

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

THURSDAY, THE TWENTY SEVENTH DAY OF DECEMBER  
TWO THOUSAND AND EIGHTEEN

**:PRESENT:  
THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**IA Nos. 1, 2 and 3 OF 2018  
IN  
WP NO: 41901 OF 2018**

Between :

1. D.Upendar Reddy S/o D.Poorna Reddy  
Age:27 ,Occupation: Unemployed ,  
R/o H.NO 1-93,Village: shivanenigudem,  
mandal:chityala,Dist:Nalgonda,  
Hall ticket No:1815135
2. Harikrishna T.s/o veeranna T.  
Age:29.occupation: unernployment.  
Hno:4-46 Hanwada (Mandal and village)  
Mahabubnager.  
Hall Ticket no: 1607173
3. Sarikondabobbili Sravankanth  
S/O Sarikondabobbili laxmikanth  
Age: 27, Occ:-unemployee.  
R/O:- 11-13-138,Road No -1,Margadarshi colony,  
Kothapet,Saroor Nagar,R.R.Dist.  
Hall ticket No :- 1307050
4. M.Uday Kumar, S/O M. Rama Rao  
Age : 26, Occ : Unemployee  
H No 1-6-9, Jublee Pura  
Khammam - Telangana  
Hall Ticket No 2130420
5. Pallapu Sandeep, S/o Anjaiah  
Age: 21, Occ: Unemployee  
R/o: 13-6-251/5/166, Telecom Colony,  
Jaffarguda, Karwan, Hyderabad - 500006
6. Md Attiquallah, S/O Md Nazar Hussain  
Age 22, Occ - Un Employee  
R/O - T2-74,Near Shopping Complex , 8 Incline Colony ,  
Ramgundam Mandal ,Peddapalli Dist .  
Hall Ticket No - 2119880
7. K.Karthik naik, S/O K.valya  
Age : 29, occ: unemployee  
R/O H.No 4-100,devabanda Thanda,  
malkimiyanpally(V),ghanpur mandal,  
mahaboobnagar(dist)  
Hall ticket no.1627023

8. Kothagatla Sai Srikar  
S/o kothagatla Srinivas  
Age:23, OCC: unemployee  
R/o: ch-09 ,old colony ,near DSP office,  
yellandu, kothagudem bhadradri dist.  
Hall ticket no.2408465
9. Rafee Shaik S/O Hussain  
Age : 30 years, Occ:Unemployee  
R/o H.No: 4-107 Ramalayam street,  
Village:T.B.Palem,Mandal:Kodad,  
Dist.:Suryapet,Telangana-508206.  
Hall Ticket No: 1813003
10. Bikshapathi Gorantala  
Age: 33 years, Occ: Ex-Serviceman  
R/o: 4-6, Shayampet, Parkal  
Warangal Rural - 506319  
Hall Ticket No: 2414747
11. G. Vinod, S/o Ramulu  
Age: 28 years, Occ: Unemployee  
R/o: H. No. 1-54/54, Old Hafeezpet,  
Miyapur, RR District - 500049  
Hall Ticket No: 2101820
12. Veeragoni Srinivas, S/o Satyanarayana  
Age: 25 years, Occ: Unemployee  
R/o: H.No. 5-44, Samudrala, Ghanpur Mandal,  
Jangaon District - 506252  
Hall Ticket No: 2214783
13. Yara Santhosh, S/o Somaiah  
Age: 29 years, Occ: Unemployee,  
R/o: 1-80, Street No. 1, Opp Saibaba temple lane,  
Kakatiya Nagar, Hubsiguda, Medchel - 500007  
Hall Ticket No: 2116717
14. Jallika Murali, S/o Lingaiah  
Age: 27, Occ: unemployee  
H no: 1-29, Haripirala (V), Thorrur (mandal),  
Mahabubabad dist - 506163  
Ht no: 2307058
15. Vallapu Krishna, S/o Chakrapani  
Age: 29 years, Occ: Unemployee,  
R/o: Plot No.298&299, Road 20,  
S Rao Nagar, Dammaiguda,  
Ranga Reddy - 500083  
Hall Ticket No: 2304019.

