may be fixed by the Commission in their discretion shall be summoned by them for an interview. The Commission shall award marks to each candidate interviewed by them, having regard to their character, personality, address, physique and knowledge of Rajasthani Culture. However, for selection to the





Rajasthan Police Service candidate having 'C' Certificate of N.C.C. will be given preference. The marks so awarded shall be added to the marks obtained in the Main Examination by each such candidate:

Provided that the commission, on intimation being received from the Government before declaration of the result of the Preliminary Examination, may increase or decrease the number of vacancies advertised.

Rule 17 provides for recommendation to be made by the Commission that has to be on the basis of marks finally awarded to each candidate. Rule 18 provides for retotalling of marks and prohibits re-evaluation of the answer-scripts. Merely by the provision made in Rule 18, that there shall be no re-evaluation, it cannot be said that scaling method could not have been applied. There is vast difference in scaling and revaluation. Scaling is done so as to remove anomalies as pointed out by the Apex Court in para 24/25 of the dictum in Sanjay Singh (supra). The submission raised that the marks obtained in the written examination and the marks of the interview have to be added does not oust the element of scaling. Such scaling is not permissible in the cases of common subjects. But in the case of optional subjects available to be opted by large number of candidates scaling has been held to be permissible by the Apex Court.

39. In our opinion, scaling method is not ousted by operation of the Rules though scaling is not provided under the Rule, at the same time in order to arrive at just result, the Commission can evolve any appropriate method or formula as laid down by the Apex Court in Andhra Pradesh Public Service Commission Vs. Balaji Badhavath & Ors., (2009) 5 SCC 1. The Apex Court held that Commission which has been constituted in terms of the provision made in Constitution of India is bound to conduct examination for appointment to the services of the State in terms of the Rules framed by the State. However, it is free to evolve procedure for conduct of examination. While conducting the examination in a fair and transparent manner as also following known principles of fair play, it cannot completely shut its eyes to the constitutional requirements. How the Commission would judge the merit of the candidates is its function. The Apex Court has laid down thus:

"25. How the Commission would judge the merit of the candidates is its function. Unless the procedure adopted by it is held to be arbitrary or against the known principles of fair play, the superior courts would not ordinarily interfere therewith. The State framed Rules in the light of the decision of the High Court in S. Jafeer Saheb. Per se, it did not commit any illegality. The correctness of the said decision, as noticed hereinbefore, is not in question having attained finality. The matter, however, would be different if the said rules per se are found to be violative of Article 16 of the Constitution of India.





Nobody has any fundamental right to be appointed in terms of Article 16 of the Constitution of India. It merely provides for a right to be considered therefor. A procedure evolved for laying down the mode and manner for consideration of such a right can be interfered with only when it is arbitrary, discriminatory or wholly unfair."

i. In **Chandu Parihar Vs. State of Rajasthan (supra)**, this

Court reaffirmed that, in view of the consistent line of decisions rendered by four Division Benches, the scaling methodology adopted by the RPSC stands settled in law. Relying on the doctrine of *stare decisis*, the Court observed that once a principle of law has been conclusively determined, it should not be unsettled in subsequent cases except upon a change in legislation or a demonstrable shift in societal circumstances. Judicial discipline requires that settled legal questions remain undisturbed, and courts must adhere to established precedent to ensure stability and uniformity in the administration of law. The court held as under:-

"14. It is submitted by learned counsel for the RPSC that in the present case, as observed by learned Single Judge, there was option of as many as 24 subjects, out of which, the candidates have to opt for two optional papers carrying 200 marks. The 24 subjects relate to Science, Economics, Commerce, Law and Engineering and in order to do away with the subject variability, the scaling method was adopted, which has been approved by the judicial pronouncements by this Court including in Jai Singh's case as well as by the Supreme Court in Sanjay Singh's case (supra).

