

Court No. - 72

Case :- WRIT - A No. - 8698 of 2020

Petitioner :- Aravind Kumar Pal

Respondent :- State of U.P. and Another

Counsel for Petitioner :- R.K. Singh. Rajput

Counsel for Respondent :- C.S.C.

Hon'ble Neeraj Tiwari,J.

Heard learned counsel for the petitioner and learned Standing Counsel.

Learned counsel for the petitioner submitted that an advertisement dated 17.6.2016 was published by Uttar Pradesh Police Recruitment and Promotion Board, Lucknow (hereinafter referred to as the Board) inviting applications to fill up the vacancies of Sub Inspector in Civil Police, Palatoon Commander in P.A.C. and Second Officer in Fire Brigade by the male candidates. Pursuant to that petitioner submitted application form and appeared in written examination. Question papers were divided in four subjects having 100 marks each and to qualify the said examination, petitioner was required to obtain 50% marks.

The petitioner appeared in the said examination and model key answer was also published. Present dispute is relating to the correct answer of question no. 2 of reasoning part. According to petitioner, he has marked correct answer B. The first answer key was published by the Board on 2.1.2018 and correct answer was 'A'. Accordingly the answer of the petitioner was wrong. He further submitted that the Board modified the answer key and issued another answer key dated 7.3.2018 in which correct answer was 'B' therefore, the petitioner is entitled for the marks against the said correct answer of question no. 2. He next submitted that again revised answer key was published by the Board on 27.3.2018 and answer B of question no. 2 was again published as correct,

Lastly another clarification or certain question was published by the Board alongwith letter dated 27.8.2018, but there is no reference of question no. 2 and question no. 5 was dropped, therefore, petitioner is fully entitled for marks of question no. 2 and also against dropped question no. 5 after distributing the same in remaining 39 questions.

In the impugned order it is mentioned that as the petitioner has written answer A which is incorrect, therefore, no mark has been awarded to him. There is no reference of award of marks after dropping the question no. 5, therefore, impugned order is bad and petitioner is entitled for marks in question no. 2 as well as marks against dropped question no. 5.

Learned Standing Counsel prays for and is granted two weeks time to seek instruction and also produce relevant document alongwith responsible officer who is in position to explain the same.

Put up as fresh case on 10.12.2020.

Order Date :- 23.11.2020

Rmk.