



2026:CGHC:82

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Reserved on : 29.10.2025

Delivered on : 02.01.2026

WPS No. 10365 of 2025

Ashish Tiwari S/o Late Yogendra Tiwari Aged About 37 Years R/o Harihar Niwas, Tiwari Building Road, Ambikapur, District Surguja C.G.

--- **Petitioner**

versus

1 - State Of Chhattisgarh Through Its Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhavan New Raipur C.G.

2 - Additional Development Commissiosner, Development Commissioner Office, Vikas Bhavan, Fourth Floor Sector 19 North Block New Raipur Atal Nagar Raipur C.G.

3 - Chhattisgarh Professional Examination Board (Vyapam) Through Secretary, Vyapam Bhavan, North Block Sector 19 Nava Raipur Atal Nagar District Raipur C.G.

--- **Respondents**

WPS No. 11459 of 2025

1 - Gajendra Tiwari S/o Shri Lokeshwar Tiwari Aged About 34 Years R/o Ward No. 6, Baniya Para, Ratanpur (Np) District - Bilaspur (C.G.)

2 - Om Prakash S/o Shri Lakhan Lal Verma Aged About 37 Years R/o Ward No. 8, Vtc Beldar Seoni Post Beldar Seoni Tilda District - Raipur (C.G.)

---**Petitioners**

Versus

1 - State Of Chhattisgarh Through Its Secretary, Panchayat And Rural Development Department Mantralaya, Mahanadi Bhawan, Nava Raipur District- Raipur (C.G.)

2 - Development Commissioner Panchayat And Rural Development Department Vikas Bhawan, Fourth Floor, Sector- 19, North Block Atal Nagar, Nava Raipur, District- Raipur (C.G.)

3 - Chhattisgarh Professional Examination Board Raipur Through Its Secretary, Vyapam Bhawan, North Block Sector- 19, Atal Nagar, Nava Raipur, District- Raipur (C.G.)

--- **Respondents**

WPS No. 11358 of 2025

Priyanshu Dani S/o Ganesh Dani Aged About 25 Years R/o Kewatpara,kawardha, District- Kabirdham (C.G.)

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through- Its Secretary, Panchayat And Rural Development, Department Mantaralaya, Mahanadi Bhawan New Raipur (C.G.)

2 - Additional Development Commissioner Development Commissioner Office Vikas Bhavan, Fourth Floor Sector 19 North Block New Raipur Atal Nagar Raipur (C.G.)

3 - Chhattisgarh Professional Examination Board (Vyapam) Through, Secretary Vyapam Bhavan, North Block- Sector- 19, Nava Raipur, Atal Nagar District- Raipur Chhattisgarh.

--- Respondents

WPS No. 11143 of 2025

Prakash Kumar Yadu S/o Shri Chinta Ram Yadu Aged About 33 Years R/o- Ram Sagar Ward Bhatapara, District- Baloda-Bazar- Bhatapara (C.G.)

---Petitioner

Versus

1 - State Of Chhattisgarh Through Its Secretary, Panchayat And Rural Development Department, Mantralaya Capital Complex, Atal Nagar, Naya Raipur, District- Raipur (C.G.)

2 - Chhattisgarh Professional Examination Board Through Controller Of Examination, Vyapam Bhawan, North Block, Section-19, Naya Raipur, Atal Nagar, District- Raipur (C.G.)

--- Respondents

WPS No. 11090 of 2025

Saurabh S/o Malechchh Ram Aged About 28 Years R/o 40, Gautiyamahulla, Temar Post- Temar, District : Janjgir-Champa, Chhattisgarh

---Petitioner

Versus

1 - State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya, Mahanadi Bhawan, New Raipur, Atal Nagar, District : Raipur, Chhattisgarh

2 - Commissioner Panchayat And Rural Development Department, Raipur, District : Raipur, Chhattisgarh

3 - Chhattisgarh Vyavasayik Pariksha Mandal (C.G.V.Y.A.P.A.M.) Through Secretary Vyapam Bhawan, North Block, Sector- 19 Atal Nagar New Raipur, District : Raipur, Chhattisgarh

