



2026:DHC:6362-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010355062026
+ **W.P.(C) 11050/2026 & CM APPL. 51065/2026, CM APPL. 51066/2026**

UNION OF INDIA AND ORS Petitioners
Through: Mr. Chiranjiv Kumar, SPC with
Mr. Nring Chamwibo Zeliang, GP

versus

SUSHIL KUMAR Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)
05.08.2026

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C. HARI SHANKAR, J.

1. The respondent, in the present writ petition, undertook the Appendix-III (IREM) Examination for 2017-18 conducted by the petitioner. The examination had six papers. Prior to undertaking the examination, the respondent selected Hindi as the medium in which he would attempt the examination. The respondent attempted the first five papers in Hindi and the sixth paper, which was Advanced Book Keeping, in English.

2. All the papers undertaken by the respondent were evaluated by the petitioner. The respondent was awarded 70% marks in the



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Advanced Book Keeping paper.

3. Thereafter, for the sole reason that the respondent had attempted the Advanced Book Keeping paper in English, having selected Hindi as the medium in which he would undertake the examination, the respondent was awarded zero marks for Advanced Book Keeping. As a result, the respondent was declared failed in the examination.

4. Aggrieved thereby, the respondent approached the Central Administrative Tribunal¹ by way of OA 605/2020.

5. By judgment dated 9 January 2026, the Tribunal has allowed the OA.

6. Before the Tribunal, the Railway sought to contend that the grant of zero marks to the respondent against the Advanced Book Keeping paper was in terms of an internal communication dated 26 November 2018, in which it was provided that if a paper was attempted in a medium other than that selected by the candidate, the paper would not be evaluated.

7. The Tribunal has not regarded this as sufficient ground to deny relief to the respondent.

8. The impugned judgment notes that, in the initial notice dated 31 July 2018, notifying the Examination, there was no stipulation to the effect that, if a candidate attempted a paper in a medium other than



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that selected by him, the candidate would be awarded zero marks for the paper. This stipulation, it is noted, was introduced by the internal instruction dated 26 November 2018. Besides, the Tribunal notes that the respondent was awarded zero marks for the Advanced Book Keeping paper noting that the paper had not been evaluated as he had attempted it in Hindi. This, notes the Tribunal, was incorrect, as the paper had actually been evaluated and the respondent had scored 70% in the paper. In these circumstances, the Tribunal has directed that the respondent be awarded the marks scored by him for the Advanced Book Keeping paper and that his result be recomputed on that basis with consequential relief.

9. The operative portion of the impugned judgment of the Tribunal reads thus:

“8.1 Accordingly, the Original Application is allowed. The impugned order dated 03.01.2020 (Annexure-A/1) is hereby quashed and set aside.

8.2 The respondents are directed to:

- Declare the result of the applicant afresh by taking into account the marks awarded in the Advance Book Keeping paper;
- Grant all consequential benefits, including seniority and promotion, if otherwise due, at par with similarly placed candidates. The actual benefits shall accrue on notional basis i.e. seniority, from the date of passing appropriate order of promotion, if the applicant is fulfilling all the conditions.
- We also make it clear that this case is having peculiar facts and shall not be treated a binding precedent.”

10. Aggrieved by the aforesaid decision, the Railways are before us

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by means of the present writ petition.

11. We have heard Mr. Nring Chamwibo Zeliang, learned Counsel for the petitioner.

12. Mr. Zeliang submits that the initial notice dated 31 July 2018 should have itself warned the respondent that he could not attempt a paper in a medium other than that selected by him. He places reliance, in this context, on para 2 of the said notice which reads as under:

“2. The names of the candidates who desire to answer their papers in Hindi from your unit may please be indicated group – wise and Centre-wise. No change in medium shall be entertained once the details of candidates are submitted to Railway Board.”

13. Mr. Zeliang further relies on the following instruction to the candidates in the internal communication dated 26 November 2018:

“30. Attempting/writing the answers in a medium different from the medium furnished to Board shall result in the summary rejection of the answer book and hence will not be evaluated.”

14. In these circumstances, learned Counsel submits that the Tribunal ought not to have granted relief to the respondent.

15. We are conscious of the general principle that instructions governing examinations are sacrosanct and that no deviation therefrom can be sought by a candidate attempting the examination. The present case, however, stands on a somewhat different footing. In the notice dated 31 July 2018, notifying the examination, it was provided, in para 2, that candidates who desired to answer the paper in



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Hindi were required to so indicate, and that no change in medium would be entertained once the details of the candidates were supplied to the Railway Board. There was no express stipulation, in the said notice, to the effect that, if a paper was attempted in a medium other than that selected by the candidate, zero marks would be awarded for the paper, or that it would not be evaluated at all.

16. Insofar as Instruction 30 to the candidates, reproduced in para 13 *supra*, is concerned, we find ourselves in agreement with the Tribunal that the instruction was in the form of an internal communication.

17. Mr. Nring Chamwibo Zeliang submits that the respondent was made aware of the instruction. On this aspect, we find that. at the head of the instructions, it is provided as under:

“1. The Presiding Officer should read out “Instructions to the Candidates” given in paras 20-30 before the commencement of the Examination every day. A copy of instructions should also be displayed at a convenient place in the examination hall.”