...Petitioners/Petitioners

And

1. The State of Telangana  
Rep. by its Principal Secretary to Govt,  
Home Department,  
Telangana Secretariat, Hyderabad – 500 022

2. The Telangana State Level Police Recruitment Board  
O/o. The Director General of Police,  
Telangana State, Saifabad,  
Hyderabad, Rep. by its Chairman

...Respondents/Respondents

**Counsel for the Petitioners: RAMESH CHILLA**  
**Counsel for the Respondents: GP FOR HOME (TG)**

**I.A.No.1 of 2018**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct the Respondent No. 2 to display individual marks against candidates Hall Ticket numbers for both Qualified and Not Qualified list so that each individual candidate can assess their marks by comparing OMR copy and Final Key Published by Respondent No.2, and if any discrepancies, Individual candidate may contact the Respondent No.2 for further verification, pending disposal of the above WP No. 41901 of 2018, on the file of the High Court.

**I.A.No.2 of 2018**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Direct the Respondent No.2 to Delete the Question No.117 (on Fasal Bima Yojana - Option is wrong), Question No.138 (on Subhas Chandra Bose -either Question itself wrong or given options are not correct), Question No. 172 (on GST - Option '2' in is not correct), Question Nos. 181 & 185 (on Telangana Poru Yatra - was referred two different parties in two different questions) and Question No. 189 (on G.O.No.610 - either Question itself wrong or given options are not correct) from Set-B, and as a result, to prepare a new list of newly qualified candidates, Pending disposal of WP No.41901 of 2018, on the file of the High Court.

**I.A.No.3 of 2018**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to STAY all further proceedings pursuant to Recruitment Notification vide No.Rc.No.89/Rect./Admn-1/2018 dated 31.05.2018 issued by Respondent No.2 such as Physical Measurement Test (PMT), Physical Efficiency Test (PET) and Final Written Test (FWT), since dates for Part-II filling and also PMT & PET are announced and until decision made on Erroneous Questions and/or Options, pending disposal of the above WP No.41901 of 2018, on the file of the High Court.

The court while directing issue of notice to the Respondents herein to show cause as to why this application should not be complied with, made the following order.(The receipt of this order will be deemed to be the receipt of notice in the case).

**ORDER**

**THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO**

**I.A. Nos.1, 2 and 3 of 2018**

**In**

**WRIT PETITION No.41901 of 2018**

**ORDER:**

The Telangana State Level Police Recruitment Board (Respondent No.2) had issued a notification Rc.No.89/Rect/Admn-1/2018 dt.31-05-2018 for the recruitment of Stipendiary Cadet Training (SCT) Sub-Inspectors of Police (Civil )(Men & Women), Stipendiary Cadet Trainees (SCT), Reserve Sub-Inspectors of Police (AR) (Men & Women), Stipendiary Cadet Trainees (SCT) Reserve Sub-Inspectors of Police (SAR CPL) (Men), Stipendiary Cadets Training (SCT), Reserve Sub-Inspectors of Police (TSSP) (Men), Stipendiary Cadet Trainees Reserve Sub Inspector of Police (TSSP) (Men) in 15<sup>th</sup> Bn, TSSP in Police Department, Station Fire Officers in Telangana State Disaster Response & Fire Services Department, Deputy Jailor & Assistant Matrons in Prisons & Correctional Services Department for total posts of 1217.

2. The said recruitment was to be conducted in four stages :

Stage -1 : Preliminary Written Test (PWT)

Stage-2 : Physical Measurement Test (PMT), need to qualify PWT

Stage-3 : Physical Efficiency Test (PET), need to qualify PMT

and

Stage-4 : Final Written Test, Need to qualify PET.

