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

+ **W.P.(C) 8123/2024**

RAJESH KUMAR MEENA & ORS.

.....Petitioners

Through: Mr. Saurabh Agrawal, Ms. Komal M.,
Ms. Laxita Upadhyay and Mr.
Ashutosh Rana, Advocates.

versus

**DEDICATED FREIGHT CORRIDOR CORPORATION OF INDIA
LTD.**

.....Respondent

Through: Mr. V.S.R. Krishna, Advocate.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

09.03.2026

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CM APPL. 13972/2026 (for directions)

1. By this application, the Petitioners seek interim directions permitting them to participate in the promotion process from Grade N5 to Grade E0 pursuant to Circular No. 06/2026 dated 29th January, 2026.
2. The relief sought cannot be granted at an interlocutory stage. Eligibility for participation in a promotional process is governed by the applicable promotion policy and the governing circular. A direction permitting participation *dehors* the prescribed conditions would, in substance, amount to judicial re-writing of the eligibility criteria. Such a course is ordinarily impermissible, particularly where the very basis of the claim depends upon the success of the writ petition itself.



3. Counsel for the parties fairly submit that instead of keeping the application pending, the writ petition itself may be taken up for final disposal.

4. In view thereof, no separate directions are required on the present application. Dismissed.

W.P.(C) 8123/2024

Facts

5. This petition assails the order dated 19th October, 2023, passed by the General Manager/HR of the Respondent, whereby the Petitioners' representation against the Computer Based Test ("CBT") conducted on 13th November, 2021 for accelerated inter-cluster promotion to N5 grade was rejected. The Petitioners also seek consequential relief founded upon a challenge to the answer key, the evaluation process, and the continued validity of the promotional exercise undertaken on the basis of the said CBT.

6. The broad factual background is not in dispute. The Respondent introduced, under its promotion policy, a special avenue by which eligible Multi-Tasking Staff ("MTS") could compete for accelerated promotion to N5 level through a CBT. The qualifying benchmark prescribed was 60 marks. The CBT in question was held on 13th November, 2021. An answer key was thereafter circulated on 17th November, 2021. A portal was opened to enable candidates to raise objections. Upon consideration of objections, marks were awarded to all candidates in relation to certain questions, including ten marks in the 'Rajbhasha' section and marks in respect of questions found to be out of syllabus, carrying incorrect keys, or containing incorrect options.

7. The Petitioners were unsuccessful in the said CBT. Their case is that a



substantial number of questions were either out of syllabus, beyond the prescribed educational level, or carried incorrect answers. Their principal grievance, as ultimately crystallised, concerns fifteen questions which, according to them, continued to remain erroneously treated even after revision of the answer key. The Petitioners rely particularly upon the distinction between “*Arithmetic*” and what they describe as “*Advanced Mathematics*”, including algebra, geometry and trigonometry, and contend that several questions in the paper travelled beyond the notified syllabus. A further grievance is that some technical questions were also beyond the scope of the syllabus or the level expected of the post.

8. An earlier writ petition [W.P.(C) No. 3989/2022] challenging the same CBT came to be disposed of by order dated 20th July, 2023, whereby this Court directed the Petitioners to submit a fresh and detailed representation and directed the competent authority of the Respondent to dispose of the same by a detailed and reasoned order after hearing the Petitioners. It is pursuant to that direction that the impugned order dated 19th October, 2023 came to be passed.

9. During the pendency of the present proceedings, the Petitioners have since progressed in service. They have secured promotion to the N5 grade in the subsequent promotional exercise(s). The Petitioners nevertheless contend that the present challenge is not rendered academic, as success in the petition would have implications for their placement and seniority.

Petitioners’ Submissions

10. Mr. Saurabh Agrawal, counsel for the Petitioner, makes the following submissions in support of the petition:

10.1. The impugned order does not truly answer the Petitioners’ objections.



It does not undertake any question-wise examination of the disputed items, does not disclose the reasoning of the Test Conducting Agency, and does not explain why the objections were found untenable. The order merely reiterates the Respondent's stand in broad terms and, in substance, reproduces the defence already taken in the earlier round of litigation. What this Court had required was a real consideration of the objections and a reasoned decision; what has been supplied is only a formal rejection.

10.2. The process adopted by the Respondent lacks transparency. The Respondent states that the fifteen disputed questions were forwarded to the Test Conducting Agency and that, upon reconsideration, the objections were found "*invalid*". However, neither the opinion of the Test Conducting Agency nor the reasons underlying that conclusion have been furnished to the Petitioners. Repeated requests, including those raised under the Right to Information Act, have not yielded disclosure. Where the entire validity of the revised answer key is defended on the basis of expert scrutiny, yet the expert's reasoning is withheld, the process becomes opaque and effectively insulated from meaningful challenge.

