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WP-20332-2025

IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE DEEPAK KHOT

ON THE 10th OF DECEMBER, 2025

WRIT PETITION No. 20332 of 2025

ARPIT SAHU AND OTHERS

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Joyveer Singh Saini - Advocate and Shri Hitendra Kumar Golhani
- Advocate for Petitioner.

Shri Ajay Kumar Mishra - Senior Advocate with Shri Divyash Soni -
Advocate for Respondent.

Shri Amalpushp Shrotri - Advocate for Respondent No.2.

Shri Gaurav Tiwari - Advocate for Respondent No.3.

Shri V.P. Tiwari - Government Advocate for Respondents/State.

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WITH

WRIT PETITION No. 25015 of 2025

SANTOSH KUMAR MISHRA

Versus

STATE OF MADHYA PRADESH AND OTHERS

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Appearance:

Shri Hitendra Kumar Golhani - Advocate for Petitioner.

Shri Amalpushp Shrotri - Advocate for Respondent No.2.

Shri Gaurav Tiwari - Advocate for Respondent No.3.

Shri V.P. Tiwari - Government Advocate for Respondents/State.

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WRIT PETITION No. 25022 of 2025



SOURABH GURU AND OTHERS
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Anshul Tiwari - Advocate for Petitioner.

Shri Amalpushp Shroti - Advocate for Respondent No.2.

Shri Gaurav Tiwari - Advocate for Respondent No.3.

Shri V.P. Tiwari - Government Advocate for Respondents/State.

WRIT PETITION No. 25069 of 2025

VIBHOR TRIPATHI
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Anshuman Singh - Advocate for Petitioner.

Shri Amalpushp Shroti - Advocate for Respondent No.2.

Shri Gaurav Tiwari - Advocate for Respondent No.3.

Shri V.P. Tiwari - Government Advocate for Respondents/State.

WRIT PETITION No. 29691 of 2025

AAKASH PANDEY
Versus
THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri Aryan Shukla - Advocate for Petitioner.

Shri Amalpushp Shroti - Advocate for Respondent No.2.

Shri Gaurav Tiwari - Advocate for Respondent No.3.

Shri V.P. Tiwari - Government Advocate for Respondents/State.

ORDER

Since common issue is involved in all the petitions, therefore, they are being heard analogously and decided by this common order. However, for



the sake of convenience, the facts of the case WP No.20332 of 2025 are taken as a lead case.

2. The petitioner has filed the petition seeking following reliefs :

"That, this Hon'ble Court be please to issue writ in the nature of mandamus thereby directing the respondent authorities to forthwith correct the erroneous marking of Question Nos. 16 and 25 in the Petitioner's examination result under the recruitment titled "Recruitment on Various Class-II] & Class-IV Posts on Regular Basis in Successor Companies of ERSTWHILE MPSEB" conducted pursuant to Notification No.ई.एन./डब्ल्यू.पी./ए.टी./एम.टी.-1/2024/17825 dated 09.12.2024 and direct the Respondent authorities to re-compute and revise the Petitioner's score by awarding the marks legitimately due for the said questions, and consequently consider the Petitioner for selection under the OBC-open category on the basis of the revised score;

Any other relief deemed fit in the facts and circumstances of the case may also be passed in the interest of justice."

3. It is contended by learned counsel for the petitioner that petitioner has attempted Question No.16 of his paper, which according to him is correct answer on the basis of the material placed before this Court.

4. It is further submitted that the respondents while dealing with the objections submitted by the petitioners have not paid heed to the material and rejected the objections in a cryptic manner holding that the question numbers are not correct. Though the counsel for the petitioner has shown from the record which is placed before this Court that there are material to substantiate their claim. It is submitted that rule book provides that such objection is to be submitted as soon as model answer key is provided. They



have submitted the objections in time and there is no procedural lapses but the objections has been rejected only on the ground that the number of questions which has been referred in the objections are not correct. Thus, prayed for that this Court under extraordinary jurisdiction review the process and evaluate the answers submitted by the petitioners.

5. Per contra, learned counsel for respondent submitted that the judicial review of the decision taken by the experts is not domain of the Court under Article 226 of the Constitution of India as laid down by the Full Bench of this Court in the case of *Nitin Pathak Vs. State of M.P. and Ors. I.L.R (2017) M.P. 2314*. It is further submitted that respondents have not appointed any of the selectee till date for the post in question and prayed for dismissal of the petition.

6. Full Bench of this Court in para 32 has observed as under :

"In respect of the second question, this Court does not and should not act as Court of Appeal in the matter of opinion of experts in academic matters as the power of judicial review is concerned, not with the decision, but with the decision making process. The Court should not under the guise of preventing the abuse of power be itself guilty of usurping power."

7. From bare perusal of the observations made by the Full Bench, this Court can review the process of decision making and not the decision. Thus, in the considered opinion of this Court, under Article 226 of the Constitution of India, this Court cannot correct the answers which has been placed by the petitioners against the questions that is to be examined by the experts.

8. In para 26, Full Bench in case of Nitin Pathak (supra) has observed that if some answers found to be palpably incorrect that no reasonable persons would find the same to be acceptable than the Court could direct the



examining body to re-examine the answer key but cannot take over the function of the Commission in finalizing the answer key itself.

9. Considering the principle laid down by the Full Bench of this Court in the case of Nitin Pathak (supra), this Court considered it apt to relegate the matter to the respondents to examine the objections submitted by the petitioners through experts and decide within stipulated time.

10. Thus, petition is disposed of with the direction to respondent No.3 to consider the objections submitted by the petitioners and do the modification in the model answer key (if objections are found correct) and grant appropriate marks accordingly, thereafter, prepare the revised merit list and communicate the same to the respondent No.2. As the order is being passed in the absence of selectees, this is also directed to respondent No.3 to issue notice to all the selectees to submit their objections before modification in the model answer key and then prepare revised merit list on the basis of modified answer key. The said list then be forwarded to respondent No.1 and 2 for preparation of fresh selection list. The aforesaid exercise be done within 15 days from today till then the respondent No.1 and 2 are directed not to proceed with the appointment process.

11. Accordingly, the petition is disposed of.

(DEEPAK KHOT)
JUDGE