3. The Preliminary Written Test was conducted by respondent No.2 on 26-08-2018, a Sunday, and preliminary key for this Test was made available on the official website of the 2<sup>nd</sup> respondent from 27-08-2018 onwards.
4. Candidates were given opportunity to submit objections on the preliminary key before 5 p.m. on 29-08-2018.
5. Final key was then published.
6. Petitioners are candidates who appeared for the Preliminary Written Test held on 26-08-2018 and contend that the objections raised by them online and offline were not taken into consideration by the respondents and since there was no response from the 2<sup>nd</sup> respondent, though contacted by petitioners personally, this Writ Petition was filed.
7. I.A.No.1 of 2018 is filed to direct the respondent No.2 to display individual marks against candidates' Hall Ticket Numbers for both Qualified and Not Qualified list so that each individual candidate can assess their marks by comparing OMR copy and Final Key published by respondent No.2, and if any discrepancies exist, individual candidate may contact the respondent No.2 for further verification, pending disposal of the Writ Petition.

8. I.No.2 is filed to direct the respondent No.2 to delete Question No.117 (on Fasal Bima Yojana - Option is wrong), Question No.138 (on Subhas Chandra Bose – either Question itself wrong or given options are not correct), Question 172 (on GST – Option ‘2’ in is not correct), Question Nos.181 and 185 (on Telangana Poru Yatra – was referred two different parties in two different questions) and Question No.189 (on G.O.No.610-either question itself wrong or given options are not correct) from Set-B, and as a result, to prepare a new list of newly qualified candidates.

9. I.A.No.3 is filed to stay all further proceedings pursuant to Recruitment Notification vide No.Rc.No.89/Rect./Admn-1/2018 dt.31-05-2018 issued by respondent No.2 such as Physical Measurement Test (PET) and Final Written Test (FWT), since dates for Part-II filling and also PMT & PET are announced and until decision is made on erroneous questions and/or Options.

**CONTENTIONS OF PETITIONERS**

10. Petitioners contend that question No.117, 138, 172, 181, 185 and 189 in Question Paper Booklet of “B” Code require to be deleted since they are either wrong questions or answer options mentioned were wrong; and the 2<sup>nd</sup> respondent should be directed to prepare a corrigendum list of newly qualified candidates thereafter and complete the process of selection. They also contend that the 2<sup>nd</sup> respondent published results of the Preliminary Written Test showing “qualified” and “not qualified” candidates, but did not

display the marks obtained by the candidates, though in 2015 this was displayed and published. They contend that publication of the marks would enable the candidates to compare their marks with the OMR copy they had with the final key published.

11. They placed reliance on the decision of the Supreme Court in **Guru Nanak Dev University Vs. Saumil Garg and others<sup>1</sup>** and **Kanpur University, Through Vice Chancellor and Others Vs. Samir Gupta and others<sup>2</sup>** and also substantial material showing the defects in the above questions. It is explained in detail in what manner some of the above questions can said to be not correctly framed or their answers incorrect/ambiguous. I shall refer to the same in detail later in this order.

**COUNTER AFFIDAVIT OF RESPONDENTS.**

12. Counter-affidavit was filed by the 2<sup>nd</sup> respondent contending that petitioners did not submit any objections to the preliminary key and they are deemed to have waived their right to question the final key. It is also contended that 5<sup>th</sup> petitioner did not apply for any post pursuant to the notification and so Writ should be dismissed as regards him.

13. It is stated that selection of questions and options/answers was done by the Jawaharlal Nehru Technological University, Hyderabad by following a robust and multi tiered confidential process involving

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<sup>1</sup> (2005) 13 SCC 749

<sup>2</sup> (1983) 4 SCC 309



(a) framing of subject-wise question-banks by relevant senior experts (several experts working individually in each subject), (b) consolidation and selection of questions (of graduated difficulty) from question-banks by another set of subject-experts, (c) arranging the selected subject-wise questions into 2 sets of question papers at the Convener's level, (d) careful translation of the questions and choices into Telugu and Urdu languages, (e) confidential-printing (with incumbent proof-readings in 3 languages) and secure transfer of these 2 sets of papers to all locations of examination at appropriate time and (f) conduct of the examination utilizing only one and the same set of paper (of the 2 different sets of question papers) chosen by lottery a few hours before the commencement of the examination. It is therefore contended that petitioners cannot say that all the impugned questions and their options are vague and unjust.