4 - Examination Of Controller Through Chhattisgarh Vyavasayik Pariksha Mandal (C.G.V.Y.A.P.A.M.) Through Secretary Vyapam Bhawan, North Block, Sector- 19 Atal Nagar New Raipur, District : Raipur, Chhattisgarh

--- Respondents

and

WPS No. 10579 of 2025

1 - Kirti Vishvakarma D/o Ram Avtar Vishvakarma Aged About 31 Years R/o Phase 2 Sainath Colony, Kota, Raipur, District Raipur Chhattisgarh

2 - Pallavi Nayak D/o Labour Nayak Aged About 27 Years R/o Kishanpur, Pithora, Mahasamund, District Mahasamund Chhattisgarh

3 - Satyam Kumar S/o Jeewan Lal Aged About 33 Years R/o Siddhivinayak Colony, Boriya Khurd, Raipur, District Raipur, Chhattisgarh

4 - Sudhir Kumar Sahu S/o Vijay Sahu Aged About 27 Years R/o Village Bodla, Post - Bodla, Tehsil - Bodla, District - Kabirdham Chhattisgarh

5 - Nitish Kashyap S/o Ramchandra Kashyap Aged About 28 Years R/o Village Pand, Post, Saida, District Bilaspur Chhattisgarh

6 - Deepak Panda S/o Vishwajeet Panda Aged About 32 Years R/o Village Bhuiyapani, Post Katakliya, Tehsil Lailunga, District Raigarh, Chhattisgarh

---Petitioners

Versus

1 - State Of Chhattisgarh Through Secretary, Panchayat And Rural Development Department, Mantralaya Mahanadi Bhawan, New Raipur, Atal Nagar, District Raipur, Chhattisgarh

2 - Director Directorate Of Panchayat And Rural Development, Raipur, District Raipur, Chhattisgarh

3 - Commissioner Panchayat And Rural Development Department, Raipur, District Raipur, Chhattisgarh

4 - Chhattisgarh Professional Examination Board Through Joint Controller, Raipur, District Raipur, Chhattisgarh

5 - Controller Chhattisgarh Professional Examination Board, Raipur, District Raipur, Chhattisgarh

--- Respondents

For Respective : Mr. Nishi Kant Sinha, Mr. Anup Majumdar, Mr. Petitioners Basant Dewangan, Mr. Faisal Akhtar, Mr. Ghanshyam Kashyap along with Mr. Himanshu Yadu, Advocates.

For State : Mr. S.P. Kale, Additional Advocate General.

For C.G. VYAPAM : Dr. Saurabh Kumar Pande and Mr. Avinash Singh, Advocates.

Hon'ble Shri Narendra Kumar Vyas, J.

CAV ORDER

1. Since an identical issue and common question of facts are involved in all the writ petitions, they are heard analogously and are being decided by this common order.
2. In pursuance of direction given by this Court, Dr. Himanshu Agrawal, Controller and Mr. Kedar Nath Patel, Joint Director, CG VYAPAM alongwith team of experts of subjects constituted by the Chhattisgarh Professional Examination Board have appeared in person before this Court to assist this Court for analyzing the controversy raised regarding correctness of answers.
3. The petitioners have preferred these bunch of writ petitions

challenging the selection list dated 15.06.2025 published in pursuance of the advertisement dated 02.04.2025 issued by the Chhattisgarh Vyavasayik Pariksha Mandal (for short "CGVYAPAM") for appointment on the post of Assistant Development Extension Officer (for short "ADEO") in the Panchayat Department.

