



IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment delivered on: December 06, 2023

+ W.P.(C) 2443/2019

SH. MANOJ SAKLANI

..... Petitioner

Through: Mr. Kumar Arish Ali, Mr. Zubair Ali,
Mr. Rashid Salam, Mr. M. Raja and
Mr. Yamim, Advocates with
Petitioner-in-person.

versus

UNION OF INDIA AND ORS.

..... Respondents

Through: Mr. Harish Vaidyanathan Shankar,
CGSC with Mr. Srish Kumar Mishra,
Mr. Alexander Mathai Paikaday,
Mr. Krishnan V., Advs. for R-1/IOI
Mr. V. S. R. Krishna and
Mr. V. Shashank Kumar, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE ANOOP KUMAR MENDIRATTA

J U D G M E N T

V. KAMESWAR RAO, J

1. The challenge in this writ petition is to an order dated December 03, 2018, passed by the Central Administrative Tribunal Principal Bench, New Delhi ('Tribunal', for short) in Original Application No.3908/2013 ('OA', hereinafter) whereby the Tribunal



has rejected the claims of the petitioner herein by stating in paragraph 8 as under:

“8. We have carefully gone through the contentions raised by the applicant as well as the explanation given by the respondents thereto. We do not find any arbitrary action on the part of the respondents in awarding marks to the counter-parts including the applicant. In view of the settled position of law, with regard to the preparation of the answer keys and evaluation of the answer sheets, and in the absence of any allegations of mala fide intention, we do not find any valid reason to interfere with the decision of the Expert Body, i.e., the 2nd respondent-Ordnance Factories Institute of Learning. It is also not the case of the applicant that any of the officials of the Ordnance Factory, in which the applicant as well as the 5th respondent were working at the relevant point of time, have acted in a particular manner to help the 5th respondent.”

2. The grievance of the petitioner before the Tribunal was with regard to the Limited Departmental Competitive Examination conducted by the 2nd respondent-Ordnance Factories Institute of Learning, Dehradun for promotion to the post of Chargeman (Electrical) during the year 2010. Twenty eight persons, including the petitioner participated in the said examination by way of their first attempt, whereas seven more persons participated as their second attempt. Subsequently, the results were declared against the sole vacancy to the post of Chargeman (Electrical). As per the results, the petitioner having secured 139 marks stood 2nd while the 5th respondent Pankaj Sharma, who has secured 139.5 marks, was shown at Serial No.1 and was accordingly promoted as Chargeman (Electrical), vide order dated October 20, 2010. Aggrieved by the said action, the



petitioner had filed the OA before the Tribunal.

3. It appears that before filing the OA, the petitioner had sought the copies of the evaluated answer sheets under the Right to Information Act, 2005. Subsequently, in terms of the direction of the Central Information Commission dated July 15, 2011, the answer script was inspected by the petitioner. The case of the petitioner is that upon a perusal of the answer script, he noticed various irregularities and errors with the evaluate of the answer sheet. Some of the answers he had given, despite being correct, were marked as wrong and he was denied marks for the same. In sum and substance, the petitioner was given less marks as against respondent No.5, despite his answers being correct, and as such, he would be entitled for promotion to the post of Chageman (Electrical). We have already reproduced paragraph 8 of the order of the Tribunal.

4. The learned counsel for the petitioner has drawn our attention to paragraph 3 of the impugned order to show that the grievance of the petitioner was with regard to erroneous checking and non-awarding of deserving marks to him for the following questions:

*“a) Question no. 22 of the General Knowledge paper stated ‘**which Act provides for Layoff and Retrenchment Compensation?**’ The Applicant had marked option D i.e. Industrial Disputes Act, however no marks had been awarded to him. On the contrary in the letter dated 02.03.2012 it has been stated that no marks had been awarded to the Applicant in this question as the correct answer is option B i.e. Workman’s Compensation Act. The Co-Participant Shri Pankaj Sharma has however been awarded one mark for the answer given by him i.e. option B – Workman’s Compensation Act. It is therefore,*



submitted that in this question the Applicant is entitled to 'ONE' mark and Shri Pankaj Sharma is entitled to 'ZERO' marks as the answer given by the Applicant was correct and that given by the Co-Participant was wrong. However, this fact has been deliberately ignored to facilitate Shri Pankaj Sharma.

