


HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Special Appeal Writ No. 130/2024

1. Jai Kishan Meena S/o Ramawtar Meena, aged About 28 Years, R/o Pawanpuri, Bikaner, Rajasthan.
2. Ramesh Kumar S/o Hari Ram, Aged About 25 Years, R/o Village Bhateep, Post Damana, Tehsil Raniwara, District Jalore, Rajasthan.
3. Vipin Raj Verma S/o Ram Dayal Jatav, Aged About 25 Years, R/o Village Kat Humar, District Alwar, Rajasthan.
4. Shyam Singh S/o Bhawani Singh, Aged About 39 Years, R/o Plot No. 160, Salasar Vatika-11, Niwaru, Near Bharat Gas Godam, Jhotwara, Jaipur, Rajasthan.
5. Banne Singh Rathore S/o Ugam Singh Rathore, Aged About 39 Years, R/o Village Khariya Kan Singh, Post Ghantiyali, Tehsil Phalodi, District Jodhpur, Rajasthan.
6. Kartik Choubisa S/o Kamlesh Choubisa, Aged About 23 Years, R/o VPO Mowai, Tehsil Aspur District Dungarpur, Rajasthan.
7. Rajpal Yadav S/o Attar Singh, Aged About 43 Years, R/o Vpo Bhajera, Tehsil And District Alwar, Rajasthan.
8. Jitendra Solanki S/o Madho Singh, Aged About 30 Years, R/o Rajiv Gandhi Colony, Pal Link Road, Jodhpur, Rajasthan.
9. Faili Ram Meena S/o Ramu Lal Meena, Aged About 32 Years, R/o Village Ghata, Post Bainada, Tehsil Bassi, District Jaipur, Rajasthan.
10. Vijendra Singh S/o Phool Singh, Aged About 43 Years, R/o VPO Minpura, Tehsil Ghudha Gorji, District Jhunjhunu, Rajasthan.
11. Ashok Singh Shekhawat S/o Ramavatar Singh, Aged About 40 Years, R/o Vpo Barnagar, Tehsil Paota, District Behror-Kotputli, Rajasthan.
12. Mamata Kumari D/o Ashok Kumar, Aged About 26 Years, R/o Bhanipura Mohalla, Tehsil Nohar, District Hanumangarh, Rajasthan.
13. Sandeep Dangi S/o Harlal Dangi, Aged About 38 Years, R/o VPO Ojatoo, Tehsil Chirawa, District Jhunjhunu, Rajasthan.
14. Jitendra Kumar Meghwal S/o Hemraj Meghwal, Aged About 34 Years, R/o Vpo Sarada, Tehsil Sarada, District Salumber, Rajasthan.
15. Bhure Lal S/o Jagdish, Aged About 27 Years, R/o Vpo Sonari, Tehsil Sedwa, District Barmer, Rajasthan.
16. Naresh Meena S/o Ram Vilas Meena, Aged About 32 Years, R/o 4-K-21, Talwandi, Kota, Rajasthan.
17. Balbir Singh S/o Ran Singh, Aged About 37 Years, R/o Vpo Patusari, Tehsil And District Jhunjhunu, Rajasthan.
18. Dharmveer Singh S/o Hukam Singh, Aged About 23 Years, R/o Ward No. 11, BPD B, Tehsil Rawla Mandi, District Anupgarh, Rajasthan.
19. Virendra Pratap Singh Rathore S/o Suraj Bhan Singh Rathore, Aged About 40 Years, R/o Shekhawat Colony, Ward No. 20, Churu, Rajasthan.

20. Ashok Dudi S/o Hardmana Ram, Aged About 25 Years, R/o VPO Mankasar, Tehsil Bajju, District Bikaner, Rajasthan.
21. Deepa Ram Kagat S/o Ganesh Ram, Aged About 37 Years, R/o Vpo Madiyan, Tehsil Makrana, Via Degana, District Nagaur, Rajasthan.
22. Ram Mohan Yadav S/o Ganga Shay Yadav, Aged About 28 Years, R/o VPO Govindpura, Tehsil Khandela, District Sikar, Rajasthan.
23. Ashok Kumar S/o Jetha Ram, Aged About 24 Years, R/o VPO Fatehgarh, District Jaisalmer, Rajasthan.
24. Dinesh Kumar Meena S/o Panchu Ram Meena, Aged About 30 Years, R/o Village Chimanpora, Thana Amer, District Jaipur, Rajasthan.
25. Ashok Kumar Vishnoi S/o Shayee Ram Vishnoi, Aged About 28 Years, R/o Village Sanvala Sar, Post Chhotu, Tehsil Gudamalani, District Barmer, Rajasthan.
26. Surender Kumar S/o Hanuman Prasad, Aged About 38 Years, R/o Vpo Mirzvali Mer, Tehsil Tibbi, District Hanumangarh, Rajasthan.
27. Dilip Singh Jodha S/o Sher Singh Jodha, Aged About 43 Years, R/o 101, Gulab Nagar, Near RTO Office, BJS Colony, Jodhpur, Rajasthan.
28. Om Prakash Labania S/o Jagdish Prasad Labania, Aged About 26 Years, Resident Of Village Kootolan, Tehil Andhi, District Jaipur.
29. Nemi Chand Phulwariya Son Of Shri Kushal Chand, Aged About 26 Years, Resident Of 1256, Jatiya Vas, Chotan, District Barmer, Rajasthan.

----Appellants

Versus

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
3. Kushal Bhardwaj Son Of Shri Narender Bhardwaj, Resident Of Near Gas Godam, Matunda Road, Bundi, Rajasthan.
4. State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

Connected With

D.B. Special Appeal Writ No. 677/2023

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

---Non-Petitioners-Appellants

1. Kushal Bhardwaj Son Of Shri Narender Bhardwaj, Resident Of Near Gas Godam, Matunda Road, Bundi, Rajasthan. (Roll No. 247078).
-Petitioner-Respondent
2. State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.
---Proforma-Non-petitioner-Respondent

D.B. Special Appeal Writ No. 206/2024

1. Moti Singh S/o Ranaram, Aged About 28 Years, R/o Godaro Ki Dhani, Mahingpura, The-Gida,khokhsar West, Barmer Rajasthan.
 2. Suresh Kumar S/o Bajju Ram, Aged About 29 Years, R/o Vill And Post Bajawa (Rawatka), Tehsil Udaipurwati, Jhunjhunu, Rajasthan.
 3. Mangilal S/o Jhodkaran, Aged About 26 Years, R/o Vpo Bajju, Tehsil Bajju, Dist. Barmer, Rajasthan.
 4. Daleep Kumar Meena S/o Rameshwar Lal Meena, Aged About 28 Years, R/o Vill.- Kalusar, Tehsil Khandela, Dist. Sikar, Rajasthan.
 5. Savikant S/o Babu Lal, Aged About 30 Years, R/o Kacchi Basti Ganesh Guwadi, Budh Vihar Alwar, Rajasthan.
 6. Praveen Kumar S/o Kaluram, Aged About 29 Years, R/o Chohilanwali, Hanumangarh, Rajasthan.
- Appellants

Versus

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
 2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
 3. Kushal Bhardwaj Son Of Shri Narender Bhardwaj, Resident Of Near Gas Godam, Matunda Road, Bundi, Rajasthan.
 4. State Of Rajasthan Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.
- Respondents

D.B. Special Appeal Writ No. 211/2024

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
 2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building,durgapura,jaipur
- Appellants

Versus

1. Dinesh Kumawat S/o Jagdish Kumawat, Aged About 24 Years, R/o Karansar, Jaipur,rajasthan
2. Rakesh Kumawat S/o Jagdish Kumawat, R/o Village

Basantpura, Post Chandrawali, Tehsil Sarmathura, District Dholpur, Rajasthan.

3. State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 212/2024

Rajasthan Staff Selection Board, Through Its President, State Institute Of Agriculture Management Campus, Durgapura, Jaipur-302018

----Appellant

Versus

1. Ankita Jatav, D/o Shri Suresh Kumar Jatav, Aged About 23 Years, R/o B-240, Mahesh Nagar, Near 80 Ft. Road, Jaipur-302015.
2. The State Of Rajasthan, Rural Development And Panchayati Raj Department Through Its Secretary, Secretariat, Janpath, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 213/2024

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

----Appellants

Versus

1. Ravi Kumar Verma S/o Khemchand Verma, Aged About 25 Years, R/o Vpo Bhanpur Kalan, Tehsil Jamwaramgarh, Distt Jaipur, Rajasthan. (Roll No. 216129).
2. State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 214/2024

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

----Appellants

Versus

1. Himansi Bhati D/o Bhagwat Singh, Aged About 23 Years, R/o 106, Rajputo Ki Dhani, Jagatpura, Jaipur, Rajasthan.
2. Manish Kumar S/o Dori Lal, Aged About 26 Years, R/o Vpo Malah, Tehsil And District Bharatpur, Rajasthan.
3. The State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan Jaipur .