4. The brief facts as reflected from records are that the respondent/ CGVYAPAM has issued an advertisement on 02.04.2025 for appointment of 200 posts of Assistant Development Extension Officer (for short "the ADEO") for the Panchayat Department. The petitioners being qualified as having requisite qualification have applied for the said post and appeared in the examination held on 15.06.2025. The respondent/ CGVYAPAM published model answer key on 25.06.2025 and called objections on model answers from the candidates through online portal only. According to the petitioners, they raised objection regarding various questions which were not rectified and final answer key was released by the respondent/ CGVYAPAM on 14.08.2025. The grievances of the petitioners are that the respondent/ CGVYAPAM while releasing the final answer key has neglected the correct method of deleting the question whereby several questions which ought not to have been deleted, have been deleted and left some questions which ought to have been deleted. It is also case of the petitioners that the respondent authorities have given wrong answers to few questions which have caused prejudice to the petitioners as their marks and ranking have been down graded depriving them from selection on the post for which advertisement has been issued. Hence, these petitions have been filed by the petitioners challenging the correctness of the questions in each cases. The details of questions wherein the

petitioners have raised objection regarding correctness of the answers and also prayed for deleting the question and for granting bonus marks in the writ petitions are given in tabulation form as under:-

S.No.	Case No.	Question No.
1	WPS No. 10365/2025	(Set- C) 31, 33, 37, 62, 79, 86
2	WPS No. 11358/2025	(Set- C) 32, 37, 43, 48, 55, 58, 62
3	WPS No. 10579/2025	(Set- A) 7, 15, 18, 20, 22, 25, 41, 42, 43, 44, 46, 47, 50, 54, 62, 63, 64, 65, 67, 69, 77, 82, 83, 87, 89
4	WPS No. 11090/2025	(Set- D)16, 45, 49, 57, 84
5	WPS No. 11143/2025	(Set- D) 33, 45, 73, 76, 84
6	WPS No. 11459/2025	(Set- B) 23, 45, 66, 85 (Set- C) 31, 43, 55, 75

5. Learned counsel for the petitioners would submit that the respondents have committed illegality in deleting several correct questions and not allotting 1 bonus mark to all the candidates for these illegal and incorrect deletion. It has also been contended that the respondent/CGVYAPAM has committed illegality in not deleting several incorrect questions which should have been deleted by them and for that they should have granted one bonus mark for each questions as per the exam instructions clause 12 given in the exams rules and advertisement. It has also been contended that all the candidates have been given bonus marks whether they have attempted the question or not which has adversely affected the merit position of the candidates, as such the mode of granting bonus marks to all the candidates irrespective their attempts are illegal, as such the entire merit list is required to be re-arranged after deleting the bonus marks to the candidates who have not attempted the questions. It has

also been contended that answers to some of the questions have been modified while releasing the final answer key, which is incorrect procedure followed by the respondent/ CGVYAPAM, therefore, the respondent has incorrectly and illegally released the combined merit list based on evaluation done by adopting wrong method of evaluations of question and answers. They would further submit that Hon'ble the Division Bench of this Court in case of **Srishti Sharma Vs. State of Chhattisgarh & Others [WA No. 394/2024 (decided on 27.06.2024)]** has directed to constitute an expert committee comprising the expert members of the subject other than ones who were members in the earlier expert committee and thus they would pray for allowing the instant writ petitions and would also pray for constituting again body of expert, reassessing the objection raised by the petitioners and also reconstitution of combined selection list.

6. On the other hand, learned counsel for the respondent/ CGVYAPAM opposing the submission made by learned counsel for the petitioners would submit that after conducting the examination, they published model answers and called for objections in their online portal and they placed the objection raised by the candidates regarding questions before the team of expert and final answer keys were published. He would further submit that the instant petitions are not maintainable and are liable to be dismissed out-rightly as they have followed the Examination Directions meticulously at every stage of examination i.e. at the time of applying online application, corrections, negative marking, objections, results etc. and they have conducted the examination as per the guideline namely Pariksha Nirdesh issued for the examination which are step-by-step guidelines for conducting the

examination. It has also been conducted that the respondent has ensured that all such directions of Pariksha Nirdeśh will be complied strictly, as such, there is no illegality on their part. It has also been contended that the Pariksha Nirdeśh is binding upon the candidates as well as the respondent/ CGVYAPAM which has been followed by them strictly. He would further submit that the marks have been allotted for deleted question strictly in accordance with the calculation mentioned in the Pariksha Nirdeśh and no pre-judice has been caused to any candidate.