14. Justification is provided in the counter-affidavit for the framing of the above questions and the answers thereto which the petitioners allege require deletion. It is contended that all the questions and options given are perfectly correct and there is no error or ambiguity or vagueness in the questions and options as alleged by the petitioners. It is also contended that framing of questions with their options is a work of professional nature which is in the scholastic domain of competent educational institutions and expert committees and are not ideally interfered with by judicial or administrative bodies. It is



contended that even if the petitioners are correct in their contention, there cannot be any judicial review in the absence of expert guidance.

15. The respondents state that petitioners are not entitled to contend that there ought to be publication of marks obtained each candidate as per their Hall Ticket Number and that UPSC, TSPSC and TSLPRB do not do so. It is contended that in a competitive examination where lakhs of candidates compete, there will be thousands of candidates for each mark and so it has become practice not to display marks while giving results of examinations which are qualifying in nature.

16. It is contended that Rules framed by Notification cannot be changed midstream and process or further revision by subject expert Committees of the already declared results is not contemplated in the Rules and so the petitioners should be denied relief.

17. It is contended that individual candidates cannot decide which question is valid and which question is not; and a failed candidate cannot ask for deletion of questions which he did not know so that he can qualify; and that it is against all principles of fairness. It is stated that the Writ Petition is belated and devoid of merits and the already concluded process pertaining to recruitment cannot be reopened.

**REPLY AFFIDAVIT FILED BY PETITIONERS**

18. Reply affidavit was filed by the petitioners stating that after release of preliminary key on 27-08-2018, a mere two days was granted till 5 p.m. on 29-08-2018 to file objections to it by email, and

also provide supporting printed document/material in PDF/JPEG format as attachment to their email; this complex process of raising objections became group activity rather than individual activity since all the candidates do not have internet connection or smart phones and candidates took their friends help and raised objections. It is stated that petitioners therefore cannot pinpoint which of them had given objections. It is also contended that several candidates did submit objections in written format and handed over the same to the 2<sup>nd</sup> respondent after the 2 day period when they could not do it within that period. It is admitted that 5<sup>th</sup> petitioner was wrongly impleaded.

19. It is pointed out that the 2<sup>nd</sup> respondent cannot contend that there won't be any errors in questions or options merely because they had a good process in place.

20. Petitioners contend that the respondents cannot rely on the practice of UPSC and TSPSC and others for not displaying marks while giving results in qualifying examinations like Preliminary Written Test and every one has a right to know their marks particularly since computer/manual errors are common and there ought to be a mechanism to correct them. They also refer to the interim order granted on 31-10-2018 in I.A.No.6 of 2018 in W.P.No.39045 of 2018 granted by this Court to display the marks of both qualified and not qualified candidates against their Hall Ticket Number in another Preliminary Written Test conducted by the

2<sup>nd</sup> respondent vide Notification No.88/Rect/Admn 1/2018 dt.31-05-2018.

21. Petitioners contend that they do not wish revaluation of already qualified candidates but only marks of candidates who are not qualified and contend that candidates cannot be penalized for negligence of the paper setter. It is contended that in any competitive examination each mark makes a difference and the respondents cannot contend that errors in 6 questions out of 200 questions would not make any difference. It is contended that 1<sup>st</sup> petitioner submitted objections on questions including question No.117, 2<sup>nd</sup> petitioner submitted objections including question No.172 and 189 and 13<sup>th</sup> petitioner submitted objections including question Nos.181 and 185.

**ADDITIONAL COUNTER FILED BY 2<sup>ND</sup> RESPONDENT**

22. In the additional counter-affidavit, it is admitted that there was a mistake in the first counter-affidavit in stating that none of the petitioners had filed objections, but on verification it was discovered that petitioner Nos.2, 13, 15, 10 did file objections and the others did not file them. It is also stated that these 4 persons did not get question paper Booklet Code "B" and they had got other booklet code question papers. However **it is admitted that** "only 5 question objections i.e. A164, A190, A193, A196 and C183" pertaining actually to only 4 questions (C183 being the same as A193) **figure in the Writ Petition.** It is denied that there is any negligence on the part of the

2<sup>nd</sup> respondent or JNTU in framing questions and answers and that there was intention to create confusion in the minds of the candidates.