18. Strict compliance with the afore-extracted Clause 1 of the instructions would require the Presiding Officer at the examination to read out, in *extenso*, Instructions 20 to 30 to the candidates as contained in the said communication. These Instructions read thus:

“INSTRUCTIONS TO THE CANDIDATES

20. The candidate must keep the Admit Card with him/her and produce it on demand to the Presiding Officer of the Examination Centre or any other person authorised in this behalf.

21. Examination Hall will be opened on each day 30 minutes

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before the time specified for the commencement of the examination. No candidate who is late by more than 30 minutes after the scheduled commencement of the examination shall be admitted.

22. A seat marked with Roll number is allotted to each candidate. Candidates will be required to find out and occupy their allotted seats.

23. The candidates should carefully read the printed instructions given on the Top Sheet of the Answer Book.

24. The candidates should write their Roll numbers only on the detachable coloured slip of paper, which is pasted, on the top sheet of the answer book and nowhere else in the answer book. If they write roll number or any unauthorized remarks inside the answer books, disciplinary action will be taken against them. The candidate should carefully fill, in his own handwriting the subject, with or without books paper and the Group in which they are appearing, both on the Top Sheet of the Answer Book and the coloured detachable Roll Number Slip.

25. Candidates will be allowed to appear in the subjects/Groups filled in by them in their application form and given against each name in the list of candidates supplied to the Centre. A candidate shall not ordinarily be allowed to appear in the subjects/Group other than those given in the list.

26. Candidates should indicate the correct Question No. as numbered in the Question Paper before answering the same. The candidates should not write questions. In case they do not write the correct question number, the answers are liable to be ignored for evaluation. The correct question number should be indicated on the left hand corner of the answer book. If any candidate answers question in excess of the required number, the same will be ignored. The marks will be awarded against the requisite number of questions attempted first and any extra questions if attempted will be ignored and not evaluated. Sufficient space should be provided between two answers.

27. If more than one answer book is used, the same should be fastened together by means of Tag or thread and the number of answer books used must be indicated on Top Sheet of the first answer book, and the blank pages of the answer books should be crossed before handing the answer sheets to the invigilator at the end of the examination.



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28. A candidate, who uses unfair means whether detected either in the examination hall or later by the examiner / evaluator or in Railway Board's Office, shall be debarred from the present and future examination as per rules. In addition, use of unfair means would entail disciplinary action under Railway Servants (Discipline & Appeals) Rules, 1968.

29. Borrowing of books / calculators / stationery items by a candidate from another candidate is normally not permitted. If such borrowing is necessary it should be only through the invigilator at his discretion. Use of Scientific calculators, Electronic Diaries, Casio-diaries, Pagers, Cellular Phones is not permitted. A candidate found in possession of these will be deemed to be in possession of objectionable material.

30. Attempting/writing the answers in a medium different from the medium furnished to Board shall result in the summary rejection of the answer book and hence will not be evaluated.”

19. There is no averment in the counter-affidavit filed by the petitioner before the Tribunal to the effect that all these instructions were read out to the candidates or that they were displayed at any prominent place in the examination hall. In exercise of our jurisdiction under Article 226 of the Constitution, therefore, we see no reason to presume that these instructions were made known to the candidates.

20. Besides, Instruction 30 states that attempting a paper in a medium different from that cited by the candidates at the time of applying would result in summary rejection of the answer book *which would not be evaluated*. In the present case, the Railway Authorities did not choose to follow this instruction, despite the respondent having attempted the Advanced Book Keeping paper in English. Perhaps, this might have been because of the very nature of the paper, as it is somewhat difficult to understand how a paper on Advanced Book Keeping could be attempted in Hindi, as the Tribunal had itself



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noticed.

21. In any event, having evaluated the paper, and assigned 70% marks to the respondent for the paper, we are of the opinion that the Tribunal was correct in not permitting the Railways to, thereafter, fall back on Instruction 30, which, if it were to apply, would require that the paper itself be not evaluated. Once the paper stood evaluated, Instruction 30 could not further apply.

22. Besides, we are also conscious of the fact that, ultimately, merit has to prevail. The respondent has attempted the Advanced Book Keeping paper and had scored 70% marks in it. The mere fact that the paper was attempted in English rather than Hindi would not, to our mind, constitute a justifiable basis to ignore the marks scored by the respondent in the paper and award him zero.

23. In passing the present order, we are also persuaded by the fact that the results of the examination were announced as far back as in 2018. We do not feel that, in the peculiar facts of the present case, any purpose would be achieved by exercising our extraordinary jurisdiction under Article 226 of the Constitution of India and keeping this litigation pending.

24. For all the above reasons, we do not find this to be a case deserving of interference with the impugned decision of the Tribunal.

25. We, therefore, decline to entertain the present writ petition which is dismissed in *limine*.



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26. Let compliance with the directions of the Tribunal be ensured within six weeks from today.

C. HARI SHANKAR, J

VINOD KUMAR, J

AUGUST 5, 2026/AR

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