



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 13561/2024

1. Surendra Choudhary S/o Shri Kheta Ram Choudhary, Aged About 34 Years, R/o Plot No. 51, Saran Nagar C Road, Opposite Veer Teja Bridge, Ajmer Road, Jodhpur.
2. Laxman Ram S/o Shri Suja Ram, Aged About 26 Years, R/o Dewasiyo Ka Bas, Banjara, District Jodhpur.
3. Shubham Dewasi S/o Shri Bhanwar Lal Dewasi, Aged About 34 Years, R/o Dewasiyo Ki Dhani, District Jodhpur.
4. Kapil Choudhary S/o Shri Sawal Ram Choudhary, Aged About 33 Years, R/o Village Govindpura, Tehsil Baori, District Jodhpur.
5. Manish Dewasi S/o Shri Suja Ram, Aged About 24 Years, R/o Ma Mateswari Hostel, Rikitya Bheru Ji Choraha, District Jodhpur.

----Petitioners

Versus

1. Rajasthan Staff Selection Board, Jaipur Through Its Chairman, Rajasthan Agriculture Management Institute Premises, Durgapura, Jaipur.
2. The Principal Secretary, Finance Department, Government Of Rajasthan, Secretariat, Jaipur.
3. The Registrar, Revenue Board, Ajmer.
4. The Director, Directorate Of Treasury And Accounts Department, Jaipur.

----Respondents

For Petitioner(s) : Mr. Vivek Firoda & Mr. Jayram Saran
For Respondent(s) : Mr. Manish Patel, AAG
Mr. Rakesh Arora & Mr. Naresh Singh

HON'BLE MR. JUSTICE VINIT KUMAR MATHUR

Reportable

11/09/2024

Order

Heard learned counsel for the parties.



The present writ petition has been filed with a prayer that result of the Junior Accountant and Tehsil Revenue Accountant published by Rajasthan Staff Selection Board on 27.06.2024(Annex.10) may be quashed and set aside. It is further prayed that the marks of deleted questions should not be taken into consideration while preparing the merit list.

Briefly noted the facts of the present writ petition are that the petitioners being eligible in all respects applied for the post of Junior Accountant and Tehsil Revenue Accountant by way of filing their applications in pursuance of the advertisement dated 20.06.2023 issued by the Rajasthan Staff Selection Board, Jaipur. As per the Scheme of Examination, the competitive examination included two papers namely paper-I and paper-II and each would carry a maximum 450 marks. It was provided that a candidate must score a minimum of 35% in each paper-I and paper-II and 40% marks in aggregate and relaxation in minimum marks upto 5% would be applicable to the candidates of Scheduled Caste and Scheduled Tribes Candidates. As per the scheme of examination Paper-I, consisted of six subjects, namely, Hindi, English, General Knowledge of Rajasthan, Everyday Science, Mathematics and Basics of Computer with a total of 150 questions, each subject contributing 25 questions, similarly Paper-II comprised of 150 questions with 25 questions from subjects i.e. Book Keeping and Accountancy, Business Methods, Auditing, Indian Economics, Rajasthan Service Rules and G.F & A.R. Pt.I. After the examination was conducted, the respondents found that certain questions were either improperly asked or there was some confusion with regard

to those questions, therefore, the respondents thought it proper to delete those questions.

The marks of those deleted questions were added to the questions which are asked from the same subject meaning thereby if question is deleted from 25 questions of Paper-I for example – Hindi then the marks of deleted question will be distributed in rest of questions of that subject only i.e. Hindi. In these circumstances, the petitioners preferred this writ petition assailing the validity of adjudicating the question papers and adjustment of the marks done by the Staff Selection Commission.

Learned counsel for the petitioners submits that the calculation of the marks done by adding the marks of the deleted questions in the questions of the same subject is faulty. The deleted questions should be removed either from the total marking or the bonus marks for those deleted questions should be awarded to all the candidates.

To buttress his contention, learned counsel for the petitioners has relied upon a judgment rendered by a Coordinate Bench of this Court at Jaipur in **Jitendra Kumar Jhalani vs. State of Rajasthan (S.B. Civil Writ Petition No.16800/2012)** and other connected matters, decided on 14.12.2012 as well as the judgment rendered by Division Bench at Jaipur in case of **Ravi Kumar Khandelwal & Ors. vs. The State of Rajasthan & Ors., (D.B. Civil Special Appeal (Writ) No.210/2013), decided on 22.04.2014.**

Learned counsel for the petitioners submits that the respondents have changed the rules of game after the exercise for selection was started. He, therefore, prays that the writ petition



filed by the petitioners may be allowed and the respondents may be directed to recalculate the marks either after deleting the marks of those deleted questions or by awarding bonus marks to all the candidates.

