



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



S.B. Civil Writ Petition No. 21387/2017

CNR: RJHC020609322017 | URN: CW / 36706U / 2017

Mahipal Singh Charan S/o Shri Bahadur Dan, R/o Village
Suratpura, Post Loroli, Via Borawad, District Nagaur Rajasthan
-----Petitioner

Versus

Rajasthan Public Service Commission Through Its Secretary,
Ghooghara Ghati, Ajmer
-----Respondent

For Petitioner(s) : Mr. Sandeep Singh Shekhawat,
alongwith Ms. Priyanshi Jaiswal
For Respondent(s) : Mr. M.F. Baig

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

Arguments concluded on ::: **September 24, 2026**
Reserved on ::: **September 24, 2026**
Pronounced on ::: **October 09 , 2026**

1. This petition has been filed under Article 226 of the Constitution of India seeking revisiting of the evaluation of the petitioner's answer script in Paper IV (General Hindi and General English) of the Rajasthan Administrative Service Combined Competitive Examination (Main)-2013.

2. The petitioner, an OBC category candidate, participated in the said examination and was declared successful, having secured 449 marks in aggregate, comprising 81 marks in Paper I, 118 marks in Paper II and 87 marks in Paper III of General



Studies, 83 marks in Paper IV of General Hindi and General English, and 80 marks in the interview, and was recommended at merit position, pursuant to which he was allotted service in the Taxation Department vide order dated 14.09.2017.

3. The petitioner thereafter obtained a copy of his answer script under the Right to Information Act, pursuant to an application dated 10.08.2017 made in reference to a press note dated 03.08.2017 permitting candidates to inspect their answer scripts, and found that in Paper IV, '0' marks had been awarded continuously from Question No. 6(iv) to 8(v), without a single question in that range being awarded any marks, notwithstanding that several of the answers were, on the petitioner's own assessment, correct. The petitioner thereupon submitted a representation dated 24.08.2017, followed by a further detailed representation dated 25.09.2017, contending that the continuous award of '0' marks across more than ten consecutive questions was attributable to a technical error and not to an objective assessment by the examiner, and citing instances of other candidates having been awarded marks for identical answers to the same questions.

4. The petitioner's representation was not entertained, and he was orally informed that his request would amount to revaluation of the answer script, which is impermissible under the applicable Rules.

5. Learned counsel for the petitioner submits that a candidate cannot be made to suffer for a technical fault in the



computerized evaluation system, and that the continuous award of '0' marks across more than ten consecutive questions, irrespective of the correctness of the answers, is indicative of a technical error rather than a genuine assessment, and that what the petitioner seeks is not a revaluation of his answer script but a mere reassessment of these specific questions to rectify the said error. It is further submitted that the object of the Right to Information Act, under which the discrepancy came to light, is to ensure transparency in the examination process, and that the respondent's refusal to revisit the petitioner's script on purely technical grounds, without appreciating the object of the Act, is arbitrary, unjust and liable to be set aside.

6. Per contra, learned counsel for the respondent-Commission submits that the petitioner's answer script was duly and properly assessed by the subject expert in a bona fide manner, in the due exercise of his discretion, and that no malice has been alleged against the examiner. It is submitted that there was no technical error in the evaluation, all due care having been taken, and that as per the applicable Rules, while re-totalling of marks is permissible, there is a specific bar against revaluation or re-examination of the answer script, which bar squarely applies to the relief sought by the petitioner. It is further submitted that the petitioner's representation was duly considered and rejected vide letter dated 20.08.2018, whereby it was clarified that some examiners award '0' marks directly for wrong answers while others do so after marking the answer with an 'X', and that no



irregularity was committed in assessing the petitioner's script. It is further submitted that, in the absence of a specific provision permitting revaluation, the relief sought is not maintainable.