----Respondents

D.B. Special Appeal Writ No. 217/2024

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

----Appellants

Versus

1. Rahul Kumar Byadwal S/o Meetha Lal Meena, Aged About 26 Years, R/o Village Khirkhari, Post Jhanun, Tehsil Bonli, Distt Sawai Madhopur, Rajasthan.
2. Mamta Choudhary D/o Madan Lal, Aged About 24 Years, R/o Vpo Doongri Kalan, Tehsil Kishangarh Renwal, District Jaipur, Rajasthan.
3. Arpit Kumar S/o Heera Lal, Aged About 22 Years, R/o Village Kanasil, Tehsil Saipau, District Dholpur, Rajasthan.
4. Hemant Kumar Vaishnav S/o Kailash Chand Vaishnav, Aged About 28 Years, R/o Vpo Nawa, Tehsil Roopangarh, District Ajmer, Rajasthan.
5. Mamraj Bhadu S/o Fusa Ram Bhadu, Aged About 26 Years, R/o Village Shrirampura, Post Gondusar, District Bikaner, Rajasthan.
6. State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 218/2024

1. Secretary, Rajasthan Service Selection Board, Rajasthan State Agriculture Managing Institution Campus, Jaipur (Raj.).
2. President, Rajasthan Selection Board, Rajasthan State Agriculture Managing Institution Campus, Jaipur (Raj.)

----Appellants

Versus

1. Krishan Kumar Choudhary Son Of Shri Ramjas Jat, Aged About 23 Years, Resident Of Village Gordhanpura, Post Lawa, Tehsil Peeplu, District Tonk (Raj.).
2. Pankaj Kumar Meena Son Of Shri Karam Chand Meena, Aged About 22 Years, Resident Of Village Parla, Tensil Todabhim, District Karauli (Raj.)
3. Surgyan Nitharwal Son Of Shri Godu Ram Nitharwal, Aged About 28 Years, Resident Of Saran Ki Dhani, Gajadharpura, Post Kishanpura, District Jaipur (Raj.)
4. Govind Kumar Meena Son Of Shri Pappu Lal Meena, Aged About 29 Years, Resident Of Village Chacholiya Ki Jhopdiya Gendoli Khurd, District Bundi (Raj.)
5. Shyam Lal Chouhan Son Of Shri Gopal Chouhan, Aged About 30 Years, Resident Of Station Kheda, Ward No. 01, District

Bhilwara (Raj.)

6. Manju Choudhary Daughter Of Shri Harji Ram Choudhary, Aged About 25 Years, Resident Of Village Songara Ka Jav, Ward No. 07, Kishangarh, district Ajmer (Raj.)
7. Manoj Kumar Son Of Shri Siyaram, Aged About 31 Years, Resident Of Village Keshra, Post Talchhera, Tehsil Nandbai, District Bharatpur (Raj.)
8. Vishram Gurjar Son Of Shri Girdhari Lal Gurjar, Aged About 26 Years, Resident Of Village Ratanpura, Post Karana, Tehsil Bansoor, District Alwar.(Raj.)
9. The State Of Rajasthan, Through Its Secretary, Gramin Vikas And Panchayati Raj Department, Government Secretariat, Jaipur (Raj.).

----Respondents

D.B. Special Appeal Writ No. 219/2024

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

----Appellants

Versus

1. Dinesh Kumar Son Of Punama Ram, Aged About 28 Years, R/o Village Danta, Post Pur, Tehsil Sanchore, District Jalore At Present Resident Of 27, Vinoba Nagar, Near Sector-11, Malviya Nagar, Jaipur (Raj.)
2. Deepak Kumar Sharma S/o Shri Govind Prasad Sharma, Aged About 20 Years, R/o Village Peepalheda, Post Tighriya, Tehsil Hindaun City, District Karauli (Raj.)
3. Yashraj Bhardwaj S/o Shri Ashwani Kumar Sharma, Aged About 22 Years, R/o Village And Post Saloli, Tehsil Reni, District Alwar (Raj.)
4. Yudhisthar Singh S/o Shri Jalam Singh, Aged About 27 Years, Resident Village Post Gudharam Singh Via Auwa, Tehsil Marwar Junction, District Pali (Raj.)
5. Pankaj Birkh S/o Shri Rajendra Singh Birkh, Aged About 29 Years, Resident Near Kanoriya Hospita, Ward No. 08, Mukangarh, District Jhunjhunu (Raj.)
6. The State Of Rajasthan, Through Its Secretary, Gramin Vikas And Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 220/2024

1. The Rajasthan Staff Selection Board, State Agriculture Management Institution Premises, Durgapura, Jaipur Through Its Chairman
2. The Secretary, Rajasthan Staff Selection Board, State

Agriculture Management Institution Premises, Durgapura,
Jaipur

----Appellants

Versus

1. Ravindra Singh S/o Shri Prem Singh, Aged About 26 Years, R/o Plot No. 24, Richa Vihar Colony, New Lohamandi Road, Machada, Vki, Jaipur, Distt. Jaipur. (Roll No. 210297 Of Main Exam - 2021)
2. State Of Rajasthan, Through Additional Chief Secretary, Rural Development And Panchayati Raj Department, Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 222/2024

1. Secretary, Rajasthan Service Selection Board, Rajasthan State Agriculture Managing Institution Campus, Jaipur (Raj.)
2. President, Rajasthan Service Selection Board, Rajasthan State Agriculture Managing Institution Campus, Jaipur (Raj.)

----Appellants

Versus

1. Amba Lal Khatik Son Of Shri Babu Lal Khatik, Aged About 32 Years, Resident Of Khatmala, Kelwa, District Rajsamand (Raj).
2. State Of Rajasthan, Through Its Secretary, Gramin Vikas And Panchayati Raj Department, Government Secretariat, Jaipur (Raj.)

----Respondents

D.B. Special Appeal Writ No. 223/2024

The Rajasthan Staff Selection Board, Through Its Secretary, State Institute Of Agriculture Management , Durgapura, Jaipur, 302018

----Appellant

Versus

1. Atma Ram S/o Shri Chandra Bhan, Aged About 31 Years, R/o Vpo- Fatehpur, Tehsil Bansur, Distt. Alwar (Raj.).
2. State Of Rajasthan, Through Its Additional Chief Secretary, Rural Development and Panchayati Raj Department, Government Secretariat, Rajasthan Govt. Jaipur.
3. The Secretary, Panchayati Raj Department, Government Of Rajasthan, Govt. Secretariat, Rajasthan, Jaipur.
4. The Chairman, State Institute Of Agriculture Management, Durgapura, Jaipur (Raj).
5. The Deputy Director, State Institute Of Agriculture Management, Durgapura, Jaipur. (Raj).

----Respondents

D.B. Special Appeal Writ No. 225/2024

1. Secretary, Rajasthan Service Selection Board, Rajasthan State Agriculture Managing Institution Campus, Jaipur (Raj.)

2. President, Rajasthan Service Selection Board, State Agriculture Managing Institution Campus, Jaipur (Raj.)

----Appellants

Versus

1. Vinod Kumar Kumawat Son Of Shri Bhagirath Mal Kumawat, Aged About 28 Years, Resident Of Village Thehat, Post Roopgarh, Tehsil Dantaramgarh, District Sikar (Raj.)
2. Aman Hada Son Of Shri Kailash Singh Hada, Aged About 25 Years, Resident Of S-9/168, Labour Colony, Pratap Nagar, Bhilwara (Raj).
3. Om Prakash Fagoriya Son Of Shri Devkaran Ram, Aged About 21 Years, Resident Of Village Phagoriya Ki Dhani, Post Toshina,tehsil Didwana, District Nagaur(Raj)...
4. Pankaj Kumar Sharma Son Of Shri Nemichand Sharma, Aged About 23 Years, Resident Of Village Post Bheemsar, Tehsil Sujangarh, District Churu(Raj)..
5. Devendra Kumar Son Of Shri Lalchand, Aged About 24 Years, Resident Of Sahanali Chhoti, Sahanali Bari, District Churu (Raj).
6. Sonu Solanki Son Of Shri Nirbhay Singh Solanki, Aged About 24 Years, Resident Of Mahu Khas, Tehsil Hindauncity, District Karauli (Raj)...
7. Atul Kumawat Son Of Shri Madan Lal Kumawat, Aged About 24 Years, Resident Of 112, Scheme No.11/1, Shrirampuri Colony, Boytawala, Niwaru Road, Jaipur(Raj)..
8. Deva Ram Karwa Son Of Shri Jansa Ram Karwa, Aged About 27 Years, Resident Of Nandoti Meritya, Tehsil Makrana, District Nagaur (Raj)...
9. Bhoodev Madhu Son Of Shri Nem Singh, Aged About 25 Years, Resident Of Village Sahana, Uchchain, Tehsil Roopwas, District Bharatpur (Raj)...
10. Mahendra Kumar Meena Son Of Shri Kailash Meena, Aged About 26 Years, Resident Of Village And Post Raipur, Tehsil Janwarangarh, district Jaipur(Raj).
11. Rohit Kumar Sharma Son Of Shri Rampal Sharma, Aged About 28 Years, Resident Of Ascikalan Via Badhal, Tehsil Chomu, District Jaipur(Raj)...
12. The State Of Rajasthan, Through Its Secretary, Gramin Vikas Ans Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur...

