

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR**

**BEFORE  
HON'BLE SHRI JUSTICE ATUL SREEDHARAN  
&  
HON'BLE SHRI JUSTICE PRADEEP MITTAL**

**WRIT APPEAL No. 1232 of 2024**

***MADHYA PRADESH PUBLIC SERVICE COMMISSION***

*Versus*

***ANAND YADAV AND OTHERS***

---

**Appearance:**

*Shri Prashant Singh, Senior Advocate with Shri Aditya Pachori, Ld. counsel  
for the Appellant.*

*Shri Anshul Tiwari, Ld. counsel for the respondent No. 1.*

*Shri Abhijeet Awasthi Deputy Advocate General for respondent No. 2 State.*

---

**WRIT APPEAL No. 1365 of 2024**

***MADHYA PRADESH PUBLIC SERVICE COMMISSION***

*Versus*

***ANAND YADAV AND OTHERS***

---

**Appearance:**

*Shri Prashant Singh, Senior Advocate with Shri Aditya Pachori, Ld. counsel  
for the Appellant.*

*Shri Anshul Tiwari, Ld. counsel for the respondent No. 1.*

*Shri Abhijeet Awasthi Deputy Advocate General for respondent No. 2 State.*

---

**RESERVED ON: 25/08/2025**

**DELIVERED ON: 01/09/2025**

**ORDER**

***Per: Justice Atul Sreedharan***

The present Writ Appeals have been filed by the Madhya Pradesh Public Service Commission (hereinafter referred to as "Appellant"), which is aggrieved by the order dated 16.5.2024 passed by the Ld. Single Bench in Writ Petition No. 3141/2024 by which the Ld. Single Bench disposed of the Writ Petition with a direction given to the Appellant to exclude question No. 7 of Set D as *non est*. It further directed to treat the Option C “Jaipur” as the correct answer instead of Option D “Delhi” for question No. 63 of Set D in the State Service Preliminary Examination, 2023. It is relevant to record here that question No. 7 of Set D related to the genesis of Freedom of Press in India which was to be treated as *non est* and accepting “Jaipur” to be the correct option for the question relating to the headquarters of Amateur Kabaddi Federation of India (hereinafter referred to as "Federation"). It further directed that if the petitioners are found to be eligible to be qualified for the Main Examination, then their answer-

sheets be evaluated and if, they succeed then they be allowed to participate in further process of interview.

2. The Appellant conducted the State Service Preliminary Examination in the year 2023 in which the respondent had appeared and had secured 154 marks. The cutoff for unreserved category was 158 marks. The Respondent No. 1 approached this Court disputing three questions and by way of an interim order, was allowed to participate in the Main Examination.
3. Mr. Prashant Singh, Ld. Senior Counsel appearing on behalf of the Appellant submitted that in the year 2023, the State Civil Services Examination (Preliminary) was conducted by the Appellant. Before that on 5.9.2023, the advertisement was issued. Subsequently on 20.11.2023 a corrigendum to the said advertisement was issued. On 17.12.2023, the Preliminary Examination was conducted and thereafter on 11.3.2024, the Main Examination was conducted. The selection process is in three stages, i.e., Preliminary, Main and Interview.
4. The Preliminary Examination has papers which are in the multiple-choice objective type format. The Main Examination is in the essay type question and answer format and thereafter the interview. In all

2,31,000 Forms were purchased of which 1,71,000 prospectives participated in the Preliminary Examination and 6,000 appeared in the Main Examination and 786 candidates were shortlisted for interview. At this juncture 242 candidates filed Writ Petitions challenging seven questions in the Preliminary Examinations. Before that, on 20.12.2023 the provisional answer key was issued and thereafter on 18.1.2024, the final answer key was issued. The last date for calling the objections was 1.1.2024. Thereafter, upon challenge given by the aforementioned candidates, the impugned judgment was passed by the Ld. Single Bench which has passed a mandamus and directed the Appellant to take option “Jaipur” as the correct answer for the question No. 63 of Set D and award marks to all those who had attempted “Jaipur” as the correct answer and exclude all those who had given any other answer, other than “Jaipur” for this question. It further directed the Appellant to exclude question No. 7 of Set D from the scope of evaluation as the Supreme Court had directed in **Ran Vijay Singh v. State of Uttar Pradesh & others** [(2018) 2 SCC 357] and prepare a merit list for computing the result. The Ld. Single Bench also took into consideration that the Main Examination for the State Civil Service had concluded and, therefore,

it directed that question No. 7 of Set D, in regard to Freedom of Press be treated as *non est* and instead to treat Jaipur to be the correct answer as the Headquarter of Armature Kabaddi Federation of India. It further directed that if the petitioners are found eligible to be qualified for the Main Examination, then their answer sheets be evaluated and if they succeed, they be allowed to participate in further process of interview.