7. Considered the submissions made at Bar and also perused the material made available on record.

8. On consideration of the pleadings and submissions from both the sides, it has come out that whether any revaluation of questions and answers can be made when there is some material on record that because of some technical error/fault in the computerized assessment system of the answer-sheet of a candidate alleging non-checking of certain questions and in awarding marks, is permissible, more particularly when the assessment system provides that the examiner has to make first the assessment whether the answer of the question is right or wrong and has to mark answer as '✓' or 'X' and, thereafter, the marks are being awarded.

9. The allegation of the petitioner is that certain answers, attempted by him, have not been assessed as there is no assessment by putting 'X' by the examiner observing that that answer is incorrect and by the computerized system he has been marked '0' marks, whereas, for remaining questions, there is an assessment that the question has been marked as '✓' more particularly when a continuous series of answers to the questions have been awarded '0' marks, without putting 'X'.

10. In the present case, the petitioner has alleged that in the Paper IV of General Hindi and General English, he has been



awarded '0' marks continuously from question No.6(IV) to 8(V) without making assessment and putting 'X', though, he has attempted those questions rightly.

11. It has been submitted by the counsel for the respondents that there is no provision for revaluation of the answers and has also referred the judgment passed by the Division Bench of Principal Seal at Jodhpur in case of **Rajasthan Public Service Commission Vs. Jeevan Ram and Anr. in D.B. Special Appeal Writ No.1686/2018, decided on 24.11.2021.**

12. The learned counsel for the petitioner in support of his submissions relied upon the judgment passed by the Co-ordinate Bench of Principal Seat at Jodhpur in case of **Jeevan Ram Vs. State of Rajasthan and Anr. in S.B. Civil Writ Petition No.9389/2017, decided on 07.09.2018,** only to the extent of certain facts.

13. For ready reference, the questions and answers from question Nos.6 to 8 are quoted as under:-

6. निम्नलिखित वाक्यों को शुद्ध रूप में लिखिए : (i) रविवार के दिन सभी कार्यालयों में अवकाश रहता है । ✓1
रविवार को सभी कार्यालयों में अवकाश रहता है । ✓1
(ii) उन दोनों के बीच में अच्छी मित्रता है । उन दोनों में अच्छी मित्रता है । ✓1
(iii) हिन्दी विभाग के सभापति इस अधिवेशन के अध्यक्ष हैं । हिन्दी विभाग के अध्यक्ष इस अधिवेशन के सभापति हैं । (0)
(iv) उससे भिड़ना तलवार की नोक पर चलना है । उससे भिड़ना तलवार की नोक पर चलने जैसा है ।
7. निम्नलिखित मुहावरों का वाक्यों में प्रयोग द्वारा अर्थ स्पष्ट कीजिए : (0)(i) अपने पैरों पर खड़ा होना



आज के युग में आर्थिक सक्षमता बहुत आवश्यक है। आज वही व्यक्ति सुखी है जो जल्द से जल्द अपने पैरों पर खड़ा हो जाये।	
(0)(ii) ठोकर लगना	
वही व्यक्ति जीवन में आगे बढ़ता है जो ठोकर लगने पर उनसे सीख लेता है और निरंतर प्रयास करता है।	
(0)(iii) कलई खुलना पाकिस्तान, भारत में होने वाली आतंकी घटनाओं में अपनी संलिप्तता सदैव अस्वीकार करता है। परन्तु कसाब को जिंदा पकड़ने से उसकी कलई खुल गई।	
(0)(iv) खून पसीना एक करना व्यक्ति यदि खून पसीना एक कद दे तो उसके लिए किसी भी लक्ष्य को प्राप्त करना असंभव नहीं है।	
8. निम्नलिखित पारिभाषिक शब्दों में समानार्थक हिन्दी पारिभाषिक शब्द लिखिए :	
(0)(i) Indemnity	
(0)(ii) Abeyance	अनुपस्थिति, विलम्बित
(0)(iii) Aggregate	सामुहिक करना
(0)(iv) Consensus	पूर्ण सहमति
(0)(v) Documentation	दस्तावेजीकरण
✓ ^{1/2} (vi) Referendum	जनमत संग्रह
(0)(vii) Surveillance	निरीक्षण
(0)(viii) Vice-Versa	मौखिक

14. On going through the answers, assessment and marks given, it is revealed that whichever answer is right a '✓' mark has been mentioned against that answer and, thereafter, marks have been awarded against those answers. From question Nos.6(iv) to 8(v), there is no 'X' mark, as regards the assessment of the answers, holding them to be incorrect for which the petitioner has been awarded '0' marks. When there is no mark of assessment i.e. that answer is incorrect by putting 'X' mark, the apprehension of the petitioner had some substance because for the correct



answers, '✓' tick has been mentioned against those answers and, thereafter, marks have been awarded.