----Respondents

D.B. Special Appeal Writ No. 227/2024

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.
2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

----Appellants

1. Rakesh Kumar Yadav S/o Mangal Ram Yadav, Aged About 22 Years, R/o Village Bichpuri, Post Beejwar Naruka, Tehsil Malakhera, District Alwar, Rajasthan.
2. Jitendra Jain S/o Paras Jain, Aged About 32 Years, R/o Village Shop, Tehsil Uniyara, District Tonk, Rajasthan.
3. Sachin Yadav S/o Jaipal Yadav, Aged About 31 Years, R/o Ward No. 2, Near Tagore College, Suratgarh, District Sri Ganganagar, Rajasthan.
4. Madan Gurjar S/o Raju Ram Gurjar, Aged About 27 Years, R/o Village Gujaron Ka Bas, Post Ramjipura, Tehsil Kishangarh Renwal, District Jaipur, Rajasthan.
5. Ravi Nagar S/o Suresh Kumar Nagar, Aged About 23 Years, R/o Purana Matunda Road, Mahindra Colony, Bundi, Rajasthan.
6. Pooran Singh S/o Karan Singh, Aged About 22 Years, R/o Jaitawalo Ka Bas, Serna, Jaswantpura, District Jalore, Rajasthan.
7. Deraj Ram S/o Bhanwar Lal, Aged About 22 Years, R/o Huddo Ki Dhani, Akadra, Baytu, District, Barmer, Rajasthan.
8. Vikram Singh S/o Ugam Singh, Aged About 30 Years, R/o Vpo Rolsabsar, Tehsil Ramgarh Shekhawati, District Sikar, Rajasthan.
9. Hari Kishan Ojha S/o Mohan Lal, Aged About 25 Years, R/o Vpo Ramsar, Bikaner, Rajasthan.
10. Ankur Mandya S/o Bhanwar Lal Jat, Aged About 21 Years, R/o Village Bebolave Post Ganeti, Tehsil Todaraisingh District Tonk, Rajasthan.
11. Punit Darji S/o Devi Lal Darji, Aged About 23 Years, R/o Vpo Punali, District Dungarpur, Rajasthan.
12. Mo. Imran S/o Mo. Salim, Aged About 23 Years, R/o Near Kediya Guest House, Ward No. 6, Chirawa, District Jhunjhunu, Rajasthan.
13. Mukesh Patel S/o Ukaram Patel, Aged About 25 Years, R/o Vpo Asotra, Barmer, District Barmer, Rajasthan.
14. Naval Singh Rathore S/o Amar Singh, Aged About 32 Years, R/o House No. 234, Jat Mohalla, Derathu Via Nasirabad, District Ajmer, Rajasthan.
15. Narsing Dan S/o Durga Dan, Aged About 22 Years, R/o Tibaniya, Post Thumbli, Block Kalyanpur, District Barmer, Rajasthan.
16. Naresh Gurjar S/o Budh Mal Gurajr, Aged About 28 Years, R/o Near Water Works, Ward No. 34, Gandhi Colony, Churu, Rajasthan.
17. Sanjay Kajla S/o Rajendra Prasad Kajla, Aged About 23 Years, R/o Village Dulhepura, Post Hod, Tehsil Khandela, District Sikar, Rajasthan.
18. Samander Singh S/o Jagmal Singh, Aged About 28 Years, R/o Village Lakhasar, Post Nedan, Tehsil Pokran, District Jaisalmer, Rajasthan.
19. Manohar Singh S/o Fateh Singh, Aged About 26 Years, R/o Boha, Deva, Jaisalmer, Rajasthan.

20. Man Singh Jatav S/o Sua Lal Jatav, Aged About 22 Years, R/o Village Dayapur, Post Naya Gaon, Kalsa, Tehsil Bhusawar, District Bharatpur, Rajasthan.
21. Deep Chand Sharma S/o Sukan Chand Sharma, Aged About 30 Years, R/o VPO Tanwara, Tehsil Ladnun, District Nagaur, Rajasthan.
22. Hari Kishan Ojha S/o Mohan Lal, Aged About 25 Years, R/o Ojha Guest House, Ramsar, District Bikaner, Rajasthan.
23. Nema Ram S/o Shyama Ram, Aged About 32 Years, R/o Village Kirdoli Badi, Post Dhahar Ka Bas, Tehsil Laxmangarh, District Sikar, Rajasthan.
24. Ajeet Singh Meena S/o Chandar Singh Meena, Aged About 31 Years, R/o VPO Looloj, Tehsil Sapotara, District Karauli, Rajasthan.
25. Manish Kumar S/o Khuma Ram, Aged About 22 Years, R/o Dheerasar, Post Pokrasar, Tehsil Chohtan, District Barmer, Rajasthan.
26. Vinod Kumar Puniya S/o Balvant Ray Puniya, Aged About 27 Years, R/o Village Ralawata, Post Bagawas, Tehsil Kishangarh Renwal, District Jaipur, Rajasthan.
27. Dinesh Kumar S/o Pyare Lal, Aged About 28 Years, R/o Vpo Patoda, Via Bissau, Tehsil Malsisar, District Jhunjhunu, Rajasthan.
28. Omprakash Meena S/o Surendra Meena, Aged About 25 Years, R/o Village Choukdi, Post Isarda, Tehsil Choth Ka Barwara, District Sawaimadhopur, Rajasthan.
29. Khangara Ram S/o Peera Ram, Aged About 28 Years, R/o Vpo Nandiya, Tehsil Bagora, District Jalore, Rajasthan.
30. The State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 240/2024

1. Secretary, Rajasthan Service Selection Board, Rajasthan State Agriculture Managing Institution Campus, Jaipur (Raj.)
2. President, Rajasthan Selection Board, Rajasthan State Agriculture Managing Institution Campus, Jaipur (Raj.)

----Appellants

Versus

1. Dinesh Yadav Son Of Shri Ram Lal Yadav, Aged About 24 Years, R/o Yadavo Ki Dhani, Tejya Ka Bas, Phulera, District Jaipur (Raj.).
2. Ram Ratan Yadav S/o Shri Chhitarmal Yadav, Aged About 25 Years, R/o Itawa Bhopji, Jaipur (Raj.)
3. Pankaj Yadav S/o Shri Chhitar Yadav, Aged About 24 Years, Resident Of Malikpur Via Govindgarh, Tehsil Chomu, Distt Jaipur (Raj.).
4. Sunita Choudhary D/o Shri Shrawan Lal Jat, Aged About 22 Years, R/o Village And Post Bhadwa, District Jaipur (Raj.).
5. Ayush Kumar Jain S/o Vijay Kumar Jain, Aged About 26 Years,

- R/o Near Arihant School, Kishan Nagar, Hindaun City, Distt. Karauli (Raj.).
6. Hanumana Ram S/o Shri Bhagwana Ram, Aged About 27 Years, R/o Village And Post Deora, Tehsil Chitalwana, District Jalore (Raj.).
 7. Rakesh Kumar Yadav S/o Shri Mangala Ram Yadav, Aged About 32 Years, R/o Village Bichpuri, Post Beejwarnaruka, Tehsil Malakhera, Distt. Alwar (Raj.).
 8. Pramod Kumar S/o Shri Roopram, Aged About 27 Years, Village Chakedidass Pura, Post Ararki, Tehsil Nohar, Distt. Hanumangarh (Raj.).
 9. Bhuvanesh Godara S/o Shri Kumbha Ram, Aged About 27 Years, R/o Gali No. 02, Sadar Police Station, Shastri Nagar, Barmer (Raj.).
 10. Vinod Kumar Patidar S/o Shri Kailash Chand Patidar, Aged About 31 Years, R/o Saroniya, Distt. Jhalawar (Raj.).
 11. Prakash Kumar S/o Shri Gaduka Ram, Aged About 25 Years, R/o Chadon Ki Dhani, Distt. Barmer (Raj.).
 12. Ravi Teli S/o Shri Shanti Lal Teli, Aged About 26 Years, Resident Of Near Ashram Mandir Ke Piche, Chanderiya, Chittorgarh (Raj.).
 13. Mahendra Kumar S/o Shri Badri Narayan Sharma, Aged About 26 Years, R/o Near Jagdamba Mandir, Chohatan, Distt. Barmer (Raj.).
 14. Jitendra Kumar S/o Shri Devraj, Aged About 28 Years, R/o Village And Post Makrasar, Tehsil Loonkaransar, Distt. Bikaner (Raj.).
 15. Rajkumar Bairwa S/o Shri Dwarki Lal Bairwa, Aged About 26 Years, R/o Ramnagarmohalla, Aklera Distt. Jhalawar (Raj.).
 16. Laxmi Narayan Atal S/o Shri Prahalad Atal, Aged About 27 Years, R/o Village Sinodiyakhatwarikalan, Distt. Jaipur (Raj.).
 17. Janak Singh S/o Shri Mahendra Singh Rajput, Aged About 25 Years, R/o Village Malwani, Tehsil Nohar, District Hanumangarh (Raj.).
 18. Chetan Kumar S/o Hanjari Mal, Aged About 27 Years, R/o Village Khara Mahethan, Tehsil Singhari, District Barmer (Raj.).
 19. Manish Agarwal S/o Babu Lal Agarwal, Aged About 25 Years, R/o Village Barkheda, Post Shivdaspura, Tehsil Chaksu, District Jaipur (Raj.).
 20. Keshav Sharma S/o Shri Ramakant Sharma, Aged About 27 Years, R/o Village Hanumankapura, Post Basai Kare, Tehsil Rajakhera, District Dholpur (Raj.).
 21. State Of Rajasthan, Through Its Secretary, Gramin Vikas & Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 321/2024

1. Rajasthan Staff Selection Board, Through Its Secretary, Agriculture Management Institute Building, Durgapura, Jaipur,

Rajasthan.

2. Rajasthan Staff Selection Board, Through Its Chairman, Agriculture Management Institute Building, Durgapura, Jaipur, Rajasthan.

