



CGHC010140872026



2026:CGHC:41111

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MCC No. 436 of 2026

Order Reserved on 11.08.2026

Order Delivered on 22.09.2026

1 - Jitendra Kumar Malakar S/o. Shri Tiharu Ram Malakar Aged About 40 Years R/o. 818 Ward No. 6, Lata Sadan, Madhuban Para Raigarh, District- Raigarh (C.G.)

---Applicant

versus

1 - State Of Chhattisgarh Through Department Of Energy, Mahanadi Bhawan Atal Nagar, Nava Raipur District- Raipur (C.G.)

2 - Chhattisgarh State Power Holding Company Limited Through Its Managing Director, Danganiya Raipur District- Raipur (C.G.)

3 - Chhattisgarh State Power Distribution Company Through Its General Manager (Hr) Danganiya Raipur District- Raipur (C.G.)

4 - Bhupendra Kumar Verma S/o. Shri Ramnath Verma Aged About 40 Years Junior Engineer- Electrical O/o Executive Engineer (City East), Kachna Zone, C.S.P.D.C.L. Dagania, District- Raipur (C.G.)

5 - Suresh Kumar Sahu Aged About 45 Years Junior Engineer (Plant)

Trainee, O/o Executive Director/Chief Engineer (Training) Pgti,
C.S.P.D.C.L. Korba East District- Korba (C.G.)

6 - Dakeshwar Prasad Chandrakar Aged About 43 Years Junior
Engineer (Plant) Trainee, O/o Executive Director/Chief Engineer,
(Training) Pgt, C.S.P.G.C.L Korba East, District- Korba (C.G.)

7 - Raj Kumar Haripal Aged About 47 Years Junior Engineer
(Electrical), O/o Executive Engineer (M.R.T. Cum-Sub-Station) Division,
220 K.V. Substation, Korba, C.S.P.T. C.L. District- Korba (C.G.)

--- Respondent(s)

MCC No. 414 of 2026

1 - Sukhdeo Prasad Deshmukh S/o Shri Kedar Singh Deshmukh Aged
About 45 Years R/o 188, Ward No. -07 Bhata Para Purana Basti Kohka,
Supela Bhilai,- District -Durg C.G.

---Applicant

Versus

1 - State Of Chhattisgarh Through -Department Of Energy, Mahanadi
Bhawan, Atal Nagar, Nava Raipur District Raipur C.G.

2 - Chhattisgarh, State Power Holding Company Limited, Through- Its
Managing Director, Danganiya -Raipur District- Raipur C.G.

3 - Chhattisgarh State Power Distribution Company, Through, Its
General Manager (Hr) Danganiya Raipur District Raipur C.G.

4 - Bhupendra Kumar Verma S/o Shri Ramnath Verma Aged About 40
Years Junior Engineer- Electrical O/o Executive Engineer (City East)
Kachna Zone, C,s,p.D.C. L. Danganiya Raipur District- Raipur C.G.

5 - Suresh Kumar Sahu Aged About 45 Years, Junior Engineer (Plant) Trainee O/o Executive Director/ Chief Engineer (Training) Pgti, C.S.P.D.C.L. - Korba East District -Korba C.G.

6 - Dakeshwar Prasad Chandrakar Aged About 43 Years, Junior Engineer (Plant) Trainee, O/o Executive Director / Chief Engineer (Training) Pgt, C.S.P.G.C.L. Korba East, District -Korba C.G.

7 - Raj Kumar Haripal Aged About 47 Years, Junior Engineer (Electrical O/o Executive Engineer (M.R.T.) Com -Sub- Station) Division, 220, K.V. Substation- Korba C.S.P.T.C.L. District -Korba C.G.

--- Respondent(s)

MCC No. 420 of 2026

1 - Yogendra Prasad Sahu S/o Shri Bharat Lal Sahu Aged About 41 Years R/o Upar Para Bendohhariya, Gram Panchayat Khairpali, Bendo Jhariya, Kunkuni, District Raigarh Chhattisgarh

---Applicant

Versus

1 - State Of Chhattisgarh Through General Manager (H R) Danganiya Raipur District Raipur Chhattisgarh

2 - Chhattisgarh State Power Holding Company Limited Through Its Managing Director, Danganiya Raipur District Raipur Chhattisgarh

3 - Chhattisgarh State Power Distribution Company Through General Manager (H R) Danganiya Raipur District Raipur Chhattisgarh

4 - Bhupendra Kumar Verma S/o Shri Ramnath Verma Aged About 40 Years Junior Engineer Electrical, O/o Executive Engineer (City East), Kachna Zone, C.S.P.D.C.L. Dagonia, District Raipur Chhattisgarh