*b) Question No. 35 in General Engineering and Electrical Engineering paper posed '**Ampere hour is the amount of?**' The Applicant had opted for option A i.e. quantity of electricity which is the correct answer. As per letter dated 02.03.2012 the correct answer should have been option D i.e. energy. It is submitted that the letter dated 02.03.2012 has wrongly stated that the correct answer is energy. It is therefore, submitted that in this question the Applicant ought to have been awarded 'ONE' which has not been given to him. A true copy of the relevant extract of the book "Electrical and Mechanical Engineering" by Mehta and Singh showing the correct answer to the aforesaid question is annexed herewith and marked as **ANNEXURE – A/15**.*

*c) Question No. 30 of General Knowledge posed that '**which of the options is Geothermal Energy?**' Both the Applicant and Shri Pankaj Sharma had answered wrongly. Hence both the them should have been marked 'ZERO' but as per the report dated 02.03.2012, Shri Pankaj Sharma has been awarded 'ONE' mark whereas the Applicant has been marked 'ZERO'. According to the letter dated 08.09.2010 there was a typological error in the Hindi Paper with regard to question no. 30 hence all the candidates were to be awarded 'ONE' mark for this question irrespective of whether he has attempted it or not. In view of above the Applicant would also be entitled to be marked 'ONE' mark for attempting question no. 30.*

*d) Question no. 35 of the General Knowledge paper posed the question '**who is the winner of Dada Saheb Phalke Award given in 2009?**' the Applicant had opted for option*



B i.e. Rajesh Khanna for which he was given 'ZERO' marks. Shri Pankaj Sharma had however, marked option A i.e. Manoj Kumar and was awarded 'ONE' mark. It is submitted that as per the book of Lucent Publication on General Knowledge in 2009 April Manoj Kumar was not given the Dada Saheb Phalke Award. It is pertinent to mention that the prestigious Dada Saheb Phalke Award is awarded to only one person in a year and in the year 2009 Manoj Kumar was not awarded the Dada Saheb Phalke Award. A copy of the extract of the book of General Knowledge by Lucent Publication as well as competition success review 2010 are annexed herewith and marked as ANNEXURE – A/16.

*e) Question No. 69 of the General Engineering and Electrical Engineering paper posed the question **'if a power transformer is operated at very high frequencies, which of the four options would occur?'** The Applicant had opted for option A i.e. primary reactance is too much increased whereas Shri Pankaj Sharma opted for option C i.e. Core losses would be excessive. It is submitted that both the answers given by the Applicant and Shri Pankaj Sharma are correct. It is further specified that the renowned formula $XL = 2\pi FL$ (Inductive reactance is directly proportional to Frequency of AC supply) it is therefore evident that with the increase of frequency the inductive reactance would also be increased. Therefore, primary reactance of a power transformer would be increased. For further clarification relevant extract of the book "Objective Electrical Technology" by S. Chand and Company is annexed herewith and marked as ANNEXURE – A/17.*

*f) Question No. 41 of the General Engineering and Electrical Engineering paper has been wrongly framed. It has been stated in the question **'The Electric Lamps 40 W, 220 Volt each are connected in series across 220 Volt, the power consumed by the combination is which of the following options.'** It is submitted that although the*



question says that the electric lamps are connected in series, the number of the lamps have not been mentioned. In the absence of the number of the lamps being specified the power consumed by the combination cannot be identified. In view of the letter dated 08.09.2010 on account of the typological error of the question the candidates should have been compensated with marks. However, no such initiative has been taken by the Respondents which shows there discriminatory attitude and violation of principles of natural justice”.

5. He submitted that when the answers as per the answer key are palpably incorrect, and as no marks were awarded to the petitioner despite his answers being correct, the promotion of the respondent No.5 could not have been made. The questions which have been rightly answered by the petitioner need to be given appropriate marks and a final list need to be determined and the petitioner be given promotion to the post of Chargemen (Electrical).

