

IN THE HIGH COURT OF MANIPUR

AT IMPHAL

WP(C) No. 497 of 2024

1. **Md. Sher Khan**, S/o Md. Zahiruddin, aged about 32 years, R/o Lilong Heinou Makhong, P.O. & P.S. Lilong, District: Thoubal, Manipur, Pin Code – 795130.
2. Maxwin Wangkheimayum, S/o W. John Singh, aged about 26 years, R/o Wangkhei Amu Leirak Opposite Meihoubam Lampak, P.O. Imphal, P.S. Porompat, Pin Code – 795005, Manipur.
3. Herojeet Singh Shougrakpam, S/o Shougrakpam Kunjakishwar Singh, aged about 37 years, R/o Santhong Sabal Leikai, Ward No. 7, Kwakta Gram Panchayat, P.O. & P.S. Moirang, Pin Code – 795133, Manipur.
4. Ningthoujam Roshnikumar Singh, S/o Ningthoujam Mangi Singh, aged about 36 years, R/o Bishnupur Makha Leikai, Ward No. 6, Near Vishnu Temple, P.O. & P.S. Bishnupur Police, Pin Code – 795126, Manipur.
5. Moirangthem Gautam Singh, S/o (Late) Moirangthem Joykumar Singh, aged about 43 years, R/o Uripok Gopalji Leirak, Imphal West, Pin Code – 795011, Manipur.

... Petitioners

-Versus-

1. The State of Manipur represented by the Commissioner / Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.
2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

With

WP(C) No. 546 of 2024

Yumlembam Sanathoi, S/o Yumlembam Jitkumar Singh, aged about 39 years, R/o Keishamthong Maning Longjam Leikai, Imphal West, Manipur – 795001.

... Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner/ Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.
2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

With

WP(C) No. 607 of 2024

Miss Bidyaluxmi Huidrom, aged about 26 years, D/o Binod Huidrom of Khagempali Huidrom Leikai, P.O. Imphal, P.S. Singjamei, Imphal West District, Manipur.

... Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner/ Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.
2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

With

WP(C) No. 618 of 2024

Robert Salam, S/o Salam Dhiren Meitei, aged about 34 years,
R/o Singjamei Chinga Mathak Yumnam Leikai, Imphal West,
Manipur – 795001.

... Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner/ Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.
2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

With

WP(C) No. 636 of 2024

1. Monika Chingakham, D/o Ch. Merajao Singh, aged about 31, R/o Nambol Khajiri Mamang Leikai, Nambol Municipal Council, Imphal West, Manipur – 795134.
2. Hidangmayum Ronendra Sharma, S/o Hidangmayum Sanamacha Sharma, aged about 31 years, R/o Naoremthong Khumanthem Leikai, Imphal West, Manipur -795001.
3. Nongthombam Sanju Singh, S/o Nongthombam Motihar Singh, aged about 29 years, R/o Kongba Nandeibam Leikai, Imphal East, Manipur – 795008.
4. Moirangthem Chinglenkhomba Singh, S/o Moirangthem Gunendra Singh, aged about 32 years, R/o Kongba Nongthombam Leikai, Imphal East, Manipur – 795008.
5. Akham Chinglemba Meitei, S/o Akham Iboyaima Khuman, aged about 24 years, R/o Wangkhei Ningthem Pukhri Mapal Awang Leirak, Imphal Municipal Council, Manipur – 795005.

6. Wairakpam Momocha Singh, C/o Wairakpam Tolpishak Singh, aged about 27 years, R/o Ningthoukhong Awang Khunou, Near Community Hall, Ward No. 1, Bishnupur District, Manipur – 795126.
7. Longjam Suraj Singh, S/o Longjam Liken Singh, aged about 26 years, R/o Bishnupur Ward No. 9, Bishnupur District, Manipur – 795126.
8. Chongtham Ronilkumar Singh, S/o Chongtham Priyokumar Singh, aged about 27, R/o Uripok Polem Leikai, Imphal West, Manipur – 795001.

... Petitioners

-Versus-

1. The State of Manipur represented by the Commissioner/ Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.
2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

With

WP(C) No. 681 of 2024

Angom Amarjit Singh, S/o Late Angom Saratchandra Singh, aged about 43 years, R/o Ningthoukhong Awang Khunou, Ward No. 1, Bishnupur Sub-Division, Bishnupur, Manipur – 795126.

... Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner/ Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.

2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

With

WP(C) No. 710 of 2024

Sanabam Micheal Singh, aged about 34 years, S/o Sanabam Manglemjao Singh of Keishamthong Top Leirak, P.O. & P.S. Imphal, District Imphal West, Manipur, Pin No. 795001.

... Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner/ Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.
2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

With

WP(C) No. 802 of 2024

Ringo Pebam, aged about 45 years, S/o Pebam Sunarchand, R/o Kwakeithel Moirangpurel Leikai, P.O. Imphal, P.S. Singjamei, Imphal West District, Manipur – 795001.

... Petitioner

-Versus-

1. The State of Manipur represented by the Commissioner/ Secretary (DP), Department of Personnel & Administrative Reforms (Personnel Division), Government of Manipur, Manipur Secretariat, Imphal, Manipur – 795001.

2. The Manipur Public Service Commission (MPSC), represented through its Secretary, Office at MPSC, North AOC, DM Road, Imphal, Manipur – 795001.

... Respondents

B E F O R E

HON'BLE MR. JUSTICE AHANTHEM BIMOL SINGH

For the petitioners :: Mr. T. Momo, Sr. Advocate asstd. by
Ms. Diana, Advocate;
Mr. T. Rajendra, Sr. Advocate asstd. by
Mr. Bikash Sharma, Advocate;
Mr. S. Biswajit, Sr. Advocate asstd. by Mr.
Sanatomba, Advocate &
Mr. Ajoy Pebam, Advocate

For the respondents :: Mr. M. Rarry, Sr. Advocate asstd. by
Ms. Rosy, Advocate &
Mr. R.K. Deepak, Sr. Advocate asstd. by
Mr. L. Rajesh, Advocate

Date of hearing :: **26-09-2025**

Date of judgment :: **09-10-2025**

J U D G M E N T

[1] All the above eight writ petitions relates to challenging the correctness of some answer keys published by the Manipur Public Service Commission in connection with Manipur Civil Services Combined Competitive (Preliminary) Examination, 2022. As common question of facts and law arises in these batch of writ petitions, all the writ petitions were heard jointly and are being disposed of by this common judgment.

[2] Heard Mr. T. Momo, learned senior counsel assisted by Ms. Diana, learned counsel appealing for the petitioners in WP(C) No 497 of 2024, WP(C) No. 546 of 2024, WP(C) No. 618 of 2024 and WP(C) No.

681 of 2024, Mr. T Rajendra, learned senior counsel assisted by Ms. Bikash Sharma, learned counsel appearing for the petitioners in WP(C) No. 607 of 2024, Mr. S. Biswajit, learned senior counsel assisted by Mr. Sanatomba, learned counsel appearing for the petitioners in WP(C) No. 636 of 2024 and WP(C) No. 802 of 2024 and Mr. Ajoy Pebam, learned counsel appearing for the petitioners in WP(C) No. 710 of 2024. Heard also, Mr. M. Rarry, learned senior counsel assisted by Ms. Rosy, learned counsel appearing for the State of Manipur and Mr. R. K. Deepak, learned senior counsel assisted by Mr. L. Rajesh, learned counsel appearing for the MPSC.

