

HIGH COURT OF JUDICATURE AT ALLAHABAD

(SI No.33)

Court No. - 39

Case :- WRIT - A No. - 9055 of 2024

Petitioner :- Shravan Pandey

Respondent :- State Of Up And 2 Others

Counsel for Petitioner :- Dhananjai Rai, Vibhu Rai

Counsel for Respondent :- C.S.C., M.N. Singh, Nisheeth Yadav

Hon'ble Saumitra Dayal Singh, J.

Hon'ble Anish Kumar Gupta, J.

1. In compliance to the last order, a compliance affidavit of Sri Sunil Kumar, Deputy Secretary at Uttar Pradesh Public Service Commission (UPPSC) has been filed today. Also, an inquiry report of the Committee constituted by the UPPSC to examine the discrepancies in the conduct of the examination and preparation of the result of U.P. Judicial Service Civil Judge (Junior Division) Examination- 2022 has been supplied in a sealed cover. We have perused the report.

2. It is directed to be sealed and retained on record. At present, no copies are permitted to be issued to any of the parties. Upon perusal of the compliance affidavit and the inquiry report this much is clear that according to the own appraisal made by the UPPSC, there is an error in preparation of the merit list of the written examination with respect to 50 candidates including the present petitioner. According to the UPPSC, the checklist of Master Fake Code pasted on two bundles of the answer books for the paper English got interchanged such that in the preparation of the merit list of the written examination the marks of one set of 25 candidates got interchanged with the marks of another set of 25 candidates. While that mistake has been owned by the Commission, the compliance affidavit does not indicate to any extent the consequent change in the merit list of the written examination that has been caused by such mistake.

3. As a possibility, it has been admitted that the correction of that error would involve exclusion of certain selected candidates and inclusion of other candidates. Consequentially, those who have been wrongly excluded may be required to be interviewed and a fresh merit list would be required to be

prepared. It may also be noted that the present petitioner was not called for interview having scored four marks less than the cut-off marks for interview.

4. Besides the above, the UPPSC has also disclosed that it has invited all 3019 candidates to peruse their answer books for any other discrepancy in the evaluation made by the UPPSC. For that purpose, public notice has been issued on 14.06.2024, inviting the candidates to peruse their answer books by 30.07.2024. Accordingly, it has been suggested that the final corrected result would be prepared by 30.08.2024.

5. While there may exist less room to doubt the correction being proposed by the UPPSC with respect to the discrepancy noticed by affecting 50 candidates (as noted above first), we do not appreciate the stand of UPPSC with respect to the timeline being indicated. We are mindful that the result was declared in August, 2023. Selected candidates have joined and are undergoing training at various stages. The candidates having being selected for judicial office, the matter cannot be dealt with in a light hearted manner as may allow the UPPSC inordinately long time to make the necessary correction.

6. In view of the above, let personal affidavit of the Chairman UPPSC be filed within 5 days from today clearly indicating therein:

(i) The change of marks that have to be corrected in view of the error noted in the inquiry report dated 22.06.2024;

(ii) Consequently, the affidavit would also disclose the full details of candidates who were ineligible to be called for interview, once the correction is made, together with the marks originally awarded and the corrected marks;

(iii) The affidavit would also disclose full details of the candidates together with the marks originally awarded and the corrected marks who ought to have been called for interview.

(iv) The affidavit would also disclose with the exact details if any other mistake was noted with respect to any /all answer books (paperwise of all six papers of UP PCS - J Examination 2022) in which Master Fake Code may have been interchanged or any other error of like nature occurred with respect thereto.

7. Put up as **fresh** on **08.07.2024**.

8. We make it clear that the second aspect of the matter which the UPPSC has taken up suo motu with respect to opportunity

granted to all candidates to verify their hand writing on the answer books etc. we are not rejecting that process but we expect the same may be completed within timelines indicated by the UPPSC.

9. Sri Nisheeth Yadav has informed that the answer-sheet of the petitioner is also with him in a sealed cover. However, let the same be produced on the next date alongwith fresh affidavit as required by this Court.

Order Date :- 1.7.2024

Shubham Arya

(Anish Kumar Gupta, J.) (S.D. Singh,J.)