

\$~55.

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+

Date of Decision:30.01.2019

% **W.P.(C.) No. 963/2019**

ANJALI GOSWAMI & ORS.

..... Petitioners

Through: Mr. Prashant Manchanda with Mr.
Mohit, Advs.

versus

REGISTRAR GENERAL, DELHI HIGH COURTRespondent

Through: Mr. Viraj R. Datar, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE PRATEEK JALAN

VIPIN SANGHI, J. (ORAL)

1. The six petitioners herein have preferred this writ petition to assail some aspects of the Delhi Judicial Service Examination, 2018 in respect whereof the preliminary examination was held on 13.01.2019. It appears that the respondent establishment published a notice on 14.11.2018 whereby 50 vacancies in Delhi Judicial Service were advertised. Vide corrigendum dated 19.11.2018, the number of vacancies were upwardly revised to 147, which included the General Category vacancies as well as the Scheduled Caste and Scheduled Category reserved vacancies. Horizontal reservation for persons with disabilities was also provided.

2. The examination process consists of 3 parts, namely a preliminary examination, the main examination and the interview. A candidate who secures a minimum of 60% marks i.e. 120 marks out of 200 and obtains a rank within 10 times the number of vacancies advertised, is eligible to participate in the main examination. The revised date for holding the preliminary examination was notified as 13.01.2019. The petitioners participated in the preliminary examination.

3. The petitioners claim that they were not declared as qualified in the preliminary examination on account of some demonstrable and palpable errors in the questions/ answer keys. They claim that if rectification/ deletion of the errors found by them in the question paper/ key answers is undertaken, they shall qualify in the preliminary examination and become entitled to participate in the main examination. The petitioner No.2– Prabhjot Singh has obtained 119.75 marks; petitioner No.1 – Anjali Goswami has secured 119.50 marks; petitioner No.3– Anu Kumari has secured 119 marks; petitioner No. 4 – Nidhi Saroj has secured 118 marks; petitioner No. 5– Pariksha has secured 117.50 marks and; petitioner No. 6 – Vijayshree Rathore has secured 107.25 marks. Petitioner No. 6– Vijayshree Rathore is a Scheduled Caste category candidate. We are informed that the qualifying marks prescribed for the SC/ ST candidates are 110/200 i.e. 55%.

4. The petitioners state that the General Instructions dated 04.01.2019 for the guidance of the candidates appearing in the Delhi Judicial Service (Preliminary) Examination, 2018, were uploaded on 07.01.2019. The first grievance raised by them is that the said instructions were notified barely six

days before the date of the examination i.e. 13.01.2019. Even these instructions contained a stipulation, which barred the candidates from raising any objections to the questions and answer keys. The petitioners claim that such a general instruction itself is arbitrary and irrational, and falls foul of the principal of natural justice and fairness.

5. The petitioners state that without first uploading the answer key, inviting and disposing off the objections, the respondent proceeded to straight away declare the results of the preliminary examination, 2018 on 17.01.2019, wherein the petitioners were shown to have secured the marks as aforesaid. The answer key was uploaded after declaration of the result, on 24.01.2019. They submit that this procedure was itself faulty and the respondent could have avoided the situation which has now arisen, if the answer key had first been uploaded; objections invited; objections considered and; thereafter the answer key finalized before marking of the answer scripts of the candidates.

6. The petitioners state that the petitioner Nos. 1,3 & 6 got the booklet series “B”, whereas petitioner Nos. 2,4 & 5 got the booklet series “D” “C” and “A” respectively. The petitioners have, for the sake of ready reference, referred to the questions in booklet series “B”. Arguments have been addressed by learned counsel for the petitioners, as well as on behalf of the respondent, on the basis of the questions as appearing in booklet series “B”.

7. The petitioners claim that upon scrutiny of the questions and the key answers, the petitioners have found errors in the questions/ answer key of seven questions.

8. The seven questions in the series “B” question paper in respect whereof the petitioners have raised a challenge are question Nos. 114,141,120,191,23,183 and 138. These questions along with the options provided by the respondent, one of which had to be marked as the “*most appropriate answer*”, and the correct answer as per the answer key are the following:

(A) “Q.114 A court can stop the proceedings of a case under section 258 Cr.P.C. in which of the following cases?

- (1) Warrant cases instituted otherwise on a police report.
- (2) Summon cases instituted otherwise on a police report.
- (3) Warrant cases instituted on a police report
- (4) Summons case instituted otherwise than upon a police report.

The correct answer according to the answer key is Option (4).”

(B) “Q No.141 A decree for recovery of money is executable by detention of the judgment debtor in civil prison:

- (1) If the judgment debtor has failed to comply with the decree within 90 days of passing thereof.
- (2) If the judgment debtor, despite having means to satisfy the decree has arranged his affairs in such a manner as to defeat and delay the execution of the decree.
- (3) If the judgment debtor is likely to abscond or leave the local limits of jurisdiction of the court.
- (4) If the judgment debtor despite notice of execution has failed to comply with the decree”.

The correct answer provided in the answer key is Option (2)

(C) “Q No.120 The magistrate has power to issue commission for examination of witness in prison under which section of the Indian Penal Code?”

- (1) Section 270 Cr. P.C.
- (2) Section 271 Cr. P.C.
- (3) Section 272 Cr. P.C.
- (4) Section 273 Cr. P.C.”

The petitioners submit that the question has been wrongly framed and is misleading, since there is no provision in the Indian Penal Code which provides for issuance of commission for examination. The 4 options refer to the Cr.P.C. and not to any provision of the Indian Penal Code. The petitioners submit that in the question, the words “*which section of Cr.P.C.*” should have been printed, instead of “*which section of Indian Penal Code*”

(D) “Q-191 A bank has loaned money to B on 2nd January 2015. The limitation available to the bank for suing for recovery of said monies from B expires on.

- (1) 1st January, 2018
- (2) 2nd January 2018
- (3) 3rd January 2018
- (4) 4th January 2018”

According to the answer key Option (1) is the correct answer

(E) “Q No.23 The Goods and Services Tax was introduced by:

- (1) *Insertion of Art. 246A by the Constitution (one hundred and first amendment) act, 2016*
- (2) *Insertion of Art. 279A by the Constitution (one hundred and first amendment) act, 2016*
- (3) *Insertion of Art. 368A by the Constitution (one hundred and first amendment) act, 2016*
- (4) *Without amending the constitution”*

The correct answer as per the answer key is Option (1).

(F) “Q No.183 Estoppel

- (1) *Is an equitable principle*
- (2) *Is a rule of common law*
- (3) *Is a principle evolved by judicial pronouncement*
- (4) *Is codified in Indian law.”*

The correct answer as per the answer key is Option (4).

(G) “Q No.138 For non compliance of section 80 of the CPC

- (1) *The suit is to be dismissed on the very first day*
- (2) *The suit is to be admitted but summons have to be issued for a date after two months.*
- (3) *The plaint is to be returned*
- (4) *Costs have to be imposed. “*

The correct answer as per the answer key is Option (3).

9. When the petition was listed on 29.01.2019, Mr. Datar appeared for the respondent on advance notice, and sought an adjournment for today. Accordingly, the matter was adjourned for today.

10. Mr. Datar has tendered in Court the minutes of the meeting of the Examination-Cum-Judicial Education and Training Programme Committee held on 29.01.2019. The Committee resolved that in view of the objections raised by the petitioners, two questions, namely questions at Serial Nos. 114 and 120 of the “B” series question paper booklet should be deleted and one mark should be awarded to all the candidates who have appeared in the aforesaid examination. The Committee was also of the considered view that so far as question No. 191 in the “B” series question paper is concerned, the answer key should be revised and the correct answer be read as Option (2), in place of Option (1). The minutes of the said meeting have been approved by Hon’ble the Chief Justice.

11. Thus, when the hearing started, the scope of dispute raised by the petitioner was narrowed to four questions, namely question Nos. 141, 23, 183 and 138 extracted hereinabove.

12. During the course of hearing, learned counsel for the petitioner, after hearing submissions of Mr. Datar did not press his challenge to the questions, or the answer key, in respect of question No. 23 and question No. 141. Thus, the scope of our scrutiny is further reduced to only two questions, namely question Nos. 183 and 138 aforesaid.

13. Before we proceed further, we may take note of a couple of aspects. Mr. Datar has tendered in Court the instructions given to the candidates which are printed on each booklet. The booklet contains questions with four options, from amongst which the candidates are required to mark the “*most appropriate answer*”. Instruction No.8, in terms, requires the candidates to

“Choose the most appropriate answer as per law applicable to Delhi, out of the options and darken the oval completely, corresponding to (1),(2), (3) and (4) against the relevant question number”.

14. Mr. Datar submits, and we find merit in his submission, that while framing the questions and providing for four different options as the possible answers, the endeavour of the examiners is to, inter alia, examine the intelligence, knowledge and clarity on the subject, which the candidates possess. Thus, the four options need not necessarily contain only one possible correct answer. However, for each question, there is one “*most appropriate answer*”. The submissions of the parties have to be examined in the aforesaid light while undertaking the exercise of determining whether the correct option contained in the answer key is the “*most appropriate answer*”, or not, and whether this Court should interfere with the answer key.

15. Secondly, we may take note of the judgment of the Division Bench in ***Sumit Kumar v. High Court of Delhi & Anr.*** W.P.(C.) No. 3453/2016 reported as 2016(232) DLT 504, decided with another writ petition, ***Manisha Gupta v. Registrar General, High Court of Delhi & Anr.*** W.P.(C.) No. 2104/2016. In the said petitions, the petitioner had raised a challenge to some of the questions included in the Delhi Judicial (Preliminary) Examination held on 20.12.2015, and their answer key.

16. The examination scheme considered by the Division Bench in the said decision was, more or less, the same as the one with which we are concerned. Like in the present case, the examination scheme for the said

examination also provided that for each correct answer, the candidate would be awarded one mark each and for each wrong answer, 0.25 marks would be deducted. The Division Bench proceeded to take note of the law with regard to the scope and ambit of judicial review when a Multiple Choice Question paper and its answer key are questioned. The Division Bench observed as follows:

“7. ... The law on the point is no longer res integra and stands lucidly and clearly expounded in Salil Maheshwari Vs. High Court of Delhi & Anr., 2014 (145) DRJ 225 in the following words:-

“11. Before recording a decision on the merits, the scope of judicial review of an answer key in a test for law graduates, such as for the DJS examination, must be recognised. The law prevailing in this regard is laid down in Kanpur University (supra), in respect of the answer key in a combined medical test in which the four subjects tested were physics, chemistry, zoology and botany. The Court in that case held:

“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 text-

books, which are commonly read by students in U.P. Those text-books leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.

17. ...Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those textbooks. Those text-books support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong.”

The aforesaid paragraph refers to a quotation from the decision of the Supreme Court in Kanpur University v. Samir Gupta, (1983) 4 SCC 309 and holds that three propositions of law emerge. These are:-

“12. Three propositions of law emerge from Kanpur University (supra), on the permissible extent of judicial review of an answer key. First, the answer key must be presumed to be correct and must be followed, even in the face of a mere doubt, second, only if a key answer is demonstrably wrong, in the opinion of a reasonable body of persons well-versed in the subject, it may be subject to judicial review, and third, if the answer

key is incorrect beyond doubt, then a candidate cannot be penalised for answers at variance with the key. This position was reiterated in Manish Ujwal and Ors. v. Maharishi Dayanand Saraswati University and Ors., (2005) 13 SCC 744 and DPS Chawla v. Union of India, 184 (2011) DLT 96.”

8. *Salil Maheshwari (supra) also dealt with the question of re-valuation and has concluded that the question of re-valuation does not strictly arise when the examination comprises only multiple choice questions. The reason being that multiple choice question test is premised on the basis that there is only one, objective correct answer to every question. The system of multiple choice objective type test and scope and ambit of judicial review was examined in Kanpur University’s case (supra), and illuminated the following words:*

“18. ... Fourthly, in a system of 'Multiple Choice Objective- type test', care must be taken to see that questions having an ambiguous import are not set in the papers. That kind of system of examination involves merely the tick-marking of the correct answer. It leaves no scope for reasoning or argument. The answer is 'yes' or 'no'. That is why the questions have to be clear and unequivocal.”