**EVENTS PENDING THE WRIT PETITION**

23. The matter was listed on 20-11-2018, when the learned Special Government Pleader for Services (Home) sought time to file a counter. It was then listed on 28-11-2018 and a counter-affidavit was filed on the said date.

24. Thereafter petitioners sought time to file reply affidavit and it was filed on 01-12-2018.

25. Matter was next listed on 03-12-2018 and at the request of the learned Special Government Pleader, it was adjourned to 04-12-2018 and then to 10-12-2018.

26. On that day, arguments were heard and the matter was listed on 11-12-2018 and on that day, orders were reserved in I.A.No.3 of 2018 and it was directed that till the pronouncement of orders in the said I.A., no further Tests for selection pursuant to the subject notification dt.31-05-2018 shall be conducted by the respondents.

**THE CONSIDERATION BY THE COURT**

27. It is alleged by the petitioners that question Nos.117, 138, 170, 181, 185 and 189 in Question paper Booklet Code "B" for the subject Recruitment Notification dt.31-05-2018 issued by 2<sup>nd</sup> respondent are either wrongly framed or have wrong options.

28. Since it is admitted in the second counter-affidavit filed by the 2<sup>nd</sup> respondent that objections were filed by 4 of the petitioners and they include the questions raised in the Writ Petition, I do not consider it necessary to go into the question whether there is any waiver of rights by the petitioners.

29. I shall next consider whether it is necessary for the 2<sup>nd</sup> respondent to publish the key answers for the question paper of objective type which is conducted for recruitment to a post.

30. The Supreme Court in **Richal Vs. Rajasthan Public Service Commission**<sup>3</sup> has held that though key answers prepared by the paper setter or the examining body is presumed to have been prepared after due deliberations, since human error is possible, publication of key answers is a step to achieve transparency and to give an opportunity to candidates to assess the correctness of their answers; an opportunity to file objections against the key answers uploaded by examining body is a step to achieve fairness and perfection in the process; that objections to the key answers are to be examined by the experts and thereafter corrective measures, if any, should be taken by the examining body. The Court also held that if the key answers are found to be incorrect, such questions have to be deleted and the question paper has to be treated as containing the questions less the deleted questions. It held that in such case, fault does not lie with the candidates but lies with

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<sup>3</sup> (2018) 8 SCC 81

the examination body and so it would be inequitable not to extend benefit to those candidates who have not come to the Court.

31. Therefore even if some of the petitioners did not file objections and other candidates did not approach the Court, if the Court were to find either that the questions are wrongly framed or the answers erroneous, the benefit cannot be confined only to the people who filed objections and also filed Writ Petition.

32. Also, if publication of the key answers would achieve transparency, publication of marks of the candidates, whether they qualified or not, would also be necessary, since otherwise it may not be possible for candidates to verify whether their answers to the questions are correct or not; *and* whether the examining body had correctly counted the marks which he or she is entitled to get. In the era of Right to Information guaranteed by the Right to Information Act, 2005, the respondents cannot take a stand, pleading the number of people taking the competitive examinations, as an excuse for not publishing the marks of all candidates, whether qualified or not qualified. Admittedly, the OMR mark sheets are read by a computer and there is absolutely no difficulty in compiling the marks of the candidates who took part in the examination being disclosed on the website of the 2<sup>nd</sup> respondent. The fact that UPSC and TSPSC and some other organizations are not publishing marks obtained by the candidates, cannot be taken as an excuse by the 2<sup>nd</sup> respondent to justify its inaction in publishing the marks.

