



GAHC010238692019



2025:GAU-AS:11385

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/7448/2019

SYED TAFIKUDDIN AHMED
S/O- SYED MAMTAZ ALI, R/O- VILL- TITKURI, P.O- TITKURI, DIST-
KAMRUP(R), PIN- 781354

VERSUS

THE ASSAM POWER DISTRIBUTION COMPANY LTD. (APDCL) AND 3 ORS
BIJULEE BHAWAN, PALTAN BAZAR, GUWAHATI- 781001, TO BE REP. BY
ITS DIRECTOR (PERSONAL)

2:CHIEF GENERAL MANAGER
APDCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001

3:ASSAM POWER GENERATION CORP LIMITED
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 781001
TO BE REP. BY ITS MANAGING DIRECTOR

4:GENERAL MANAGER
APGCL
BIJULEE BHAWAN
PALTAN BAZAR
GUWAHATI- 78100

Advocate for the Petitioner : MR. B K DAS, MR. H P NEOG,MR H P GUWALA

Advocate for the Respondent : SC, APDCL, MR D NATH, SC,APGCL(R-3 & 4)

BEFORE
THE HON'BLE MR JUSTICE ARUN DEV CHOUDHURY
O R D E R

26.08.2025

1. Heard Mr. BK Das, learned counsel for the petitioner. Also heard Mr. KP Pathak, learned standing counsel for the APDCL and Mr. D Nath, learned standing counsel for the APGCL (respondent Nos. 3 and 4).
2. The controversy raised in this writ petition is with regard to an evaluation in a recruitment process for filling up post of Assistant Account Officer in Assam Power Generation Company Limited. It is the case of the petitioner that the respondent issued an advertisement dated 14.08.2018 for filling up of 10 numbers of posts of Assistant Account Officer (AAO), which included four un-reserved vacancies, three vacancies earmarked for OBC/MOBC, one each against ST(P), SC and ST(H). The petitioner belongs to general category (un-reserved).
3. Pursuant to the said advertisement, the petitioner applied and appeared in the written test held on 01.12.2018. In the provisional merit list published on 19.01.2019, the petitioner was placed at serial No. 11 against general category reflecting his secured mark to be 49.
4. The petitioner has made specific allegation that due mark has not been awarded to him. It is also alleged that he has been granted negative marks for answers, which according to the petitioner, is correct.
5. The respondents have filed their respective affidavits. From the pleadings of the parties, the following are nine numbers of questions:

SL No.	Question ID	Particulars	Marks to be added	Marks
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1	10343	Marks not given for correct answer	Mark 1.00 (for correct answer) Mark 0.25 (for negative mark) $\text{Mark}=(1.00+0.25)=1.25$	1.25
2	10345	Marks not given for correct answer	Mark 1.00 (for correct answer) Mark 0.25 (for negative mark) $\text{Mark}=(1.00+0.25)=1.25$	1.25
3	10338	Marks not given for correct answer	Mark 1.00 (for correct answer) Mark 0.25 (for negative mark) $\text{Mark}=(1.00+0.25)=1.25$	1.25
4	10337	Marks not given for correct answer	Mark 1.00 (for correct answer) Mark 0.25 (for negative mark) $\text{Mark}=(1.00+0.25)=1.25$	1.25
5	10542	Justification is given in annexure I	Mark 1.00 (for correct answer) Mark 0.25 (for negative mark) $\text{Mark}=(1.00+0.25)=1.25$	1.25
6	10527	Justification is given in annexure II	Mark 1.00 (for correct answer) Mark 0.25 (for negative mark) $\text{Mark}=(1.00+0.25)=1.25$	1.25
7	10531	Justification is given in annexure III	Mark 1.00 (for correct answer) Mark 0.25 (for negative mark) $\text{Mark}=(1.00+0.25)=1.25$	1.25
8	10335	Justification is given	Mark 1.00 (for correct	1.25



		in annexure IV	answer)	
			Mark 0.25 (for negative mark)	
			Mark=(1.00+0.25)=1.25	
9	10334	Justification is given in annexure V	Mark 1.00 (for correct answer)	1.25
			Mark 0.25 (for negative mark)	
			Mark=(1.00+0.25)=1.25	

6. As regards first four questions i.e. under ID No. 10343, ID No. 10345, ID No. 10337 and ID No. 10338, the petitioner claims that though his answers were correct, he was given negative marks resulting in deprivation of marks totaling $4+1=5$.

7. The stand of the respondent as regards the aforesaid four numbers of questions is that both, the questions set by the examiner and answers given in the answer key were wrong, and therefore, no marks were given to any candidates.

8. However, from the record, it is seen that the petitioner was given negative marks for such wrong question i.e. .25 marks against each of the questions. It is not clear, whether such negative marks were also awarded to all other selected candidates, in view of the stand of the respondent that such questions as well as the answer in the answer key were wrong.

9. Similar is the case so far relating to question Nos. 10527, 10531, 10542, 10334 and 10335, that the petitioner was given negative marks against such answers. The respondent has taken a stand in the affidavit that the expert has opined that there are defects in the answer key.

10. In view of the aforesaid stand, this court is of the opinion that the authorities should be at liberty to apply some standard of marking for all the



candidates, who appeared in the examination, when admittedly wrong question being set and wrong answer key being provided in the answer key. If the respondent has not granted any mark against the aforesaid questions to any of the candidates, same will not affect the final result of the petitioner, as equal standard has been applied to all the candidates. Similarly, if the respondent has granted negative marks to all the candidates against the aforesaid questions and answers, then also the situation would be same, as equal standard is applied to all the candidates. However, the affidavit of the respondent is not clear as to whether equal standard is applied to all these candidates while granting negative marks against answer to those wrong questions.

11. The selection process also relates back to the year of 2018. The respondent authorities have also raised some difficulties as regards the availability of all the records as the examination was conducted through an outsource agency, namely, M/s Aptech Ltd.

12. It is on record that one post was kept vacant during the pendency of this writ petition, which is reflected in order dated 07.09.2023 passed in IA (civil) 3453/2022. It is apposite to record that the aforesaid IA was filed by the petitioner for impleadment of the selected candidates, however, a Co-ordinate Bench declined to allow such application based on the submission made by the learned counsel for the respondent No. 3 and 4 that sufficient numbers of the posts are lying vacant.

13. Be that as it may, in the aforesaid backdrop and controversy, this court is of the opinion that ends of justice would be met, if the matter is relegated to the appointing authority to verify whether equal standard has been applied to all the candidates, while granting negative mark against those questions, in which case, there will be no effect on result or enhancement / increase of the marks of



any of the candidates including the petitioner. In the event, the equal standard is not applied, the respondent authorities shall have to re-evaluate the marks granted by applying equal standard/ procedure to all the candidates and accordingly re-set the merit list and proceed accordingly based on such determination. The entire exercise be carried out within a period of six months from the date of receipt of a certified copy of this order.

14. Accordingly, the writ petition stands disposed of.

JUDGE

Comparing Assistant