----Appellants

Versus

1. Sushila Saini D/o Nathu Ram Saini, Aged About 26 Years, R/o Ganesh Nagar-3, Chowki Ka Bad, Amarsar, Shahpura, District Jaipur, Rajasthan.
2. Suman Meena D/o Kajod Mal Meena, Aged About 28 Years, R/o Village Rooppura, Post Khijodriya Brahman, Tehsil Bassi, District Jaipur, Rajasthan.
3. Avinash Nagar S/o Babulal Nagar, R/o A-52, Shyam Mitra Mandal Nagar, Opposite Road No. 5, District Jaipur, Rajasthan.
4. Dinesh Kumar Swami S/o Suraj Mal Swami, Aged About 26 Years, R/o Ward No. 3, Village Hadota, Tehsil Chomu, District Jaipur, Rajasthan.
5. Manoj Kumar S/o Nemi Chand, Aged About 28 Years, R/o Godawari Villa, Village Pipara, Post AP Kalu, Tehsil Jaitaran, District Pali, Rajasthan.
6. Raman Singh S/o Shyam Singh, Aged About 35 Years, R/o Vpo Sarsaina, Tehsil Weir, District Bharatpur, Rajasthan.
7. Manish Jajoriya S/o Ram Kanwar Jajoriya, R/o Ward No. 7, Raigaaro Ka Mohalla, Jobner, District Jaipur, Rajasthan.
8. Paras Mal Kumawat S/o Prabhu Narayan Kumawat, Aged About 27 Years, R/o Village Nareda, Tehsil Phagi, District Jaipur, Rajasthan.
9. The State Of Rajasthan, Through Its Secretary, Panchayati Raj Department, Government Secretariat, Rajasthan, Jaipur.

----Respondents

D.B. Special Appeal Writ No. 323/2024

Secretary, Rajasthan Staff Selection Board, State Institute Of Agriculture Management Premises, Durgapura, Jaipur, Rajasthan.

----Appellant

Versus

1. Vikash Joshi S/o Shri Mahaveer Kumar Joshi, Aged About 30 Years, R/o Charbhujia Niwas R.k. Colony, Asind, District Bhilwara, Rajasthan.
2. Vishnu Kumar Sharma S/o Shri Banwari Lal Sharma, Aged About 21 Years, R/o 78 Keshav Garden, Jamdoli Agra Road, District Jaipur, Rajasthan.
3. Naval Singh Rathore S/o Shri Amar Singh, Aged About 32 Years, House No 234, Jat Mohalla, Derethu Via Nasirabad, District Ajmer, Rajasthan.
4. Shashank Kansara S/o Shri Govind Kansara, Aged About 21 Years, R/o Kasturba Colony Near Sabji Mandi, District Jalore, Rajasthan.
5. Vishnu Prajapat S/o Shri Mangi Lal Prajapat, Aged About 25 Years, R/o 536, Mkb, Jagatpura, District Jaipur, Rajasthan.

6. Mool Chand Mandawat S/o Shri Prakash Chand Meena, Aged About 28 Years, R/o Village Rajaour, Post Bhandari, Tehsil Todabhim, District Karauli, Rajasthan.
7. Bhupendra Singh S/o Shri Surendra Singh, Aged About 29 Years, R/o H.No- 89, Near Jain Temple Chandkherikhanpur, District Jhalawar, Rajasthan.
8. The State Of Rajasthan, Through The Secretary, Department Of Panchayati Raj, Government Secretariat, Jaipur Rajasthan.

----Respondents

For Appellant(s) : Mr. Rajendra Prasad, Advocate General (Sr. Adv.) assisted by Ms. Dhriti Laddha, Mr. Tanay Goyal, Mr. Nalin G. Narain & Mr. Manish Bhardwaj in SAW Nos.677/2023, 211/2024, 212/2024, 213/2024, 214/2024, 217/2024, 218/2024, 219/2024, 220/2024, 222/2024, 223/2024, 225/2024, 227/2024, 240/2024, 321/2024 & 323/2024, Mr. R.N. Mathur, Sr. Adv. assisted by Mr. Himanshu Jain, Mr. Rishi Raj Maheshwari, Ms. Apoorva Agrawal, Mr. Divyans Choudhary and Mr. Avinash Bhardwaj in SAW Nos.130/2024 and 206/2024

For Respondent(s) : Mr. Rajendra Prasad, Advocate General (Sr. Adv.) assisted by Ms. Dhriti Laddha, Mr. Tanay Goyal, Mr. Nalin G. Narain & Mr. Manish Bhardwaj, for RSSB in SAW Nos.130/2024 & 206/2024 Mr. Ajatshatru Mina with Mr. Movil Jeenwal, Mr. Himanshu Kala, Mr. Rajat Chaudhary & Mr. Nrip Raj Singh Bhati. Mr. Akshit Gupta with Mr. Kamlesh Sharma, Ms. Aditi Vats, Ms. Pragya Seth, Mr. Nakul Bansal & Mr. Shreyansh Dhariwal. Mr. Ram Pratap Saini with Mr. Aamir Khan, Mr. Gopesh Kumar & Mr. Dheeraj Palia. Mr. T.C. Vyas with Mr. Parmanand Paliwal. Mr. Kapil Prakash Mathur, AAG with Ms. Divya Rathore and Ms. Sara Praveen, for respondent No.2 in SAW No.677/2023

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE SANJEET PUROHIT

Judgment

RESERVED ON:-

05/08/2025

PRONOUNCED ON:-

13/10/2025

Reportable

Per, HON'BLE THE ACTING CHIEF JUSTICE:

1. This order shall govern disposal of the aforesaid intra-court appeals.
2. All the above mentioned appeals are arising out of the same judgment dated 07.06.2023 passed by the learned Single Judge. In view of the reasons mentioned in the applications under Section 5 of the Limitation Act for condonation of delay filed in SAW Nos.220/2024, 222/2024, 223/2024, 225/2024, 227/2024, 240/2024, 321/2024 & 323/2024, same are allowed. The delay caused in filing the aforesaid appeals is hereby condoned and the special appeals are taken up together for consideration jointly.
3. All the writ petitions were involving same set of facts and raising the same issue i.e. challenge given to the final answer key dated 29.07.2022 issued by the Selection Board. Thus, the facts of the lead case being D.B. Special Appeal Writ No. 677/2023 are taken into consideration for deciding the present batch of Special Appeal Writs.
4. D.B. Special Appeal Writ No. 677/2023 (Rajasthan Staff Selection Board vs. Kushal Bhardwaj & others) arises out of Judgment dated 07.06.2023 passed by learned Single Judge whereby, the learned Single Judge by a common judgment has

decided a batch of 70 writ petitions including the lead case i.e. Writ Petition No.11616/2022 (Kushal Bhardwaj vs. State of Rajasthan & others).

5. By the judgment dated 07.06.2023, learned Single Judge has partly allowed the writ petitions preferred by the writ petitioners and *inter alia* issued the directions to the appellant – Rajasthan Staff Selection Board (hereinafter referred to as 'Selection Board') to re-send the Question Nos. 132 & 144 to the Expert Committee for re-assessment/re-evaluation of the answers in view of the text material referred by the petitioners including the standard books of the Board of Secondary Education, Rajasthan and Government publications of Rajasthan Hindi Granth Academy etc. and further directed that if the answer previously suggested in the model answer-key dated 13.07.2022 is also found correct then, in that eventuality, both questions be deleted by the Selection Board.

Learned Single Judge has further directed that in such eventuality the fresh merit list be accordingly prepared and the appointments be given on the basis of fresh merit-list upon the unfilled posts of Village Development Officer (hereinafter referred as "V.D.O.") while saving the candidature of the candidates already appointed.

6. The facts of the case pleaded in the lead case are that :

6.1 By Advertisement No. 04/2021 dated 06.09.2021, applications were invited for appointment on 5396 vacancies of the V.D.O. by way of direct recruitment under the

Rajasthan Panchayati Raj Rules, 1996 (hereinafter referred as "Rules of 1996").

- 6.2 The candidates who were party to the writ petitions were shortlisted after clearing the preliminary examination and appeared in the main examination held on 09.07.2022. The main examination consisted of 160 multiple-choice questions. The marking scheme included negative marking i.e. each correct answer was to be awarded with 1.25 marks, while 1/3rd of a mark was to be deducted for every incorrect answer.
- 6.3 The model answer-key of the master question paper of was published on 13.07.2022 and thereby, online objections were invited with supporting material. The objections so received were considered by the expert committee and final answer-key was issued on 29.07.2022.
- 6.4 On the basis of said final answer-key dated 29.07.2022, the appellant-Selection Board declared provisional select-list dated 29.07.2022 and after document verification, the Selection Board issued the final select-list in a phased manner on 25.11.2022, 26.12.2022 and 03.02.2023. In pursuance of the said final select-list, the appointments were given to more than 5100 candidates and around 240 vacancies remained unfilled.
- 6.5 Various candidates who remained unsuccessful in the recruitment process, have preferred the writ petitions challenging the answers in the final answer-key dated

29.07.2022 and the consequent final select-lists issued by the appellant-Selection Board.

6.6 In one of the writ petitions, bearing No. 11600/2022 (Ambalal Khatik vs. State of Rajasthan & others), an interim order was passed on 19.09.2022 and the selections in question were made subject to the outcome of the writ petition.