25. We are of the view that learned Single Judge has committed gross error in taking a view different from Jai Singh's case (supra) in which the applicability of scaling method in RAS Examination was upheld, following the judgements in **Mahesh Kumar Khandelwal & Ors. V/s State of Rajasthan & Ors.** (supra) rendered in the year 1994, **Rajasthan Public Service Commission V/ s Ramesh Chandra Pilwal** (supra) rendered in the year 1997, **Manish Sinsinwar & Ors. V/s**



Rajasthan Public Service Commission & anr.

(D.B.Civil Writ Petition (PIL) No.268/2004) decided on 14.6.2004. All the four Division Benches of this Court have consistently upheld the scaling method adopted by the RPSC in RAS Examination held under the Rules of 1999. The same method was adopted in which the scaled marks were finally compiled for final results and merit was prepared for calling candidates for interview, based on the scaled marks of all subjects. The results were declared by RPSC on 27.1.2014 of 3165 candidates, to call for interview.

26. The principle of '*stare decisis*' (to stand by decided cases) is as old as the establishment of the courts. It is derived from legal maxim '*stare decisis et non quieta movere*'. It is best to adhere to decisions and not to disturb questions, which have been put at rest. When a point of law has been settled, it forms a precedent which is not to be ordinarily departed afterwards. When the same point comes for consideration again in litigation, the scales of justice must be kept even and steady. A principle of law should not change from case to case. The judgements are not to be altered or changed in accordance with the individual opinions or private sentiments of the judges. The primary duty of the judiciary is to maintain rule of law. The law does not change with the opinion of the judges. In a given case the opinion of the judges may change, the principles of law however must remain on surer foundations until there is any change in legislation, or the society needs change.

27. We do not find that there was any change in the circumstances or change in the adoption of scaling system. The methodology was the same as it was adopted in Jai Singh's case. We have also examined the judgement of the Supreme Court in Sanjay Singh's case (*supra*) and do not find that there was any change in law, recommended by the Supreme Court in adopting the scaling system. The Supreme Court has observed that scaling results into variation of the marks, which by itself do not make the adoption of scaling system to be arbitrary or illegal or irrational."

27. After considering the various pronouncements of the Hon'ble Supreme Court as well as this Court, and the legal principles laid down therein, the settled position that emerges is that when candidates appear in different optional subjects, the use of scaling is a rational, fair, and judicially approved method of evaluation. The rationale underlying this principle is that when an examination





allows candidates to choose different subjects, the question papers may naturally vary in their level of difficulty. In such circumstances, comparing raw marks across subjects would not provide a fair assessment of merit. To address this inherent variation and to ensure that no candidate gains an unfair advantage or suffers a disadvantage merely because of the subject chosen, the process of scaling or normalization is applied.



28. The Hon'ble Supreme Court in ***Sanjay Singh (supra)*** recognized this very principle and upheld the adoption of a scientifically evolved scaling formula to bring the marks obtained in various optional subjects onto a common scale, thereby ensuring a level playing field for all candidates. This view was subsequently reaffirmed in ***State of Uttar Pradesh Vs. Atul Kumar Dwivedi***, decided on **07.01.2022 in Special Leave Petition (Civil) No. 29972/2019**, wherein the Court reiterated that the process of scaling, when based on an expert statistical method and applied uniformly, is neither arbitrary nor discriminatory. The Division Bench of this Court in ***Jai Singh Vs State of Rajasthan (supra)*** and ***Chandu Parihar Vs State of Rajasthan (supra)*** has also applied the same principle and upheld the validity of scaling as a fair and reasonable method for ensuring balanced evaluation in examinations involving optional subjects.