5 - Suresh Kumar Sahu Aged About 45 Years Junior Engineer (Plant) Trainee, O/o Executive Director/ Chief Engineer (Training) Pgti, C.S.P.D.C.L. Korba East, District Korba Chhattisgarh

6 - Dakeshwar Prasad Chandrakar Aged About 43 Years Junior Engineer (Plant) Trainee, O/o Executive Director/ Chief Engineer, (Training) Pgti, C.S.P.G.C.L. Korba East, District Korba Chhattisgarh

7 - Raj Kumar Haripal Aged About 47 Years Junior Engineer (Electrical), O/o Executive Engineer (M.R.T. Cum Sub Station) Division, 220 K.V. Substation, Korba, C.S.P.T.C.L. District Korba Chhattisgarh

--- Respondent(s)

MCC No. 398 of 2026

1 - Dinesh Kumar Chandra S/o Shri Keshav Prasad Chandra Aged About 43 Years R/o House No. Se-458 C S E B Colony, Korba, East, District Korba Chhattisgarh

---Applicant

Versus

1 - State Of Chhattisgarh Through Department Of Energy, Mahanadi Bhawan, Atal Nagar, Nava Raipur, District Raipur Chhattisgarh

2 - Chhattisgarh State Power Holding Company Limited Through Its Managing Director, Danganiya Raipur District Raipur Chhattisgarh

3 - Chhattisgarh State Power Distribution Company Through Its General Manager (H R) Danganiya Raipur District Raipur Chhattisgarh

4 - Bhupendra Kumar Verma S/o Shri Ramnath Verma Aged About 37 Years Junior Engineer Electrical, O/o Executive Engineer (City East), Kachna Zone, C S P D C L Dagonia, District Raipur Chhattisgarh

5 - Suresh Kumar Sahu Aged About 42 Years Junior Engineer (Plant) Trainee, O/o Executive Director/ Chief Engineer (Training) Pgti, C S P D C L Korba East, District Korba Chhattisgarh

6 - Dakeshwar Prasad Chandrakar Aged About 40 Years Junior Engineer (Plant) Trainee, Digitally Signed By Gopal Singh Date 2025-04-08 15.51.36 Plus0530 2 O/o Executive Director/ Chief Engineer, (Training) Pgti, C S P D C L Korba East, District Korba Chhattisgarh

7 - Raj Kumar Haripal Aged About 44 Years Junior Engineer (Electrical), O/o Executive Engineer (M R T Cum-Sub-Station) Division 220 K V Substation, Korba C S P T C L District Korba Chhattisgarh

... Respondents

(Cause-title taken from the Case Information System)

For Applicants :- Mr. Manoj Paranjpe, Senior Advocate along with
Mr. Harshwardhan Agrawal and Mr. Arpan
Verma, Advocates

For State :- Mr. Anand Dadariya, Dy. A.G.

SB-Hon'ble Shri Justice Amitendra Kishore Prasad

CAV Order

1. Since the issue involved in all these miscellaneous civil cases is identical, they are being disposed of by this common order. For convenience, the facts of M.C.C. No. 398 of 2026 are taken into consideration.

2. These applications have been filed seeking modification/clarification of the order dated 04.02.2025 passed in the respective writ petitions, whereby this Court directed the respondents to award “pro-rata” marks to the petitioners in respect of ten defective questions and, if they secured the prescribed cut-off marks, to consider their cases for appointment.
3. Learned counsel for the applicants submits that, as per the practice/rule of the respondent-Company, one mark is awarded for each defective question. In the same recruitment, question Nos. 54 and 75 had been cancelled and one mark each was awarded to all candidates. It is submitted that, though this Court referred to the judgment in *Vikas Pratap Singh v. State of Chhattisgarh*, (2013) 14 SCC 494, there was no direction to apply the particular formula adopted in that case. The applicants, therefore, seek clarification that “pro-rata marks” means one mark for each of the ten defective questions.
4. Learned counsel for the respondents submits that the order dated 04.02.2025 has already been complied with by applying the methodology referred to in *Vikas Pratap Singh*.
5. Heard learned counsel for the parties and perused the material available on record.
6. It is not in dispute that this Court, in its order dated 04.02.2025, directed grant of “pro-rata marks” in respect of ten specifically identified defective questions. It is also the case of the applicants

that, in the very same recruitment, the respondent-Company had cancelled question Nos. 54 and 75 and awarded one mark each to all candidates.

7. In the facts of the case, the expression “pro-rata marks” is required to be understood consistently with the methodology adopted by the respondent-Company in the same recruitment. The reference to *Vikas Pratap Singh* cannot be construed as a direction to apply a different formula which was not specifically directed by this Court.