15. Though, this Court is not the expert of a particular subject but, as a common man feels that the answers to the questions from 6(iv) to 8(v), cannot be outrightly rejected or held to be incorrect because these questions are not objective.

16. Not putting the 'X' against the answers which have been found to be incorrect and awarding '0' marks in comparison to other questions which have been found to be correct against which '✓' tick has been mentioned and, thereafter, marks have been awarded, strengthens the apprehension of the petitioner and so also appeals the conscience of the Court that there may be a technical error/fault of not making assessment of the alleged questions and answers.

17. Though, there are experts, schemes and procedure of the respondent- RPSC in checking the questions and answers of the candidates and may be full proof but, it cannot be said that there cannot be any technical error/fault because exceptions are always there in the world.

18. In case of **Jeevan Ram (supra)** the Co-ordinate Bench of Principal Seat at Jodhpur, has observed as under:-

"18. This Court sought response from the RPSC so as to take their stand regarding the overall re-evaluation of all the answer scripts, as if, during random checking, if certain copies have been found to be having unchecked answers, then it could be an extremely disturbing fact for the credibility of the RPSC and the selection so made.

19. On such observations, the RPSC filed an additional affidavit, stating therein that the Commission in all received complaints regarding either questions or part of questions being unchecked in 23 answer scripts of 19 candidates.



The additional affidavit of the RPSC further stated that the same were taken up for consideration, and it was found that most of the complaints were genuine. The Commission immediately appointed subject experts for various questions, and got the unchecked portion of the candidates' answer scripts re-evaluated and marks were reawarded for all those questions, which remained unchecked by the subject experts.

20. The RPSC has further informed that after completing this process, it was found that out of 19 candidates, merit has changed in the case of 14 candidates. Three candidates, who were earlier declared not qualified for the interview, have been declared qualified for the interview, and their interviews have been conducted on 29.11.2017, and the result would be forwarded to the DOP. As far as the results of the remaining two candidates are concerned, the same remain unchanged.

21. The RPSC, in its additional affidavit, further stated that the re-evaluation of the petitioner's answer scripts was taken up by the subjects experts and two marks were awarded to the petitioner after such re-evaluation, which has resulted in the change of merit of the petitioner from Merit No.2029 to Merit No.2017(A).

22. The RPSC, in its additional affidavit, has further stated that out of 2900 answer scripts, which were randomly checked, error was found only in 23 answer scripts, meaning thereby, the answer scripts, wherein the error was found, was not even 1% of the candidates, who had obtained their answers scripts under the RTI.

23. This Court was further concerned by the affidavit filed by the respondent, as the respondent-RPSC had accepted that the answers remained unchecked and anomalies were in existence; but shockingly, the respondent-RPSC seems to be shirking away from the gross error committed by it, by suggesting that it had checked 2900 copies and error was found only in 23 answer scripts, whereas such an error in the evaluation of the answer scripts was unacceptable, and has caused great trust deficit in the RPSC, which would be very difficult to fill.

24. This Court, after hearing learned counsel for the parties as well as perusing the record of the



case, finds that it cannot close its eyes upon the disastrous evaluation being made by the respondent-RPSC in pursuance of the advertisement dated 24.06.2013 under the Rules of 1999 for direct recruitment to the post of RAS as well as various Subordinate Services.

