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**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

W.P.(C) No.596 of 2014

Shri Laishram Romesh Singh, aged about 34 years, S/o (L)
Nandakumar, resident of Haoreibi Mayai Leikai, P.O. & P.S.
Wangoi, Imphal West District, Manipur.

..... *Petitioner/s*

– Versus –

1. The Manipur Public Service Commission, through its Secretary,
P.O. & P.S. Imphal.
2. The Additional Secretary, Manipur Public Service Commission,
P.O. & P.S. Imphal.
3. The State of Manipur, represented by the
Commissioner/Secretary (DP), P.O. & P.S. Imphal.
4. The Deputy Secretary (DP), Government of Manipur, P.O. &
P.S. Imphal.
5. The Deputy Secretary, Revenue, Government of Manipur, P.O.
& P.S. Imphal.
6. Ksh. Siddarth, MCS Grade – II.

- 8. Yumnam Nelson, MCS Grade – II.
- 9. Moirangmayum Bishworjit Singh, MPS Grade – II.
- 11. Tayenjam Biswajit Singh, MPS Grade – II.
- 12. Thungjaomayum Indraraj, MFS Grade – III.
- 14. Maibam Suranjoy Singh, SDC.
- 15. Likram Herojit Singh, SDC.

.....Respondent/s

BEFORE
HON'BLE MR. JUSTICE M.V. MURALIDARAN

For the Petitioner/s	:	Mr. H.S. Paonam, Sr. Advocate
For the Respondent/s	:	Mr. H. Samarjit, GA
		Mr. I. Lalitkumar, Sr. Advocate, MPSC
		Mr. I. Denning, Advocate, MPSC
		Mr. L. Anand, Advocate, R-6, 8, 9, 11, 12, 14 & 15
Date of Hearing	:	10.06.2022
Date of Judgment & Order	:	13.07.2022.

JUDGMENT & ORDER
(CAV)

This writ petition has been filed by the petitioner seeking the following prayers:

(i) To issue a writ of Certiorari for quashing the notification dated 21.04.20214 issued by the respondents 1 and 2 insofar as it relates to the merit/recommendation list of the respondents 6 to 15 in the category of OBC (Meitei/Meetei).

(ii) To direct the respondents 1 and 2 to re-evaluate the answer scrip of the General English paper of the petitioner insofar as it relates to Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii) by an expert body.

(iii) To issue a writ in the nature of mandamus directing the respondents Nos.1 and 2 to declare the petitioner as a successful candidate in the General English paper.

(iv) To evaluate the main 7 (seven) papers of the petitioner.

(v) To direct the respondents 1 and 2 to allow the petitioner to sit in the viva voce test/interview by holding a special viva voce test/interview only for the petitioner.

(vi) To issue a direction to the respondents 1 and 2 to revise the merit/recommendation list in respect of OBC(M) category.

(vii) To quash

(a) The order dated 19.7.2014 insofar as it relates to the appointment of the private respondents 6, 7 and 8 as Manipur Civil Service Grade-II.

(b) The order dated 19.7.2014 insofar it relates to the appointment of private respondent Nos.9, 10 and 11 as Manipur Police Service, Grade-II.

(c) The order dated 19.7.2014 insofar as it relates to the appointment of private respondent Nos.12 and 13 as Manipur Finance Service, Grade-III.

(d) The order dated 19.7.2014 insofar as it relates to the appointment of private respondent Nos.14 and 15 as Sub-Deputy Collector.

2. Brief facts which led to the filing of the writ petition are as follows:

The petitioner had applied for the Manipur Civil Services Combined Competitive Examination 2013 and the examination was held under Manipur Civil Services Combined Competitive Examination Rules, 2010. The preliminary examination was held on 13.10.2013 and its result was declared on 31.10.2013, in which 478 candidates, including the petitioner were qualified to appear for the main written examination. The main written examination was held from 6.1.2014 to 21.1.2014 and the interview was held from 13.4.2014 to

21.04.2014. The main written examination consists of eight papers - four compulsory and four optional. The petitioner had appeared in the main written examination, which comprises of 2000 marks in the papers, namely, (1) General English Paper; (2) Essay Paper; (3) General Studies; (4) Manipur Literature; (5) Education.