6.7 The Selection Board has filed a detailed reply as well as additional affidavit in S.B. Civil Writ Petition No. 11616/2022 (Kushal Bhardwaj vs. State of Rajasthan & others) and adopted the same in all other writ petitions. The record of the Expert Committee was also brought for the perusal of the learned Single Judge.

6.8 Learned Single Judge while adjudicating all the writ petitions conjointly has considered that objections have been raised with regard to 13 questions of the model question paper. The details of the objectional questions, answers suggested in the model answer-key dated 13.07.2022 as well as answers suggested in the final answer-key dated 29.07.2022 are narrated in the tabular form below

S No.	Ques No.	Answer suggested in model answer key dated 13.07.22	Decision in Final answer key dated 29.07.22	Remark
1.	3	B	B	Same
2.	15	B	B	Same
3.	30	A	Delete	Delete
4.	34	B	C	Changed
5.	78	A	A	Same

6.	79	B	B	Same
7.	106	D	D	Same
8.	122	B	Delete	Delete
9.	129	C	C	Same
10.	131	C	C	Same
11.	132	D	C	Changed
12.	144	C	D	Changed
13.	147	A	A	Same

6.9 Learned Single Judge observed that the answers with regard to the Question Nos. 3, 15, 78, 79, 106, 129, 131 & 147 remained unchanged and no objections were filed with respect to the said questions except question no. 15. Learned Single Judge has thus, held that the writ petitioners are estopped from challenging answers of the questions regarding which no objections were earlier raised, therefore, the challenge given to the Question Nos. 3, 78, 79, 106, 129, 131 & 147 was rejected.

6.10 While adjudicating the objections with regard to Question Nos.15, 30, 34, 122, 132 & 144, learned Single Judge recorded specific finding that writ-petitioners have failed to place on record any substantive material to suggest that the decision of the Expert Committee with regard to Question Nos. 15, 30, 34 & 122 is erroneous. Learned Single Judge has thus held that the challenge given to the said questions also fails.

6.11 However, while dealing with the challenge given to the answer suggested by the expert committee regarding

question no. 132 and 144, learned Single Judge observed that while providing the answer with regard to Question No. 132, the Expert Committee has referred to Census-2011 issued by the Office of Registrar General of India and for providing the answer to Question No. 144, the Expert Committee has relied upon the extract from "राजस्थान का स्वतंत्र संग्राम का इतिहास (राजस्थान राज्य अभिलेखागार, बीकानेर)" which is not the standard material as suggested by the Selection Board for submitting the objections. Since, the Expert Committee has not considered the books of standard publication such as books published by Rajasthan Hindi Granth Academy or by Board of Secondary Education, Rajasthan, Ajmer etc., therefore, said opinion of the Expert Committee cannot be sustained and requires interference by the writ Court.

Learned Single Judge vide its judgment dated 07.06.2023 has directed the appellant – Selection Board to re-send Question Nos.132 & 144 for re-examination by the Expert Committee and to prepare a final answer key and final select list accordingly, for unfilled 240 vacancies.

7. Challenging the said judgment, the present batch of appeals are before us. The question arises for consideration of this court is confined to the issue regarding the interference as done by the learned Single Judge in relation to question no. 132 and 144 of model question paper only.

8. The question no. 132 and 144, along with answers provided in the model answer-key and final answer-key and the Expert view are mentioned below, which is necessary for adjudication of the present appeal.

"Question No. 132

"On the basis of population of tribes, the place of Rajasthan in India is:

- (A) 3rd (B) 2nd
(C) 4th (D) 6th "

Primary Answer – D

Final Answer – C

Objection by Candidate – Question is not clear

Expert View- *That after considering the objection raised by the candidates against preliminary answer key, the experts referred to 'Census 2011' Office of Registrar General of India and opined that place of Rajasthan finds at No. 4th, which is option "C" as per master booklet is the correct answer and hence, the answer was changed in the final answer key."*

"Question No. 144

"राजपुताना मध्य भारत सभा कब स्थापित की गयी थी ?

- (A) 1916 (B) 1917
(C) 1918 (D) 1919"

Primary Answer – C

Final Answer – D

Objection by Candidate – Answer is wrong

Material placed by the petitioners- 1. राजस्थान का इतिहास, संस्कृत, परम्परा एवं विरासत (राजस्थान हिंदी ग्रन्थ अकादमी), 2. राजस्थान का स्वतंत्रता आंदोलन एवं शौर्य परंपरा (माध्यमिक शिक्षा बोर्ड राजस्थान, अजमेर) कक्षा 9

Expert View- *That after considering the objection raised by the candidates against preliminary answer key, the experts relied upon राजस्थान का स्वतंत्र संग्राम का इतिहास (राजस्थान राज्य अभिलेखागार, बीकानेर) and opined that "1919" which is option "D"*

as per master booklet is the correct answer and hence, the answer was changed in the final answer key.”

9. The judgment impugned has been challenged by the appellant – Selection Board on the ground that the Expert Committee was consisting of subject experts and the answers suggested in the final answer-key are based upon the authenticated sources i.e. material available upon the official websites of Government Ministries / Department and therefore, the said answers cannot be said to be wrong. Counsels for the appellant has further submitted that the scope of interference by the High Court in such matter is very limited and it is not permissible to substitute the opinion of the Expert Committee by the opinion of learned Single Judge. It has been further contended that the direction of re-assessment would lead to endless process and the same is not justified.

10.1 While relying upon the judgment passed in the case of Ran Vijay Singh, counsel for the appellant submitted that even in case of doubt with regard to the answers, the benefit must go to the Expert Committee/Examination Authority and therefore, the interference by the learned Single Judge is against the law laid down by the Hon'ble Supreme Court.

10.2 Counsel for the appellant-Selection Board has raised serious objection regarding the interference done by the learned Single Judge in relation to Question No. 144. It was argued a Coordinate Bench of Principal Seat at Jodhpur in **S.B. Civil Writ Petition No. 2032/2023 (Babulal Godara vs. State of Rajasthan & others)**, has already

adjudicated the issue with regard to question no. 144 wherein, while considering the nature of the question as well as opinion given by the Expert Committee and while relying upon the judgment passed by the Hon'ble Supreme Court in the case of **Vikesh Kumar Gupta & ors. vs. State of Rajasthan & ors., (2021) 2 SCC 309** has held that once the Expert Committee after relying upon the authenticated material has suggested an answer to the Question No.144, the interference by the High Court is not called for.

It has been averred that once a coordinate Bench of the equivalent strength has already adjudicated the issue regarding Question No. 144 in the case of Babulal Godara (supra), the interference done by the learned Single Judge while ignoring the said judgment is not permissible and against the principle of *stare decisis*.

11. While adopting the arguments so raised by the counsel for the Selection Board, the counsels appearing on behalf of the appellants-candidates have raised specific ground that the writ-petitioners have not impleaded the successful candidates, whose rights were going to be affected by the adjudication in the writ petition and therefore, the writ petition itself was not maintainable in want of necessary and proper parties. It was also averred that based upon the final answer-key, the final merit list was already prepared and the appointments have already offered to various candidates, therefore, it is not permissible that marginal vacancies remained unfilled are to be filled by a different answer-key as directed by the learned Single Judge. Counsel appearing on behalf

of the appellants-candidates have further submitted that directions for re-examination of the answer-key will result in endless re-evaluation, which is not legally tenable.

12. On the other hand, while supporting the judgment impugned dated 07.06.2023, counsels for the respondents-writ petitioners have argued that the interference done by the learned Single Judge was wholly justified as the answers suggested in the final answer-key were beyond/contrary to the answers available in the standard books of the Board of Secondary Education etc. and therefore, same cannot be allowed to stand.

12.1 While relying upon the guiding principles laid down by the Hon'ble Supreme Court in the case of ***Ran Vijay Singh and others vs. State of Uttar Pradesh & others, (2018) 2 SCC 357***, it was argued that the writ petitioners have clearly demonstrated that the answers suggested by Expert Committee are not in conformity with the standard books, hence wrong. Thus, the interference as done by the learned Single Judge was justified.

12.2 Learned counsel for the respondents-writ-petitioners have further stated that out of objections raised with regard to 13 questions, learned Single Judge has interfered only with two answers and has directed to re-send the same for re-evaluation by the Expert Committee, which is a course permissible in the eyes of law. The counsels for respondents prayed for dismissal of the present batch of special appeals.

13. We have perused the material available on record and given our thoughtful consideration to the arguments advanced on behalf of the parties.

14. We find that there are two aspects which need to be addressed to in the present appeals. First aspect is with regard to interference with the answer key and the result.

15. As held in the plethora of decisions, it is well settled that revaluation of answers is not permissible in law, in absence of there being a provision of revaluation. The Hon'ble Supreme Court in the case of **Himachal Pradesh Public Service Commission vs. Mukesh Thakur & Another, (2010) 6SCC 759** has held as below:-

"24. The issue of re-evaluation of answer book is no more res integra. This issue was considered at length by this Court in Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupesh Kurmarsheth, wherein this Court rejected the contention that in absence of provision for re-evaluation, a direction to this effect can be issued by the Court. The Court further held that even the policy decision incorporated in the Rules/Regulations not providing for rechecking/ verification/re-evaluation cannot be challenged unless there are grounds to show that the policy itself is in violation of some statutory provision...

26. Thus, the law on the subject emerges to the effect that in absence of any provision under the statute or statutory rules/regulations, the Court should not generally direct revaluation."

16. In the cases of **Ran Vijay Singh & Others (supra) and High Court of Tripura through The Registrar General Versus Tirtha Sarathi Mukherjee & Others, (2019) 16 SCC 663**, the said legal position has been reaffirmed.