7. He would further submit that examination was conducted on 15.06.2025 and the model answers were published on 25.06.2025 and the candidates were at liberty to file their objections till 30.06.2025 to the model answers along with their supportive documents. He would further submit that each objection filed by candidates in the online portal of respondent assailing the model answers were placed before the team of subject expert for their opinion and after receiving reports from the experts, the final answer keys were published on 12.08.2025 and as per reports of subject experts, some questions were omitted, answers of some questions were changed and some objections were rejected. He would further submit that the marks distribution for questions omitted or changed answers were uniformly applied for every candidates and no prejudice has been caused to any candidate. He would further submit that they have not considered any objection received after the last date of 30.06.2025 after 3.00 PM or any objection which was not in online portal and they have considered 2921 objections raised by the candidates. It has also been contended that they have filed the opinion of the expert alongwith supported

documents in the return filed by them which clearly demonstrates that they have adopted fair and transparent manner to conduct the examination, as such it cannot be alleged that it is arbitrary, mala-fide or unreasonable in any manner.

8. He would further submit that the petitioners have assailed the questions only because the opinion of the experts does not suit the petitioners and the result and final answer keys were published on 12.08.2025 only after each and every objection of the candidates regarding model answers were considered by the subject expert, including objections of the petitioners and no objection on final Answer keys were considered as the same was not permissible in the Pariksha Nirदेश and would pray for dismissal of the writ petitions. To substantiate his submission he has referred to the judgments passed by the Hon'ble Supreme Court in case of **Ran Vijay Singh & Ors. vs State of Uttar Pradesh & Ors [(2018) 2 SCC 357]**, **Uttar Pradesh Public Service Commission through its Chairman & Another Vs. Rahul Singh & Another [(2018) 7 SCC 254]** as well as judgments of Division Bench of this Hon'ble Court in **Chhattisgarh Professional Examination Board through its Controller Vs. Vikram Singh Rana [2020 SCC Online Chh 2185]** & **Umang Gouraha & Ors. Vs. State of Chhattisgarh & Ors [Writ Appeal 165/2020 (decided on 10.12.2021)]**.
9. I have learned counsel for the parties and perused the documents placed on record with utmost satisfaction.
10. On above factual foundation and legal submissions made by the respective counsel for the petitioners and respondents, following Point

emerged for determination of this Court is :-

“Whether this Court exercising its power under Article 226 of the Constitution of India can interfere with the answer key and the report submitted by the committee of the experts on the subject or can reevaluate the answer” ?

11. This Court has called upon the experts of the subject also at the time hearing and the respondent/ CGVYAPAM has also placed on record the report given by the experts on all the questions in which the objections were raised. This Court has briefly gone through the report given by the expert in few questions though the respondents in their return has annexed the report and the documents/study material to substantiate their opinion with regard to all the questions which either deleted or answer of the question issued them to be correct, rejecting the objections of the candidates. However, this Court is extracting the opinion of the expert with regard to few of the questions.
12. **For example-** the expert while deleting question No. 31 (SET-C) which is in Sr. No. 20, 35 & 16 in SET-A, B & C respectively has given the reason that in Hindi, the answer D was found to be correct and in English, answer C & D were found correct accordingly, it has been recommended to delete this question and to substantiate, they have referred to the report of Economical Survey 2024-25 issued by the **Economic and Statical Directorate, Government of Chhattisgarh.**
13. So far as rejecting the objection of the candidates in Question No. 55 in SET- C which is in Sr. No. 46, 45 & 48 in SET- A, B & D respectively, the experts have taken into consideration the report dated 08.12.2022 of National Agriculture Rural Development Bank published in **Regional**

Disparities in Institutional Credit to Agriculture in India, accordingly, they have recorded their opinion that the model answer C is correct issued by the respondent/ CGVYAPAM. The respondents have also annexed report of Regional Disparities in Institutional Credit to Agriculture in India. This cannot be disputed by the petitioners without any cogent material placed on record.