6. On the other hand, Mr. Harish Vaidyanathan Shankar, learned CGSC appearing for the Union of India would justify the order of the Tribunal by contending that in view of the law settled by the Supreme Court in the case of ***Ran Vijay Singh and Ors. v. State of Uttar Pradesh and Ors., (2018) 2 SCC 357***, this Court would not go into the veracity of the answers, when the answer papers have been evaluated on the basis of the answer key prepared by a body of academic experts. In the absence of any allegation of *mala fide* against the persons who have overseen the conduct of the examination, the petition itself is not maintainable and is liable to be dismissed

7. That apart, he submits that as the records of the examination



including the answer sheets have been destroyed, it is very difficult to ascertain if the contentions made by the petitioner are true and correct. In other words, in the absence of the answer sheets, it cannot be verified if the answers provided by the petitioner and even the respondent No. 5 were in fact correct (or incorrect), to grant any relief to the petitioner. Additionally, he submitted that in any case, the re-evaluation of all the answer sheets was undertaken by the respondents and nothing wrong has been found.

8. It is also stated that the petitioner has already been promoted as Chagemen (Electrical) in 2012, and the prayer of the petitioner is effectively to advance his promotion by two years, i.e., from 2010, which cannot be allowed.

9. We have considered the rival submissions and the position of law in terms of the judgment of the Supreme Court in the case of **Ran Vijay Singh (supra)**, on which heavy reliance has been placed by Mr. Vaidyanathan Shankar.

10. The Supreme Court while deciding the case was concerned with an examination conducted by the U.P. Secondary Education Services Selection Board which issued an advertisement on January 15, 2009, inviting applications for recruitment to the post of Trained Graduate Teachers (TGT) in Social Science. The recruitment was to be in accordance with the provisions of the U.P. Secondary Education Services Selection Board Act, 1982 and the Rules framed thereunder. The candidates who qualified the written examination were called for an interview. Based on the combined result list, marks obtained by the candidates in the written examination and interview, a merit list was



prepared. Some candidates who were not successful in the written examination and in the interview filed writ petitions in the Allahabad High Court between 2010 and 2011. All these writ petitions were dismissed. The reasons for dismissal of these writ petitions were that there was no provision for re-evaluation of the answer sheets in the Uttar Pradesh Secondary Education Services Selection Board Act, 1982 or the Rules framed thereunder.

11. Another batch of writ petitions came to be listed before another Single Judge of the High Court. The subject and issues were the same and the learned Single Judge admitted these writ petitions for final hearing notwithstanding the dismissal of several similar petitions. The challenge made by the writ petitioners was to seven questions/answers in the written examination which, according to them, had incorrect answer key. The learned Single Judge personally examined those seven questions and vide its judgment and order dated February 8, 2012, directed re-examination of the answer sheets of the writ petitioners. It was further directed that in case these writ petitioners are selected then those at the bottom of the select list would automatically have to be pushed out.

12. Feeling aggrieved by the order of the learned Single Judge, the Board and even some candidates preferred an appeal before the Division Bench of the High Court. The appeal filed by the Board was dismissed by the Division Bench on March 13, 2012. In an appeal filed by a candidate, it was stated by the Board on April 11, 2012 that the answer sheets of all the candidates would be re-evaluated in the light of the judgment of the learned Single Judge.



13. Following up on this, the judgment and order passed by the learned Single Judge was implemented on September 10, 2012 and the re- evaluated results of the written examination of all candidates were declared. As a result of the re-evaluation, it seems that some candidates, who were declared successful in the combined result declared on September 14, 2010, were now declared unsuccessful. The petitioners before the Supreme Court were not affected by the re-evaluation of the written examination and continued in the select list. Thereafter, a set of petitions were filed including some before the Court and eventually it came to pass that those aggrieved by the order passed by the Division Bench on March 13, 2012 could file review petitions.

14. Be that as it may, the issue raised by the petitioner before the Supreme Court was whether the learned Single Judge could have examined the 7 questions. The Supreme Court had referred to various judgments and has in paragraphs 30 to 33 has stated 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.

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.

33. The facts of the case before us indicate that in the first instance the learned Single Judge [Ranjeet Kumar Singh v. State of U.P., 2012 SCC OnLine All 268 : (2012) 4 All LJ 19] took it upon himself to actually ascertain the correctness of the key answers to seven questions. This was completely beyond his jurisdiction and as decided by this Court on several occasions, the exercise carried out was impermissible. Fortunately, the Division Bench [U.P. Secondary Education Service Selection Board v. State of U.P., 2015 SCC OnLine All 5788 : (2016) 3 All LJ 405] did not repeat the error but in a sense, endorsed the view of the learned Single Judge, by not considering the decisions of this Court but sending four key answers for consideration by a one-man Expert Committee.”

