



2026:CGHC:9814-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR
WA No. 148 of 2026

Prakash Kumar Yadu (Pet. In Person) S/o Shri Chinta Ram Yadu Aged About 33 Years
R/o Ram Sagar Ward Bhatapara, District- Balodabazar-Bhatapara C.G. Mob No.
6260648438. **... Appellant(s)**

versus

**1 - State Of Chhattisgarh Through Its Secretary, Panchayat And Rural
Development Department, Mantralaya, Capital Complex, Atal Nagar, Nawa
Raipur, District Raipur C.G.**

**2 - Chhattisgarh Professional Examination Board, Through Controller Of
Examination, Vyapam Bhawan, North Block, Sector 19, Nawa Raipur, Atal
Nagar, District Raipur C.G. **... Respondent(s)****

(Cause-title taken from Case Information System)

For Appellant	: Appellant in person
For Respondent/State	: Shri P Das, Addl AG
For Respondent-2	: Dr Saurabh Kumar Pandey, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Justice Ravindra Kumar Agrawal
Order on Board

Per Ramesh Sinha, Chief Justice
25.02.2026

Heard the appellant in person. Also heard Shri P Das learned Addl
AG for the State, and Dr Saurabh Kumar Pandey, learned counsel for
respondent-2/Vyapam.

1. The appeal has been filed by the writ appellant against the order
dated 02.01.2026 (Annexure A1) passed by the learned Single Judge in

WPS-11143 of 2025, whereby the writ petition filed by the appellant herein is dismissed.

2. The subject matter of the writ petition was that petitioners therein were candidates in selection process to the post of Assistant Development Extension Officer (for short, 'ADEO'), advertised on 02.04.2025 by the Chhattisgarh Vyapam for 200 posts of the said post. The petitioner appeared in the examination held on 15.06.2025 and a model answer key was published on 25.06.2025 and the CG Vyapam invited objections from the candidates to the model answers through online portal. Pursuant thereto, objections were submitted by the petitioner as well as by other candidates. After considering the said objections, the final answer key was issued by the CG Vyapam on 14.08.2025. The petitioner considering that his grievances have not been considered by the CG Vyapam, filed writ petition claiming for correction of the answers of Question Nos.33, 73, 76 and 45, and also for a direction to delete the Question Nos.84 and 33, and to grant one mark for each of the deleted questions. After hearing the parties, the learned Single Judge dismissed the writ petition holding that the petitioners therein were unable to dilute the recommendations given by the experts by placing suppression permissible material and thus the final selection list was published based on the model answer which was prepared on the opinion of the subject experts. Hence this writ appeal.

3. The writ appellant appearing in person would submit that the learned Single Judge has not considered the model answer as well as the literature which has been produced by the petitioner with respect to correct answers of the questions. Many questions were taken more than one option as the correct answer but the model answer shows only one correct answer, for which the petitioner's answer should be taken as correct answer and should be marked in his favour. He would further submit that if the petitioner would be allotted the proper marks for correct answers, there is every probability that he would be in the selection list on the advertised post. The impugned order suffers from perversity and the same is liable to be set aside.

4. On the other hand, learned counsel appearing for the respondents supported the impugned order.

5. We have heard the appellant in person and the learned counsel for the respondents and perused the record of the writ petition as well as the writ appeal.

6. From perusal of the order impugned, it transpires that learned Single Judge in presence of subject experts Dr Himanshu Agarwal, Controller and Shri Kedar Nath Patel, Joint Director, CG Vyapam, along with a team of subject experts the controversy raised by the petitioner regarding correctness of answers have considered at the time of hearing of the writ petition, which reflected from para-2 of the order passed by the learned Single Judge. Further, the correctness of the questions and

answers has been dealt with by the learned Single Judge in the impugned order, in the purview of the legal parameters by invoking the jurisdiction of Article 226 of the constitution of India. Further, considering the judgments of Hon'ble Supreme Court in the cases of **Uttar Pradesh Public Service Commission through its Chairman and another Vs. Rahul Singh and another**, (2018) 7 SCC 254, and **Vikas Kumar Gupta and another Vs State of Rajasthan and others**, (2021) 2 SCC 309, decided the writ petition holding that petitioner could not be able to demonstrate any material which shows that the model answer keys or incorrect.

