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**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
WA No. 423 of 2022**

*(M.P. PUBLIC SERVICE COMMISSION Vs ABHIJEET CHAUDHARY AND OTHERS)*

**Dated : 05-05-2022**

*Shri Prashant Singh - Senior Advocate with Shri Anvesh Shrivastava -  
Advocate for the appellant.*

*Shri Nityanand Mishra - Advocate for the respondents.*

Heard learned counsels.

Learned Single Judge by the impugned order has directed that all those persons who have filled Option 'D' above 30% as the answer to Question No.18 as per Set-A and similar in other sets will have to be awarded marks and if after awarding of marks, the petitioners qualified for the main exam, they may be permitted to participate in the main exam and other consequential reliefs. It is also stated that in relation to the subject in the concurrent list, the data of Union of India will have supremacy over the data of the State.

Learned Senior Advocate appearing for the appellant submits that there is no nexus so far as the concurrent list and the examination held by the Madhya Pradesh Public Service Commission is concerned. However, it is also further contended that in a catena of judgments the law laid down by the Hon'ble Supreme Court is that if an expert body opines on a particular subject, the Court should not interfere with the opinion of the expert body, except in rare occasions. However, that does not appear to be the case herein.

The same is disputed by Shri Nityanand Mishra - Advocate appearing for the respondents who relies on the Division Bench judgment of this Court passed in the case of *Ankit Tiwari and Others Vs. High Court of Madhya Pradesh and Others*, reported in *(2021) 4 MPLJ 75* contends that complete

transparency and fairness is to be observed in the examination process, especially when the examination is for the purpose of screening candidates for the post of Civil Judges. That even if the Rules do not permit revaluation, the Court may permit the same only if it is demonstrated very clearly and without any inferential process of reasoning or by process of rationalization in rare and exceptional cases where material error has been committed. Therefore, he pleads that the learned Single Judge was justified in passing the impugned order.

However, on considering the reasons, we are of the view that the issues raised by the learned counsels require to be considered at the stage of final hearing. At this stage, it is suffice to notice that the learned Single Judge has proceeded as an appellate authority over the view expressed by the expert committee. Secondly, the reasoning assigned for interference is that the data provided by the Union of India shall prevail over the data provided by the State. We do not find any judicial pronouncement to the said effect that the data of Union of India is superior to the data of the State. However, these are all matters to be considered at the stage of final hearing.

Hence, for all these reasons we are of the view that the directions of the learned Single Judge, if implemented, may lead to drastic results.

Admit.

Stay of the order dated 21.04.2022 (Annexure - WA/1), passed by the learned Single Judge in Writ Petition No.5866 of 2022.

**(RAVI MALIMATH)**  
**CHIEF JUSTICE**

**(PURUSHAINDRA KUMAR KAURAV)**  
**JUDGE**