15. Taking support from the judgment, it is the submission of Mr. Vaidyanathan Shankar that the Court should presume the correctness of the answer key and proceed under that assumption, and should not interfere with the impugned order of the Tribunal.

16. He had also relied upon the judgment of the Supreme Court in the case of **Vikesh Kumar Gupta and Anr. v. State of Rajasthan and**



Ors., (2021) 2 SCC 309, on a similar proposition that the Court shall refrain from examining the correctness of the answers/ answer keys and come to a conclusion different from that of the Expert Committee which had prepared such answers/answer keys.

17. There cannot be any dispute to the general proposition of law that the scope of judicial review in academic matters, more particularly in issues relating to examination/scrutiny of answer keys/answer sheets, is very limited.

18. At this juncture, we may refer to the decision of the Supreme Court in the case of *Kanpur University v. Samir Gupta, (1983) 4 SCC 309*, wherein YV Chandrachud, C.J., speaking for a bench of three Hon'ble Judges, observed as under:-

“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.”*

(emphasis supplied by us)

19. In fact, this judgment has been duly considered by the Supreme Court in paragraph 19 of ***Ran Vijay Singh (supra)***, and the following observation was made:-

“....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....”

20. The decision in ***Kanpur University (supra)*** was followed by the Supreme Court again in ***U.P. Public Service Commission v. Rahul Singh, (2018) 7 SCC 254***, by observing as under:-

“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.”

21. We may also refer to the judgment in the case of ***National Board of Examination v. Association of MD Physicians, LPA 225/2021***, decided on August 5, 2022, wherein a co-ordinate Bench of this Court, after discussing the judgments in ***Ran Vijay Singh (supra)***, ***Kanpur University (supra)*** and ***U.P. Public Service Commission (supra)***, has in paragraphs 17 and 18 stated as under:

“17. The foregoing cases cement the finding that Judges are not and cannot be experts in all fields, and the opinion of experts cannot be supplanted by a Court overstepping its jurisdiction. It needs to be demonstrated by a candidate that the key answers are patently wrong on the face of it, and if there is any exercise conducted by the Court wherein the pros and cons of the arguments given by both sides need to be taken into consideration, that will inevitably amount to unwarranted interference on the part of the Court. When there are conflicting views, it is incumbent upon the Court to bow down to the opinion of the experts which, in this case, was the Expert Committee constituted by the NBE.

18. The submissions made by the learned Senior Counsel hold weight inasmuch as the Court cannot step into the shoes of the examiner and render an opinion contrary to that of the Expert Committee. If the error in the question is manifest and palpable, and does not require any elaborate argument, then the Writ court may choose to intervene. However, where the errors do not show their heads without a detailed and elaborate probe into the opinions of experts, the Court must stay its hands. It



would not be prudent for a Court to conduct itself like an expert in a subject alien to it when an entire body of experts has arrived at a contradictory stand. It is also not for the Courts to interfere in such matters, except in absolutely rare and exceptional cases, especially in view of the fact that the instant examination pertains to the practice of medicine – a field that requires the exercise of utmost care and caution.”

(emphasis supplied by us)

22. From an examination of the above judicial pronouncements, the following position emerges:-

- (a) Judicial review in educational matters is very narrow, inasmuch as,
- (b) courts shall not normally interfere with the decisions taken by academic experts.
- (c) Courts shall proceed under the assumption that the answer key is right.
- (d) In exceptional circumstances, if there is an error which is manifest, palpable and apparent, writ courts may choose to interfere; provided
- (e) such an error is demonstrably wrong, inasmuch as no reasonable body of men well-versed in the particular subject would regard it as correct.

23. In the case in hand, we have already reproduced the questions which have been contested by the petitioner in paragraph 4 above. In view of law laid down by the Supreme Court, the correctness of the answer key prepared by the respondents needs to be presumed at the



outset. The questions which have been contested are with regard to General Knowledge, General Engineering and Electrical Engineering. Insofar as the questions related to General Engineering/Electrical Engineering are concerned, this Court, for the want of necessary expertise, cannot go into the veracity or correctness of the answer key.

