



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

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Date of decision: January 22, 2024

+ W.P.(C) 903/2024 & CM APPLs. 3764-3765/2024

(42) PRASHANT KUMAR VERMA

..... Petitioner

Through: Mr. Nimish Chib and
Mr. Jatin Rana, Advs.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Mr. Jaswinder Singh, Adv.
Mr. Sukhwinder Singh, Adv. with
SI Asif Eqbal, CISF & SI Prahalad,
CISF

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MR. JUSTICE SAURABH BANERJEE

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 3765/2024 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

W.P.(C) 903/2024

1. The present petition has been filed by the petitioner with the following prayers:

“In view of the premise stated hereinabove, it is most respectfully prayed that this Hon'ble Court may be pleased to:

a) Issue a writ of mandamus or a writ of any other nature or direction/order thereby declaring the answer-key dated



03.11.2023 as wrong, faulty and erroneous and further directing the respondents to issue a fresh answer key after carrying out the necessary corrections in the answer key and b) Issue a writ of mandamus or a writ of any other nature or direction/order directing the respondents to cancel the Result dated 21.12.2023 and thereafter issue a Final Result taking into consideration the fresh answer key to be released by the respondents and/or c. pass any such other/further writ of any nature, direction/order as this Hon'ble Court may deem fit in the facts and circumstances of the present case."

2. In substance, the petitioner is challenging the answer key released by the respondents on November 3, 2023, for the examination for the post of Constable–Driver/cum Pump Operator. He has sought the consequential relief of declaration and final result of the examination. The petitioner took part in the examination held by the Central Industrial Security Force ('CISF', for short) for the aforesaid post. The respondents published answer key of the written examination on November 3, 2023.

3. It is the case of the petitioner as contended by Mr. Nimish Chib, learned counsel that, in the answer key published by the respondents, some of the answers / and even the questions and answers were patently wrong. He also states that, as per the answer key published by the respondents, the petitioner scored a total of 73 marks. The petitioner raised objections to a total of 8 questions within the time period stipulated by the respondents to raise objections.

4. His submission is also that the respondents instead of releasing the corrected answer key, declared the final result of the examination on February 21, 2023, wherein the score of the petitioner was increased by three marks, i.e., 73 to 76. This according to him appears to be for the reason that



the respondents had considered the objections in respect of three questions, favourably and rejected the objections qua five questions.

5. At the outset, it was put to the petitioner's counsel, given the position of law that this Court need to proceed on the premise that the answer key is correct, can this Court grant the petitioner the relief as sought in the petition for correcting the answer key and declaration of the result; Mr. Chib relies upon the judgment of the Supreme Court in the case of **Rajesh Kumar & Ors. etc. v. State of Bihar & Ors. etc., Civil Appeal Nos. 2525-2516/2013**, decided on March 13, 2013, to answer the query in affirmative.

6. We are not impressed by the submission made by Mr. Chib in view of the latest position of law in the case of **Ran Vijay Singh and Ors. v. State of Uttar Pradesh and Ors., (2018) 2 SCC 357**, wherein the Supreme Court has in paragraphs 31 & 32, held as under:

“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.”

(emphasis supplied)

7. The Supreme Court in the aforesaid judgment clearly held that the Court should presume the correctness of the answer key and proceed on that assumption. It also held that, in the event of a doubt, the benefit should go to the examination authority rather than to the candidate. The said judgment is squarely applicable to the facts of this case.

8. It is neither the case of the petitioner nor contented by his counsel that without undertaking an academic exercise, the correct answers to the aforesaid questions cannot be ascertained. We are of the view, the veracity



or correctness of the answer key cannot be gone into unless the answer key is *ex facie* wrong.

9. Moreover, we find that the objections with regard to three questions / answers having been considered in favour of the petitioner, the *bona fide* of the respondents cannot be doubted. It follows, in the absence of allegations of *mala fide*, the rejection of the objections qua five questions cannot be interfered with.

10. The Supreme Court in the case of **Vikesh Kumar Gupta v. State of Rajasthan, (2021) 2 SCC 309**, has in paragraphs 14 to 16, held that the Court has to deprecate the practice of evaluation and scrutiny of the questions in which the Court lacks expertise in academic matters. The said paragraphs are reproduced as under:-

“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.

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. This Court in the said judgment further held as follows :

“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.”

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 [Bhunda Ram v. State of Rajasthan, 2019 SCC OnLine Raj 7416] . 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.”

(emphasis supplied)

11. Accordingly, we do not see any merit in the petition, the same is dismissed.

CM APPL. 3764/2024

Dismissed as infructuous.

V. KAMESWAR RAO, J

SAURABH BANERJEE, J

JANUARY 22, 2024/aky