17. The Hon'ble Supreme Court has also been occasioned to consider a situation where key answers itself are found to be incorrect, requiring necessary interference by the writ Court. In the case of **Kanpur University, through Vice-Chancellor & Others (supra)**, upon examination of authentic texts, it was held that the key answers itself were not correct, hence it was held that it would be unfair to penalize the students for not giving an answer which is demonstrated to be wrong. It was held as under:

*"16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the 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 rationalisation. **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.** The contention of the University is falsified in this case by a large number of acknowledged textbooks, which are commonly read by students in U.P. Those textbooks leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.*

17. Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the medical colleges in U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those textbooks. Those textbooks support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong."

18. Similarly, in the case of **Manish Ujwal & Others vs. Maharishi Dayanand Saraswati University & Others, (2005) 13 SCC 744**, challenge was given to the ranking in the entrance tests conducted by the University for admission to the medical and dental courses with the grievance that various answers in the answer-key itself were wrong. Even the experts were of unanimous opinion that key answers of the disputed questions were erroneous. Based on the same, directions were given that the fresh evaluation of the papers by feeding correct answers would not affect students who have already secured admission as a result of first counselling. However, the exercise of examination of disputed key answers by a committee of experts was upheld.

19. The Hon'ble Supreme Court while considering all the earlier judgments on the issue has summarized the law and laid down the guiding principles regarding permissible course of action in such cases, in the case of *Ran Vijay Singh & Ors. (supra)*.

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

30.1. *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;*

30.2. *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;*

30.3. *The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;*

30.4. *The court should presume the correctness of the key answers and proceed on that assumption; and*

30.5. *In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.*

While laying down the guidelines, the Hon'ble Supreme Court has also highlighted that why the constitutional Courts must exercise the restraint in such matters.

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.”

20. In the case of ***U.P. Public Service Commission v. Rahul Singh, (2018) 7 SCC 254***, the Hon'ble Supreme Court while explaining the extent and power of the Courts to interfere in the matters of challenge given to answer-key, has held as under:

"12. *The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The constitutional courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case [Kanpur University v. Samir Gupta, (1983) 4 SCC 309], the Court recommended a system of:*

- (1) moderation;*
- (2) avoiding ambiguity in the questions;*
- (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.*

13. *As far as the present case is concerned, even before publishing the first list of key answers the Commission had got the key answers moderated by two Expert Committees. Thereafter, objections were invited and a 26-member Committee was*

*constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these Committees consisted of experts in various subjects for which the examinees were tested. **Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answers is better or more correct.***"

In view of the factual scenario of the said case, the Hon'ble Supreme Court held that in case of conflicting views, the Court must bow down to the opinion of the experts.

"14. In the present case, we find that all the three questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain textbooks. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts."

21. The principles propounded and the position of law settled in the aforesaid decisions were reiterated by the Hon'ble Supreme Court in the case of **Vikesh Kumar Gupta v. State of Rajasthan, (2021) 2 SCC 309** and it has been held as under:

"14. Though re-evaluation can be directed if rules permit, this Court has deprecated the practice of re-evaluation and scrutiny of the questions by the courts which lack expertise in academic matters. It is not permissible for the High Court to examine the question papers and answer sheets itself, particularly when the Commission has assessed the inter se merit of the candidates (H.P. Public

Service Commission v. Mukesh Thakur [H.P. Public Service Commission v. Mukesh Thakur, (2010) 6 SCC 759:(2010) 2 SCC (L&S) 286 : 3 SCEC 713]. Courts have to show deference and consideration to the recommendation of the expert committee who have the expertise to evaluate and make recommendations (see Basavaiah v. H.L. Ramesh [Basavaiah v. H.L. Ramesh, (2010) 8 SCC 372 : (2010) 2 SCC (L&S) 640]).

16. *In view of the above law laid down by this Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the expert committee in its judgment dated 12-3-2019 [Bhunda Ram v. State of Rajasthan, 2019 SCC OnLine Raj 7416] . Reliance was placed by the appellants on Richal v. Rajasthan Public Service Commission [Richal v. Rajasthan Public Service Commission, (2018) 8 SCC 81 : (2018) 2 SCC (L&S) 456] . In the said judgment, this Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case.*

17. *A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic matters. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible. The delay in finalisation of appointments to public posts is mainly caused due to pendency of cases challenging selections pending in courts for a long period of time. The cascading effect of delay in appointments is the continuance of those appointed on temporary basis and their claims for regularisation. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel.*

22. In light of the judicial pronouncements referred to above, it is now well settled that re-evaluation of answer sheets is not permissible unless specifically provided for under the applicable

rules or examination scheme. However, in exceptional situations where answers are demonstrably wrong, judicial interference is permitted to prevent injustice to candidates. The approach approved by the Courts is that, in cases involving objections to key answers or disputed questions, the matter must be referred to a Committee of Experts. If the Expert Committee concludes that the model answers are clearly wrong and another option is correct, evaluation must be carried out on the basis of the correct answer key. Further, only when a question itself is found to be vague, erroneous, or allows multiple correct answers as determined by the Expert Committee, such questions are required to be deleted. Even in case of doubt, then the opinion of the Expert Committee is to prevail. The scope of judicial review remains confined to rare cases, where the final answer key is demonstrably wrong on its face, without the need of any inferential process of reasoning or rationalization.

23. While following the said principle of law, in the case where the candidates have tried to showcase that a particular answer is correct as per the text material and the Expert Committee has suggested another answer while referring to other authenticated material, the Division Bench of this Hon'ble Court in the case of ***Mahendra Kumar Jat and Ors. vs. State of Rajasthan and Ors.***, decided on 10.07.2024 has refused to interfere in the matter by holding that the in the event of a doubt, benefit should go to the examination authority rather to the candidate.

"36. In our considered view, in the light of the principles which have been laid down by the

Hon'ble Supreme Court in catena of decisions, referred to hereinabove, the Writ Court finds itself unable to further go into this question and the enquiry must stop here only. In the celebrated decisions, referred to above, it has been authoritatively laid down that interference by the Court with regard to correctness of the answer key would be permissible within the scope and scrutiny/re-evaluation, only if it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalization and only in rare or exceptional cases that a material error has been committed. It has also been held that Court should not at all re-evaluate or scrutinize the answer sheets of a candidate as it has no expertise in the matter and academic matters are best left to academics. Further, it has also been settled as a clear legal position that Court should presume correctness of the key answers and proceed on that assumption and in the event of a doubt, benefit should go to the examination authority, rather than to the candidate."

24. We shall now examine the facts of the present case in the light of aforesaid legal position.

25. In the present case, the writ petitioner has challenged to final answer-key on the ground that the answers given in the model answer-key dated 13.07.2022 were in conformity with the books of standard publications such as the Board of Secondary Education, Hindi Granth Academy etc., whereas the Expert Committee while dealing with the objections has referred to other sources and has changed the answers relating to Question No.132 and 144 accordingly. Learned Single Judge while accepting the said contention has held that the other sources as relied upon by the Expert Committee is not justified and if the answers suggested in the model answer-key are in consonance with the books of standard publications, then the said questions shall be deleted.

26. The observation of the learned Single Judge that since the Expert Committee has not taken into account the books of standard publications (i.e. books published by Board of Secondary Education/CBSE/NCERT etc.), therefore, the said questions are liable to be resent for reevaluation, is not sustainable for the reason as the Rules/Scheme of examination nowhere provides that the objections are to be considered only on the basis of the books of standard publications.

In this regard, our attention is being drawn to the FAQs (Frequently Asked Questions) relating to examination in question, the relevant part of the FAQs is quoted below:

“2. क्या कोचिंग संस्थाओं द्वारा जारी किताबे मान्य है?
‘कोचिंग संस्थाओं द्वारा जारी/प्रकाशित पुस्तके/गाइड बुक आदि मान्य नहीं है। आपत्ति दर्ज करने के संदर्भ में केवल राजकीय विष्वविद्यालयों, महाविद्यालयों, विद्यालयों में सामान्य रूप से पढ़ाई जाने वाली पाठ्य पुस्तकों जो हिन्दी ग्रंथ अकादमी, NCERT, BSER, CBSE, ICSC आदि के द्वारा प्रकाशित की गई हो, के संदर्भों को ही संलग्न करना होगा तथा आवश्यक होने पर केवल केन्द्र सरकार, राज्य सरकार एवं अन्य राजकीय संस्थाओं की अधिकारिक वेबसाईट पर उपलब्ध संदर्भों को ही संलग्न करे।”

Thus, it has already been clarified on behalf of the examination authority that the objection can be submitted in reference to the books of standard publications such as, Hindi Granth Academy, NCERT, BSER, CBSE, ICSC etc. and also in reference to the information / material available upon the official websites of Government of India or State Government and other Government Organizations. Therefore, no error has been committed by the Expert Committee while taking reference of the information available upon the official websites of Government of

India / State Government Departments. Even otherwise, the interference of writ Court is permissible only if the answers suggested by the examination authority is found to be wrong and not merely on the basis of the fact that some other source has been taken into account while suggesting an answer, which is otherwise correct. The list of reference books provided by the examination authority are merely illustrative and not exhaustive / conclusive. Where the suggested answer is otherwise correct in view of some authenticated source, the same cannot be ignored or interfered with.