5. In paragraph 66 of the impugned order, when it was pointed out by Ld. counsel for the petitioner that Main Examination of Forest Recruitment is still pending on the basis of the same Preliminary Examination, (in which some questions were challenged), the Ld. Single Bench directed that the M.P. P.S.C shall prepare a fresh merit list in terms of the judgment rendered by the Ld. Single Bench and publish a fresh merit list of candidates, who shall be eligible to participate in the Main Examination for Forest Service.
6. For the sake of brevity, this Court proposes to narrow down the question involved in this Appeal restricting itself to such points of Law as disclosed by Ld. Senior Counsel appearing for the Appellant. The main contention put forth by the Ld. counsel for the Appellant is that Ld. Single Bench transcended the permissible limit of scrutiny in

such cases. He has further argued that the Law is well settled on the subject relating to the interference of Constitutional Courts in matters relating to examinations for recruitment into Public Service.

7. In order to elaborate upon his submissions, Ld. counsel for the Appellant submitted that initially seven questions were challenged by the candidates for the wrong choice of answers. The M.P. P.S.C constituted an expert committee which examined the seven questions and found that five out of them were indeed faulty and removed them from the zone of consideration. Two of the Seven questions were approved as correct by the expert committee, which was challenged by the petitioner along with others, by filing several writ petitions before this Court; out of which W.P. No. 3141/2024 is the lead case.
8. The crux of the case is whether the Ld. Single Bench examined the matter in depth which it ought not to have, as has been argued by the Ld. Senior Advocate for the Appellant and secondly, whether the Ld. Single Bench was right in supplanting its opinion for that of the expert committee. Ld. Senior Counsel appearing for the Appellant has argued that the Ld. Single Bench grossly erred in assessing the correctness of the opinion arrived at by the Expert Committee constituted by the Government and holding the view of the Expert

Committee incorrect. He has fairly stated that the only circumstance in which the Ld. Single Bench could have done that is in an instance where the opinion of the Expert Committee was so palpably incorrect that no reasonable person could have arrived at that view. In other words, the Ld. Senior Counsel submitted that the error must be so glaring that a roving enquiry or an intense assessment into the correctness of the view arrived at by the Expert Committee, was not at all required.

9. In order to elaborate upon his submission, the Ld. Senior Counsel has drawn the attention of this Court to the assessment of question No. 63 from Set D. The question is (“Where is the headquarters of the Amateur Kabaddi Federation of India (AKFI) located”?) the options were given as (A) Bhopal, (B) Gwalior, (C) Jaipur and (D) Delhi.
10. Those who had challenged the correctness of the question and the option had opted for Jaipur as the correct answer. However, the answer key was amended, and the correct answer was shown as Delhi. For the sake of brevity, suffice it to say that the headquarters of the Federation shall be located wherever the President of the Federation is based. Ld. Senior Counsel argued that in view of the Writ Petition filed before the Delhi High Court, which had found certain

irregularities in the functioning of the AKFI, a retired Judge was appointed as its Administrator. The High Court of Delhi had also directed that the Administrator so appointed by the Delhi High Court could exercise all the powers which were otherwise vested in the President of the AKFI. The Administrator was based at Delhi and, therefore, the headquarters of the AKFI was shown as Delhi.

11. Before the Ld. Single Bench, it was the case of the appellants here in that the registered office of the AKFI is situated at the place where the General Secretary or the President of the AKFI reside. It was the contention of the appellants herein that Justice S.P Garg was functioning as the Administrator/President of the AKFI who had his office at E-386-B (Basement) GK-1, New Delhi and so, in terms of the memorandum of Association and the Constitution of the AKFI, its headquarters would be at the place where the Administrator/President is functioning from, i.e., Delhi.
12. The Ld. Counsel for Respondent No. 1 on the other hand has supported the judgement passed by the Ld. Single Bench and argued that the examination of the controversy by the Ld. Single Bench cannot be faulted and that setting aside the judgement of the Ld. Single Bench would result in miscarriage of justice.



