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WP-9513-2024

IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE

BEFORE

HON'BLE SHRI JUSTICE VIJAY KUMAR SHUKLA

ON THE 30th OF JULY, 2025WRIT PETITION No. 9513 of 2024*VIKRANT SINGH CHOUDHARY**Versus**MADHYA PRADESH STATE PUBLIC SERVICE COMMISSION*

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Appearance:

Petitioner in person.

Shri Vindhyavashini Prasad Khare - Advocate for the
respondent/MPPSC.

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ORDER

Initially the present petition was filed through an Advocate. Later on, an application for withdrawal of Vakalatnama was filed which was allowed.

2. Today, before the arguments, this Court asked the petitioner whether he would like to argue the petition himself or he wants to engage any other counsel. He stated that he would argue his case himself.

3. Petitioner heard.

4. The petitioner who was a candidate for the post of Forest Manager/Assistant Conservator Forest in State Forest Examination, 2023 (hereinafter to be referred as SPE,2023) has prayed following reliefs:-

7.1 That, the instant petition may kindly be allowed and the wrongly issued final answer key dated 18.01.2024 by the respondent may kindly be quashed and the respondent may kindly be directed to issue fresh 'final answer key after amending the answer of question no. 96 to option (A) and answer of question no. 46 to



option (B) of question paper provide to the petitioner;

7.2 That, the respondent may kindly be directed to amend the correct answer of question no. 96 of question paper provide to the petitioner as option no.(A) ;

7.3 That, the respondent may kindly be directed to amend the correct answer of question no. 46 of question paper provide to the petitioner as option no. (B);

7.4 That, the respondent may kindly be directed to provide additional marksto the petitioner with respect to correctly answer questionno. 96 and deleted question no. 46;

7.5 That, the respondent may kindly be directed to issue fresh result and score cardio the petitioner on the basis of revised final answer key after providing additional marks to the petitioner;

7.6 That, the cost of instant petition may also be awarded to the petitioner and any other relief which this Hon'ble Court may deems fit in the interest of justice, equity and good conscience may also be granted in favour ofthe petitioner.

5. This Court passed another order on 24/1/2025. The said order is reproduced as under:-

Counsel for the respondent submits that since the name of Shri V.P.Khare, Advocate is not reflected in the cause-list, reply could not be filed,and thus, seeks four weeks' time to file reply.

Counsel for the petitioner submits that since the petitioner has already passed the mains examination, and had also appeared in the interview, his result may be submitted to the Court in a sealed envelope, so at least the petitioner would come to know if he has passed the same.

In view of the same, counsel for the respondent is directed to submit the result of the petitioner in a sealed envelope for the perusal of this Court.

List the matter in the week commencing 04.02.2025.

6. On 21/2/2025, the result of the interview was produced before the Court in which he failed in the selection. This Court passed following order on 21/2/2025:-

In this petition, although counsel for the petitioner has



withdrawn the vakalatnama, however, the petitioner himself has argued in person, and has also raised certain other grounds, which have not been pleaded in this petition, regarding the discrimination faced by him in the interview, as also the four questions deleted by the respondents in the Mains Examination.

In such circumstances, if the petitioner wants to challenge the action of the respondents in the Mains Examination and the Interview, it would be necessary for this Court to pass an order on merits in the present case, because if the present petition fails, in that case, no further grievance of the petitioner would survive regarding the Mains Examination and Interview.

In such circumstances, although the petitioner has not made it in the final selection list, this petition cannot be dismissed as having rendered infructuous.

So, if the pleadings are complete, matter may be heard finally on the next date hearing itself.

Let the matter be listed on 05.03.2025.

7. Thereafter, the petitioner did not amend the petition and the result of "unsuccessful in the selection" was declared and the same was not challenged.

8. The facts of the case are that the respondent issued an advertisement on 06.10.2023 for conducting prelims of "State Forest Service Examination, 2023. In pursuance to the said advertisement, the petitioner filed his online application form and an admit card was also issued to the petitioner. The prelims of SFE, 2023 was conducted by the respondent on 17.12.2023, wherein the petitioner also appeared and was provided 'Set - A' of General Studies question paper. The petitioner on 17.12.2023 gave the prelims of SFE, 2023 by filling up the OMR sheet given by the respondent and thereafter, on 20.12.2023 provisional answer key was issued by the respondent. The aforesaid provisional answer key also suffered from errors as there were two correct answers available in respect to question no. 96 of



‘Set - A’ but only one answer was declared as correct by the respondent.