27. In view of above, as per the record of the Expert Committee, while dealing with the objections with regard to question no.132, the Expert Committee has relied upon the Census-2011 published in the Official Gazette available upon the official website of Government of India, which is undoubtedly an authenticated source and the answer derived from the said record can in no case be said to be demonstrably wrong. Even the writ petitioners have failed to establish that the said answer as suggested by the Expert Committee was wrong. In such circumstances, where the Expert Committee, in view of the information provided in Official Gazette of Government of India has suggested right answers, the same cannot be interfered with as the law is well settled that even in case of a doubt, the benefit should go in favour of the Expert Committee / Examination Committee.

28. Similarly, while dealing with the objections with regard to question no.144, the Expert Committee has relied upon “राजस्थान का

स्वतंत्र संग्राम का इतिहास (राजस्थान राज्य अभिलेखागार, बीकानेर)”, which is available upon the official website of Department of Archives, State of Rajasthan, which is certainly an authenticated source.

This Court would not assume the role of expert to arrive at a decision different from that taken by the Expert Committee, more particularly when the decision taken by the Expert Committee is based upon the information available on the official website of a Government Department, which is also permissible as per the FAQs.

The fact as to when the *Rajputana Madhya Bharat Sabha* was established is a historical fact and the Expert Committee while suggesting the correct answer has relied upon the information available on the official website of Department of Archives, State of Rajasthan.

A writ Court cannot undertake a roving inquiry and cannot examine the correctness of the historical fact concerning question No.144, which essentially is a matter to be considered only by the experts. The law is well settled that a writ Court cannot shift its own opinion over the opinion of the subject experts. Therefore, the answer suggested by the Expert Committee should be treated as correct answer.

29. Applying the aforesaid principles, it can be said that in case of doubt, benefit should go to the examination authority, rather than to the candidate.

30. The other aspect which is disturbing issue, which has been raised by the learned Advocate General relating to the different

view taken by the learned Single Judge ignoring the judgment passed by the another Single Judge of co-equal strength, in the case of *Babulal Godara* (supra). We had already noticed that in the said writ petition challenge was made to the answer regarding question no.144 and the court, after considering the law, dismissed the writ petition. However, in the impugned judgment, the learned Single Judge has taken a divergent view even after noticing that a judgment has been passed by the coordinate Bench. It was at the behest of the contentions raised by the writ petitioners that material brought by them was not available with the coordinate Bench while deciding *Babulal Godara's* case (supra). We are afraid that on the said premise the learned Single Judge ought not have passed an order without respecting the judgment passed earlier.

31. The **doctrine of 'stare decisis'** (to stand by decided cases) has been derive from the legal maxim- '*stare decisis at non quieta movere*', means 'to stand by things decided and not disturb the questions which have been put to rest'. The principle of 'stare decisis' is a cardinal principle of judicial discipline, carved out to ensure that there is no threat to the certainty of law.

31.1 The binding nature of precedents and the law as to how the Courts are required to follow the law settled earlier by the Courts, was described at length by the Apex Court in various judgements including in the case of ***Waman Rao & Ors. Vs. Union of India & Ors.: (1981) 2 SCC 362***. The doctrine of stare decisis was aptly explained in the case of *Raghubir Singh* (supra) in which the Apex Court held as under:-

"8. Taking note of the hierarchical character of the judicial system in India, it is of paramount importance that the law declared by this Court should be certain, clear and consistent. It is commonly known that most decisions of the courts are of significance not merely because they constitute an adjudication on the rights of the parties and resolve the dispute between them, but also because in doing so they embody a declaration of law operating as a binding principle in future cases. In this latter aspect lies their particular value developing the jurisprudence of the law.

9. The doctrine of binding precedent has the merit of promoting a certainty and consistency in judicial decisions, and enables an organic development of the law, besides providing assurance to the individual as to the consequence of transactions forming part of his daily affairs. And, therefore, the need for a clear and consistent enunciation of legal principle in the decisions of a court."

The Hon'ble Supreme Court of India while emphasizing on the aspect of 'certainty of law' has held that Judicial Discipline envisages that a coordinate Bench must follow the earlier decision of a bench of coequal strength. The Hon'ble Supreme Court of India in *Vijay Laxmi Sadho (supra)* has observed, as under:

"33. As the learned Single Judge was not in agreement with the view expressed in *Devilal* case, it would have been proper to maintain judicial discipline, to refer the matter to a Larger Bench rather than to take a different view. We note it with regret and distress that the said course was not followed. It is well settled that if a Bench of coordinate jurisdiction disagrees with another Bench of coordinate jurisdiction whether, on the basis of different arguments or otherwise, on a question of law, it is appropriate that the matter be referred to a larger bench for resolution of issue rather than to leave two conflicting judgments to operate, creating confusion. It is not proper to sacrifice certainty of law. Judicial decorum, no less than legal propriety forms the basis of judicial procedure and it must be respected at all costs."

31.2 The Constitution Bench of the Hon'ble Supreme Court in Central Board of ***Dawoodi Bohra Community Vs. State of Maharashtra: (2005) 2 SCC 673*** reaffirmed the doctrine of

binding precedence as it has the merit of promoting certainty and consistency in judicial decisions.

Reiterating the same view, the Hon'ble Apex Court in the case of *Purbanchal Cables (supra)* has held as under;

"74. Judicial discipline demands that a decision of a Division Bench of two Judges should be followed by another Division Bench of two Judges and this has been stated time and again by this Court. In Raghbir Singh, a Constitution Bench of this Court speaking through R.S. Pathak, C.J. held: (SCC p.778 para 28)

"28. We are of the opinion that a pronouncement of law by a Division Bench of this Court is binding on a Division bench of the same or a smaller number of Judges, and in order that such decision be binding, it is not necessary that it should be a decision rendered by the Full Court or a Constitution Bench of the Court."

75. In Union of India Vs. Paras Laminates (P) Ltd., this Court has observed: (SCC pp. 457-58, para 9)

"9. It is true that a Bench of two members must not lightly disregard the decision of another Bench of the same Tribunal on an identical question. This is particularly true when the earlier decision is rendered by a Larger Bench. The rationale of this rule is the need for continuity, certainty and predictability in the administration of justice. Persons affected by decisions of Tribunals or courts have a right to expect that those exercising judicial functions will follow the reason or ground of the judicial decision in the earlier cases on identical matters. Classification of particular goods adopted in earlier decisions must not be lightly disregarded in subsequent decisions, lest such judicial inconsistency should shake public confidence in the administration of justice."

31.3 Thus, the Hon'ble Apex Court has consistently reaffirmed the position of law in the abovementioned Judicial pronouncements that in case of divergence of views between the coordinate benches of co-equal strength, the matter will have to be resolved only in one of the two ways i.e., either to follow the earlier decision or refer

the matter to a larger Bench to examine the issue, in case it is felt that earlier decision is not correct on merits.

31.4 In the course of development of law, two exceptions were carved out to the doctrine of *stare decisis* i.e., the doctrine of 'per incuriam' and the 'rule of *sub-silentio*'.

The **doctrine of per incuriam**, has been developed by the English courts in relaxation to the rule of *Stare Decisis*. The same has been adopted by the Hon'ble Supreme Court of India in terms of Article 141 of the Constitution of India which embodies the doctrine of precedents as a matter of law.

In ***Young Vs. Bristol Aeroplane Company Limited ((1944) AII ER 293)*** the House of Lords observed that 'Incuria' literally means 'carelessness'. In practice per incuriam appears to mean *per ignoratium*. The 'quotable in law' is avoided and ignored if it is rendered, in *ignoratium* of a statute or other binding authority. The same has been accepted, approved and adopted by the Supreme Court while interpreting Article 141 of the Constitution of India which embodies the doctrine of precedence as a matter of law.

31.5 The doctrine of a precedent '*per incuriam*' means "through inadvertence". It has been held in the case of ***State of UP vs. Synthetics and Chemicals Ltd (1991) 4 SCC 139*** that if a decision has been given in ignorance of law or any statute or any binding authority, the doctrine of 'per-incuriam' is attracted. By the virtue of the doctrine of precedent '*per incuriam*', the court is not bound to abide by a decision made in ignorance of any applicable

statute or other binding authority (such as earlier rulings by higher courts or co-ordinate benches).

31.6 The law with regard to the doctrine of per incuriam has been explained in detail by the constitutional Bench of the Hon'ble Supreme Court of India in ***State of Punjab and Anr. v. Devans Modern Breweries Ltd. and Anr. reported in 2003 SCC OnLine SC 1300***, wherein the Hon'ble Court while referring to the Halsbury's Laws of England has held as under:

"339. Judicial discipline envisages that a coordinate Bench follow the decision of an earlier coordinate Bench. If a coordinate Bench does not agree with the principles of law enunciated by another Bench, the matter may be referred only to a larger Bench. (See Pradip Chandra Parija v. Pramod Chandra Patnaik [(2002) 1 SCC 1], SCC at paras 6 and 7; followed in Union of India v. Hansoli Devi [(2002) 7 SCC 273], SCC at para 2) But no decision can be arrived at contrary to or inconsistent with the law laid down by the coordinate Bench. Kalyani Stores [AIR 1966 SC 1686: (1966) 1 SCR 865] and K.K. Narula [AIR 1967 SC 1368: (1967) 3 SCR 50] both have been rendered by the Constitution Benches. The said decisions, therefore, cannot be thrown out for any purpose whatsoever; more so when both of them if applied collectively lead to a contrary decision proposed by the majority.

