



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 12752/2021

Kalyan Choudhary S/o Shri Jagdish Lal, Aged About 28 Years, R/o Village And Post Atpada, Tehsil Sojat, District Pali, Rajasthan.

----Petitioner

Versus

1. State Of Rajasthan, Through The Secretary, Department Of Public Health And Engineering, Government Of Rajasthan, Jaipur.
2. The Secretary, Water Resources Department, Government Of Rajasthan, Jaipur, Rajasthan.
3. The Secretary, Rajasthan Public Service Commission, Ajmer, Rajasthan.

-----Respondents

For Petitioner(s) : None present.

For Respondent(s) : Mr. Khet Singh Rajpurohit (for RPSC).

HON'BLE MR. JUSTICE ARUN MONGA

Order (Oral)

09/01/2025

1. The petitioner is before this Court, inter alia, challenging the result dated 04.03.2021 (Annex.7) and the Press Note dated 09.09.2021 (Annex.11) regarding conducting of the interview for the post of Assistant Engineer (Mechanical) pursuant to the advertisement dated 05.04.2018 (Annex.2). The petitioner seeks issuance of a fresh final result, either by providing the bonus marks or by deleting questions No. 33 and 36.

2. The facts, necessary for the purpose of disposal of the petition, as pleaded in the petition, are as follows:-

2.1. The petitioner possesses the qualifications of B.Tech. and M.Tech. in the subject of Mechanical Engineering from a recognized institute.



2.2. The respondent, Rajasthan Public Service Commission (RPSC), issued an advertisement for the post of Assistant Engineer in the respondent department for various subjects, including Assistant Engineer (Mechanical).

2.3. Pursuant to the aforesaid advertisement, the petitioner applied for the post of Assistant Engineer (Mechanical). Subsequently, the respondents issued an admit card to the petitioner for appearing in the Combined Competitive (Preliminary) Examination, 2018, scheduled to be held from 16.12.2018 to 18.12.2018.

2.4. On the scheduled dates, the petitioner appeared in the Preliminary Examination for the post in question. Upon being declared successful in the examination vide result dated 18.07.2019, the petitioner was called to appear in the Mains Examination.

2.5. The respondent RPSC also issued an online mark sheet for the candidates, and the petitioner secured 234.91 marks in his respective category of Backward Class. Upon qualifying for the Preliminary Examination, the respondent RPSC issued an admit card to the petitioner for the Mains Examination.

2.6. The petitioner appeared in the Mains Examination, scheduled to be held from 03.12.2019 to 05.12.2019.

2.7. In the Mains Examination, the petitioner could not attempt question No. 33 due to the unavailability of a steam table and question No. 36 due to the unavailability of a psychometric chart.

2.8. On 04.03.2021, the respondents issued the combined result and cut-off marks for the post of Assistant Engineer



(Mechanical/Electrical). For the subject of Electrical, a separate question paper was provided.

2.9. The respondents declared the cut-off marks for the post of Assistant Engineer (Mechanical/Electrical) as 228.75. However, the petitioner's roll number was not included in the result.

2.10. Upon issuing the marks sheet for candidates who appeared in the Mains Examination, it was stated that the petitioner secured a total of 287.00 marks and, therefore, was not called for an interview.

2.11. The petitioner was deprived of the opportunity to appear in the interview process by a very narrow margin of marks. The stated reason for this was the unavailability of the requisite table and chart during the Mains Examination.

2.12. The petitioner compiled the question paper, earlier relevant question papers, and proofs from authentic books, which demonstrated that solving question No. 33 required a steam table, and solving question No. 36 required a psychometric chart. It was also noted that in similar questions in other competitive examinations, such as the Indian Engineering Services, the requisite psychometric chart was provided to candidates along with the question paper.

2.13. On 15.04.2021, the petitioner raised his grievances and objections before the respondent RPSC and requested rectification of the error regarding these questions and permission to proceed in the further selection process.

2.14. The respondent RPSC did not consider the petitioner's grievances and objections. Instead, they replied via email on



21.06.2021, stating that the request was under process with the pre-litigation committee.

2.15. On 09.09.2021, the respondents issued a press note announcing the schedule for interviews for the post of Assistant Engineer in all subjects. The interviews were scheduled from 01.10.2021 to 16.11.2021, with interviews for the Mechanical subject set for 15.11.2021 and 16.11.2021. Hence, this petition.

3. The stand taken in the reply filed on behalf of the respondent No. 3 RPSC is as follows:-

3.1. The allegation of not providing the steam table and psychometric chart was denied, stating that the same are totally baseless, unfounded, and incorrect.

3.2. The Commission made the requisite number of steam tables available at the center, i.e., Ajmer Zone-I, along with the question paper at the examination center on the scheduled date of the examination, i.e., 05.12.2019.

3.3. The requisite material was provided at the centers and invigilators were instructed to provide the necessary material to the candidates upon their demand. It was further stated that during the examination, no such demand was ever made by the petitioner for a steam table, and no demand was made with regard to the psychometric chart. It was also noted that, after a delay of 18 months, the petitioner cannot be permitted to raise such objections.

3.4. The petitioner did not made any representation immediately after the examination. For the first time, he submitted his representation raising objections and grievances regarding the examination on 15.04.2021, i.e., 18 months after the date of the



examination and 43 days after the declaration of the result of the Mains Examination (04.03.2021).

3.5. The petitioner never raised any objection or grievance regarding the question paper or material during the relevant time. Further, there is no explanation for the delay throughout this period. Therefore, all the objections and grievances now raised in this writ petition are totally devoid of merit, appear to be an afterthought, and were raised only after failing to qualify for the interview.

3.6. A person cannot be permitted to raise objections regarding the selection process after participating in it and after the declaration of results, especially when the results are not favorable or palatable to them.

4. In the aforesaid backdrop, I have heard the learned counsel for respondent No. 3, Rajasthan Public Service Commission.

5. It is the case of the petitioner, as pleaded in affirmation, that he is seeking bonus marks for questions No. 33 and 36 on the ground that the steam table and psychometric chart were not provided to the candidates attempting the question paper at the time of the examination. For the first time, he raised objections to the impugned questions, seeking a revision of the answers, on 15.04.2021, when he submitted his representation.

6. Trite as it may sound, it is a settled position of law that a candidate, having remained unsuccessful, one cannot later challenge the opinion of the experts on the ground that, in their self-assessment, they believe their answer to be correct rather than what the experts have opined.



7. Moreover, it was open to the petitioner to challenge the answers to the questions he felt aggrieved based on his own assessment, before the process of appointment was initiated, i.e., after the declaration of results on 04.03.2021.

8. Even if the said assertion were to be accepted as factually correct, it was open to the petitioner to challenge the non-providing of the requisite material during examination either immediately after the examination or before the declaration of results. It appears that the petitioner acquiesced to his fait accompli and, only after remaining unsuccessful, belatedly challenged the same.

9. The non-availability of requisite material, in any case, was uniform across all candidates. Therefore, singling out the petitioner by awarding him bonus marks on account thereof would amount to hostile discrimination against those who are not before this Court.

10. As a result, the petition is devoid of merit and is, therefore, dismissed on the grounds of delay, laches, and lack of merit.

(ARUN MONGA),J

89-Mohan/-

Whether Fit for Reporting – Yes / No