

Heard Mr. H.K. Das, learned counsel for the petitioner. Also heard Mr. C. Baruah, learned standing counsel for the respondent APSC as well as Mr. C. Bhattacharjee, learned counsel for the state respondent.

2. The petitioner had participated in the Combined Competitive (Preliminary) Examination 2016 held by the respondent APSC. It is stated that the said examination had been conducted by the APSC for selection process for the purpose of Assam Civil Service.

3. The petitioner amongst others had also opted to appear in the aforesaid examination in the law paper. The Question No.85 of the law paper is what would be the correct answer to the question-

An act done by the Government servant in exercise of statutory power is a defence-

- (A) If it is in exercise of sovereign function,
- (B) If it is in exercise of non-sovereign function
- (C) If it is a Constitutional Act and
- (D) None of the above

4. The petitioner in his answer script had ticked the option (A) to be the correct answer. But later on, the petitioner came to learn that certain candidates had made an application before the APSC indicating that option (A) is the incorrect answer, whereas the correct answer would be option (D).

5. Consequent upon such application, the APSC had changed the answer key and had indicated that option (D) would be the correct answer instead of (A).

6. In the aforesaid grievance, the petitioner has preferred this writ petition raising the issue that in fact under the law, the option (A) would be the correct answer instead of option (D).

7. By the earlier orders of this Court, the learned counsel for the APSC was asked to provide the information as to what would be the correct answer of the question No.85.

8. Mr. C. Baura, learned standing counsel for the APSC has produced a communication dated 14.12.2017 from the Secretary of the APSC, wherein, it is stated that with regard to the objection to Question No.85, it is clarified that no candidate had made representation against the answer key to Question No.85 as uploaded by the Commission. Actually some candidates had submitted objection against answer key to Question No.86 by stating that the correct answer of Question No.86 would be option (D). But the authorities in the APSC inadvertently made the correction in the Question No.85 instead of Question No.86. Accordingly, the APSC realizes its mistake and undertakes that necessary re-correction would be done and the correct answer to Question No.85 will now be considered to be option (A) and not option (D). It is also stated that upon making such necessary correction to the answer key, consequential action will follow. All such candidates who have chosen answer (A) against Question No.85, shall now be held to have given the correct answer.

The relevant paragraph of the communication dated 14.12.2017 is as follows:-

Regarding objection to the Question No.85 in the paper of 'Law' of the Combined Competitive (Prel.) Examination, 2016, it is clarified that no candidate made representation against Question No.85 of the Answer Key uploaded by the Commission. Actually, candidates submitted objection against the Answer Key of Question No.86, the correct response of which is 'D'. However, at the time of correction of Answer Keys after taking complaints from the candidates and views from the paper Setters/Moderators, due to inadvertent mistake, the correction appeared/uploaded in Question No.85 instead of Question No.86. As a result, the candidates who opted the Option 'A' (which is the correct) in the said question (question No.85) did not secure the mark though they correctly answered.

In view of such undertaking taken by the APSC, this writ petition stands disposed of in the above term.

9. The APSC will do the needful by taking into consideration that the correct answer of Question No.85 of law paper would be option (A) and all such consequential action will be undertaken by the APSC.

In view of the above, writ petition stands disposed of.