[3] The facts of the present cases, in a nutshell, are that the Manipur Public Service Commission (hereinafter "**MPSC**", for short) issued an Advertisement dated 07-12-2022 inviting applications from intending candidates for the Manipur Civil Services Combined Competitive (Preliminary) Examination, 2022 (hereinafter "**Preliminary Examination, 2022**", for short) for selecting of candidates for appearing in the Main Examination for recruitment to the post of Manipur Civil Services, Grade-II, Manipur Police Services, Grade-II, Manipur Finance Services Grade-II, Sub-Deputy Collector and Manipur Secretariat Services Grade-VI.

[4] After following due process for conduct of the said examination as provided under the rules, the Preliminary Examination, 2022 was

conducted on 30-04-2023. The said Preliminary Examination consists of only two papers i.e. General Studies (Paper-I), General Studies (Paper-II) having a maximum of 200 marks each. General Studies (Paper-I) consists of 100 questions and General Studies (Paper-II) consists of 80 questions. There are four series of Question Booklet, i.e., Series A, B, C and D. All the four question series of General Studies Paper-I and Paper-II consists of the same questions but having different question numbers.

[5] On the same day of conducting the said Preliminary Examination, the MPSC issued a Notification dated 30-04-2023 informing all the candidates, who appeared in the said examination to submit claims and objections to the answer keys as notified under the said notification during the period from 05-05-2023 till 5:00 p.m. of 10-05-2023 on online mode. The MPSC again issued another Notification dated 09-05-2023 informing all the candidates, who appeared in the preliminary examination that the time given for submitting claims and objections to the answer keys published by the MPSC shall be extended and new dates shall be notified once the ongoing curfew was lifted and mobile internet/ broadband services are restored. Subsequently, the MPSC issued another Notification dated 25-09-2023 informing to all the candidates, who appeared in the Preliminary Examination, 2022 to submit claims and objections to the answer keys during the period from 05:00 p.m. of 26-09-2023 till 5:00 p.m. of 01-10-2023 through online mode. By another Notification dated

27-09-2023 issued by the MPSC, it was notified to all the candidates that as the government has banned all mobile internet services, the time given earlier for submitting claims and objections to the answer keys shall be extended and the new dates shall be notified once the mobile internet services are restored by the government.

[6] When the mobile internet and broadband services were restored in the State of Manipur, the MPSC issued another Notification dated 13-02-2024 notifying the period from 10:00 a.m. of 14-02-2024 till 11:59 p.m. of 18-02-2024 for submitting claims and objections to the answer keys published earlier by it by issuing a Notification dated 13-02-2024. Lastly, the MPSC issued another Notification dated 05-03 2024 informing all the candidates, who appeared in the said Preliminary Examination, 2022 to submit claims and objections to the answer keys during 10:00 a.m. of 06-03-2024 till 11:59 p.m. of 08-03-2024 through online mode as a final opportunity to the candidates who could not filed claims/ objections earlier due to disruption of internet services. In the said notification, it was also made clear that no more claims or objections will be accepted thereafter.

[7] According to the MPSC, many candidates including some of the present petitioners submitted their claims and objections and all such claims and objections were referred to subject experts and after

receiving the advice and recommendations of the subject experts, the MPSC published the Final Answer Keys on 16-5-2024. On the basis of the advice and recommendations made by the subject experts, the MPSC revised one answer key in respect of one question of General Studies (Paper-I) and dropped six questions of General Studies (Paper-I) and one question of General Studies (Paper-II) and grace marks were awarded for those questions to all the candidates irrespective of whether the candidates attempted those questions or not by issuing a Notification dated 28-05-2024. Thereafter, the result of the said Preliminary Examination, 2022 was declared and the list of candidates who have qualified for admission to Manipur Civil Services Combined Competitive (Main) Examination, 2022 was notified by issuing a Notification dated 28-05-2024. None of the present petitioners were declared as successful candidates.

[8] After about two months from the date of declaration of the result of the Preliminary Examination, 2022, five unsuccessful candidates approached this court by filing a writ petition registered as WP(C) No. 497 of 2024 with the prayer, inter alia, for directing the MPSC to constitute a committee consisting of experts to re-examine the correctness of the answer key of Question No. 31 of General Studies (Paper-II) and to re-assess their marks on the basis of the recommendations made by the experts and in case, if any of the petitioners are found to be successful, to allow them to appear in the main examination.

In the said writ petition, this court passed an interim order on 29-07-2024 permitting the five petitioners to update their details in the website of MPSC for appearing in the main examination. Subsequent thereto, seven other writ petitions were filed one after another by unsuccessful candidates seeking for the same relief.

[9] In these batch of eight writ petitions, the petitioners challenged the correctness of the Final Answer Keys published by the MPSC in respect of three questions of General Studies (Paper-II), i.e., Question Nos. 31, 51, and 61 of Question Booklet Series A and in respect of five questions of General Studies (Paper-I) of Question Booklet Series A, i.e., Question Nos. 9, 25, 50, 67, and 89. For ready reference, all the questions, the options given by the candidates and the final answer keys are reproduced hereunder:-

Sl. No.	Case Details	Challenged Questions	Claimed Options	Final Ans. Key
1.	WP(C) No. 497 of 2024 Md. Sher Khan & 4 ors.	Correctness of answer key w.r.t. Q. 31 of GS – II Direction (Q. Nos. 29 to 32): In each of the following questions a pair of capitalised words is followed by four pairs of words. You are required to mark as the answer the pair of words with a relationship between them that is closest to the relationship between the capitalised pair: Q. 31. ACTION: REACTION (A) Introvert : Extrovert (B) Assail : Defend (C) Disease : Treatment (D) Death : Rebirth	(B)	(C)

[illegible]

Sl. No.	Case Details	Challenged Questions	Claimed Options	Final Ans. Key
6.	WP(C) No. 681 of 2024 Angom Amarjit	Correctness of answer key w.r.t. Q.67 of GS-I and Q. 31 of GS-II Q.67 of GS-1 Which of the following are key indicators of poverty in India? a) High infant mortality rate b) Low life expectancy c) High Inflation rate d) Low literacy rate (A) (a), (b) and (c) only (B) (a), (b) and (d) only (C) (b), (c) and (d) only (D) (a) and (d) Q.31 of GS - II	Revised option from (C) to (D) is incorrect (B)	(D) (C)
7.	WP(C) No. 710 of 2024 Sanabam Micheal	Correctness of answer key w.r.t. Q.31, 51 and 61 of GS – II Q.51. of GS - II Q.61. of GS – II Q.31. of GS – II No reason given for alleged wrong/ incorrect answer.	(B) 	(D) (A)
8.	WP(C) No. 802 of 2024	Correctness of answer key w.r.t. Q.9, 25, 50, 67, 89 of GS-I Q.9: In the light of the recent report released by the Official Language Committee headed by Union Home Minister, Government of India, consider the following statements: a) Divide the States into two categories ----Region A and B States, for the use of Hindi language. b) Prioritize regional languages over English in all the States. c) Designate Hindi as one of the official languages of the United Nations.	No correct option, hence invalid	(C)

Sl. No.	Case Details	Challenged Questions	Claimed Options	Final Ans. Key
		Which of the above statements are the recommendations of the Committee? (A) Only (a) (B) Only (a) and (b) (C) Only (b) and (c) (D) (a), (b) and (c) Q. 25. Consider the following statements: a) Iltutmish introduced the Sajdah and Paibos. b) Qutubuddin Aibak was the founder of the Ilbary dynasty. c) Aibak died while playing Chaugan. d) Itutmish constructed the Quwwat-ul-Islam mosque at Delhi. Which statements given above are correct? (A) (a) and (b) only (B) (b) and (c) only (C) (a), (b) and (d) only (D) None of the above Q.50: The process of producing Atom bomb and Hydrogen bomb involves fission and fusion respectively A) fusion and fission respectively B) fusion in both cases C) fission in both cases Q.67 Which of the following are key indicators of poverty in India. (a) High Infant Mortality Rate (b) Low Life Expectancy (c) High Inflation Rate (d) Low Literacy Rate A) (a), (b) and (c) only B) (a), (b) and (d) only	No correct option, hence invalid No correct option, hence invalid (C)	(B) (A) (D)