In Salil Maheshwari (supra), after referring to the aforesaid quotation from Kanpur University (supra), it has been observed:-

“22. The very finding that a key answer is not the objective, single, correct answer of the four options provided, and that another answer is “correct” according to those well-versed in the subject, itself would merit the awarding of additional marks to candidates who had chosen the latter answer. There arises no need to

“evaluate” or examine a response of a candidate for a second time, since all candidates who have answered in accordance with the answer key that the experts in the field affirm, are automatically entitled to the award of additional marks. The precedents on re-evaluation are only applicable in the context of examinations which permit subjective written answers, and not objective, multiple-choice questions that permit the selection of just one “correct” answer. There would be no infirmity in the approach of a Court that directs reassessment, such as in Kanpur University (supra) itself, on the ground that the answer key is incorrect. In the present case, this court has recorded findings on each of the three questions, to say that the answer keys used for correcting the question papers used one single correct answer; the alternative options cannot be said to be unambiguously clear answers, so as to result in confusion on the part of the examinee, who attempted the preliminary test.”

9. *We have to apply the aforesaid standard or test when we examine the contentions of the two petitioners. In other words, only when we are convinced that the answer key is “demonstrably wrong” in the opinion of a reasonable body of persons well-versed with the subject, will it be permissible to exercise power of judicial review. Albeit, in cases where the answer key is indeed incorrect or more than one key to the answer could be correct, the candidates should not be penalized for answers at variance with the key. The expression “demonstrably wrong” and the clapham omnibus standard or test on the second aspect (i.e. more than one correct key) is noticeably the corner stone of the said principle. While applying the said test, the Court should keep in mind that the answer key should be presumed as correct and should not be treated as incorrect on mere doubt. (emphasis supplied)*

17. Thus, the Division Bench culled out the principle that, only when the Court is convinced with the answer key is “demonstratably wrong” in the opinion of a reasonable body of persons well-versed with the subject, will it be permissible to exercise power of judicial review. At the same time, in cases where the answer key is indeed incorrect, or more than one key to the answer could be correct, the candidates should not be penalized for answers at variance with the key. In a system of “Multiple Choice Question type test”, care is required to be taken to see that questions having an ambiguous import are not set in the question paper.

18. Having noticed the aforesaid principle, we proceed to examine the submissions of the parties in relation to question Nos. 138 and 183 in the series “B” question paper. We may first deal with question No. 138. To appreciate the submissions of learned counsels, we may set out Section 80 CPC , which reads as follows:

“80.Notice.- (1) Save as otherwise provided in sub-section (2), no suit shall be instituted against the Government (including the Government of the State of Jammu and Kashmir) or against a public officer in respect of any act purporting to be done by such public officer in his official capacity, until the expiration of two months next after notice in writing has been delivered to, or left at the office of—

(a) in the case of a suit against the Central Government, except where it relates to a railway, a Secretary to that Government;

(b) in the case of a suit against the Central Government where it relates to railway, the General Manager of that railway ;

(bb) in the case of a suit against the Government of the State of Jammu and Kashmir, the Chief Secretary to that Government

or any other officer authorised by that Government in this behalf;

(c) in the case of suit against any other State Government, a Secretary to that Government or the Collector of the district;

and, in the case of a public officer, delivered to him or left at his office, stating the cause of action, the name, description and place of residence of the plaintiff and the relief which he claims; and the plaint shall contain a statement that such notice has been so delivered or left.

(2) A suit to obtain an urgent or immediate relief against the Government (including the Government of the State of Jammu & Kashmir) or any public officer in respect of any act purporting to be done by such public officer in his official capacity, may be instituted, with the leave of the Court, without serving any notice as required by sub-section (1); but the Court shall not grant relief in the suit, whether interim or otherwise, except after giving to the Government or public officer, as the case may be, a reasonable opportunity of showing cause in respect of the relief prayed for in the suit:

Provided that the Court shall, if it is satisfied, after hearing the parties, that no urgent or immediate relief need be granted in the suit, return the plaint for presentation to it after complying with the requirements of sub-section (1).