24. Now coming to the General Knowledge paper, the questions in issue are question Nos. 22 and 35, relating to issues with regard to the Industrial Disputes Act and the Dada Saheb Phalke Award given in the year 2009. We find that the petitioner has filed an internet copy of the question paper marked as Annexure-A12. The questions under challenge reads as under:-

“Q.22 Which act provides for lay off and retrenchment compensation?

- (A) *Minimum Wages Act* (B) *Workmen’s Compensation Act*
(C) *Employees Provident Fund* (D) *Industrial Disputes Act”*

“Q. 35 Who amongst the following is the winner of the prestigious “Dadasaheb Phalke Award” given in April 2009?

- (A) *Manoj Kumar* (B) *Rajesh Khanna*
(C) *Amitabh Bachchan* (D) *Jitendra”*

25. Insofar as the question No.35 is concerned, the issue is whether option (A)- Manoj Kumar, which was marked by the respondent No.5 is the correct answer. To ascertain whether this is indeed the right answer, it would be necessary to venture into a fact-finding exercise and peruse books/literature relating to General Knowledge. In this case, presumption must necessarily be drawn that the answer key is



indeed correct.

26. The correct answer in respect of question No.22 as per the respondents *vide* letter dated March 02, 2012, is option (B)- Workmen's Compensation Act. According to the respondents, the petitioner was not given any marks as he had answered the same as option (D)- Industrial Disputes Act and the respondent No. 5 was given one mark as he had given option (B). The case of the petitioner is that in fact, as is common knowledge, it is Industrial Disputes Act which provides for layoff and retrenchment compensation and hence, option (B) which has been marked by the respondent No.5 was the incorrect answer.

27. It is *ex-facie* clear without having to undertake an academic exercise, that the correct answer is option (D)- Industrial Disputes Act, more so when this Court is very well aware that it is the Industrial Disputes Act that refers to layoff / retrenchment compensation, and that the Workmen's Compensation Act does not deal with the same at all.

28. As is clear from the judgments of the Supreme Court, if in the eventuality it is demonstrated by a candidate that the answer key is patently wrong on the face of it, writ courts may choose to interfere with the same. The controversy in question No. 22 is essentially regarding a statutory enactment, and this Court, having dealt with similar issues time and again on its judicial side, does not have an iota of doubt that it is the Industrial Disputes Act, which contemplate layoff and retrenchment compensation. Going by the ratio of ***Kanpur University (supra)***, we are of the view that the answer key is demonstrably wrong, as no body of persons well versed in the subject



would regard it as correct. There is no requirement to conduct any exercise to examine the pros and cons of the arguments given by both sides, or to refer to any textbooks or to examine any expert to arrive at this conclusion.

29. Precisely for this reason, this Court, in its judicial conscience, cannot turn a blind eye to the averment of the petitioner and affix a stamp of approval on something that is visibly and patently incorrect. In these peculiar facts, we are inclined to exercise the extraordinary powers of this Court under Article 226. The petitioner has to be given appropriate marks for question No.22.

30. We are conscious of the fact that other candidates may also have answered the question in the manner done by the petitioner. But the fact remains that they have not approached the Tribunal or this Court raising any grievance with regard to the marking carried out by the respondents. Further, as the answer sheets of the examination in question have been destroyed, the repercussions of question No.22 having been found correct in favour of the petitioner, qua the other candidates cannot be gone into. Hence, the conclusion of ours insofar as this question No. 22 is concerned, cannot be read in their favour. In facts of this case, we also state that the effect of our conclusion must not be read against the respondent No.5.

31. However, the petitioner shall be awarded one mark for question No.22, and if the same enures to the benefit of the petitioner making him eligible for promotion, then the same shall be granted to him. Such benefit shall be given only on notional basis as we have been informed that the petitioner has been promoted to the post of Chargeman



(Electrical) in the year 2012. Based on the said promotion, the petitioner shall be entitled to seniority from that year. The *inter se* seniority between the petitioner and the respondent No.5 shall be determined based on the standard criteria followed by the respondents in cases where promotion is effected through Limited Departmental Competitive Examination.

32. With the above, the petition is disposed of. No costs.

V. KAMESWAR RAO, J

ANOOP KUMAR MENDIRATTA, J

DECEMBER 06, 2023/aky