7. The learned Single judge also considered the limited scope of interference of the High Court in the field of experts and has dismissed the writ petition filed by the petitioners. In the case of **Ran Vijay Singh and others Vs State of UP and others**, (2018) 2 SCC 357, Hon'ble Supreme Court has held that :

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

- (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

- (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;
- (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics;
- (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and
- (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All

candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering

about the certainty or otherwise of the result of the examination – whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.

8. Further, in the matter of **Bihar Staff Selection Committee and others Vs. Arun Kumar and others**, (2020) 6 SCC 362 Hon'ble Supreme Court has held that:

“24. In Khushboo Shrivastava (supra) too, a similar view was echoed:

"9. We find that a three-Judge Bench of this Court in [Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission, Patna and Ors.](#) (supra) has clearly held relying on [Maharashtra State Board of Secondary and Higher Secondary Education and Anr. v. Paritosh Bhupeshkumar Sheth and Ors.](#) (supra) that in the absence of any provision for the re-evaluation of answers books in the relevant rules, no candidate in an examination has any right to claim or ask for re-evaluation of his marks. The decision in Pramod Kumar

Srivastava v. Chairman, Bihar Public Service Commission, Patna and Ors. (supra) was followed by another three-Judge Bench of this Court in Board of Secondary Education v. Pravas Ranjan Panda and Anr. (2004) 13 SCC 383 in which the direction of the High Court for re- evaluation of answers books of all the examinees securing 90% or above marks was held to be unsustainable in law because the regulations of the Board of Secondary Education, Orissa, which Ranjan Panda (2004) 13 SCC 383; [Himachal Pradesh Public Service Commission v. Mukesh Thakur & Anr](#) (2010) 6 SCC 759; [Gangadhara Palo v. Revenue Divisional Officer & Anr.](#) (2011) 4 SCC 602; Central Board of Secondary Education Through Secretary, All India Pre-Medical/Pre-Dental Entrance Examination & Ors. v. Khushboo Shrivastava & Ors (2014) 14 SCC 523 and Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors (2018) 2 SCC 357. conducted the examination, did not make any provision for re- evaluation of answers books in the rules.

10. In the present case, the bye-laws of the All India Pre- Medical/Pre-Dental Entrance Examination, 2007 conducted by the CBSE did not provide for re-examination or re-evaluation of answers sheets. Hence,

the Appellants could not have allowed such re-examination or re-evaluation on the representation of the Respondent No. 1 and accordingly rejected the representation of the Respondent No. 1 for re-examination/re-evaluation of her answer sheets. The Respondent No. 1, however, approached the High Court and the learned Single Judge of the High Court directed production of answer sheets on the Respondent No. 1 depositing a sum of Rs. 25,000/- and when the answer sheets were produced, the learned Single Judge himself compared the answers of the Respondent No. 1 with the model answers produced by the CBSE and awarded two marks for answers given by the Respondent No. 1 in the Chemistry and Botany, but declined to grant any relief to the Respondent No. 1. When Respondent No. 1 filed the LPA before the Division Bench of the High Court, the Division Bench also examined the two answers of the Respondent No. 1 in Chemistry and Botany and agreed with the findings of the learned Single Judge that the Respondent No. 1 deserved two additional marks for the two answers.

11. In our considered opinion, neither the learned Single Judge nor the Division Bench of the High Court could have substituted his/its own views for that of the

examiners and awarded two additional marks to the Respondent No. 1 for the two answers in exercise of powers of judicial review under [Article 226](#) of the Constitution as these are purely academic matters. This Court in [Maharashtra State Board of Secondary and Higher Secondary Education and Anr. v. Paritosh Bhupeshkumar Sheth and Ors.](#) (supra) has observed:

‘29.....As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded.

12. We, therefore, allow the appeal, set aside the impugned judgment of the learned Single Judge and the Division Bench of the High Court and dismiss the writ petition. There shall be no order as to costs. We are informed that the first Respondent was admitted to the MBBS Course subsequently. If so, her admission in the MBBS Course will not be affected."

25. The decision in *Ran Vijay Singh* 2018 (2) SCC 357, after a review of all previous decisions, held as follows:

"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

(i) If a statute, Rule or Regulation governing an examination permits the re- evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

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reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed;

(iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate-it has no expertise in the matter and academic matters are best left to academics;

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* * *

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates

put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination-whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse

confounded. The overall and larger impact of all this is that public interest suffers."

