



\$~98

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

+ **W.P.(C) 6325/2025 and CM APPL. 28755/2025**

DILKHUSH MEENA

.....Petitioner

Through: **Mr. Sourabh Ahuja, Advocate.**

versus

UNION OF INDIA & ORS.

.....Respondents

Through: **Mr. Shoumendu Mukherji, Sr. Panel Counsel for UOI with Mr. Vedansh Anand, GP and Ms. Megha Sharma, Mr. Aniruddha Ghosh, Mr. Anshuman Mohanty, Advocates for R-1.**

Mr. P.S. Singh, SPC and Mr. Sarvesh P. Shrivastava, GP with Ms. Minakshi Singh and Mr. Rajneesh Kr. Sharma, Advocates for R-1.

Mr. M.A. Niyazi, Standing Counsel for CBSE with Ms. Anamika Ghai Niyazi, Ms. Nehmat Sethi, Ms. Kirti Bhardwaj, Mr. Arquam Ali, Advocates for R-4 to 6.

Mr. Amartya Ashish Sharan and Mr. Akash Kishore, Advocates for NESTS.

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

%

13.05.2025



CM APPL. 28756/2025 (for exemption)

Exemption allowed, subject to all just exceptions.

Application stands disposed of accordingly.

W.P.(C) 6325/2025 & CM APPL. 28755/2025 (for interim directions)

1. The petitioner was a candidate for the post of Trained Graduate Teacher (Maths) in a recruitment exercise conducted by the National Education Society for Tribunal Students [“NESTS”] in the year 2023. He has filed the present writ petition challenging an answer key, in respect of question No. 62 of Set Q-3 of the written examination conducted for the said post.
2. The petitioner had earlier filed a writ petition before the Rajasthan High Court [S.B. Civil Writ Petition No. 1404/2025], which has been disclosed in Paragraph 20 of the present writ petition, wherein it is stated that the challenge before the Rajasthan High Court was to Question No. 80 in Set Q-3. The said writ petition was withdrawn by order dated 07.04.2025. Copy of the said order has not been placed on record. However, a copy has been handed up to the Court by Mr. Amartya Ashish Sharan, learned counsel for NESTS, who appears on advance notice, and the same is taken on record. It is clear that no liberty was granted to the petitioner for filing of a fresh writ petition with respect to the same examination.
3. Mr. Sourabh Ahuja, learned counsel for the petitioner, submits that the question which is under challenge in the present writ petition was not under challenge before the Rajasthan High Court. In fact, he states that the petitioner had filed an earlier writ petition before this Court [W.P.(C) 4203/2025], challenging the same question as in the present petition



[Question No. 62]. He was permitted to withdraw the petition by order dated 08.04.2025, on account of an error therein, with liberty to file a fresh writ petition on the same cause of action, if necessary. Mr. Ahuja states that, the earlier writ petition before the Rajasthan High Court, in respect of the same examination, had not been mentioned at all in W.P.(C) 4203/2025 filed before this Court.

4. Whatever the scope of the earlier writ petition filed before the Rajasthan High Court, it clearly emanated out of a challenge to the answer key of the same examination. The petitioner, in my view, cannot be permitted to challenge the answer key of different questions by way of separate writ petitions instituted in different High Courts. If the petitioner wished to challenge the answer key in respect of more than one question, he ought to have done so at the first instance, and in any event, before the same Court. The petitioner's conduct is akin to forum shopping, which has been frowned upon by the Supreme Court. Reference may be made in this connection to the judgments *inter-alia* in *Sarguja Transport Service v. S.T.A.T.* [(1987) 1 SCC 5], *Union of India v. Cipla Ltd.* [(2017) 5 SCC 262], and *Vijay Kumar Ghai and Others v. State of West Bengal and Others* [(2022) 7 SCC 124].

5. Particularly, in these circumstances, I am of the view that the liberty granted by order dated 08.04.2025 cannot be construed as a determination that the petitioner will be entitled to adjudication of a fresh writ petition in this Court.

6. The present writ petition is, therefore, dismissed. However, this order will not come in the way of the petitioner approaching the Rajasthan High Court for the same relief, in respect of which, all rights



and contentions of the parties are reserved. Pending application also stands disposed of.

MAY 13, 2025

PB/AD/

PRATEEK JALAN, J