2.1. On 14.12.2013, the first respondent issued a Memorandum informing all candidates that it had fixed the qualifying marks for General English paper as 40% for general category and 38% for OBC candidates. Though the petitioner performed well in the written examination, he was surprised to know that his name did not appear in the list of successful candidates of the main written examination and the result of which was declared on 26.3.2014. After conducting viva-voce, the respondents 1 and 2 published the merit list of 189 candidates on 21.4.2014. On the basis of the recommendation of the respondents 1 and 2, the respondents 6 to 15 were given appointment orders.

2.2. Aggrieved by the result dated 26.3.2014, the petitioner had approached the respondents 1 and 2 for providing a copy of the answer scripts of General English and he had filed an application under RTI on 25.4.2014 to the first respondent for providing a photostate copy of the answer scripts of General English for the main written examination. After waiting for two months since filing of the RTI application, the second respondent provided the photostate copy of the answer sheets of General English on 16.7.2014, wherein the petitioner has noticed certain irregularities.

2.3. In the Essay writing Question No.1(b), the examiner awarded 40 marks at the first instance, however, subsequently, reduced to 36 marks without any authentication from the examiner. Though the petitioner had answered correctly Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii), the examiner awarded zero marks for each of the answers given by the petitioner and, as such, re-valuation of the answer scripts of the petitioner in respect of the aforesaid questions are required to be made by an expert body

appointed by this Court. Hence, the petitioner has filed the writ petition with the aforesaid prayers.

3. The respondents 1 and 2 filed affidavit-in-opposition stating that performance of the petitioner in the main written examination was very poor and he could not obtain the minimum qualifying marks in General English and, therefore, his name was not appeared in the list of successful candidates of the main written examination. It is stated that the handwriting of the petitioner is below normal, for which the examiner has specifically mentioned by making a remark on the front page of the answer paper as illegible handwriting. 36 marks was awarded to Question No.1(b) and such fact is known from the total marks which is written as 110. The answers are examined by the subject expert who knows very well which answer is correct or not. The examiner, after properly examining the answer of the petitioner, has awarded proper marks for the correct answers only. Therefore, there is no irregularity in awarding marks. Since the answer paper in respect of General English of the petitioner has been

examined by the subject expert, the question of re-valuation does not arise and, thus, prayed for dismissal of the writ petition.

4. The private respondents 6, 8, 9, 11, 12, 14 and 15 filed affidavit-in-opposition stating that they are the successful candidates in the main written examination and also qualified candidates and, therefore, they have the right amount of aspirations and expectations to excel in their careers both academic and professional level. The private respondents were found to be qualified for personality test for selection to the Manipur Civil Service, Manipur Police Service, Manipur Finance Service and SDC. Out of 220 marks (written plus personality test) and in fact, the respondents 6, 8, 9, 11, 12, 14 and 15 had obtained aggregate marks of 1402, 1382, 1320, 1291, 1278, 1237 and 1216 respectively. It is stated that the qualifying mark has been decided and fixed by the respondents 1 and 2 for General English and, accordingly, an OBC candidate has to at least score 38% of 300 marks. The General English paper is of matriculate or equivalent standard and only of qualifying nature

which will not be counted towards the determination of the final ranking.

5. It is further stated that on perusal of the answer scripts of General English of the petitioner, it was found that all the answers given by the petitioner had been examined and there was no any mistake in the total marks of each question and the total marks scored by the petitioner in General English was noted correctly as 110 on the cover page. Sheer overwriting of the marks at the time of awarding marks by the examiner from 40 to 36 or vice versa in respect of Question No.1(b) cannot question the correctness and authenticity of the expert examiner.

6. It is also stated that the issue of correctness of answers in respect of Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii) and awarding of zero mark thereof by the expert has been clarified by the respondents 1 and 2 in their affidavit, and, therefore, the question of re-evaluation of Question Nos.4(a)(v), 4(a)(vi),

4(c)(iii), 4(c)(iv) and 5(b)(ii) does not arise and, hence, the writ petition is liable to be dismissed.