Sl. No.	Case Details	Challenged Questions	Claimed Options	Final Ans. Key
		C) (b), (c) and (d) only D) (a) and (d) Q.89. Which of the following matters are required to be passed by simple majority votes? a) Removal of the Speaker and the Deputy Speaker of the House. b) Removal of the Chief Election Commissioner and the other Election Commissioners. c) Removal of the Chairman of the Rajya Sabha d) Removal of the Deputy Chairman of the Rajya Sabha. Select the correct answer by using the codes given below Codes: (A) (a), (b), (c), (d) (B) (a), (c), (d) only (C) (c) only (D) (a), (b), (c) only	No correct option, hence invalid	(B)

[10] The claims and objections raised by the petitioners in respect of the aforesaid three questions of General Studies (Paper-II), i.e., Question Nos. 31, 51 and 61, are more or less the same which are as under:-

a) In respect of **Question No. 31**:

- (i) The final answer key given by the MPSC for the said Question No. 31 is option “**(C) Disease : Treatment**”, which is not closest to relationship between capitalized pair, i.e., “**ACTION : REACTION**”. It has been submitted that the correct answer to the said question is option “**(B) Assail : Defend**”, which is

closest to relationship between the capitalized pair, i.e.,
“ACTION : REACTION”.

- (ii) The said correct answer **“(B) Assail : Defend”** to the said question is the same as the question which was asked in the CAT, 1996 and CLAT, 2013 question papers. The explanation given for the answer (B) in CAT, 1996 and CLAT, 2013 are:-

Questions	Correct Answer	Explanation given in “Hints & Solutions/ Explanation”
Question No. 344 CAT, 1996 ACTION : REACTION (A) Introvert : Extrovert (B) Assail : Defend (C) Diseased : Treatment (D) Death : Rebirth	(B) Assail : Defend	Second word is a follow-up of first one. Reaction comes after action and Assail (attack) is followed by Defence.
Question No. 1 CLAT, 2013 ACTION : REACTION (A) Introvert : Extrovert (B) Assail : Defend (C) Diseased : Treatment (D) Death : Rebirth	(B) Assail : Defend	Second is the result of first

- (iii) Similar question is found in the online portal **“interviewmania.com”** and the correct answer to the said question is also option **‘B’** as extracted above.

b) In respect of Question No. 51:

- (i) The answer key given by the MPSC is option **(D)**, however, all the options are interpersonal skills. Hence, none of the options are correct. If any one option which is least closest to interpersonal skill is **Empathy** or option **(B)** reason

being **Empathy** is more associated with feeling which is intrapersonal in approach even if there is some interpersonal expression. While **Assertiveness** is more about communicating in a positive and more confident way, which is more interpersonal in approach. Hence, the more appropriate option is “**Empathy**” or option **(B)** or none of the options are correct. In support of such claims/ objections, the petitioners relied upon the definition and explanation of the word “**Assertiveness**” as published in the “**International Journal of Advanced Psychiatric Nursing, 2021**” and “**Think India**” (Quarterly Journal).

- (ii) The petitioners also relied on the “**Curriculum and Guidelines for Life Skills (Jeevan Kaushal) 2.0**”, published by University Grants Commission, August 2023 wherein it is stated that life skills are considered into three categories with complement, supplement and reinforce each other:

Social or Interpersonal Skills (Communication, Assertiveness, Cooperation and Empathy).

The petitioners also relied on “**Exploring the Interplay of Assertiveness, Social Anxiety and Communication Competence Among College Students in Lunglei, Mizoram**” published by the International Journal of Indian Psychology, Volume 12, Issue 2, April-June 2024 wherein it is stated that

“Assertiveness is an important component of personal and interpersonal interaction”. The petitioner also relied upon the extract from “**Social Processes and Behavioural Issues - Interpersonal Skill and Group Processes**” published by IGNOU School of Management Studies, January 2018 in support of their contentions. It has been submitted on behalf of the petitioners that all the options given to the said Question No. 51 are of interpersonal skills and therefore, the question is demonstrably wrong

c) In respect of Question No. 61:

It has been stated by the petitioners that the option presented by the MPSC as answer for Question No. 61 will be wrong since the second para of the question is asking for negative answer of the statement which will be options (b), (c), and (d) instead of the MPSC option (a). It has also been stated that the said question is almost the same with Question No. 49 of XAT, 2010 except for the word “**strongly**” is replaced by the word “**wrongly**”. This substantive change completely alter the meaning of the question and that the term “**strongly**” implies a forceful or assertive expression, which is not inherently negative whereas the word “**wrongly**” denotes an incorrect or inappropriate action, which carries a clearly negative connotation and as such, the answer key does not reflect the question.

[11] The claims and objections raised by the lone petitioner in WP(C) No. 802 of 2024 in respect of the aforesaid five questions of General Studies (Paper-I), i.e., Question Nos. 9, 25, 50, 67, and 89, are as under:-

(a) In respect of **Question No. 9:**

By the time the petitioner's preliminary examination was conducted on 30-04-2023, there were information about the United Nation's official languages and India's effort to promote Hindi but there wasn't much information about the Official Languages Committee to designate Hindi as an official language of the United Nations. The petitioner found no right option and the question was invalid.

(b) In respect of **Question No. 25:**

The answer key given by the MPSC for this question is option **(D)**, however, according to the petitioner, the statement at **(D)** of the said question which says "Iltutmish constructed the Kuwwat-ul-Islam mosque at Delhi" is also correct, which is proven by the caption of the Figure-2, Page No. 36 of Chapter 3 of the NCERT Class-VII textbook which clearly says that Kuwwat al Islam mosque was enlarged by Iltutmish, therefore, leaving no possible option to select from as there is no right option. Hence, the said question is invalid.

(c) In respect of Question No. 50:

Hydrogen bomb involves both fission and fusion but Hydrogen bomb utilizes both atomic fission and nuclear fusion to create an explosion. The combination of these two processes results in Hydrogen bomb, which is also proven by Page No. 252 of the Chapter 14 of the NCERT Class-X Science textbook. Accordingly, the final answer given by the NPSC is wrong and controversial and there is no right answer in the given options. Hence, the said question should be considered invalid.

(d) In respect of Question No. 67:

It has been submitted that some of the facts in relation with the question are that before Independence, Dada Bhai Naoroji came up with the concept of Poverty Line to measure poverty. Post-independent India, in 1962, the Planning Commission formed a study group. In 1979, another body called the **"Task Force on Projections of Minimum Needs and Effective Consumption Demand"** was formed. In 1989 and 2005, **"Experts Groups"** were constituted. It was also submitted that besides the Planning Commission, many renowned economists have also attempted to develop such a mechanism. Due to various limitations in the official estimation of poverty, scholars have attempted to find alternative methods. For instance, Amartya Sen, a noted Nobel laureate, has developed an index known as Sen Index. There are

other tools, such as "**Poverty Gap Index**" and "**Squared Poverty Gap**". There was also Tendulkar Committee (2009) and Rangarajan Committee (2014) for poverty estimation. The National Multi-Dimensional Poverty Index by NITI Aayog uses Alkire Foster methodology. Since the methodologies are different for different reports and Committees/ Commissions and since the question did not satisfy them, the petitioner requested for consideration of statement at clause "**(d) Low life expectancy rate**" or the question be declared invalid.

