

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

**ITANAGAR PERMANENT BENCH:::NAHARLAGUN**

**Review Petition No. 02(AP)2018**  
**[in WP(c) 356(AP)2012]**

**The Arunachal Pradesh Public Service  
Commission, Itanagar**

*.....petitioner*

*-/-*

**Sri Bharat Saring**

Son of Sri Kato Saring  
Resident of Parbuk village  
PO/PS - Roing, Lower Dibang Valley District  
Arunachal Pradesh.

*.....respondent*

By Advocates:

For the petitioner: Mr. Nalo Pada, standing counsel

For the respondent:

Ms. Nikita Danggen  
Ms. Oyina Perme  
Mr. Oken Duggong  
Mr. T. Tatak  
Mr. D. Taggu  
Mr. Y. Karga

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

Date of hearing : **06.03.2018.**

Date of Judgment : **06.03.2018.**

**JUDGMENT & ORDER(ORAL)**

Heard Mr. Nalo Pada, learned standing counsel, Arunachal Pradesh Public Service Commission(APPSC), appearing on behalf of the review petitioner.

Also heard Ms. Nikita Danggen, learned counsel appearing on behalf of the respondent-writ petitioner.

**2.** By this review petition preferred under Chapter X of the Gauhati High Court Rules, *read with* Order 47, Rules 1 & 2 of the Code of Civil Procedure, 1908, the petitioner Arunachal Pradesh Public Service Commission (APPSC) has sought for review of the relevant paragraphs of judgment & order, dated 08.01.2018, passed by this Court in WP(c)356(AP)2012, on the grounds, *inter alia*, that the submissions of Mr. Pada, learned standing counsel, APPSC, has been misquoted by the Court, inadvertently, while writing-out the judgment.

**3.** Mr. Pada, learned standing counsel, APPSC, submits that on the day of hearing of the matter i.e. on 08.01.2018, he had specifically made an averment that neither, he, nor, the Commission ever suggested for re-evaluation of the answer scripts of the petitioner, as has been reflected in the judgment & order, dated 08.01.2018. Mr. Pada, also submits that on the said date, while relying on the affidavit-in-opposition filed by the APPSC, he stated that there is no system in place for re-evaluation of the answer script of the examinee(s) as per the APPSC Conduct of Examination Guidelines, 2012. Mr. Pada, further submits that on 08.01.2018, he had stated that as per the additional affidavit filed by the writ petitioner/respondent, herein) in the said writ petition, he had only acceded to the petitioner's prayer for calling of the original records of the petitioner as well as of some other selected candidates, for perusal/verification by this Court.

**4.** Mr. Pada, learned standing counsel, further submits that another categorical submission he had averred at the time of hearing of the matter on 08.01.2018, was that, in the event, the Court deemed it appropriate to direct for re-evaluation of the petitioner's answer scripts, then, adequate time may be granted to the respondents No. 2 & 3(Arunachal Pradesh Public Service Commission) for that purpose.

**5.** Mr. Pada, also submits that though the statements as made above are true, but the same could not find its way into the judgment & order, dated 08.01.2018. As such, he was unaware of the fact that any error in misquoting his submissions, had crept into the judgment & order dated 08.01.2018 until the time he got the certified copy of the said judgment & order. In view of the

above, pleading the Court that the above submissions ought to be considered by this Court, with a pragmatic approach, Mr. Pada, prays that his prayer for review of the judgment & order, dated 08.01.2018, passed in WP(c)356(AP)2012, to the extent as quoted above, may be allowed.

**6.** Ms. Danggen, learned counsel for the respondent/writ petitioner, on the other hand, candidly admits that the submissions as made by Mr. Pada, learned standing counsel, APPSC, were, in fact, averred by him at the time of hearing of the said writ petition on 08.01.2018. Apart from the above, she also submits that on 08.01.2018, she had prayed for calling of the original records of the petitioners and other selected candidates for perusal by the Court. Ms. Danggen, further submits that on 08.01.2018, she had prayed for re-evaluation of the answer scripts of the writ petitioner by the Commission and not as prayed for by the learned standing counsel, APPSC. Taking a magnanimous view of the matter at hand, she finally submits that she has no objection if the prayer of the petitioner-APPSC for reviewing of the judgment & order, as noted above, is allowed by the Court. However, she has categorically submits that specific directions as reflected in the operative part of the judgment & order dated 08.01.2018 may remain intact.