7. Mr. H.S. Paonam, the learned senior counsel for the petitioner submitted that the petitioner has performed well in the main written examination, however, his name did not appear in the list of successful candidates of main written examination to the next level. When the petitioner obtained answer scripts through RTI, he came to know that in respect of Question No.1(b), the examiner awarded 40 marks at the first instance, however, later on, it has been reduced to 36 without any authentication.

8. The learned senior counsel further submitted that though the petitioner correctly answered Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii), the examiner has not awarded marks and, therefore, re-valuation of the answer scripts of the petitioner in respect of the said questions are required to be made by an expert body appointed by this Court.

9. The learned senior counsel then submitted that by the order dated 17.12.2013 in W.P.(C) No.163 of 2009, this Court deprecated the action of the respondent Government reducing the marks obtained by a candidate without proper authentication, which was affirmed by the Hon'ble Supreme Court in Civil Appeal No.5922 of 2014, dated 30.6.2014. Thus, the action of the respondents 1 and 2 in this case is arbitrary and, therefore, the same is liable to be set aside and to direct the respondents 1 and 2 to allow the petitioner to sit in the viva voce by holding a special viva voce.

10. Per contra, Mr. Lalitkumar, the learned senior counsel for the respondents 1 and 2 submitted that 36 marks awarded to Question No.1(b) was known from the total marks which was written as 110 in the cover page of the answer scripts. He would submit that the answer scripts are examined by the subject expert who knows very well which answer is correct or not and that the examiner after properly examining the answers of the petitioner has awarded proper marks for the correct answers only. Therefore, there is no irregularity in awarding marks.

11. The learned counsel further submitted that since the answer script of General English of the petitioner has already been examined by the subject expert and proper marks have been awarded to the correct answers, the question of re-evaluation does not arise. Moreover, there is no provision for re-evaluation of answer script in Manipur Civil Service Combined Competitive Examination Rules. The issues involved in the instant petition and in W.P.(C) No.163 of 2009 are different and ultimately the decision of the examiner is binding. In view of the above, a prayer is made to dismiss the petition.

12. Mr. L. Anand, the learned counsel for the respondents 6, 8, 9, 11, 12, 14 and 15 submitted that insofar as Question No.1(b) is concerned, Question No.1(b) is an Essay type question carrying 100 marks and there is no definite yardstick in giving marks, but it all depends on the wisdom of the concerned examiner, whose decision and award of marks cannot put to question and to challenge in any Court of law unless proven arbitrary. He would submit that

awarding of 36 marks out of 100 marks in respect of Question No.1(b) is true and correct, as there was no any change done in the total score of 110 marks.

13. The learned counsel further submitted that since the answers given by the petitioner to Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii) are not correct, the examiner has rightly awarded zero marks and, therefore, re-evaluation as prayed for by the petitioner does not arise. Moreover, in the absence of any provision in the rules for re-evaluation of the answer scripts, candidates have no right to claim or demand for re-evaluation. He submitted that no right of the petitioner has been deprived of, inasmuch as, his performance in the aforesaid competitive examination was not upto the standard as expected of a civil service aspirant. Further, the petitioner has no right to question the selection of the private respondents as they obtained higher marks than the petitioner in the examinations.

14. This Court considered the rival submissions and also perused the materials available on record.

15. The grievance of the petitioner is that insofar as the qualifying marks for General English is 40% for General Category candidates and 38% for OBC candidates. Though the petitioner performed well in the main written examination, his name did not appear in the list of successful candidates of the main written examination. Aggrieved by the result dated 26.3.2014, the petitioner has filed RTI application and obtained answer scripts, wherein he found that in respect of Question No.1(b), the examiner awarded 40 marks at the first instance, however, subsequently, it was reduced to 36 marks without any proper authentication. Such action of the respondents 1 and 2 is against the order passed in W.P.(C) No.163 of 2009, wherein this Court depreciated the action of the respondent Government in reducing the mark obtained by a candidate without proper authentication.