29. In the present case, the candidates were required to appear in two optional papers out of twenty subjects offered. The Rajasthan Public Service Commission (RPSC), in order to minimize subject-wise variability and to maintain *inter se* uniformity, adopted the process of subject-wise scaling. The statistical parameters such as mean, standard deviation, and overall deviation were duly computed, and the linear formula recommended by the Expert Committee was applied uniformly across all subjects. By this process, the raw marks obtained by candidates in different subjects were converted into scaled marks on a common scale, thereby enabling an objective comparison of *inter se* merit. The method so adopted by the RPSC is neither arbitrary nor ad hoc; rather, it represents a scientifically recognized and judicially approved process aimed at ensuring fairness, consistency, and uniformity in evaluation. It is noteworthy that this method has been consistently followed by the RPSC since the year 1993, and no demonstrable error or deviation has been pointed out in its present application.

30. In view of the structure of the examination, which allowed candidates to choose from twenty optional subjects of varying difficulty levels, the application of scaling was not only appropriate but necessary to place all candidates on a common platform. The purpose of scaling is to ensure uniformity and fairness in evaluation, especially in examinations involving multiple optional subjects.



Without such normalization, the assessment process would suffer from inherent inequality and arbitrariness, thereby offending the equality mandate under Article 14 of the Constitution. On the other hand, the uniform application of a scientifically developed scaling process promotes objectivity, transparency, and fairness—qualities essential to any competitive examination conducted by a constitutional body like the RPSC.

31. We are of the considered view that the scaling method was rightly applied by the Commission after obtaining expert advice and making a rational assessment of the relevant material. The decision to exclude compulsory papers from scaling and to apply it only to optional papers was logical, since all candidates take the compulsory papers, whereas optional subjects vary significantly. The data placed before us, including Table-1 relating to the difficulty index considered by the Special Committee and Table-2 showing the mean and standard deviation of raw marks, clearly demonstrate wide variations among subjects, with mean scores differing by as much as 71.07 marks. Without scaling, candidates who chose subjects with higher difficulty levels would be unfairly disadvantaged compared to those who opted for easier subjects. The adoption of scaling was, therefore, essential to ensure a fair and reasonable comparison of merit in accordance with Article 14 of the Constitution. The argument that the



implementation of scaling has produced absurd results is, thus, without merit.



32. Considering the argument of the appellants that the Rules do not provide for scaling of marks, and in fact prohibits re-valuation, it is seen that under the rules, the Competitive Examination for Direct Recruitment for the post of Forest Ranger Officer Grade-1 is to be held by the commission under Rule 23. Although, Rule 27 provides for the syllabus of examination, which is specified in Schedule-III, however, the inter se merit of the candidates is to be adjudged by the commission. It is the function of the commission, to adopt a mode and manner of adjudging such inter se merit of the candidates when the examination is taken in different subjects as has been upheld by the Hon'ble Apex Court in several of its judgements, and scaling has been approved to solve the problem of inter se merit across different subjects. Therefore, in the background of the very nature of power vested in the Commission, the Commission is entitled to adopt a fair procedure for comparison of inter se merit. In the present case, the scaling is an approved method, which has been applied by the RPSC since several years for adjudging the inter se merit of the candidates and the same has been adopted in the present case.

33. Rule 24 of the Rules of 1962 as well as Rule 29 of the Rules of 2015 contemplate the obtaining of minimum





qualifying marks in the written test and the preparation of the select list by the Commission on the basis of the marks finally awarded to each candidate. The Hon'ble Supreme Court in ***State of Uttar Pradesh v. Atul Kumar Dwivedi (supra)***, and a Division Bench of this Court in ***Mahesh Kumar Khandelwal v. State of Rajasthan (supra)***, have unequivocally held that the marks obtained by a candidate are to be construed as the *scaled or normalized marks*, and not necessarily the *raw marks* secured in the examination. In view of the principles enunciated in the aforesaid judgments, the expression *marks obtained* occurring in the relevant Rules must, therefore, be understood to include the *scaled marks* awarded to a candidate. The mere stipulation in Rule 29 that there shall be no re-evaluation cannot lead to the conclusion that the application of the scaling method stands prohibited. The scheme of Rules 24 and 29 inherently incorporates the authority to apply a scientifically recognized method such as scaling, and the use of such a method cannot be said to be contrary to, or in violation of the Rules.