(e) In respect of Question No. 89:

The answer key given by the MPSC is wrong since the removal of the Speaker and Deputy Speaker of the House does not need a special majority. To remove the Speaker and Deputy Speaker of the House, a majority of the then members of the House is required. This is proven by Article 94 of the Constitution of India. A special majority is a majority of two-thirds of members present and voting or a majority of two-thirds of members present and voting along with 50% of the total strength of the House. For removal of Chairman of Rajya Sabha, there is no need for a special majority. It is proven by Article 67 of the Indian Constitution which provides that Vice-President (Chairman of Rajya Sabha) may be removed from his office by a resolution of the Council of States passed by a majority of all the then

members of the Council and agreed to by the House of the People. Accordingly, the answer key of the MPSC is absolutely wrong and there is no correct option, hence the said question is invalid.

[12] It has been submitted on behalf of the petitioners that by relying on various research papers of many experts as well as relevant questions and answer keys of earlier competitive examinations conducted by other authorities, the petitioners have demonstrated that the aforesaid eight questions/ answer keys given by the MPSC are wrong. It has also been submitted on behalf of the petitioners that the MPSC's claimed that it had consulted with each of subject experts regarding the said questions and on the advice/ recommendation of the said subject experts, the final answer keys have been published. However, the MPSC failed to disclose the particulars of the so-called experts for reason known only to them and that disclosing the particulars of the said experts in a transparent manner will definitely remove the doubt in the minds of the general public as the expertise and integrity of the said subject experts is very much necessary in the present context. It has further been submitted that the objections raised against the aforesaid questions/ answer keys and referring the same to the so-called experts constituted by the MPSC without disclosing their names is like an appeal from Caesar to Caesar's wife.

[13] It has also been submitted on behalf of the petitioners that since the preliminary examination conducted by the MPSC is a prestigious one

for the recruitment of the highest civil services posts, the questions and answers of the same exam is going to be referred to in future in subsequent competitive exams and if such wrong and invalid questions/ answer keys are allowed to remain without rectifying the mistakes, it will perpetuate the illegalities forever and future aspirants will be misled.

[14] It has been submitted on behalf of the petitioners that as this court is not well-equipped to decide the issues of wrong questions or invalid answer keys, it will be most appropriate to constitute a neutral expert committee consisting of subject experts and take fresh neutral opinion to decide the issues involved in these writ petitions in the interest of justice and to avoid causing any injustice to the innocent candidates.

[15] The following case laws have been cited on behalf of the petitioners.

(1) (2005) 13 SCC 749 “Guru Nanak Dev University Vs. Saumil Garg & ors.” wherein it has been held as under:-

“9. Insofar as the aforesaid eight questions are concerned, namely, Questions 36, 49, 109, 110, 128, 165, 167 and 168, there can be no doubt that the key answers provided by the appellant University are demonstrably erroneous. Insofar as key answers to Questions 41 and 152 are concerned, benefit of doubt, as per law well settled by this Court, has to go in favour of the examining body.”

“10. Having regard to the facts and circumstances of the case, in particular, the stage of the admissions and the fact that the medical courses are supposed to commence on 1st August every year and the last date of admissions for stray seats under all circumstances is 30th September, we do not think appropriate that all the 200 questions deserve to be referred for determining as to what are the correct key answers. At this stage, it would also

not be appropriate to refer to the opinions given by other professors in these matters as to correctness of key answers."

"11. What is paramount is the interest of the student community. Merit should not be a casualty. We feel that the interests of the students would be adequately safeguarded if we direct the appellant University to reevaluate the answers of the aforesaid eight questions with reference to the key answers provided by CBSE and the University of Delhi which are same and not with reference to the key answers provided by the appellant University."

(2) (2012) 6 GLR 387 "Sapam Jiten Singh & ors. Vs. Manipur Public Service Commission & anr." wherein it has been held as under:-

"49. This court is of the opinion that anybody who is aware of the "Socialist Pattern" would find both "mixed economy" and "public economy" to be correct inasmuch as "Socialist Pattern" is to be found both in the "mixed economy" as well as in the "public economy". Thus, this court is of the opinion that even if the answers to the aforesaid 4(four) questions are treated to be a disputed question of fact as claimed by the MPSC, anybody with reasonably sound knowledge on the aforesaid subjects would find that the answers projected by the petitioners are also correct. On this aspect, this court is of the opinion that the petitioners have been able to make out a prima facie case that the answers given in the key-answer in respect of the aforesaid 4(four) questions are not correct. Thus, this contention of the petitioners find force and if all the answers claimed by the petitioners are found to be true, of which there is high probability, in that event, if any of the petitioners have not been given marks for giving the right answer, such of the petitioners would be deprived of the additional marks."

"62. However, by way of moulding the relief, the following directions are issued to the respondent No.2, the Manipur Public Service Commission:

- (i) The MPSC would immediately constitute a Committee consisting of experts relating to the aforesaid four questions and re-determine the correct answer by reviewing the earlier answers in respect of the aforesaid 4(four) questions.*
- (ii) Upon re-determination of the correct answers in respect of the four questions, if any of the key answers is corrected/*

changed, the MPSC would re-evaluate the answers scripts of the present 11 (eleven) writ petitioners only so as to ascertain if any of the petitioners had given correct answers to the aforesaid four questions in the light of the review answer key and re-assess the marks of the petitioners.

- (iii) If any of the petitioners, upon such re-assessment, obtains marks within the cut-off marks in their respective categories, he/ they shall be deemed to have been qualified for appearing in the Manipur Civil Services Combined Competitive (Mains) Examination, 2010.*
- (iv) The MPSC is to publish the result of the aforesaid exercise in respect of the 11 (eleven) petitioners at the earliest*
- (v) The aforesaid exercise indicated above under directions (i) to (iii) are to be completed as expeditiously as possible preferably within a period of 3(three) weeks but definitely before the declaration of the results of the Manipur Civil Services Combined Competitive (Mains) Examination, 2010.*
- (vi) In order that the claims of the petitioners can be considered as directed above, they are to be provisionally allowed to appear in the Manipur Civil Services Combined Competitive (Mains) Examination, 2010 scheduled to be held on 10.1.2012 or any such date that may be fixed by the Manipur Public Service Commission. However, their results in the Mains Examination will be declared only after it is ascertained that they or any one of them have/ has qualified to appear in the Mains Examination as indicated above. If any of the petitioners is not found to be qualified after the re-assessment in the terms of the directions (i) to (iii) above, their results in the Manipur Civil Services Combined Competitive (Mains) Examination, 2010 would not be declared or acted upon.*
- (vii) It is also clarified again here that the aforesaid exercise contemplated under directions (i) to (iv) will be confined only to the present 11(eleven) petitioners and will not be extended to any other person for the reasons given in this judgment.”*

(3) (2013) 4 SCC 690 “Rajesh Kumar & ors. Vs. State of Bihar & ors.” wherein it has been held as under:-

“5. In the writ petition filed by the aggrieved candidates, a Single Judge of the High Court referred the “model answer key” to experts. The model answers were examined by two experts, Dr

(Prof.) C.N. Sinha, and Prof. K.S.P. Singh, associated with NIT, Patna, who found several such answers to be wrong. In addition, two questions were also found to be wrong while two others were found to have been repeated. Question 100 was also found to be defective as the choices in the answer key were printed but only partially.”

“6. Based on the report of the said two experts, a Single Judge of the High Court held that 41 model answers out of 100 were wrong. It was also held that two questions were wrong while two others were repeated. The Single Judge on that basis held [Ajay Kumar v. State of Bihar, CWJC No. 885 of 2007, order dated 18-12-2007 (Pat)] that the entire examination was liable to be cancelled and so also the appointments made on the basis thereof. Certain further and consequential directions were also issued by the Single Judge asking the Commission to identify and proceed against persons responsible for the errors in the question paper and the “model answer key”.”

“15. There is, in our view, no merit in that contention of Mr Rao. The reasons are not far to seek. It is true that the writ petitioners had not impleaded the selected candidates as party-respondents to the case. But it is wholly incorrect to say that the relief prayed for by the petitioners could not be granted to them simply because there was no prayer for the same. The writ petitioners, it is evident, on a plain reading of the writ petition questioned not only the process of evaluation of the answer scripts by the Commission but specifically averred that the “model answer key” which formed the basis for such evaluation was erroneous. One of the questions that, therefore, fell for consideration by the High Court directly was whether the “model answer key” was correct. The High Court had aptly referred that question to experts in the field who, as already noticed above, found the “model answer key” to be erroneous in regard to as many as 45 questions out of a total of 100 questions contained in ‘A’ series question paper. Other errors were also found to which we have referred earlier. If the key which was used for evaluating the answer sheets was itself defective the result prepared on the basis of the same could be no different. The Division Bench of the High Court was, therefore, perfectly justified in holding that the result of the examination insofar as the same pertained to ‘A’ series question paper was vitiated. This was bound to affect the result of the entire examination qua every candidate whether or not he was a party to the proceedings. It also goes without saying that if the result was

vitiated by the application of a wrong key, any appointment made on the basis thereof would also be rendered unsustainable. The High Court was, in that view, entitled to mould the relief prayed for in the writ petition and issue directions considered necessary not only to maintain the purity of the selection process but also to ensure that no candidate earned an undeserved advantage over others by application of an erroneous key."

(4) (2013) 14 SCC 494 "Vikas Pratap Singh & ors. Vs. State of Chattisgarh & ors." wherein it has been held as under:-

"4. In the meanwhile, the Inspector General of Police and the respondent Board received complaints in respect of defects/mistakes in several questions of the main examination papers. The respondent Board constituted an Expert Committee to inquire into the complaints. Upon examination of the two papers, two sets of defects were noticed: (a) eight questions in Paper II itself were incorrect; and (b) model answers for evaluation of answer scripts to another eight questions of Paper II were incorrect. The respondent Board directed for deletion of the first set of eight questions in Paper II and preparation of correct model answers key for objective questions in Papers I and II and accordingly carried out re-evaluation of the answer scripts of the candidates. On 27-6-2009 a new revised merit list was published wherein the names of twenty-six appellants did not figure at all and accordingly, the appointment of the appellants were cancelled by the respondent State."

"8. The Division Bench has observed that since all the questions so re-evaluated were objective type carrying fixed marks for only one correct answer, the possibility of difference in marking scheme or prejudice during re-evaluation does not arise and therefore has concluded that no irregularity or illegality could be said to have crept in the manner and method of re-evaluation carried out by the respondent Board and that the said decision of re-evaluation was justified, balanced and harmonious and has not caused any injustice to the candidates and therefore cannot be interfered with unless found arbitrary, unreasonable or mala fide which is not the case at hand. In consequence of the aforesaid conclusion, the Division Bench has thought it fit to uphold the cancellation of appointments of the appellants qua the first list and accordingly dismissed the writ petitions."

“14. In these appeals what falls for our consideration is whether the decision of the respondent Board in directing re-evaluation of the answer scripts has caused any prejudice to the appellants appointed qua the first merit list, dated 8-4-2008?”

“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.

“19. In view of the aforesaid, we are of the considered opinion that in the facts and circumstances of the case the decision of re-evaluation by the respondent Board was a valid decision which could not be said to have caused any prejudice, whatsoever, either to the appellants or to the candidates selected in the revised merit list and therefore, we do not find any infirmity in the judgment and order passed by the High Court to the aforesaid extent.”

(5) (2018) 2 SCC 357 “Ran Vijay Singh & ors. Vs. State of Uttar Pradesh & ors.” wherein it has been held as under:-

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

- 30.1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;*
- 30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed.*
- 30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;*
- 30.4. The court should presume the correctness of the key answers and proceed on that assumption; and*
- 30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.”*

(6) (2018) 8 SCC 81 “Rishal & ors. Vs. Rajasthan Public Service Commission & ors.” wherein it has been held as under:-

“6. In pursuance of our directions dated 16-1-2018, an Expert Committee was appointed to re-examine the grievances of the appellant-writ petitioners. An affidavit dated 14-4-2018 sworn by Ramdev Siroya has been filed by the Commission. It is stated in the affidavit that on the basis of reports of experts, overall 22 answers in all the nine subjects, for which these experts were appointed, have been re-examined and the answers were revised. It shall be useful to extract Paras 5 and 6 of the affidavit, which is to the following effect:

“5. On the basis of reports of experts, overall 22 answers in all the nine subjects for which these experts were appointed to re-examine claims of petitioners, were reported to be revised.

“6. In the subjects of General Knowledge (Paper I) answers to five questions were required to be revised; in Paper II (subject) in Commerce answers of three questions were required to be revised; three questions in subject Geography, two questions in subject Hindi (Teaching method); in subject History one question; in subject Political Science four questions; and in subject Rajasthani three questions were reported to be revised. A chart showing question numbers subject, answer in final key and new Expert Report is being filed herewith and marked as Annexure A-1 (p. 5) True and correct copies of reports of experts in nine subjects is being filed herewith and marked as Annexure A-2 (pp. 6-46). It is stated that identity of experts is not being disclosed. That on the basis of reports of the experts the result of candidates who have not been appointed was revised by the Rajasthan Public Service Commission.”

“15. The issue pertaining to scope of judicial review of correctness of key answer had been considered by this Court time and again. This Court had entertained such challenges on very limited ground and has always given due weight to the opinions of subject experts. A three-Judge Bench of this Court in Kanpur University v. Samir Gupta, had occasion to consider a case where challenge was made to the key answers supplied by the paper-setter with regard to multiple choice of the objective type test for admission in medical courses through combined pre-medical test. The High Court while considering the challenge of the candidates

to various key answers accepted the challenge to different questions. With regard to some of the questions the High Court held that the key answer is not the correct answer. This Court repelling the challenge made the following observations in paras 15 and 16: (SCC pp. 315-16)

- “15. The findings of the High Court raise a question of great importance to the student community. Normally, one would be inclined to the view, especially if one has been a paper-setter and an examiner, that the key answer furnished by the paper-setter and accepted by the University as correct, should not be allowed to be challenged. One way of achieving it is not to publish the key answer at all. If the University had not published the key answer along with the result of the Test, no controversy would have arisen in this case. But that is not a correct way of looking at these matters which involve the future of hundreds of students who are aspirants for admission to professional courses. If the key answer were kept secret in this case, the remedy would have been worse than the disease because, so many students would have had to suffer the injustice in silence. The publication of the key answer has unravelled an unhappy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system of examinations which they conduct. What has failed is not the computer but the human system.*
- 16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged textbooks, which are commonly read by students in U.P. Those textbooks leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.”*

“28. In view of the foregoing discussions, we dispose of these appeals with the following directions:

- 28.1. The Rajasthan Public Service Commission is directed to revise the result of all the candidates including all the appellants on the basis of the report of the Expert Committee constituted in pursuance of our order dated 16-1-2018 and publish the revised result.***
- 28.2. While carrying the above exercise, the Commission need not revise the result of all those candidates whose names were included in the Select List earlier published. We having already pointed out that the appointments shall not be affected by this exercise, there is no necessity to revise their result. Thus, this exercise shall be undertaken excluding all the candidates who are included in the Select List.***
- 28.3. The Commission shall also publish the cut-off marks of the last selected candidates in the respective categories who were included in the Select List on the basis of which appointments have been made by the Commission.***
- 28.4. On the basis of the revised result, those candidates who achieve equal or more marks in their respective categories shall be offered appointments against 1045 vacancies as has been mentioned by the Commission in Para 7 of the affidavit, noted above.***
- 28.5. The entire exercise of revising the result and making recommendations for appointments shall be completed by the Commission within a period of three months from today. The State shall take necessary consequential steps thereafter.”***

[16] The case of the MPSC is that the Preliminary Examination, 2022 was held on 30-04-2023 and on the same day, a notification was issued notifying the Provisional Answer Keys and calling for submitting claims and objections to the said provisional answer keys within the period from 05-05-2023 till 05:00 p.m. of 10-05-2023. Subsequently, another notification dated 25-09-2023 was issued for submitting claims and objections to the provisional answer keys during the period from 5.00 p.m. of 26-09-2023 till 5.00 p.m. of 01-10-2023 Thereafter, by another

notification dated 13-02-2024, the period for submitting claims and objections against the said provisional answer keys was extended from 10.00 a.m. of 14-02-2024 till 11.59 p.m. of 18.02.2024. Lastly, by another notification dated 05-03-2024, the period for submitting claims and objections against the provisional answer keys was further extended from 10.00 a.m. of 06-03-2024 till 11.59 p.m. of 08-03-2024. According to the MPSC, sufficient time was given to the candidates for submitting their claims and objections to the said provisional answer keys and a large number of claims and objections were submitted by the candidates, including some of the petitioners. All the claims and objections received by the MPSC were referred to subject experts on 16-03-2024 for their consideration and for their advice and recommendation.

[17] After receiving the advice and recommendations from the subject experts, the MPSC published the Final Answer Keys on 16-05-2024. Thereafter, on the basis of the advice and recommendation of the subject experts, the MPSC issued a notification dated 28-05-2024 notifying that one answer key to one question in respect of General Studies (Paper-I) had been revised and six questions in respect of General Studies (Paper-I) and one question in respect of General Studies (Paper-II) had been dropped. It was also notified that two marks each in respect of six dropped questions of General Studies (Paper-I) and $2.5 (2\frac{1}{2})$ mark in respect of the one dropped question of General Studies (Paper-II) will be awarded to all the candidates irrespective of whether the candidates attempted the said

questions or not. On the same day, i.e., 28-05-2024, the result of the Preliminary Examination, 2022 was declared and none of the petitioners were found to be successful.

[18] After about two months from the date of declaring the result of the preliminary examination, WP(C) No. 497 of 2024 was filed by five unsuccessful candidates and they obtained an interim order on 29-07-2024 permitting them to update their details in the website of MPSC for appearing in the main examination, however, it was made clear that the candidature of the said five petitioners will be subject to the outcome of the writ petition. Subsequent thereto, the remaining seven other writ petitions were filed one after another claiming for the same relief.

[19] It has been submitted on behalf of the MPSC that all the claims and objections in respect of three questions of General Studies (Paper-II), i.e., Question Nos. 31, 51, and 61 and three questions, i.e. Question Nos. 25, 50, and 67 of General Studies (Paper-I) were examined and considered by the subject experts and the subject experts have rejected the claims and objections in respect of the said questions by giving reasons. In respect of two questions, i.e., Question Nos. 9 and 89 of General Studies (Paper-I), no objection has been filed by any candidates including the petitioners and as such, the same were not considered or examined by the subject experts. According to the learned senior counsel appearing for the MPSC, the subject experts have given adequate reason for rejecting the claims and objections submitted by the petitioners and as the petitioners have failed to

prove that either the questions or the answer keys are demonstratively wrong, no question arises for reconsidering the correctness of either the questions or the final key answer by another set of subject experts.

It has also been submitted on behalf of the MPSC that the petitioners cannot claim for re-evaluation/ re-assessment as a matter of right especially when there is no such provisions for re-evaluation/ re-assessment under the scheme/ rules of the examination and that if there is no such provision, court may permit re-assessment/ re-evaluation only if it is demonstrated very clearly without any inferential process of reasoning or by a process of rationalization of any wrong or error or only in rare or exceptional cases of commission of material error and not otherwise. It has further been submitted on behalf of the MPSC that except for a few petitioners, all the other petitioners did not submit any claim or objection to the answer keys within the permitted time and have also approached this court very belatedly and most of the petitioners are fence sitters and as such, they are not entitled to get any sympathy from this court. It has been submitted on behalf of the MPSC that court cannot sit as an appellate authority to examine the recommendation or correctness of the expert opinion or of the selection committees and court may examine only in cases of mala fide or serious violation of statutory rules. It has also been submitted that as there is no allegation of mala fide or serious violation of statutory rules in these writ petitions, court may refrain from entertaining the claims

and objections raised belatedly and to dismiss all the writ petitions as being devoid of merit.

[20] On behalf of the respondents, the following case laws have been cited:-

(1) (2008) 2 SCC 119 "M V. Thimmaiah & ors. Vs. Union Public Service Commission & ors." wherein it has been held as under:-

"21. Now, comes the question with regard to the selection of the candidates. Normally, the recommendations of the Selection Committee cannot be challenged except on the ground of mala fides or serious violation of the statutory rules. The courts cannot sit as an Appellate Authority to examine the recommendations of the Selection Committee like the court of appeal. This discretion has been given to the Selection Committee only and courts rarely sit as a court of appeal to examine the selection of the candidates nor is the business of the court to examine each candidate and record its opinion."

(2) (2018) 2 SCC 357 "Ran Vijay Singh & ors. Vs. State of Uttar Pradesh & ors." wherein it has been held as under:-

"19. In Kanpur University v. Samir Gupta, this Court took the view that: (SCC p. 316, para 16)

"16. ... the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct."

In other words, the onus is on the candidate to clearly demonstrate that the key answer is incorrect and that too without any inferential process or reasoning. The burden on the candidate is therefore rather heavy and the constitutional courts must be extremely cautious in entertaining a plea challenging the correctness of a key answer. To prevent such challenges, this Court recommended a few steps to be taken by the examination authorities and among them are: (i) establishing a system of moderation; (ii) avoid any ambiguity in the questions, including those that might be

caused by translation; and (iii) prompt decision be taken to exclude the suspect question and no marks be assigned to it."

"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

"31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse — exclude the suspect or offending question."

"32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty.

While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination — whether they have passed or not; whether their result will be approved or disapproved by the court; whether they will get admission in a college or university or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers."

(3) (2018) 7 SCC 254 "Uttar Pradesh Public Service Commission &anr. Vs Rahul Singh & anr." wherein it has been held as under:

"12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The constitutional courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case, the Court recommended a system of:

- (1) moderation;*
- (2) avoiding ambiguity in the questions;*
- (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions."*

"13. As far as the present case is concerned, even before publishing the first list of key answers the Commission had got the key answers moderated by two Expert Committees. Thereafter, objections were invited and a 26-member Committee was constituted to verify the

objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these Committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answers is better or more correct."

"14. In the present case, we find that all the three questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain textbooks. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts."

"15. In view of the above discussion, we are clearly of the view that the High Court overstepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of the prima facie view that the answer given by the Commission is correct."

(4) (2019) 18 SCC 39 "West Bengal Central School Service Commission & ors. Vs. Abdul Halim & ors." wherein it has been held as under:-

"30. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale. If the provision of a statutory rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ court. It is only an obvious misinterpretation

of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ court by issuance of writ of certiorari."

- "31. The sweep of power under Article 226 may be wide enough to quash unreasonable orders. If a decision is so arbitrary and capricious that no reasonable person could have ever arrived at it, the same is liable to be struck down by a writ court. If the decision cannot rationally be supported by the materials on record, the same may be regarded as perverse."
- "32. However, the power of the Court to examine the reasonableness of an order of the authorities does not enable the Court to look into the sufficiency of the grounds in support of a decision to examine the merits of the decision, sitting as if in appeal over the decision. The test is not what the Court considers reasonable or unreasonable but a decision which the Court thinks that no reasonable person could have taken, which has led to manifest injustice. The writ court does not interfere, because a decision is not perfect."
- "33. In entertaining and allowing the writ petition, the High Court has lost sight of the limits of its extraordinary power of judicial review and has in fact sat in appeal over the decision of Respondent 2."

(5) (2021) 2 SCC 309 "Vikesh Kumar Gupta & anr. Vs. State of Rajasthan & ors." wherein it has been held as under:-

- "13. The point that arises for the consideration of this Court is whether the revised select list dated 21-5-2019 ought to have been prepared on the basis of the 2nd Answer Key. The appellants contend that the wait list also should be prepared on the basis of the 3rd Answer Key and not on the basis of the 2nd Answer Key. The 2nd Answer Key was released by RPSC on the basis of the recommendations made by the expert committee constituted pursuant to the directions issued by the High Court. Not being satisfied with the revised select list which included only a few candidates, certain unsuccessful candidates filed appeals before the Division Bench which were disposed of on 12-3-2019. When the Division Bench was informed that the selections have been finalised on the basis of the 2nd Answer Key, it refused to interfere with the select list prepared on 17-9-2018. However, the Division Bench examined the correctness of the questions and the answer keys pointed by the appellants therein and arrived at a conclusion that the answer key to 5 questions was erroneous. On the

basis of the said findings, the Division Bench directed RPSC to prepare the revised select list and apply it only to the appellants before it."

"14. Though re-evaluation can be directed if rules permit, this Court has deprecated the practice of re-evaluation and scrutiny of the questions by the courts which lack expertise in academic matters. It is not permissible for the High Court to examine the question papers and answer sheets itself, particularly when the Commission has assessed the inter se merit of the candidates (H.P. Public Service Commission v. Mukesh Thakur). Courts have to show deference and consideration to the recommendation of the expert committee who have the expertise to evaluate and make recommendations (see Basavalah v. H.L. Ramesh)."

"15. Examining the scope of judicial review with regards to re-evaluation of answer sheets, this Court in Ran Vijay Singh v. State of U.P. held that the court should not re-evaluate or scrutinise the answer sheets of a candidate as it has no expertise in the matters and the academic matters are best left to academics."

"16. In view of the above law laid down by this Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the expert committee in its judgment dated 12-3-2019. Reliance was placed by the appellants on Richal v. Rajasthan Public Service Commission. In the said judgment, this Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case."

"17. A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic matters. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible. The delay in finalisation of appointments to public posts is mainly caused due to pendency of cases challenging selections pending in courts for a long period of time. The cascading effect of delay in appointments is the continuance of those appointed on temporary basis and their claims for regularisation. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel."

[21] I have heard at length the submissions advanced by the learned counsel appearing for the parties and also carefully examined all the materials available on record. In these batch of writ petitions, there is no allegation or even a whisper that the process of assessment or verification of the correctness of the provisional answer keys and publication of the final answer keys and subsequent declaration of the result of the Preliminary Examination, 2022 is vitiated either on grounds of bias, mala fides or arbitrariness or that there is serious violation of statutory rules. The petitioners are only challenging the correctness of the final answer keys in respect of three questions of General Studies (Paper-II), i.e., Question Nos. 31, 51 and 61 and five questions of General Studies (Paper-I), i.e., Question Nos. 9, 25, 50, 67 and 89 on the grounds raised by them in these writ petitions, which have been extracted herein above at para. 10 and 11 of this judgment. Therefore, in my considered view, this court is only to examine whether the petitioners have been able to show demonstrably without any inferential process or reasoning that the final answer key is not only wrong but also that it is a glaring mistake which is totally apparent.

[22] Before proceeding further, this court would like to highlight some of the relevant and well settled principles of law laid down by the Hon'ble Apex Court in this regard.

- (a) In the case of **“Ran Vijay Singh & ors.” (supra)**, it has been held that –

“19. In Kanpur University v. Samir Gupta [Kanpur University v. Samir Gupta, this Court took the view that: (SCC p. 316, para 16)

"16. ... the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct."

In other words, the onus is on the candidate to clearly demonstrate that the key answer is incorrect and that too without any inferential process or reasoning. The burden on the candidate is therefore rather heavy and the constitutional courts must be extremely cautious in entertaining a plea challenging the correctness of a key answer. To prevent such challenges, this Court recommended a few steps to be taken by the examination authorities and among them are: (i) establishing a system of moderation; (ii) avoid any ambiguity in the questions, including those that might be caused by translation; and (iii) prompt decision be taken to exclude the suspect question and no marks be assigned to it."

"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1. If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

"31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an

answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse — exclude the suspect or offending question."

"32. *It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination — whether they have passed or not; whether their result will be approved or disapproved by the court; whether they will get admission in a college or university or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers."*

(b) In the case of **"Rahul Singh & anr."** (*supra*), it has been held that —

"12. *The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process*

or reasoning is required to show that the key answer is wrong. The constitutional courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case, the Court recommended a system of:

- (1) moderation;*
- (2) avoiding ambiguity in the questions;*
- (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions."*

"14. In the present case, we find that all the three questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain textbooks. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts."

(c) In the case of **"West Bengal Central School Service Commission & ors."** (*supra*), it has been held that –

"30. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale. If the provision of a statutory rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ court. It is only an obvious misinterpretation of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ court by issuance of writ of certiorari."

"31. The sweep of power under Article 226 may be wide enough to quash unreasonable orders. If a decision is so arbitrary and capricious that no reasonable person could have ever arrived at it, the same is liable to be struck down by a writ court. If the decision cannot rationally be

supported by the materials on record, the same may be regarded as perverse."

"32. However, the power of the Court to examine the reasonableness of an order of the authorities does not enable the Court to look into the sufficiency of the grounds in support of a decision to examine the merits of the decision, sitting as if in appeal over the decision. The test is not what the Court considers reasonable or unreasonable but a decision which the Court thinks that no reasonable person could have taken, which has led to manifest injustice. The writ court does not interfere, because a decision is not perfect."

(d) In the case of **"Vikesh Kumar Gupta & anr."** (*supra*), it has been held that –

"14. Though re-evaluation can be directed if rules permit, this Court has deprecated the practice of re-evaluation and scrutiny of the questions by the courts which lack expertise in academic matters. It is not permissible for the High Court to examine the question papers and answer sheets itself, particularly when the Commission has assessed the inter se merit of the candidates (H.P. Public Service Commission v. Mukesh Thakur). Courts have to show deference and consideration to the recommendation of the expert committee who have the expertise to evaluate and make recommendations (see Basavalah v. H.L. Ramesh)."

"17. A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic matters. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible. The delay in finalisation of appointments to public posts is mainly caused due to pendency of cases challenging selections pending in courts for a long period of time. The cascading effect of delay in appointments is the continuance of those appointed on temporary basis and their claims for regularisation. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel."

[23] In the light of the above well settled principles of law laid down by the Hon'ble Apex Court, this court will proceed to consider the objections raised by the petitioners in connection with the above noted questions. This

court has also the opportunity to examine the opinions/ advices given by the subject experts, which have been placed before this court by the learned senior counsel appearing for the MPSC under a sealed cover envelope.

- a) In respect of claims and objections raised by some of the petitioners in connection with Question No. 31 of General Studies (Paper-II), the opinion given by the subject expert is as under:-

“Expert Opinion

Q31. Option (C) is the most appropriate.

One of the options given for this question is not the same as the question in the documents cited as proof by the objectors. Option (C) Disease: Treatment; has similar relationship to ACTION: REACTION; treatment is a response to disease and it is also a Noun: Noun pair. Regarding option (B) assail: defend; defend is a response to assail, however, it is a Verb: Verb pair. Hence, option (C) is the closest in relationship to the capitalised pair. Options (A) & (B) are ruled out as 'extrovert' is not a response and 'rebirth' is a belief only.”

- b) In respect of claims and objections raised by some of the petitioners in connection with Question No. 51 of General Studies (Paper-II), the opinion given by the subject expert is as under:-

“Expert Opinion

Q.51. Option (D) is correct,

Out of the four options given, option (D) Assertiveness, is the only intrapersonal skill while the other three options - communication, empathy and negotiation are interpersonal skills. Please refer IGNOU publication <https://egyankosh.ac.in/bitstream/123456789/69793/1/Unit-5.pdf>. The relevant portion is reproduced below:

"Intra-personal management or self-management refers to how do you handle your emotions, what strategies you adopt so that you become more effective in your interaction and dealings with other people and in different situations. It consists of different skills such as emotional self-control, assertiveness, self-regard and self-actualization."

- c) In respect of claims and objections raised by some of the petitioners in connection with Question No. 61 of General Studies (Paper-II), the opinion given by the subject expert is as under:-

“Expert Opinion

Q61. Option (A) is correct

In the question, a statement by Sir Francis Bacon is quoted and then a conclusion is drawn based on the quoted statement. The conclusion made based on the quoted statement by Sir F. Bacon is that "not intruding upon another's liberty is impossible if one has to retain dignity". However, this is a wrong conclusion as Sir F. Bacon's quoted statement does not imply this. Hence, Option (A) is the correct as the question is asking to point out the wrongly implied conclusion.”

- d) In respect of claims and objections raised by some of the candidates in connection with Question No. 25 of General Studies (Paper-I), the opinion given by the subject expert is as under:-

“Q.25. Option (B) is correct. Qutubuddin Aibek was not an Ilbary Turk. However, the dynasty he founded (Slave dynasty/Mamluk dynasty) is referred to as libari dynasty by many historians as all the rulers belonged to Ilbari tribe except Qutubuddin Albak. The question refers to the name of the dynasty not Aibek's origin. Hence, the given key is correct.

Ref: (i) Gaz of India Vol. 21964 Part 2 Medieval India unit 19.7 Delhi Sultnate

(ii) <https://egyankosh.ac.in/bitstream/123456789/22078/1/Unit:19.>”

- e) In respect of claims and objections raised by some of the candidates in connection with Question No. 50 of General Studies (Paper-I), the opinion given by the subject expert is as under:-

“Q50. Option (A) is correct. As Atomic bomb is based on the principle of fission and Hydrogen bomb is based on the principle of fusion.

Hence in Q50 Correct answer (A). Master Key Answer Correct”

- f) In respect of claims and objections raised by some of the candidates in connection with Question No. 67 of General Studies (Paper-I), the opinion given by the subject expert is as under:-

“Q67. Option (D) is the correct answer.

Components of MPI

<i>Dimensions of Deprived Poverty</i>	<i>Indicator</i>	<i>Deprived if living in the household where</i>	<i>Weight</i>
Health	Nutrition	An adult under 70 years of age or a child is undernourished.	1/6
	Child Mortality	Any child has died in the family in the five-year period preceding the survey.	1/6
Education	Years of schooling	No household member aged 10 years or older has completed six years of schooling.	1/6
	School Attendance	Any school-aged child is not attending school up to the age at which he/ she would complete class 8.	1/6
Standard of Living	Cooking Fuel	The household cooks with dung, wood, charcoal or coal	1/18
	Sanitation	The household's sanitation facility is not improved (according to SDG guidelines) or it is improved but shared with other households.	1/18
	Drinking Water	The household does not have access to improved drinking water (according to SDG guidelines) or safe drinking water is at least a 30-minute walk from home, round trip.	1/18
	Electricity	The household has no electricity	1/18
	Housing	Housing materials for at least one of roof, walls and floor are inadequate: the floor is of natural materials and /or the roof and/ or walls are of natural or rudimentary materials	1/18
	Assets	The household does not own more than one of these assets; radio, TV, telephone, computer, animal cart, bicycle, motorbike or refrigerator, and does not own a car or truck	1/18

In the multidimensional poverty index (MPI) only child mortality and literacy are included out of the given options in the question.

Hence, out of given choice in Q67 choice (D) would be the correct answer. Therefore, Master key to be rectified to include D as correct answer."

[24] On a plain reading of the eight questions, the final answer keys to the said questions and the objections raised thereto along with the expert opinions, this court cannot conclusively arrive at a finding that the petitioners have been able to prove demonstrably without any inferential process or reasoning or without a process of rationalization that the said final answer keys are palpably wrong. Moreover, when two equally valiant interpretations of an answer are possible, it cannot be said that the answer key is demonstrably wrong. In view of the material facts available on record, this court is of the considered view that in order to establish the incorrectness and factual inaccuracy in the contested answer keys, a prudent man having sufficient knowledge would need to take a deep dive into the world of academia and research on the purported incorrectness. Even then, in order to demonstrably show the inaccuracy and incorrectness of the contested answer keys, reasonable debate would be necessary before an informed decision can be made in adjudging the validity of the challenged answer keys. Therefore, this court could not satisfactorily arrive at a conclusion that the petitioners have been able to prove demonstrably that the contested answer keys are wrong. This court, while examining the challenged answer keys through the eyes of a prudent man, failed to find out any error apparent on the face of the record compelling this court to

exercise the narrowly permissible judicial review under Article 226 of the Constitution of India.

[25] In the present case, this court is of the considered view that the writ petitioners have failed to demonstrate without any inferential process or reasoning that the challenged answer key is not only wrong but there is also a glaring mistake which is totally apparent on the face of it. Even assuming for arguments sake that there are possibilities of two correct answers, one as suggested by the petitioners and the other as suggested by the subject experts, the same cannot be a ground for arriving at a conclusion that the challenged answer keys are demonstrably wrong in view of the well settled principles of law that the court should presume the correctness of the answer keys and proceed on that assumption and that in the event of a doubt, the benefit should go to the examination authority rather than to the candidates.

[26] With regard to the challenge being made to the answer key to Question Nos. 9 and 89 of the General Studies (Paper-I), the lone petitioner did not think it necessary to raise any claim or objection in connection with the correctness of the provisional answer key published by the MPSC before the deadline given for raising such claim and objection, but sought to object by way of filing a writ petition registered as WP(C) No. 802 of 2024 in this court only after the result of the preliminary examination were announced and after discovering that he was not successful

In view of the above, this court is of the considered view that the petitioner cannot be heard to challenge the correctness of the said answer key and that the petitioner is, therefore, estopped from raising a challenge at this belated stage, since a challenge cannot be made against the selection process only after the candidate has discovered his unsuccessful performance in the process. Moreover, this court also did not find any material on record to arrive at a conclusion that the petitioner has been able to prove demonstrably that the said answer key are palpably wrong

In the result, this court did not find any merit in these batch of writ petitions for interfering with the selection process and declined to grant the reliefs sought for by the petitioners. Accordingly, all the writ petitions along with all the connected applications are hereby dismissed. Interim order passed earlier stands vacated. However, there will be no order as to cost

JUDGE

FR / NFR

Devananda