33. No doubt the scope of judicial review of correctness of key answers is very limited and normally weight is given to opinion of subject expert. The Supreme Court in **Kanpur University** (2 supra) has held that key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. It held that it must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well versed in the particular subject would regard as correct.

34. This was reiterated in **Manish Ujwal Vs. Maharshi Dayanand Saraswathi University**<sup>4</sup>. The Court further reiterated that *the University and those who prepare the key answers have to be very careful and abundant caution is necessary in these matters and a casual approach in providing key answers cannot be adopted.*

35. In **Guru Nanak Dev University** (1 supra), the Supreme Court again reiterated that those who set papers and those who finalise the key answers have to bear in mind that what is at stake is the career of young students at the very threshold of their attempt to get entry into professional courses where there is cut throat competition and *questions posed must have only one correct answer out of the four options given; also, if none of the answers to a question is correct, then it is their duty to say that none of the answers is correct.* This

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<sup>4</sup> (2005) 13 SCC 744



principle, in my opinion, equally applies to competitive examinations conducted for recruitment to posts in State or its organizations.

36. Therefore the stand taken in the counter-affidavit by the 2<sup>nd</sup> respondent that merely because it engaged the services of JNTU, Hyderabad, which prepared the question paper after a multi tiered confidential process, the petitioners cannot challenge the 5 questions in Set-B as incorrect or that concluded selection process cannot be reopened even if the contentions of the petitioners are accepted, cannot be countenanced. Even if the issue relates to only 6 questions out of 200 questions, if the petitioners are able to make out a case for interference, then they would be entitled to relief.

37. Admittedly, order dt.11-12-2018 in I.A.No.3 of 2018 was passed holding that till pronouncement of orders in the said I.A., no further test for selection pursuant to the subject notification shall be taken up by respondents. So the respondents can be directed to take appropriate remedial action, if the petitioners make out a case for interference.

38. Now I shall consider whether the petitioners have made out a case warranting interference by this Court.

**Re : Question No.117**

39. Question No.117 refers to dates of "Launching" of 4 Central Government Schemes, one of which is "Pradhan Mantri Fasal Bima

Yojana” and the answers shows in the answer key as regards this scheme is ‘April, 2016’.

40. Petitioners contend that the correct answer is February, 2016 (18-02-2016) and rely upon the printout of website of the Ministry of Finance, Department of Financial Services, Government of India which shows that the said Scheme was launched on that date and not in April, 2016.

41. In the first counter, this contention is answered by stating “Match the Following” Question as above, by trying to make each single match – individually. For instance, in the present Question, in the given 4 choices, the following is the distribution of matches-

| Choice | (a)   | (b)   | (c)   | (d)   |
|--------|-------|-------|-------|-------|
| (1)    | (i)   | (iii) | (iv)  | (ii)  |
| (2)    | (iv)  | (i)   | (iii) | (ii)  |
| (3)    | (iii) | (ii)  | (iv)  | (i)   |
| (4)    | (ii)  | (i)   | (iv)  | (iii) |

Evidently, (a) has all 4 different possibilities of Matches, (b) has 3 different possibilities of Matches with repetition of (i) which appears twice, (c) has only 2 different possibilities with (iv) appearing thrice and (d) has 3 different possibilities of Matches with repetition of (ii) which appears twice.”

42. This response given by the 2<sup>nd</sup> respondent is totally evasive.

43. In the additional counter, certain documents are referred to, which indicate that the said scheme was implemented from April,

2016 (Review of PMFBY by Ministry of Agriculture and Farmer Welfare). Some news paper articles and web articles are relied upon including answers to 2 questions in Lok Sabha allegedly given which suggests that the said Scheme was launched in April, 2016.

44. When the webpage of the Department of Financial Services, Ministry of Finance, Government of India (filed by petitioners), under whose auspices the scheme operates, clearly states that the said Scheme was launched on 18-02-2016, the material filed by the respondents that it was launched in April, 2016 cannot be accepted.

45. Learned Special Government Pleader relies on instruction No.5 to candidates which states "darken the appropriate circles of (1), (2), (3) or (4) in the OMR sheet corresponding to correct or the *most appropriate answer* to the concerned question number in the sheet."

46. This cannot be a justification because as held in **Guru Nanak Dev University** (1 supra), questions posed *must have only one correct answer*. So question of giving 'most appropriate answer' to a general knowledge question of this nature does not arise and the said guideline is itself erroneous.

**Re : Question No.138.**

47. This question reads "the Army that Subhas Chandra Bose *established* during the independence movement" and gives four options as answers, one of which is "Indian National Army".

48. Petitioners contend that by relying on Wikipedia that the Indian National Army was started by one Mohan Singh in August, 1942 and was taken over by Subhas Chandra Bose as leader subsequently.

49. This contention is admitted in the first counter-affidavit para-20 by the respondents by stating that *'the first phase of the Indian National Army pertains to 1942-43 with Mohan Singh as its leader working in tandem with Indian Independence League having Rash Behari Bose as its President; the second and prominent phase started in May, 1943 when Subhas Chandra Bose arrived in South East Asia'*. The text book of Intermediate I year History published by the Telugu Academy (2017) at page 280 referred to in para-7 of the second counter of the 2<sup>nd</sup> respondent also states *'in 1943, Subhas Chandra Bose moved to East Asia, reorganized the Azad Hind Fouz (Indian National Army) as its Supreme Commander'*. This implies that he did not establish it.

50. Having said so, the counter-affidavit states that the question does not seek to know who *established* the Indian National Army and that it seeks to know the Army which Subhas Chandra Bose established during *Indian Independence movement*. The respondents cannot twist the question in the above manner as per their whims and fancies and support their stand. Therefore I hold that the question itself was wrongly framed by the respondents.

**Re : Question No.172**

51. This question has three parts and one of which states '(c) *Telangana was the first State that passed the GST Bill in India*'.

52. Petitioners contend that Assam was the first State to ratify the GST bill and rely upon Indian Express website of 12-08-2016 in support of their stand.

53. The stand of the respondents in the first counter is that passing of GST Bill is different from ratification under Article 368 (2) of the Constitution of India by the State Legislature; that Assam became the first State to ratify on 12-08-2016 the Bill followed by other States; but the Legislative Assembly of Telangana State passed the 'State' GST Bill on 09-04-2017. But the question as framed did not mention 'State' GST Bill and only mentioned 'GST Bill'. Thus the question was ambiguous depending on whether a candidate thought it referred to the Central GST Bill which required ratification or the State GST Bill which had to be passed by the State Legislature of Telangana. Such ambiguous questions ought not to have been framed by the 2<sup>nd</sup> respondent.

**Re : Question Nos.181 and 185**

54. Question No.181 read :

*"Arrange the following in chronological order : (a) 'Telangana Praja Front' was formed by Gaddar. (b) 'Telangana Dhoom Dham' was held at Kamareddy for the first time. (c) Communist Party of India*

organized 'Telangana Poru Yatra' from Jodeghat to Hyderabad. (d)  
Bharatiya Janata Party organized 'Poru Telangana' from Hyderabad  
to Bhadrachalam.

Choose the correct answers:

- |                        |                        |
|------------------------|------------------------|
| (1) (b), (a), (c), (d) | (2) (b), (a), (d), (c) |
| (3) (a), (b), (c), (d) | (4) (c), (d), (b), (a) |

55. Question No.185 is as under:

"Match the following:

| Programme                          | Organisation                          |
|------------------------------------|---------------------------------------|
| (a) 'Telangana Poruyatra'          | (i) BJP                               |
| (b) 'Telangana Prajayatra'         | (ii) CPI                              |
| (c) 'Telangana Vidyarthi Ranaberi' | (iii) ABVP                            |
| (d) 'Telangana Yuddaberi'          | (v) Relangana Sangharshana<br>Samithi |

The correct answer is:

- (1) (a) - (i), (b) - (ii), (c) - (iv), (d) - (iii)  
 (2) (a) - (i), (b) - (ii), (c) - (iii), (d) - (iv)  
 (3) (a) - (ii), (b) - (i), (c) - (iii), (d) - (iv)  
 (4) (a) - (iv), (b) - (iii), (c) - (ii), (d) - (i)"

56. Petitioners contend that for the above question, the 2<sup>nd</sup>  
respondent had declared that the correct answer as to who organized  
'Telangana Poru Yatra' was BJP, in question No.181, it had declared

that it was done by Communist Party of India. They contend that either one should be correct and not both.