9. Extract of question no. 24 is reproduced hereunder:

Q. 96. ‘Nohdra’ ornamentation made of clay on the wall is the speciality of which tribe?
A) Bhil
B) Korku
C) Saharia
D) Gond

10. It was pleaded that on the basis of aforesaid wrongly prepared answer key the respondent has declared the result of prelims of SFE, 2023 in which the name of the petitioner did not find place in the SC category. The petitioner referred the documents filed alongwith the additional reply by the respondent and drawn attention of this Court to the clauses 3 & 4 which are reproduced as under:-

3. ऐसे प्रश्न जिसका दिए गए विकल्पों में एक से अधिक सही उत्तर हैं, सभी सही उत्तरों को मान्य किया जाएगा ।
4. ऐसे प्रश्न जिसका दिए गए विकल्पों में एक भी सही उत्तर न हो, को प्रश्न पत्र से विलोपित किया जायेगा ।

11. He argued that in R-1/12 at page 33 in the subject "Forestry and General Science" at serial No.141 of A-set, he attempted answer No.A which was correct as per model answer. Similarly, answers of question Nos.134, 86, 74 were correct answers as per model answer but still they have been deleted by the respondent and the reason has been mentioned that "no objection was taken online". He submitted that the deletion of marks for the said answers is absolutely arbitrary for the reason that "online no objection was submitted by the petitioner". If the answer was correct as per the model answer, then there was no occasion to submit any objection. Thus, in paper Forestry and General Science (at page 33 of additional reply), the petitioner



is entitled for 12 marks.

12. He argued that at page 33 of additional reply in khand "b" column 2 question No.96 he attempted option A but the correct answer was "D" in the model answer key. In the same manner at page 32 in Khand "b" forestry and general sciences and question Nos.96, 122 and 14 at page 31 of additional reply in Khand "A" of general studies he attempted option "A" but in the model answer key, the correct answer was option "D". Since as per the textbooks and the other material, the answer attempted by the petitioner was correct answer, therefore, the petitioner ought to have been given 9 marks (3x3). Thus, due to wrong award of marks and details, the petitioner was deprived from 21 marks (12+9) and the last cut-off marks in the prelims of the main examination was 299 and if 21 marks are added the petitioner qualifies in the main examination.

13. Counsel for the respondent argues that the deletion of marks and addition of marks during valuation after consideration of objections to the model answers was done strictly in accordance with law. He argued that the petitioner cannot be given any relief as claimed in para 7 of the petition in light of various judgments passed by this Court. He referred the judgment passed by the Division Bench in the case of *Mayank Dwivedi vs. MPPSC and Ors. (W.A No.1728/2023)* where the Division Bench held that "it is a settled proposition of law that final answer keys are being prepared by the body of experts, the same can neither be challenged nor be interfered with in a petition under Article 226 of the Constitution of India". Further in the case of *Somyata Sharma vs. MPPSC (W.P No.25284/2023)*, this Court following



the judgment by the full bench in the case of *Nitin Pathak Vs. State of MP and Ors* reported in *2017 SCC Online MP 1824* and the judgment passed by the Apex Court held that in such matters there cannot be interference by the writ courts. In case of *Arunachal Pradesh Public Service Commission and Anr. vs. Hage Mamung & Ors.* reported in *AIR 2023 SC 684*, the Court held that the decision of the Public Service Commission to award 2 marks to each candidate on "pro rata basis" with respect to two questions with the answer keys found to be wrong cannot be held to be arbitrary.

14. So far, the contention in regard to the 4 questions as referred, this court finds that the same was wrongly deleted by the respondent contrary to clauses 3 & 4 of the advertisement as reproduced in the preceding paragraph. Therefore, it is held that the petitioner is entitled for 12 marks and the same be added in preliminary examination. In regard to the other submissions in respect of question Nos.96, 122 & 14 it is a settled law that the Court cannot go into the question which is correct answer or incorrect. It is for the expert committee to decide the correct answer which are to be provided in model answer keys. According to the petitioner himself, the answer which he attempted in respect of question Nos.96, 122 and 14 were not as per the model answer key and once it was not as per the model answer key then the petitioner cannot be held to be entitled for 9 marks (3x3) in view of the aforesaid judgments. It is relevant to mention here that the petitioner was permitted to appear in the main examination by interim order though his name was not in the merit list of prelims exam. He was also allowed to appear in the interview but he failed in the interview. Thus, even if 12 marks



are added and the petitioner is declared to be qualified for main examination and then to interview, even then he would not get any relief as he had already appeared in main examination and interview and he failed in the selection.

15. The petitioner tried to argue that the award of marks in the interview is also arbitrary but there is no such prayer/relief in the petition. Even otherwise, the interview is taken by a committee. Unless sufficient and cogent reasons are placed on record, there cannot be any interference on the marks awarded by an interview committee. It is the settled legal proposition that the Court cannot interfere in the selection matters where the examination is conducted by an expert agency and the interview is also held by the experts, the Court cannot act as an appellate authority in selection matters.

16. Accordingly, the petition stands dismissed.

(VIJAY KUMAR SHUKLA)
JUDGE

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