16. The writ petition being W.P.(C) No.163 of 2009 referred to by the petitioner is in relation to the selection of the Sub-Inspector of Police, whereas the selection in the instant case is in relation to Manipur Civil Services Combined Competitive Examination. Admittedly, the aforesaid two selection completely stand on different footing and, therefore, the petitioner cannot compare the decision in W.P.(C) No.163 of 2009 to the present case. Further, the learned Single Judge of this Court in the said case held that the deduction of marks is without authentication by any examiners or by the competent authority. Therefore, came to the conclusion that the deduction was unauthorized and the petitioner therein could not have been deprived of the original marks of 3 ½ awarded.

17. In the instant case, as could be seen from the original answer scripts in respect of General English which was produced pursuant to the order of this Court, this Court finds that the alteration as 36 was made by the examiner himself. As rightly pointed out by the learned counsel for the respondents 1 and 2, for illegible handwriting, the examiner has reduced four marks though at

the first instance awarded 40 marks. Since the said correction/reduction of marks was made by the examiner himself, the requirement of authentication for correction from the competent authority as canvassed by the petitioner does not arise. Further, the correction is made by the examiner is supported by the total marks appeared in the cover page of table, wherein adding 36 marks, the total comes to 110 marks. If really, the alteration is not by the examiner concerned, there will be correction in the total also. Since there is no correction in the total, awarding of 36 marks out of 100 marks in respect of Question No.1(b) is true, as there was no change done in the total score i.e. 110.

18. It is apposite to mention that the subject examiner has examined the answer scripts of the petitioner very carefully, where no name or roll number of the petitioner is mentioned and had awarded 36 marks without any reduction by exercising his expert discretion, which is binding and cannot be subjected to judicial review. Thus, as regards Question No.1(b) since the writings of the petitioner is "illegible handwriting", the examiner in his discretion

reduced 4 marks. There is nothing wrong on the part of the examiner in reducing 4 marks.

19. In view of the finding arrived at by this Court, the decision in the cases of ***President, Board of Secondary Education, Orissa and another v. D.Suvankar and another, (2007) 1 SCC 603*** and ***UPSC v. Rahul Singh and another, (2018) 7 SCC 254*** relied upon by the learned senior counsel for the petitioner have no application to the facts and circumstances of the present case.

20. The next submission of the learned senior counsel for the petitioner is that the petitioner after obtaining RTI information has noticed the following irregularities:

- i) In the Essay writing (Question No.1(b), the Examiner awarded 40 marks at the first instance. However, subsequently reduced to 36 marks without any proper authentication from the Examiner.

- ii) Though the petitioner had answered correctly in Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii), the Examiner had awarded Nil marks.

21. According to the petitioner though the petitioner answered correctly in Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii), the examiner has awarded 'Nil' marks. Thus, the petitioner prayed for re-evaluation of the answer scripts of the petitioner in respect of Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii). In support, the learned senior counsel placed reliance upon the decisions of the Hon'ble Supreme Court in the case of ***VikasPratap Singh and others v. Stat eof Chhattisgarh and others, (2013) 14 SCC 494*** and ***Ran Vijay Singh and others v. State of UP and others, (2018) 2 SCC 357.***

22. On the other hand, the learned senior counsel for the respondents 1 and 2 submitted that the answers are examined by the subject expert who knows very well which answer is correct or not and, accordingly, awarded marks. Finding wrong answers in respect of Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and

5(b)(ii), the examiner awarded zero marks and, therefore, there is no irregularity in it. Therefore, the question of re-evaluation does not arise. That apart, there is no provision for re-evaluation of answer scripts in Manipur Civil Service Combined Competitive Examination Rules.

23. On a perusal of the additional affidavit filed by the first respondent, it has been clarified as under:

"2. That, after filing the previous additional affidavit dated 04/03/2016 and in the course of the hearing of the case, since the Hon'ble High Court desirous to make clarification/justification of the particular questions and answers through senior conducting counsel of the MPSC, the Secretary, MPSC had already contacted the concerned examiner for clarification/justification/reasons in respect of the Question No. 4(a)(v), 4(a)(vi), Question No.4(c)(iii) and (iv) and Question No.5(b)(ii). As such, the expert examiner furnished the same to the Secretary, MPSC. Such separate sheet thereby clarified the reasons/justification for the right probable correct answers is enclosed herewith as one of the annexure.