26. Given the clear declaration of law in the judgments of this court, we are of the opinion that the unilateral exercise of re-valuation undertaken by the High Court (both by the single judge and the Division Bench) has not solved, but rather contributed to the chaos. No rule or regulation was shown by any party during the hearing, which justified the approach that was adopted. The BSSC, in our opinion, acted correctly in the first instance, in referring the answers to a panel of experts. If there were justifiable doubts about the recommendations of that panel, the least that should have been done, was to require the BSSC to refer the disputed or doubtful questions to another expert panel. That was not done; the "corrections" indicated by the single judge were accepted by the BSSC; several candidates who made it to the select list freshly drawn up pursuant to his directions, were appointed. The Division Bench, thereafter undertook the entire exercise afresh, compounding the matter further by not referring the disputed questions to any panel of experts. We are left reiterating the lament, (made in *Ran Vijay*) that the High Court's interference has not resulted in finality "to the result of the examinations" despite a long lapse of time. There is an air of uncertainty about the entire selection - nay, the entire cadre, because the

inter se seniority of selected (and appointed) candidates is in a state of flux.”

9. Further in case of **Umang Gouraha and others Vs State of CG and others**, in Writ Appeal- 165 of 2020 decided on 10.12.2021 by the Coordinate Bench of this Court, it has been held as under :

“17. It is settled law that the Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answer, as the Judges are not Experts in every field to decide the issue either one way or the other. The matter can be dealt with only by the Experts in the field and judicial scrutiny can only be to the limited extent, to see whether proper course of action has been pursued by the agency conducting the selection or whether the final answers given are palpably wrong as discernible from the face of it, without going for any research.”

10. Further, in case of **Chhattisgarh Professional Examination Board through its controller Vs Vikram Singh Rana and others**, (2020) SCC online CG 2185 (Writ Appeal-108 of 2020) decided on 06.03.2020, the Coordinate Bench of this court has also considered that whether the decision making process persuaded by the Chhattisgarh Vyapam was correct or not, and whether there is any scope of interference. The specific observations made in the said case in para-14 that:

“14. The above questions and answers, as considered and opined by the Expert Committee, have been referred to by this Court only to point out that the Petitioners have miserably failed to demonstrate the genuineness of their objections before the writ Court, which was essential, in view of the ruling rendered by the Apex Court in Uttar Pradesh Public Service Commission (supra), before any relief was granted. There is absolutely no challenge as to the competence of the Expert Committee, constituted by the Appellant-Board or as to any instance of mala fides. This being the position, the idea of the writ petitioners with reference to the way in which it has been painted in some of the textbooks and sought to be relied on by them to suit to their stand cannot be a ground to tilt the balance in respect of the opinion given by the Expert Committee, for the reasons as given in Annexure-A/5. The course of action pursued by the Appellant-Board is demonstrated as transparent in all respects. The questions were framed by the Experts and after completion of the Examination, the Model Answers were published as per Annexure-A/3, giving a chance to the candidates to submit the objections, if any. It was after considering all the objections, that the opinion was formed by the Expert Committee, leading to finalization of the answers as per Annexure-A/4 and the publication of merit list. This being the position, the 'decision making process' pursued by the

Appellant-Board is quite in order and there is no scope for interference in this regard.”

11. The above mentioned facts & circumstances of the case as well as judgments of the Hon’ble Supreme Court as well as Coordinate Bench of this Court, it is quite vivid that the question and answers have considered and opined by the expert committee have been referred by the learned Single Judge and the writ appellant has failed to demonstrate the genuineness of his objections. This being the position, the interpretation of the writ petitioner / writ appellant with reference to the way, in which it has been pointed in some of the text books / literature and sought to be relied upon by him to suit his stand cannot be a ground to tilt the balance in respect of the opinion given by the expert committee. After considering all the objections, the opinion was formed by the expert committee leading to finalization of the answer as per their experts’ report. Therefore, the decision making process persuaded by the Chhattisgarh Vyapam is quite in order and there is no scope for interference in this regard.

12. Upon perusing the impugned order, we notice that the same has been rendered by the learned Single Judge with cogent and justifiable reasons. In an intra-court appeal, no interference is usually warranted unless palpable infirmities are noticed. Learned Single Judge while dismissing the writ petition by the impugned order has adverted to all the facts of the case. We do not find any fault in the impugned order.

13. In view of the above, We do not find any sufficient ground to interfere with the impugned order passed by learned Single Judge and the present writ appeal liable to be and is hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice