

Sanjay Kumar and Others Vs The State of Jharkhand and Others

Court: Jharkhand High Court

Date of Decision: Feb. 1, 2012

Citation: (2012) 2 JCR 202 : (2012) 1 JLJR 252

Hon'ble Judges: Prakash Tatia, J; P.P. Bhatt, J

Bench: Division Bench

Final Decision: Dismissed

Judgement

1. Heard counsel for the parties.

2. The appellants are aggrieved against the order dated 9th March, 2011, by which the appellants' writ petition, W.P (S) No. 3663/2010, had

been dismissed.

3. The appellants' grievance was that they were selected finally after the preliminary and main tests and interview, but subsequently Public Service

Commission of the State revised the result and declared them to be unsuccessful. Learned Single Judge observed that the allegation had been

countered by filing counter-affidavit and by saying therein that there was some error in tabulation of marks and because of that reason, wrong result

was published and subsequently the mistake was rectified and revised result published, wherein the appellants were declared unsuccessful.

4. We directed the Public Service Commission to produce the records and we also permitted the counsel for the appellants to look into the

record. Learned counsel for the appellants submitted that in number of cases, marks have been changed in tabulation, whereas explanation of the

Jharkhand Public Service Commission is that the marks were added by the examiner and that had been recorded in the tabulation and the change,

which was made by the examiner himself in the copy, had been recorded in the tabulation and it is also submitted that it was the decision of one of

the members to reevaluate all answer books and they were, in fact, reevaluated and when it was found to be against the rules, the original number,

which were given by the examiner to the candidates, were only taken into account.

5. Learned counsel for the appellants submitted that in few of the cases, in one language paper there is a correction, which clearly indicates that

there is possibility of manipulation in all the matters.

6. We also checked some of the copies and are of the considered opinion that the examiner himself gave the marks which had only been recorded

by the Jharkhand Public Service Commission in the final result and it appear to be a case of mistaken declaration, which has been corrected

subsequently.

7. In view of the above, we find no illegality in the order passed by the learned Single Judge and thus, there is no merit in this appeal and the same

is dismissed.