34. Thus, as per the scheme of the Rules, although the scaling is not provided under the Rules, but nevertheless, the scaling method is not ousted by the operation of the Rules. The commission in order to arrive at a just result can always adopt an appropriate method to adjudge the inter se merit of the candidates and to conduct the examination in a fair and transparent manner. Therefore, it cannot be



said that the Commission lacks the authority to apply the formula of scaling. On this point, we stand fortified by the findings of the Hon'ble Division Bench in **Jai Singh Vs. State of Rajasthan (supra)**.

- i. The contention that the RPSC implemented the scaling process without due application of mind is equally untenable. The RPSC has placed on record the minutes of the General House meeting dated 01.10.2021 and of the Special Committee meetings held on 12.11.2021 and 04.12.2021. The minutes of 01.10.2021 clearly reflect that the General House, after due deliberation, resolved to adopt the method of scaling and referred the issue to a Special Committee of experts for formulation of a suitable procedure. The Special Committee thereafter examined the subject in depth, reviewing the statistical parameters and methodology to be adopted before declaration of results. The Committee specifically decided that scaling would not apply to the compulsory papers, as these were common to all candidates, but would be confined to the two optional papers chosen by each candidate out of twenty available subjects. After analysing the data relating to difficulty levels, mean, and standard deviation across optional subjects, the Committee adopted of the scaling formula contained in Annexure-3. Consequently, the allegation that the RPSC implemented the scaling process without





due application of mind is without merit and stands rejected.



36. Upon consideration of the record, it is evident that the RPSC's decision to adopt scaling was taken after due and deliberate application of mind and based on expert advice. The minutes reflect a structured process of evaluation, statistical analysis, and collective decision-making. The scaling formula was uniformly applied across all optional subjects and to all candidates alike. It cannot, therefore, be said that the process was arbitrary or produced absurd results. Rather, it ensured comparability and normalization of marks across subjects of differing levels of difficulty, a step essential to maintain fairness in a multi-subject examination.
37. The Division Benches of this Court have consistently upheld the validity of the scaling method used in examinations involving optional subjects. These judgments acknowledge that scaling is intended to address differences in the difficulty levels of various subjects and to ensure a fair comparison among candidates. The reasoning in these decisions has remained uniform over time and continues to guide the examination of such challenges.
38. In the present case, the appellants have failed to establish any factual or legal basis that would justify a departure from the settled judicial position. The RPSC continues to adopt the same process that has consistently been upheld





in earlier matters. The principle already accepted that variations caused by the application of scaling do not, by themselves, make the method arbitrary or unreasonable, remains unchanged. In the absence of any departure in law or material change in circumstances, there is no reason to take a view different from the consistent line of decisions of the Division Benches of this Court.

39. Having considered the matter in light of the submissions and after independently examining the facts and the applicable legal principles, we are of the view that the conclusion reached by the learned Single Judge does not call for interference. While our reasons, as discussed hereinabove, are distinct and supplementary to those recorded by the learned Single Judge, the ultimate outcome arrived at by the learned Single Judge stands fully justified in law, and the judgment accordingly deserves to be affirmed.

40. In particular, having affirmed that the scaling methodology is legally sustainable, scientifically rational, and procedurally fair, the challenge advanced by the appellants stands devoid of merit. The material on record demonstrates that the process was evolved after due deliberation, expert consultation, and was applied uniformly to all candidates. At no stage have the appellants been able to establish any arbitrariness, malafides, or demonstrable



error in the application of the scaling formula that would invite judicial interference. In the absence of any foundational infirmity, the challenge must fail. The impugned process of scaling accordingly withstands judicial scrutiny, and no interference is warranted in the exercise of our appellate jurisdiction.

Accordingly, the appeals filed by the appellants are dismissed. No order as to costs.

42. All pending applications, if any, are also disposed of.

(BALJINDER SINGH SANDHU),J

(DR. PUSHPENDRA SINGH BHATI),J

Sunita/168-175