(3) No suit instituted against the Government or against a public officer in respect of any act purporting to be done by such public officer in his official capacity shall be dismissed merely by reason of any error or defect in the notice referred to in sub-section (1), if in such notice-

(a) the name, description and the residence of the plaintiff had been so given as to enable the appropriate authority or the public officer to identify the person serving the notice and such notice has been delivered or left at the office of the appropriate authority specified in sub-section (1), and

(b) the cause of action and the relief claimed by the plaintiff had been substantially indicated.” (emphasis supplied)

19. The submission of learned counsel for the petitioner is that the proviso to sub-Section (2) of Section 80 deals with a situation where the suit has been filed to obtain an urgent or immediate relief. Learned counsel submits that in ***State of Andhra Pradesh v. Gundugola Venkata Suryanarayana Garu***, (1964) 4 SCR 945, the Supreme Court has observed that absence of notice under Section 80 shall entail dismissal of the suit on the very first day when it is filed against the Government or public servant, as the said provision is imperative and should be strictly complied with. Thus, it is argued that option (1) i.e. “*the suit is to be dismissed on the very first day*” is also a correct answer. On the other hand, the submission of Mr. Datar is that Section 80 does not provide for dismissal of the suit on account of non-compliance of Section 80 CPC. Proviso to Section 80(2) provides for return of the plaint and for presentation after complying with the requirements of Sub Section (1), where the Court is satisfied after hearing the parties that no urgent or immediate relief needs to be granted in the suit. He submits that the aforesaid decision of the Supreme Court in ***Gundugola Venkata*** (supra), cannot be pressed into service, since the Supreme Court has not consciously ruled that in addition to the consequence provided in Section 80(2) and (3), the suit would be liable to be dismissed on the very first day for non-compliance of Section 80 CPC.

20. In ***Gundugola Venkata*** (supra), the real issue that the Supreme Court considered was whether the notice under Section 80 CPC served by one person could be availed of by any other person who prefers the suit. A

reading of the decision shows that the Supreme Court did not lay down any such proposition as contended by the petitioner. On a reading of the said decision, it is clear that the Supreme Court has not consciously endeavored to lay down that in addition to, or at variance with the provisions contained in Section 80 CPC, a suit filed without complying with Section 80 CPC would be liable to be dismissed on the first very day. Thus, we cannot accept the submission of learned counsel for the petitioner that option (1) can also be called as the “*most appropriate answer*” in respect of question No.138. In fact, it is clear to us that the only correct answer is the 3rd Option i.e. “*the plaint is to be returned*”. Thus, we reject the submission of learned counsel for the petitioner qua question No. 138.

21. We now proceed to consider the submission of learned counsels in relation to question No. 183. The submission of learned counsel for the petitioner is that in so far as question No.183 is concerned, options (1) and (4) are equally appropriate answers, and of the said two options, it cannot be said that one – or the other, is the more appropriate option. He submits that there cannot be any doubt that Estoppel is an equitable principle, which has been codified in the Indian Law in Section 115 of the Indian Evidence Act, which reads as follows:

“115 Estoppel. —When one person has, by his declaration, act or omission, intentionally caused or permitted another person to believe a thing to be true and to act upon such belief, neither he nor his representative shall be allowed, in any suit or proceeding between himself and such person or his representative, to deny the truth of that thing.”

22. On the other hand, Mr. Datar, while not denying the position that

Estoppel originated as an equitable principle, submits that the same stands codified in the Indian Law in Section 115 of the Indian Evidence Act, 1872. He submits that the purpose of posing the said question was to test the knowledge of the examinee – whether he was aware of the specific statutory provision in which the equitable principle of Estoppel has been codified. Thus, Mr. Datar submits that, thus, the “*most appropriate answer*” is option 4 i.e. “*is codified in Indian Law*”.

23. We have given our thoughtful consideration to the submissions of learned counsels. While scrutinizing the 4 options aforesaid in respect of question No. 183, one has to view the position from the point of view of an examinee/ candidate, and not merely from the point of view of the examiner. The examiner may have set the question from his/ her point of view, expecting a particular answer which is also one of the 4 options provided in the question paper. The examinee, however, does not know as to in what context the question is framed and is unaware as to what is the answer that the examiner is looking for. He only knows that he has to pick the “*most appropriate answer*”.

24. Just as it is true that Estoppel is codified in Indian Law in Section 115 of the Indian Evidence Act, 1872, it is true with equal force that it is an equitable principle. A candidate, who is attempting to answer the said question may be aware of the fact that Estoppel is codified in the Indian Law in Section 115 of the Indian Evidence Act, 1872. He may be equally aware that Estoppel is an equitable principle. He may consider that what is the more important aspect is that it is an equitable principle, and the fact that it

is codified is only incidental.