57. According to para-26 of the second counter-affidavit, there was a 'Telangana Poru Yatra' lead by BJP and also a 'Telangana (Praja) Poru Yatra' organized by the Communist Party of India. According to them, the petitioners are unnecessarily trying to link up Question Nos.181 and 185.

58. However, the learned Special Government Pleader admitted that there would be confusion in the minds of students caused by two different questions about the same programme being organized by different political parties. I completely agree with the above view.

59. Therefore, both these questions require to be deleted.

**Re : Question No.189.**

60. Question No.189 of QPB-B reads:

*"Which one of the following Commissions was appointed in 2002 by the State Government to study on the implementation of G.O.No.610?"*

- |                                    |                                 |
|------------------------------------|---------------------------------|
| (1) Jaya Bharatha Reddy Commission | (2) J.M.Girglani Commission     |
| (3) K.R.Amos Commission            | (4) Purushottam Rao Commission" |

61. Petitioners contend that 2<sup>nd</sup> respondent had declared Option-2 as the correct answer, but the question itself is wrong since the J.M. Girglani Commission was appointed on 25-06-2001 and not in 2002.

62. In the counter-affidavit filed by 2<sup>nd</sup> respondent, it is contended that the question was posed to know the name of the 'Commission'



that was appointed by the State Government to study on the implementation of the G.O.Ms.No.610, and not to seek to know 'the year of appointment of the Committee'. It is stated that the said Committee functioned from 2001 to 2004.

63. Thus it is admitted that the contention of the petitioners that the said Commission was appointed in 2001 is correct though the respondents are trying to justify their action.

64. Thus the question itself was incorrectly framed and therefore requires to be deleted.

#### **CONCLUSION**

65. The above findings are only *prima facie* in nature.

66. Having regard to the findings given above that Question Nos.117, 138, 172, 181 and 185 and Question No.189 are either wrongly framed or contain an incorrect/ambiguous answer, the respondents cannot contend that whatever merit list was notified by them has to be maintained.

67. Therefore, the 2<sup>nd</sup> respondent is directed to delete the above six questions and treat only the other questions in Question Paper Booklet Code-B for the subject Recruitment Notification dt.31-05-2018 as correct; merit of all candidates except those who have already qualified be re-determined by excluding the above six questions; and the 2<sup>nd</sup> respondent shall publish the revised list of all the candidates with marks obtained as against Hall Ticket Number of each such

candidate except those who have qualified; and then proceed to conduct the next stage Tests such as Physical Measurement Test (PMT) etc.

68. I.A.Nos.1 and 2 of 2018 are allowed accordingly and the order dt.11-12-2018 in I.A.No.3 of 2018 is modified accordingly.

69. List the Writ Petition for hearing in normal course.

3

Sd/- K.VENKAIAH  
ASSISTANT REGISTRAR

//TRUE COPY//

For ASSISTANT REGISTRAR

To

1. The Principal Secretary to Govt, Home Department, State of Telangana, Telangana Secretariat, Hyderabad 500 022
2. The Chairman, Telangana State Level Police Recruitment Board, O/o.The Director General of Police, Telangana State, Saifabad, Hyderabad
3. One CC to SRI. RAMESH CHILLA Advocate [OPUC]
4. Two CCs to GP FOR HOME (TG), High Court Of Judicature at Hyderabad. [OUT]
5. One spare copy

HIGH COURT

MSR,J

DATED: 26.12.2018

I.A.NOS.1,2 AND 3 OF 2018  
IN  
WP.NO.41901 OF 2018

INTERIM DIRECTION  
AND INTERIM STAY



3/1/19