8. The Hon’ble Supreme Court in the matter of ***Vikas Pratap Singh and Others vs. State of Chhattisgarh and Others*** and other bunch of cases ***(2013) 14 SCC 494*** has held as under:-

“16. It is not in dispute nor it can be disputed that for the purposes of re-evaluation, the eight questions found incorrect were deleted and their marks were rightly allotted on a pro rata basis in accordance with Clause 14 of the Rules which reads as under:

“14. Wrong (Defective) objective type question, its cancellation and marks to be allotted in lieu of it.

After the exams, the Chhattisgarh Professional Examination Board (VYAPAM) gets each question examined by the subject expert. If, upon examination by the subject experts, the questions are found defective/wrong, it is rejected. Questions may be rejected on the following reasons:

(i) if the structure of the question is wrong;

(ii) out of the options given as answers, if more than one options are correct;

(iii) if no option is correct;

(iv) if there is difference in Hindi and English translation of any question because of which different meaning is drawn from both and one correct answer could not be ascertained;

(v) if any other printing mistake is there because of which correct answer is not ascertainable or more than one option is correct.

On such rejection of question upon the recommendation of Subject Expert Committee, on such questions the marks would be awarded by the Chhattisgarh Professional Examination Board (VYAPAM) to the candidates in proportion to their marks obtained in the particular question paper. Whether the rejected question has been or not been attempted. The question papers in which the questions have been rejected, their evaluation procedure would be as follows, if in any question papers out of 100 questions 2 questions are rejected and after evaluation candidate secures 81 marks out of 98 questions then in such case calculation of marks would be done as $(81 \times 100)/100 - 2 = 82.65$. On which basis merit would be determined.”

The other eight questions whose answers were found incorrect in the earlier model answers key were re-evaluated on the basis of revised model answers key. In Paper I, only the objective type questions were re-evaluated with the aid of model answers key prepared and provided to the examiners for the first time after the inquiry by the respondent Board.”

9. Also, in the matter of ***Arunachal Pradesh Public Service Commission and Another vs. Hage Mamung and Others*** (2023) 18 SCC 710, it has been held as under:-

“10. At the outset, it is required to be noted that as the answer keys with respect to two questions, namely, Question 12 and Question 31 of the General Knowledge Paper were found to be wrong, a conscious decision was taken by the Public Service Commission to cancel the aforesaid two questions and with a view to see that no candidate should be penalised for the mistakes in the answer keys provided by the resource persons, it was decided to award marks against Question 12 and Question 31 to all the candidates on pro rata basis. The original writ petitioner including original Respondent 5 and all the candidates therefore were awarded two marks each on pro rata basis. Therefore, after such process with corresponding increase in the marks of all the candidates, the rank/merit would remain the same and in fact remained the same. In fact, the original writ petitioner is also allotted two marks on pro rata basis with respect to Questions 12 & 31 along with all the candidates. Merely because, according to the original writ petitioner, she correctly answered both Questions 12 & 31 and original Respondent 5 answered one question correctly and one question wrongly, the Division Bench of the High Court is not justified in ordering re-evaluation of the papers of only two candidates, namely, the original writ petitioner and original Respondent 5, against a conscious decision taken by the Public Service Commission to award two marks to each candidate

on pro rata basis with respect to two questions of which the answer keys were found to be wrong.

11. As per Clause 38(v) of the 2017 Guidelines, wherein the question in the examination paper itself is wrong and thus could not possibly be evaluated to have correct answer, there may be deletion of such incorrect questions and the consequent pro rata distribution of the marks allocated to them. Applying the same analogy with respect to wrong answer keys and thereafter when a conscious decision was taken to allocate the marks on pro rata basis with respect to two questions whose answer keys were found to be wrong and when all the candidates were awarded two marks (one mark each for the aforesaid two questions), it cannot be said that the Public Service Commission acted illegally and/or arbitrarily and/or committed any wrong. Therefore, in the facts and circumstances of the case, the Division Bench of the High Court has committed a very serious error in ordering re-evaluation of only two candidates, namely, the original writ petitioner and original Respondent 5 only.”

10. Considering the facts and circumstances of this case as also the laws laid down by the Hon'ble Supreme Court in the aforesaid dictums, the MCC applications deserve to be **allowed**. The order dated 04.02.2025 passed in W.P.(S) Nos. 5021/2022, 5067/2022, 5064/2022 and 5032/2022, respectively, is clarified to the limited extent that the expression “pro-rata marks” shall mean one mark for each of the ten defective questions, namely Question Nos. 81, 83, 85, 86, 87, 88, 89, 90, 98 and 99.

11.The respondents shall accordingly re-compute the marks of the applicants and, if they secure the prescribed cut-off marks, consider their cases for appointment in accordance with law.

12.With the aforesaid clarification, all the MCC applications stand allowed and **disposed of**.

sd/-

(Amitendra Kishore Prasad)
Judge

Vishakha