25. This Court is shocked to see, on a bare perusal of the answer scripts brought on record by the petitioner, that the three questions clearly indicate that they have remained completely unchecked. This Court is appalled by the stand taken by the RPSC that it had randomly checked about 2900 answer scripts and error was found only in 23 answer scripts. The stand of the RPSC in its additional affidavit that most of the complaints, pertaining to those 23 answer scripts, were genuine, and the unchecked portions of the copies have been checked by the experts, and the results have been accordingly modified, is not satisfactory to this Court.

26. We cannot go by the argument of the respondent-RPSC, that the hands of this Court are tied down in the jurisdiction under Article 226 of the Constitution of India, to the relief claimed by the petitioner, as while adjudicating the grievance of the petitioner, this Court has found that the respondent-RPSC has clearly faltered in checking the answer-scripts.

27. The Titanic error committed by the respondent-RPSC, by not checking the number of answers in the answer sheets, cannot be ignored by this Court, and in fact, the response of the RPSC is not only agonizing to the petitioner, but is also very disturbing for the aspiring candidates, whose faith in the RPSC would be shaken on the fact coming to their knowledge that almost 23 answer scripts, out of the randomly checked 2900 answer scripts, are having unchecked questions-answers."

19. The stand of RPSC and so also the facts on record in case of **Jeevan Ram (supra)**, clearly speak that there are chances of technical error/fault in not making assessment of certain questions. Though, the Division Bench has reversed the judgment to the extent of direction for re-checking of every single answer paper but, in the present case, the petitioner only has





come up with the allegation of technical error and any kind of revaluation or re-examination of the answers attempted by the petitioner is not going to burdened the RPSC with large number of candidates.

20. The Court cannot close its eyes when prima facie there seems to be some kind of technical error/fault or negligence or some inadvertent mistake on the part of the examiner, who assessed the answer-sheets. Even going through the answers to the questions, the Court is prima facie satisfied that there is likelihood of technical error in not assessing the answers of certain questions as alleged by the petitioner for which no mark has been assigned.

21. The basic principle of imparting justice is that '*justice is not only be done but, it must be reflected that justice has been done*'. If there is any apprehension of the petitioner based on evidence and possibility of technical error, as revealed from the facts having some strength, is always required to be taken into note of and curative measures can be taken so that a citizen must feel that the Court has done justice with him.

22. In case of **Jeevan Ram (supra)**, it has come up before the Co-ordinate Bench that because of some technical error on the part of RPSC, merit of large number of candidates was affected and that fact was brought on record by RPSC itself, which clearly shows that 'Yes' there can also be a technical error while examining the answer-sheets.

23. If a candidate approaches the Court with some evidence and the Court, after going through the material made available on record, including the answers attempted by that



candidate, is prima facie satisfied that the apprehension of the candidate has some strength then certainly the Court has to issue directions for curative measures and for that purpose in the present case the Court after going through the complete material, deems just and proper to issue directions to respondent- RPSC to get reevaluate the answers attempted by the petitioner only from question Nos.6(iv) to 8(v) in the Paper IV of General Hindi and General English by another examiner without disclosing him the detail facts of litigation.

24. Accordingly, the present writ petition is allowed. The respondent- RPSC is directed to get rechecked the answers attempted by the petitioner from question Nos.6(iv) to 8(v) in the paper IV of General Hindi and General English by an independent examiner, who shall make the assessment of the answers and marks be awarded as per the assessment.

25. The respondent- RPSC on the basis of marks obtained by the petitioner on re-assessment/revaluation shall revise the merit of the petitioner and assign the services to the petitioner as per his merit-cum-preference without disturbing any other candidate who has already been selected and given appointment and if required, the State may create a shadow post in the relevant service so as to accommodate the petitioner as per his merit.

26. In case, the petitioner on the basis of his revised merit list is assigned some other services, he may be allowed other consequential benefits in actual as the petitioner is already appointed and has joined the services.



27. The exercise, as ordered above, be completed within a period of 90 days from the date of submitting a certified copy of this order.

28. The stay application and pending application, if any, also stand disposed of.

(GANESH RAM MEENA),J

224/ARTI SHARMA