This affidavit may be treated as in continuation of the previous additional affidavit dated 04/03/2015. Hence this further Additional Affidavit."

24. The clarifications furnished by the expert who corrected the subject matter of answer scripts has been annexed along with the additional affidavit, which is re-produced hereunder:

**"GENERAL ENGLISH
MCSCC (Main) Examination 2013**

Q.No.4 (a) (v) They will build the bridge by March next year

(vi) Though he is playing well, he cannot score a goal.

(c) (iii) Bring about: Chaoba has brought about the solution.

Probable correct answer: (outcome/effect/beget] depending on the context.

We need to create awareness to bring about a change in the society.

One mistake will not bring about the apocalypse.

(iv) No matter how: No matter how, he will do the job.

[Incomplete sense due to lack of condition]

Probable correct answer.

No matter how difficult it is, he will do the job

No matter how hard your life is, you need to go on.

*Q.No.5 (b) (ii) Cloud: The cloud is very nice today
(Noun)
It clouds in the morning (Verb)*

Probable correct answer

*There was not a cloud in the sky (Noun)
The sub went behind the cloud (Noun)
The sky is clouded today (Verb)"*

The aforesaid clarification has been attested by the Secretary, MPSC before filing it before this Court.

25. Thus, from the above clarification given by the expert, the prayer for re-evaluation made by the petitioner in respect of Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii) does not arise anymore. Further, permissibility of re-assessment in the absence of statutory provision has been dealt with by the Hon'ble Supreme Court in a catena of decisions. The Hon'ble Supreme Court observed that finality has to be the result of the public examination and, in the absence of statutory provision, the Court cannot direct re-assessment/re-examination of answer scripts.

26. In ***Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission, (2004) 6 SCC 714***, the Hon'ble Supreme Court held:

"7. We have heard the appellant (writ petitioner) in person and learned counsel for the respondents at considerable length. The main question which arises for consideration is whether the learned Single Judge was justified in directing re-evaluation of the answer-book of the appellant in General Science paper. Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for re-evaluation of his answer-book. There is a provision for scrutiny only wherein the answer-books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer-book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science paper. In the absence of any provision for re-evaluation of answer-books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for re-evaluation

of his marks. This question was examined in considerable detail in Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupesh Kumar Sheth [(1984) 4 SCC 27 : AIR 1984 SC 1543] . In this case, the relevant rules provided for verification (scrutiny of marks) on an application made to that effect by a candidate. Some of the students filed writ petitions praying that they may be allowed to inspect the answer-books and the Board be directed to conduct re-evaluation of such of the answer-books as the petitioners may demand after inspection. The High Court held that the rule providing for verification of marks gave an implied power to the examinees to demand a disclosure and inspection and also to seek re-evaluation of the answer-books. The judgment of the High Court was set aside and it was held that in absence of a specific provision conferring a right upon an examinee to have his answer-books re-evaluated, no such direction can be issued. There is no dispute that under the relevant rule of the Commission there is no provision entitling a candidate to have his answer-books re-evaluated. In such a situation, the prayer made by the appellant in the writ petition was wholly untenable and the learned Single Judge had

clearly erred in having the answer-book of the appellant re-evaluated."

27. In ***Himachal Pradesh Public Service Commission v. Mukesh Thakur and another, (2010) 6 SCC 759***, the Apex Court held:

"24. *The issue of revaluation of answer book is no more res integra. This issue was considered at length by this Court in Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupesh Kumar Sheth [(1984) 4 SCC 27 : AIR 1984 SC 1543] , wherein this Court rejected the contention that in the absence of the provision for revaluation, a direction to this effect can be issued by the Court. The Court further held that even the policy decision incorporated in the Rules/Regulations not providing for rechecking/verification/revaluation cannot be challenged unless there are grounds to show that the policy itself is in violation of some statutory provision. The Court held as under: (SCC pp. 39-40 & 42, paras 14 & 16)*

"14. ... It is exclusively within the province of the legislature and its delegate to determine, as a matter of policy, how the provisions of the statute can best be implemented and what measures, substantive as well as procedural would have to be incorporated in the rules or regulations for the efficacious achievement of the objects and purposes of the Act. ...