25. Similarly, the examiner who set the said question, could have viewed the situation from a different angle. He/ she could lay more emphasis on the fundamentals of the law of Estoppel i.e. that it is an equitable principle, rather than on the bookish knowledge that it is a codified law in India. If that approach would have been adopted by the examiner, he/ she would have found Option (1) as the “*most appropriate answer*”.

26. The way the question has been framed with the 4 options aforesaid, is bound to leave any examinee – who is aware of the position that Estoppel is an equitable principle, and also that it is codified in the Indian Law, puzzled and unsure as to which answer the examiner is looking for as the “*most appropriate*” one, since both appear to be equally appropriate. As held in **Kanpur University** (supra), in a system of multiple choice objective type-test, care must be taken to ensure that the question and its answers are not ambiguous. In our view, the said question, when seen in the light of Options (1) and (4), appears to fall foul of **Kanpur University** (supra).

27. No doubt, the purpose of holding a competitive examination like the one in question is to test, inter alia, the knowledge, clarity and intelligence of the candidates, and to sift the best from the whole lot. For this purpose, the respondent has undertaken the exercise of providing 4 options to each question. The standard adopted by the respondent, evidently, is high in as much, as, the options are not in *black or white*. There is a lot of *grey* in the said options. The more meritorious candidates are expected to crack such tricky questions and to come up with the “*most appropriate answers*”.

However, even the most meritorious of candidates can fail, when confronted with a situation like the present where two or more options in answer to a question appear to be equally appropriate. A candidate cannot be made to suffer on account of his having chosen one option and not the other. That is what this Court has laid down in *Sumit Kumar* (supra).

28. Thus, we are inclined to accept the submission of learned counsel for the petitioner in relation to question No.183.

29. So far as the other grievances raised by the petitioners are concerned, Mr. Datar has submitted that, in the present case, the entire schedule for conduct of the preliminary examination; the main examination; as well as for holding the interview has been shortened from 9.5 months to 6.5 months in view of the directions issued by the Supreme Court in *Malik Mashar Sultan & Anr. v. U.P. Public Service Commission*, Civil Appeal No(s) 1867/2006 on 15.11.2018 and 29.11.2018.

30. The fact that the respondents issued a corrigendum on 19.11.2018, thereby fixing the revised date for the preliminary examination, itself, shows that the respondent is undertaking the exercise of completing the recruitment process on an urgent basis. Mr. Datar has informed this Court that the main examination is scheduled for 09.02.2019. In fact, in view of the said urgency, we have proceeded to hear the submission of learned counsels so that the matter could be resolved one way, or another, without any delay.

31. In the aforesaid circumstances, we are of the view that the procedure adopted by the respondent of publishing the result of the preliminary

examination without first uploading the answer key and inviting objections, cannot be faulted. No prejudice has been suffered by the petitioners, since answer key was uploaded well before the holding of the main examination on the basis of the result declared, and the petitioners have had their opportunity to ventilate their grievance before this Court. Their grievance that the General Instructions dated 04.01.2019 barred the raising of objections to the questions or the answer key has not precluded them from approaching this Court. The respondent has not sought dismissal of this petition by relying upon the said clause. Thus, the said grievance is academic.

32. In the light of the aforesaid, we partially allow this petition. We direct the respondent to treat option (1) i.e. “*is an equitable principle*” and option (4) i.e. “*is codified in Indian Law*” as equally “*most appropriate answers*” in respect of question No. 183 in the series “B” question booklet.

33. Thus, all those candidates, who have marked option (1) as the correct answer, as well as those candidates who have marked option (4) as the correct answer for the said question, should be awarded 1 mark.

34. The respondent should re-draw the result of the preliminary examination after taking into account the decision arrived at by the Examination-Cum-Judicial Education and Training Programme Committee in its meeting held on 29.01.2019, which has been approved by the Hon’ble The Chief Justice, as well as in the light of our present decision before proceeding to hold the main examination.

35. If, as a consequence of the aforesaid exercise, any of the petitioners meet the eligibility for being permitted to take the main examination and they also rank within the 10 times number of vacancies advertised, they should be permitted to do so.

36. The petition stands disposed of in the aforesaid terms.

37. Copy of this order be given dasti under the signatures of the Court Master.

VIPIN SANGHI, J.

PRATEEK JALAN, J.

JANUARY 30, 2019

N.Khanna