340. In Halsbury's Laws of England (4th Edn.), Vol. 26 at pp. 297-98, para 578, it is stated:

"A decision is given per incuriam when the court has acted in ignorance of a previous decision of its own or of a court of coordinate jurisdiction which covered the case before it, in which case it must decide which case to follow (Young v. Bristol Aeroplane Co. Ltd. [(1944) 1 KB 718 : (1944) 2 All ER 293 (CA)] , KB at p. 729 : All ER at p. 300. In Huddersfield Police Authority v. Watson [1947 KB 842 : (1947) 2 All ER 193] Lord Goddard, C.J. said that a decision was given per incuriam when a case or statute had not been brought to the court's attention and the court gave the decision in ignorance or forgetfulness of the existence of the case or statute); or when it has acted in ignorance of a House of Lords decision, in which case it must follow that decision; or when the decision is given in

ignorance of the terms of a statute or rule having statutory force [*Young v. Bristol Aeroplane Co. Ltd.* [(1944) 1 KB 718 : (1944) 2 All ER 293 (CA)] , KB at p. 729 : All ER at p. 300. See also *Lancaster Motor Co. (London) Ltd. v. Bremith Ltd.* [(1941) 1 KB 675 : (1941) 2 All ER 11 (CA)] For a Divisional Court decision disregarded by that court as being per incuriam, see *Nicholas v. Penny* [(1950) 2 KB 466 : (1950) 2 All ER 89] .] **A decision should not be treated as given per incuriam, however, simply because of a deficiency of parties** (*Morelle Ltd. v. Wakeling* [(1955) 2 QB 379 : (1955) 1 All ER 708 (CA)]), **or because the court had not the benefit of the best argument** (***Bryers v. Canadian Pacific Steamships Ltd.*** [(1957) 1 QB 134 : (1956) 3 All ER 560 (CA)] , per Singleton, L.J.; *affd. sub nom. Canadian Pacific Steamships Ltd. v. Bryers* [1958 AC 485 : (1957) 3 All ER 572 (HL)]), and, as a general rule, the only cases in which decisions should be held to be given per incuriam are those given in ignorance of some inconsistent statute or binding authority (*A. and J. Mucklow Ltd. v. IRC* [1954 Ch 615 : (1954) 2 All ER 508 (CA)] ; *Morelle Ltd. v. Wakeling* [(1955) 2 QB 379 : (1955) 1 All ER 708 (CA)] . See also *Bonsor v. Musicians' Union* [1954 Ch 479 : (1954) 1 All ER 822 (CA)] where the per incuriam contention was rejected and, on appeal to the House of Lords, although the House overruled the case which bound the Court of Appeal, the House agreed that that court had been bound by it: see *Bonsor v. Musicians' Union* [1956 AC 104 : (1955) 3 All ER 518 (HL)]). Even if a decision of the Court of Appeal has misinterpreted a previous decision of the House of Lords, the Court of Appeal must follow its previous decision and leave the House of Lords to rectify the mistake (*Williams v. Glasbrook Bros. Ltd.* [(1947) 2 All ER 884 (CA)]).”

Thus, an earlier judgment can be held to be not binding on the rule of per incuriam, only if the said judgment has been passed in ignorance of a relevant provision or statute or a relevant judgment on the subject.

31.7 The second exception to the rule of *Stare Decisis* is the **rule of sub-silentio**. In ***Municipal Corporation of Delhi v. Gurnam***

Kaur, (1989) 1 SCC 101, the hon'ble Supreme Court of India has held that a decision would be sub-silentio if the conclusion reached was "without argument, without reference to the crucial words of the rule and without any citation of authority".

The concept of precedent *sub-silentio* has been recently explained by the Hon'ble Apex Court in the case of **NBCC (India) Ltd. V/s State of West Bengal & Ors.**, reported in **(2025) 3 SCC 440:**

"53. A decision where the issue was neither raised nor preceded by any consideration, in State of U.P. v. Synthetics & Chemicals Ltd. [State of U.P. v. Synthetics & Chemicals Ltd., (1991) 4 SCC 139 : (1992) 87 STC 289] this Court held : (SCC p. 163, para 41)

"41. ... the Court did not feel bound by earlier decision as it was rendered without any argument, without reference to the crucial words of the rule and without any citation of the authority."

Further, approving the decision of this Court in *MCD v. Gurnam Kaur [MCD v. Gurnam Kaur, (1989) 1 SCC 101]* which held that "precedents sub silentio and without argument are of no moment" this Court held [*State of U.P. v. Synthetics & Chemicals Ltd., (1991) 4 SCC 139 : (1992) 87 STC 289]* that : (*Synthetics & Chemicals case [State of U.P. v. Synthetics & Chemicals Ltd., (1991) 4 SCC 139 : (1992) 87 STC 289], SCC p.163, para 41)*

"41. ... A decision which is not express and is not founded on reasons nor it proceeds on consideration of issue cannot be deemed to be a law declared to have a binding effect as is contemplated by Article 141."

54. The same approach was adopted in Arnit Das (1) v. State of Bihar [Arnit Das (1) v. State of Bihar, (2000) 5 SCC 488: 2000 SCC (Cri) 962] where it was held that: (SCC p. 498, para 20).

"20. A decision not expressed, not accompanied by reasons and not proceeding on a conscious consideration of an issue cannot be deemed to be a law declared to have a binding effect as is contemplated by Article 141. That which has escaped in the judgment is not the ratio decidendi. This is the rule of sub silentio, in the technical sense when a particular point of law was not consciously determined."

Thus, orders, where the merits of the case are not adjudicated, not accompanied by reasons and conscious consideration of an issue, can be considered as precedent sub silentio, so as to avoid its binding effect.

32. Applying the above principles of law laid down by the Hon'ble Apex Court upon the facts of the present case, we find that the same issue pertaining to the validity of the final answer regarding question no. 144 was already decided in the case of **Babu Lal Godara (supra)** vide judgment dated 23.05.2023, wherein the learned Single Judge, dismissed the writ petition.

Ex-facie, the judgment dated 23.05.2023 passed by the coordinate bench of this Court on the same issue is a reasoned order, wherein the arguments raised by the petitioner have been dealt with, in the light of the law laid down by a three Judge Bench of the Hon'ble Supreme Court of India in **Vikesh Kumar Gupta (supra)**. Only after such conscious consideration of the issue, the learned Single Judge had recorded a definite conclusion that the challenge to the said question no. 144 cannot be sustained.

It is not a case that a relevant statutory provision or a relevant judicial pronouncement has not been taken into consideration while passing the judgment dated 23.05.2023,

therefore, the said judgment cannot be ignored by invoking the doctrine of *Per Incuriam*. The judgment dated 23.05.2023 passed by the Coordinate Bench cannot be said to be a judgment without arguments or without reference to the crucial words of the rule and without any citation of authority and therefore, even the rule of *sub silentio* cannot be invoked to avoid the binding effect of the said judgement.

33. Merely because certain material is not placed before the coordinate Bench it is not open to a subsequent court of the same strength to take a divergent view.

34. If the learned Single Judge was not in agreement with the judgement dated 23.05.2023 passed by the coordinate Bench of this Court, in view of the settled position of law, the matter must have been referred to the larger Bench for its consideration, while upholding the principles of judicial discipline as held by the Hon'ble Supreme Court of India in ***Vijay Laxmi Sadho's Case (Supra)***,

"... It is well settled that if a Bench of coordinate jurisdiction disagrees with another Bench of coordinate jurisdiction whether, on the basis of different arguments or otherwise, on a question of law, it is appropriate that the matter be referred to a larger bench for resolution of issue rather than to leave two conflicting judgments to operate, creating confusion. It is not proper to sacrifice certainty of law".

Our view also get support from the judgment passed by the Hon'ble Supreme Court of India in ***State of Bihar v. Kalika Kuer (2003) 5 SCC 448*** wherein, while considering catena of judgments passed earlier by the Hon'ble Supreme Court, observed as follows:

"The earlier judgment may seem to be not correct, yet it will have the binding effect on the later Bench of coordinate jurisdiction. Easy course of saying that earlier decision was rendered per incuriam is not permissible and the matter will have to be resolved only in two ways- either to follow the earlier decision or refer the matter to a larger Bench to examine the issue, in case it is felt that earlier decision is not correct on merits."

35. Hon'ble Supreme Court has time and again expressed its concern that despite several pronouncements on the subject, there is substantial increase in the instances where the Coordinate Benches refuse to follow and accept the earlier verdict by coordinate Benches by citing minor difference as the ground for doing so. It is to be remembered that disregard to the constitutional ethos and breach of judicial discipline have grave impact on the credibility of judicial institution and encourages chance litigation. The predictability and certainty of judgments is an important hallmark of judicial jurisprudence developed over the years and any departure from the same will cause incalculable harm to the system.

36. An upshot of the above discussion, the learned Single Judge fell into grave error in taking a diverging view and not following the judgment dated 23.05.2023 passed by the coordinate bench while dealing with the same controversy. The same is barred by the doctrine of stare decisis and thus, not sustainable in the eye of law.

37. In view of above, we allow all these appeals and set aside the judgment dated 07.06.2023 passed by the learned Single Judge.

38. No costs.

39. All pending application(s) also stand disposed of.

40. A copy of this order be placed in the connected files.

(SANJEET PUROHIT),J

(SANJEEV PRAKASH SHARMA),ACTING CJ

INDER/