

IN THE GAUHATI HIGH COURT
**(THE HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL
PRADESH)**

ITANAGAR PERMANENT BENCH
(NAHARLAGUN)

WP(C) 356 (AP) 2012

Shri Bharat Saring,
S/o Shri Kato Saring
Village-Parbuk
PO & PS Roing
District Lower Dibang Valley
Arunachal Pradesh.

.....Petitioner.

-VS-

1. **The State of Arunachal Pradesh,**
Represented by the Chief Secretary
Government of Arunachal Pradesh
Itanagar.
2. **The Arunachal Pradesh Public Service Commission,**
Represented by the Chairman,
Arunachal Pradesh Public Service Commission.
3. **The Secretary,**
Arunachal Pradesh Public Service Commission.
Itanagar.

..... Respondents.

By Advocates:

For the petitioners: Mr. P. Taffo,
Ms. N. Danggen,
Mr. M. Molo,
Mr. T. Gyadi,

For the respondents: Mr. S. Tapin, Senior Government Advocate,
Arunachal Pradesh,
Mr. N. Pada, standing counsel APPCS,

:::BEFORE:::
HON'BLE MR. JUSTICE AJIT BORTHAKUR

Date of hearing : **08.01.2018.**

Date of Judgment : **08.01.2018.**

JUDGMENT & ORDER (ORAL)

Heard Ms. N. Danggen, learned counsel appearing for the petitioners. Also heard S. Tapin, learned Senior Government Advocate appearing for the State Respondent No. 1 as well as Mr. N. Pada, learned Standing Counsel (APPSC) appearing for the respondents No. 2 & 3.

2. By preferring the instant petition under Article 226 of the Constitution of India, the writ petitioner has prayed for a direction for re-evaluation of his answer scripts in the subjects of General English, General Studies, Paper-II and Sociology, Paper-II in Arunachal Pradesh Public Service Commission Combined Competitive Examination (Mains), 2012 and for consequential benefits.

3. The writ petitioner has, *interalia*, contended that out of the various questions attended by the petitioner in the aforesaid examination, specifically the questions No. 5 (a) (VI), 5 (a) (IX), 5 (b) (IV), 5 (b) (III), 6 (a) (II), 6 (b) (II), 6 (b) (IV), 6 (c) (IV) of General English Paper and questions No. 10 (a) and 10 (b) of General Studies, Paper-II have not been awarded with any marks by one of the evaluators whereas, the evaluators were duty bound to give marks as per the correctness of the answers. In the result of the Arunachal Pradesh Public Service Commission Combined Competitive Examination, 2011-2012, 26 candidates were finally selected for appointment in various posts in categories of Group-A and B/other services as per their performance in the examination. According to the petitioner, the total marks obtained by the petitioner in the said examination being 904.41 marks are lesser than the total marks of the few selected candidates with narrow margin only. The petitioner has stated that had he been given marks in the aforesaid attended questions, he would have been selected in the final Selection List. Being aggrieved, the petitioner submitted a representation, dated 21.08.2012, before the respondent authority for re-

evaluation of the said answer scripts in which he appeared, but, the respondent authority has refused to address his grievances.

4. The respondents No. 2 & 3- the Arunachal Pradesh Public Service Commission, contended that regarding furnishing of marks of the evaluated answer scripts and evaluated award-sheets of 26 (twenty six) other candidates are purely personal information, the disclosure of which has no relation to any public interest or activity which in such a situation is covered u/s 8 (1) (e) of the RTI Act and as per the decision of CIC case No.1CPW/A-02/CIC/2006, the commission has refused to furnish the information. It has been further averred that regarding award of marks by the evaluators, the Commission has no role in it. The commission relying upon the marks awarded by two subject experts prepared the results according to the total aggregate marks. It is admitted that evaluator has given excess remarks in the award-sheet against the question No.10 (b) of General Studies, Paper-II. Against question No.10 options were given for sub-questions (a) and (b), out of which candidates had to answer either of the sub-question i.e., (a) or (b) and followed by sub-question (c) and (d) for which total allotted marks was $3 \times 4 = 12$. Therefore, in case the petitioner has attempted both the options i.e. (a) and (b) for which marks have not been awarded against the sub-question (b) of question No.10. It has been further averred that the signature of evaluator is not finished to maintain secrecy and during the process of photocopy of the award-sheets the signature/initial of the evaluators are concealed for maintaining fiduciary relation disclosure so as to ensure the smooth functioning of the Commission in respect of question setting, moderation and evaluation etc.

5. Mr. N. Pada, learned Standing Counsel appearing for the Arunachal Pradesh Public Service Commission fairly submits that having regard to the nature of grievances expressed by the writ petitioner in his representation, dated 21.08.2012, and in the instant writ petition, the Commission has agreed to re-evaluate the answer scripts of the petitioner which are mentioned in the petition and accordingly, submits to dispose of the instant writ petition with a direction to the respondents No. 2 & 3 for re-evaluation of the answer scripts of the petitioner within a specified period.

6. Ms. N. Danggen, learned counsel appearing for the petitioner submits no objection against the suggestion of the learned Standing Counsel for the

respondents No. 2 & 3. Ms. Danggen, has, however, drawn attention of this Court to the principles laid in ***Ajit Borah Vs. State of Assam & Ors.***, reported in ***(2005) 4 GLT 642; Manish Ujwal & Ors. Vs. Maharishi Dayanand Saraswati University & Ors.***, reported in ***(2005) 13 SCC 744*** and ***Jatin Baruah (Dr.) Vs. State of Assam & Ors.***, reported in ***(2005) SUPPL GLT 897.***

7. Having given anxious consideration to the contentions made by the writ petitioner in the instant petition and the suggestion made thereto by the learned Standing Counsel for the respondents No. 2 & 3 as agreed to by the learned counsel for the petitioner, the instant writ petition is disposed of with a direction to the respondents No. 2 & 3 to re-evaluate the answer scripts of the petitioner, as stated above, within a period of 60(sixty) days from the date of receipt of a certified copy of this order which will be furnished by the petitioner within a period of 10(ten) days from today.

8. With the above direction, **the writ petition stands disposed of.**

Cha Gang

JUDGE