14. The experts while deleting question No. 70 (SET-C) which is at Sr. 69, 59 & 58 in SET- A, B & D have given the reason for deleting the same that option A & D both are correct in SET-C. For deciding the said question, they have taken into consideration Section 17, 29, 25 & 32 of the **Chhattisgarh Panchayat Raj Adhiniyam, 1993**. Similarly for deciding question No. 81 (SET-C) which is at Sr. No. 82, 86 & 75 in SET-A, B & D respectively which has been deleted while taking into consideration the provisions of **Right to Information Act, 2005**. Thus, it is quite vivid that the experts have taken into consideration material and report of the experts, after deliberation on it, they have either deleted answer or rejected the objection raised by the petitioners. As such, it is quite vivid that the experts have given their opinion based upon the relevant material having foundation which cannot be diluted or ignored by this Court so lightly unless cogent material is placed on record to rebut the same by the petitioners. The documents annexed by the respondent/ CGVYAPAM would reveal that they have considered 2921 objections, thus, the objections raised by the candidates have been decided by them. Even otherwise, it is well settled position of law that the Court should not interfere on the opinion or report of the expert unless suffers from acute malafide, arbitrariness, illegality which is not available in the present case. Even

the candidates have not been able to substantiate that how their position has been down-graded by allotting bonus marks to all candidates uniformly irrespective of the fact that the candidate has attempted the question or not as no better particulars of any candidates who have been placed above the petitioners on the count of bonus marks granted by the respondent/ CGVYAPAM.

15. Hon'ble the Supreme Court in case of **Uttar Pradesh Public Service Commission through its Chairman & another Vs. Rahul Singh & another [(2018) 7 SCC 254]** has examined the scope of judicial review with regard to the answers and also held that the burden lies upon the candidates to dislodge the opinion of the experts and has held in paragraphs 12 to 16 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 (supra), 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 answer is better or more correct.

14. In the present case we find that all the 3 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 text books. 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.

15. In view of the above discussion we are clearly of the view that the High Court over stepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant - Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of the prima facie view that the answer given by the Commission is correct.

16. In view of the above discussion we allow the appeal filed by the U.P. Public Service Commission and set aside the judgment of the Allahabad High Court. The appeals filed by Rahul Singh and Jay Bux Singh and Others are dismissed. All pending applications stand disposed of.”

16. Hon'ble the Supreme Court in case of **Vikesh Kumar Gupta & another Vs. State of Rajasthan & others [(2021) 2 SCC 309]** has examined the scope of judicial review with regard to the correction of final key answer uploaded by the State Public Service Commission and has held in paragraphs 15, 16, 17 as under:-

“15. Examining the scope of judicial review with regards to re-evaluation of answer sheets, this Court in *Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.*³ held that court should not re-evaluate or scrutinize the answer sheets of a candidate as it has no expertise in the matters and the academic matters are best left to academics. This Court in the said judgment further held as follows:

“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.”

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 12.03.2019. Reliance was placed by the Appellants on *Richal & Ors. v. Rajasthan Public Service Commission & Ors.* 4 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 finalization 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 regularization. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel.”

17. Considering the facts of the case and also considering that the respondent/ CGVYAPAM before issuance of final answer sheet has called upon the objections which are in 2921 and thereafter an expert committee was constituted which has given its finding as evident from the documents annexed with the return. The record of the case would further demonstrate that the petitioners are unable to dilute the recommendation given by the expert by placing strong permissible material though the burden lies upon them only. Thus, the final selection list based upon the model answer which has been prepared on the opinion of the expert of the subject and the petitioners are also unable to demonstrate that the similar treatment has not been granted to all the candidates strictly as per the Pariksha Nirदेश and also considering the legal position that the High Court's interference in the fields of expert, is very limited, this Court is of the view that no case for interference is made out. So far as the judgment referred by the petitioners in case of **Srishti Sharma** (supra) is concerned, the same is not applicable to the present facts of the case as the petitioners are unable to raise any question with regard to credential of the experts so appointed by the respondents and even the petitioners are unable to

dislodge the opinion of the expert though the burden heavily lies upon them. Thus, the Point determined by this Court is answered against the petitioners.

18. Accordingly, the bunch of writ petitions being devoid of merit are liable to be dismissed and are hereby dismissed. No order as to costs.

**Sd/-
(Narendra Kumar Vyas)
Judge**