Per contra, learned counsel for the respondents submits that in order to keep parity in the matter of distribution of marks in each subject, the methodology, which has been adopted by the Competent Authorities of the respondent Department, is that after deleting a particular question from a particular subject, the marks of that deleted question shall be distributed proportionately to the questions of that particular subject only. He further submits that since each subject has been assigned specific number of questions, therefore, in order to adjudge the knowledge of a particular candidate in a particular subject, the above stated system has been adopted. Learned counsel for the respondents further submits that by adopting this system, no prejudice has been caused to the petitioners as even the respondents were not aware of the consequences of deletion of questions in a particular subject and, therefore, the system adopted by the respondents cannot be alleged to be faulty.

Learned counsel for the respondents relied upon a judgment rendered by a Coordinate Bench of this Court in a batch of writ petitions led by **S.B. Civil Writ Petition No.12077/2019 (Vinod Kumar vs. State of Rajasthan & Ors.)**, decided on 03.01.2020 and judgment rendered by Division Bench of this Court in a batch of Special Appeals led by **D.B. Spl.Appeal Writ No.186/2017(Narendra Singh Rathore vs. Rajasthan Public Service Commission & Ors)**, decided on 08.03.2017, wherein,

the system of grant of marks adopted by the respondents in the present case was the subject matter and the same was approved in these two judgments. Learned counsel for the respondents, therefore, submits that the respondents have adopted a total transparent and fair procedure for distribution of marks on account of deletion of certain questions. He, therefore, prays that the writ petition may be dismissed.

I have considered the submissions made at the Bar and gone through the relevant record of the case.

The selection procedure for appointment on the post of Junior Accountant and Tehsil Revenue Accountant was undertaken by the respondents by issuing an advertisement on 20.06.2023. After the examination was conducted, the respondents came to the conclusion that certain questions are required to be deleted and, therefore, the marks of those deleted questions were distributed in the questions of same subject of which the question was deleted. It is also noted that in the scheme of things, paper-I & paper-II comprised of six subjects each and from each subject, 25 questions were asked for in the question paper, therefore, the questions which were deleted from a particular subject, the respondents have adjusted the marks of that deleted questions in that particular subject from which the question has been deleted.

In the opinion of this Court, the procedure adopted by the respondents is just and proper. The Coordinate Bench of this Court in case of *Vinod Kumar* (supra) was faced with the same situation and it was held as under :-

"Taking of the issue of distribution of marks pertaining to deleted questions subject-wise, it would be noticed that the question paper was bifurcated in a manner that subject-wise questions were asked as under :-

<i>Question No.</i>	<i>Subject</i>
<i>1 to 20</i>	<i>Horticulture</i>
<i>21 to 35</i>	<i>Hindi</i>
<i>36 to 55</i>	<i>Agronomy</i>
<i>56 to 75</i>	<i>Animal</i>
<i>76 to 100</i>	<i>G.K.</i>

Once the respondents had distributed the questions subject-wise, their action in distributing the marks of deleted questions subject-wise cannot be faulted, inasmuch as, advantage of deletion of questions by way of enhancement of maximum marks for each question must be given subject-wise, so that a candidate who has attempted particular questions in a particular subject would not suffer on account of the deleted questions. If the marks pertaining to deleted questions were to be distributed equally in all the remaining questions, the over all maximum marks of other subjects would increase changing the weightage provided by the respondents, which would not be justified and therefore, the plea raised by the petitioners in this regard cannot be accepted".

Deletion of questions from a particular subject and distribution of their marks proportionately in the remaining questions of the same subject does not make any discrimination between the candidates. It cannot be preempted that a particular question set out in the paper will be deleted as it is not possible to anticipate in advance that a particular question will entail deletion. The disputed questions stand deleted qua all the aspirants without any prejudice to the petitioners.



The judgment relied upon by learned counsel for the petitioner is not applicable in the facts and circumstances of the present case as in that judgment itself it was held that it will not be treated as a precedent.

The contention of learned counsel for the petitioners that the respondents have changed the rules of game after the exercise for selection has been started, is noted to be rejected on the ground that the procedure adopted by the respondents for award of marks of the deleted questions is just, fair and impartial in the present case.

If the procedure adopted by the respondents is fair and impartial and because of that even if some candidates are adversely affected, the Court may refrain from intervening for larger benefit of the candidates, who have participated in the selection process.

In view of the discussions made above, the present writ petition lacks merit, therefore, the same is hereby dismissed.

The stay application and other pending applications, if any, also stand disposed of.

(VINIT KUMAR MATHUR),J