16. ... The Court cannot sit in judgment over the wisdom of the policy evolved by the legislature and the subordinate regulation-making body. It may be a wise policy which will fully effectuate the purpose of the enactment or it may be lacking in effectiveness and hence calling for revision and improvement. But any drawbacks in the policy incorporated in a rule or regulation will not render it ultra vires and the Court cannot strike it down on the ground that, in its opinion, it is not a wise or prudent policy, but is even a foolish one, and that it will not really serve to effectuate the purposes of the Act."

25. *This view has been approved and relied upon and reiterated by this Court in Pramod Kumar Srivastava v. Bihar Public Service Commission [(2004) 6 SCC 714 : 2004 SCC (L&S) 883 : AIR 2004 SC 4116] observing as under : (SCC pp. 717-18, para 7)*

"7. ... Under the relevant rules of the Commission, there is no provision wherein a candidate may be entitled to ask for revaluation of his answer book. There is a provision for scrutiny only wherein the answer books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer book. There is no dispute that after scrutiny no mistake was found in the marks awarded to the appellant in the General Science paper. In the absence of any provision for revaluation of answer books in the relevant rules, no candidate in an examination has got any right whatsoever to claim or ask for revaluation of his marks."

(emphasis added)

A similar view has been reiterated in Muneeb-Ul-Rehman Haroon (Dr.) v. Govt. of J&K State [(1984) 4 SCC 24 : AIR 1984 SC 1585] , Board of Secondary Education v. PravasRanjan Panda [(2004) 13 SCC 383] , Board of Secondary Education v. D. Suvankar [(2007) 1 SCC 603] , W.B. Council of Higher Secondary Education v. Ayan Das [(2007) 8 SCC 242 : (2007) 2 SCC (L&S) 871 : AIR 2007 SC 3098]

and Sahiti v. Dr. N.T.R. University of Health Sciences [(2009) 1 SCC 599] .

26. *Thus, the law on the subject emerges to the effect that in the absence of any provision under the statute or statutory rules/regulations, the Court should not generally direct revaluation."*

28. At this juncture, the learned senior counsel for the petitioner has made an endeavor to suggest that some of the questions are capable of two right answers and that the answer given by the petitioner in regard to Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii) are correct. Attempts have also been made by the petitioner to justify his answers by inferential process of reasoning or by a process of rationalization which is impermissible.

29. Time and again, the Hon'ble Supreme Court held that even if the answers could be more than one, the candidates will have to select the one which is more correct out of the alternative answers. In any event, this is a difficulty felt by all the candidates and relied upon by the petitioner, does not help him at all.

30. It is reiterated that there must be a finality attached to the result of a public examination and in the absence of a statutory provision re-evaluation of answer scripts cannot be permitted and that it could be done only in exceptional cases and as a rarity. Here, this is not a fit case to apply the exception.

31. The Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them. The Court should also as far as possible avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice.

32. In the case on hand, as stated *supra*, the examiner is an expert to decide which is the correct answer. Finding that the

answers given by the petitioner in regard to Question Nos.4(a)(v), 4(a)(vi), 4(c)(iii), 4(c)(iv) and 5(b)(ii) are wrong, the expert awarded zero marks. When such is the decision of the expert, the Court invoking jurisdiction under Article 226 of the Constitution of India, cannot interfere with the said decision of the expert.

33. As stated supra, normally, the Court should be slow to interfere with the opinions expressed by the experts. It would normally be wise and safe for the Courts to leave the decision of the experts who are more familiar with the problems they face than the Courts generally can be.

34. No material has been produced by the petitioner to show that the Manipur Civil Service Combined Competitive Examination Rules provides for provision for re-evaluation of answer scripts. Thus, in the absence of any provision in the rules for re-evaluation of answer scripts, candidates have no right to claim or demand for re-evaluation, which in the present case the petitioner has made. Therefore, the exercise of re-evaluation cannot be done. In view of the above, this Court is of the view that no interference is required to

be caused in the challenge made by the petitioner. That apart, no case is made out to succeed in the writ petition by the petitioner.

35. In the result, the writ petition is dismissed. No costs.

JUDGE

FR/NFR

-Larson