**7.** For ready reference and better appreciation of the contentions as made by the learned counsels appearing for the parties *vis-à-vis* the related paragraphs of the judgment & order, dated 08.01.2018, passed by this Court in WP(c)356(AP)2012, the same is quoted, hereunder:

**"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.** Having regard to the backdrop of the facts and circumstances averred by Mr. Pada, learned standing counsel, APPSC, and on consideration of the submissions made by Ms. Danggen, learned counsel for the respondent/writ petitioner, as stated above, and upon perusal of the contents of this petition as well as the judgment & order, dated 08.01.2018, this Court is of the considered view that revisionary power as enshrined under Article 226 of the Constitution of India, can be invoked by the Court, in this matter, without affecting/altering the main operative portion. Resultantly, the earlier Paragraphs No. 5, 6 & 7 of the judgment & order, dated 08.01.2018, shall be substituted by the following Paragraphs and the same shall form a part of the earlier judgment & order, dated 08.01.2018, henceforth:

**"5.** Mr. Pada, learned standing counsel, APPSC, on the other hand, contends that re-evaluation of the answer scripts of the petitioner or some other selected candidates, is not permissible as per the APPSC Conduct of Examination Guidelines, 2012, as there is no system in place for re-evaluation of the answer script of the examinees. Learned standing counsel also contends that if such an occasion arises which required for perusal of the records for effective adjudication of the matter, at hand, then this Court may call for the original records of the petitioner and other selected candidates, for perusal/verification.

Mr. Pada, further contends that in the event, if at all the Court is inclined to dispose of this matter by issuing a direction for re-evaluation of the answer script(s) of the petitioner then adequate time may be

granted to the respondents Arunachal Pradesh Public Service Commission (APPSC) for complying with such direction for re-evaluation.

6. Ms. Danggen, learned counsel for the respondent/writ petitioner, on the other hand, submits that notwithstanding the averments made by Mr. Pada, learned standing counsel, APPSC, as noted above; considering the matter in its entirety, this writ petition may be disposed of today by issuing appropriate directions as regards the prayer made by the writ petitioner in this petition. Ms. Danggen, has, however, drawn attention of this Court to the decisions rendered by the Apex Court as well as this Court in the cases of: (i). **Manish Ujwal & Ors. Vs. Maharishi Dayanand Saraswati University & Ors.**, reported in **(2005) 13 SCC 744**; (ii). **Ajit Borah Vs. State of Assam & Ors.**, reported in **(2005) 4 GLT 642**; and (iii). **Jatin Baruah (Dr.) Vs. State of Assam & Ors.**, reported in **(2005) SUPPL GLT 897**.

7. Having given my anxious consideration to the contentions made by the writ petitioner in the instant petition and taking into account, the matter in all its aspects as well as for securing the interest of justice; 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."

9. In view of passing of this order, as reflected in the sub-paragraphs of the preceding paragraph; Mr. Pada, learned standing counsel, APPSC, shall furnish a certified copy of this order, afresh, along with a copy of the earlier judgment & order, dated 08.01.2018, passed by this Court in WP(c)356(AP)2012, to the Respondents No. 2 & 3 viz. Arunachal Pradesh Public Service Commission (APPSC) immediately i.e. within 10(ten) days from today, which shall be made available to the learned standing counsel by the Registry, *free of cost*.

It is herein made clear that the period of 60(sixty) days shall be counted afresh and only from the date of receipt of the certified copies, each, of this order and earlier judgment & order, dated 08.01.2018, to be furnished by the learned standing counsel, in the manner, as indicated above.

**10.** Registry shall furnish a certified copy of today's order passed by this Court in the instant revision petition i.e. Review Petition No. 02(AP)2018 along with the certified copy of earlier judgment & order, dated 08.01.2018, passed by this Court in WP(c)356(AP)2012, to Ms. Danggen, learned counsel for the respondent/writ petitioner, for information.

**11.** The prayer of the petitioner having been allowed; the instant review petition accordingly stands disposed of.

**12.** Needless to say that as and when certified copy in respect of the judgment & order, dated 08.01.2018 passed by this Court in WP(c)356(AP)2012, is required to be furnished to some other individuals/ parties who are not related to this case, Registry shall ensure that today's order passed by this Court in the instant revision petition should be invariably furnished along with the order, dated 08.01.2018, referred to above.

**JUDGE**

*Shankar*