13. Question No. 7 of Set D related to the year in which the freedom of the press was granted by William Bentick and the choices were 1832, 1833, 1834 and 1835. The Ld. Counsel for the Respondent No.1 has referred to the NCERT text to support the finding of the Ld. Single Bench that freedom of the press in India was given by Charles Metcalfe between the years 1835-1836. The Ld. Counsel for the appellants submitted that the Respondents stand that the question itself is incorrect, cannot be accepted. According to the Respondents, it was Charles Metcalfe who promulgated the Press Act of 1835 resulting in the freeing of the press in India. However, the Ld. Counsel for the appellants has submitted that the expert committee had referred to the book on Modern Indian History by Vidhya Dhar Mahajan which gave the credit to William Bentick as the person who freed the press in India. He further submitted that Charles Metcalfe succeeded William Bentick in 1835. He further submitted that the question was relating to William Bentick as the freer of the Indian Press and the question was with regard to the year in which this was done. Ld. Counsel for the appellant has argued that the question was not relating to the formalisation of a free press in India by statute, which would have been by Charles Metcalfe, but the year in which

William Bentick freed the Indian Press which was 1835. Therefore, according to the appellants, if the question were rightly appreciated by the Respondents, they would have answered D. In other words, the Ld. Counsel for the appellants has stated that the Respondents did not correctly comprehend the question.

14. Ld. Counsel for the Respondents has submitted that the question itself was incorrect as it was Charles Metcalfe who had promulgated the Press Act of 1835 and therefore, William Bentick had nothing to do with the freedom of the press in India.
15. Heard the Ld. Counsels for the parties and perused the record of the case. It is the settled law that the courts are not to take the place of experts, and neither should they, in such cases, appoint experts and instead the same must be left to the expertise of the academicians.
16. Where there are conflicting views, as in this case, the correctness of the answers must be left entirely to the experts. This proposition has been laid down by the Hon'ble Supreme Court in Uttar Pradesh Public Service Commission Versus Rahul Singh and another (2018) 7 SCC 254.
17. That having been said, this Court proposes to examine the controversy in the present case strictly in accordance with the law laid down by

the Hon'ble Supreme Court. Question No. 63 in set D requires the candidate to select the right answer to the question pertaining to the location of the headquarters of the AKFI. The right answer as arrived by the expert committee of the PSC was choice (D) Delhi. The reason given was that as per the memorandum of association of the AKFI and its constitution, the headquarters is where the President resides or holds office. There was no elected president of the AKFI at the time of the examination as issues relating to mismanagement of the AKFI was taken to the Delhi High Court which appointed an Administrator who was based at Delhi. The Respondents on the other hand insist that that correct choice was (C) Jaipur as that was the city where the last President of the Federation held his office. The Ld. Single Bench was of the view that the court appointed Administrator could not be equated with the President of the Federation as the President's post is occupied through an election while the Administrator is appointed by the Court.

18. With the greatest deference to the Ld. Single Bench, this Court is unable to accept that view. As the memorandum of association or the constitution of the Federation does not categorically prohibit the Administrator to be equated with the President, and where the

Administrator is performing the functions of the President till such time that a new President is not elected, this Court is of the view that the location of the office of the Administrator, in the absence of a President, would be the headquarters of the Federation, which was Delhi at the time the examination was conducted, as the Administrator appointed by the Delhi High Court, steps into the shoes of the President of the Federation. This is the answer suggested by the expert body, which in the considered opinion of this Court is plausible and so acceptable.

19. As regards question No. 7 of Set D, the question sought to assess the comprehension of the candidate by requiring them to give the year in which the press was liberated by William Bentick. The correct choice was 1835, but the question itself was challenged on the ground that it was erroneous as the Press Act of 1835 was legislated by Charles Metcalfe who succeeded William Bentick. The primacy in the question was with regard to the year in which the fetters on the press were removed which was 1835. However, the expert committee examined the textbook on modern Indian by Vidya Dhar Mahajan in which the author has opined that William Bentick was the first GG to take steps to free the press in India in the year 1835. Thus, it appears

that Charles Metcalfe who succeeded William Bentick carried forward the work started by William Bentick by legislating the Press Act of 1835. Therefore, the correct answer arrived at by the expert committee appointed by the Appellant cannot be faulted.

- 20.** Whenever the Court has to decide the correctness of answers challenged in examinations, it cannot embark on a complex journey to ascertain the correct answer, the authority conducting the examination would constitute the team of experts to look into the controversy. It has consistently been held that courts are not experts and should refrain from inquiring into matters beyond their core competence. The limited extent to which the courts may interfere are in cases where the error is extremely basic and is discernible to the Court without conducting a roving inquiry. Such errors may relate to a notorious fact. Illustratively, it may be stated that to a question relating to the location of the Taj Mahal monument, Chennai, Guwahati, and Ahmedabad cannot be the right answers. But for such outright instances, the Courts must refrain from examining the opinion of the expert body formed by the examiner and accept their opinion.

**21.** In view of what has been argued before this court and considered as hereinabove, the appeals succeed and the impugned judgement is set aside as a consequence of which, the writ petitions stand dismissed.

(ATUL SREEDHARAN)  
JUDGE

(PRADEEP MITTAL)  
JUDGE