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

+ **W.P.(C) 2507/2022 & CM APPLs.7177-7179/2022**

RAYEES AHMAD SHAH

..... Petitioner

Through: Mr.Syed Urfee Haider, Advocate with
Mr.Naveen Chandra, Advocate.

versus

UNION OF INDIA & ORS.

..... Respondents

Through: Ms.Arati Bansal, Advocate for UOI.

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Date of Decision: 10th February, 2022

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MR. JUSTICE NAVIN CHAWLA

J U D G M E N T

MANMOHAN, J: (Oral)

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed seeking directions to Respondents No. 1 and 2 to issue a comprehensive plan/policy for evaluation/revaluation of the answer sheets in the Limited Departmental Competitive Examination ('LDCE') 2020-21 for the post of Sub-Inspector (GD) in the BSF under the supervision of academicians. Petitioner also seeks directions to the Respondents to re-evaluate the Petitioner's answer sheet as per the standard model specimen answer key issued by the Respondents.
3. Learned counsel for the Petitioner states that in 2018-19 and 2019-20, the Petitioner gave his first and second attempt in the LDCE for the post of



Sub-Inspector (GD). He states that petitioner was unsuccessful in clearing the same.

4. He states that the Petitioner gave his third and final attempt in the LDCE 2020-21 exam and though the Petitioner was sure that he should have obtained a score of 145 out of a possible 200, yet he was given only 96. He emphasises that the Petitioner had matched his answers with the model answer key issued by the Respondents and hence he is certain that the marks awarded to him are incorrect. He lastly states that the evaluation of the examination papers has been outsourced by the respondents to some agency or firm and there is no clarity regarding the credibility of the outsourced agency.

5. In response to a pointed query, learned counsel for the petitioner admits that there is no provision for re-evaluation in any statute, rule or regulation issued by the Respondents No. 1 and 2 which governs the LDCE.

6. As held by the Supreme Court in ***Ran Vijay Singh & Ors. vs. State of Uttar Pradesh & Ors., (2018) 2 SCC 357***, re-evaluation is to be allowed only if the rules so permit. If the rules do not permit re-evaluation, as in the present case, then the Court may permit re-evaluation only in rare and exceptional circumstances.

7. In the present case, the only ground to seek re-evaluation is that the petitioner had matched his answer with the model answer key and he is of the view that the marks awarded to him are incorrect.

8. In the opinion of this Court, this personal view of the petitioner is without any legal or factual basis. It certainly does not put the present case in the category of rare and exceptional cases.



9. Further, since the examination was only of objective type questions and the answer key has not been challenged by the petitioner, the issue whether any academician was in-charge of evaluation of answer sheet or not is itself an academic question!

10. Accordingly, the present writ petition and pending applications, being bereft of merits, are dismissed.

MANMOHAN, J

NAVIN CHAWLA, J

FEBRUARY 10, 2022

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