

WP(C) 7301/2017

B E F O R E

HON'BLE MR. JUSTICE ACHINTYA MALLA BUJOR BARUA

Heard Mr. HK Das, learned counsel for the petitioner. Also heard Mr. C Baruah, learned Standing counsel, APSC

The issue involved in this writ petition is as to what would be the correct answer to the question an act done by the Government servant in exercise of statutory power is a defence and the options were (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.

Initially the APSC in the Key to the Answers had stated that Option A is the correct answer, but subsequently on the application of some of the candidates appearing in the examination, the APSC had changed the correct answer from Option A to Option D.

It is directed that the APSC shall produce the relevant materials available on record, based upon which, it had changed the correct answer from Option A to Option D.

List again on 14.12.2017.

A copy of this order be furnished to Mr. C Baruah, learned Standing counsel, APSC during the course of the day.