10.3. It is emphasised that the challenge is not to every question in the paper, nor is it a roving invitation to this Court to re-evaluate the entire examination. The challenge is confined to a limited set of questions which are demonstrably wrong, plainly out of syllabus, or beyond the educational standard prescribed. On the revised answer key, most of the Petitioners have secured 59 marks, while the qualifying benchmark is 60. Thus, the dispute is narrow, concrete, and materially significant.

10.4. The legal position is not in dispute. Reliance is placed on *Ran Vijay*



*Singh & Ors. v. State of U.P. & Ors.*¹ and *Vikesh Kumar Gupta & Anr. v. State of Rajasthan & Ors.*² to contend that courts do not ordinarily interfere in examination matters, but may do so in rare and exceptional cases where the error is apparent without any elaborate inferential exercise. The present case falls within that limited window because several of the disputed questions are self-evidently outside the notified syllabus and/or rest on plainly erroneous answers.

10.5. The principal attack concerns the syllabus itself. The Respondent had notified that the standard of questions would generally be in conformity with the educational standards and/or the minimum technical qualifications prescribed for the post. For promotion to N5, the relevant qualification is High School plus ITI certificate with 60% aggregate marks. The examination notification specifically referred to subjects such as General Knowledge/Awareness, Arithmetic, General Intelligence and Reasoning, General Science, and Technical Ability. Despite that, a substantial number of questions, particularly in the segment supposedly relatable to arithmetic, travelled into algebra, trigonometry, geometry, and what would ordinarily be treated as advanced mathematics. These are not mere variants of arithmetic, but distinct areas falling outside the syllabus as notified.

10.6. In support of that submission, it is emphasised that arithmetic cannot be stretched to absorb every branch of school-level mathematics. Once the Respondent chose to identify “*Arithmetic*” as a distinct area, candidates were entitled to proceed on the basis that algebraic, trigonometric, and geometric problem-solving of a more advanced kind would not form part of the paper.

¹ (2018) 2 SCC 357.

² (2021) 2 SCC 309.



Reliance is placed on the decision of the High Court of Rajasthan in ***Prabhu Dayal Sesma v. Rajasthan Public Service Commission, Ajmer***³, to submit that arithmetic, algebra, and geometry are not interchangeable expressions.

10.7. The Respondent has acted inconsistently even within its own review exercise. Similar questions, or questions resting on the same conceptual footing, were in some instances treated as out of syllabus, while others were retained. This selective approach exposes the arbitrariness of the revised answer key and shows that the review was neither principle-based nor even-handed.

10.8. Specific objections are also raised against individual questions. By way of illustration, the answer key to the question concerning the “finest iron ore with a very high content of iron up to 70 per cent” is demonstrably wrong. The Respondent’s key treats “Magnetite” as the correct answer. The Petitioners contend that the correct answer ought to be “Hematite”, because the question uses the expression “up to 70%”, whereas Magnetite is generally referred to as having iron content of 70% and above. This is not a matter of preference between two plausible options, but an objectively incorrect key.

10.9. Similar objections are taken to technical questions which lie outside both the notified syllabus and the level of competence expected from candidates with the prescribed educational background. Specifically, the question relating to Ultimate Tensile Strength and the question relating to deep screening of loop lines for ballast are not traceable to the syllabus circulated for the examination. In one case, the question is said to require technical depth well beyond the ITI level; in the other, it is said to be drawn

³ 1991 SCC OnLine Raj 574.



from the Indian Railway Permanent Way Manual, which was never prescribed as part of the examination material.

10.10. It is stressed that this was the first such accelerated promotional examination conducted by the organisation. No study material was supplied. No previous papers were available. No departmental preparatory material was issued. Candidates were therefore required to prepare based on the published syllabus alone and, where necessary, by resorting to standard competitive examination material available in the public domain. The Petitioners have also placed on record material from recognised publications to show the accepted distinction between “*Arithmetic*” and “*Advanced Mathematics*”. The grievance is that, having failed to provide any preparatory framework of its own, the Respondent could not thereafter test the candidates on terrain not fairly indicated in the syllabus.

10.11. The ‘*Rajbhasha*’ segment, in particular, contained questions on grammar and syntax at a level well beyond the educational standard associated with the post and the prescribed qualification. The very fact that the Respondent ultimately awarded ten marks across the ‘*Rajbhasha*’ section itself shows that the paper suffered from serious defects.

10.12. The Respondent has still not disclosed the full revised merit position, the revised mark list of all candidates, or a complete analytical basis on which the objections were accepted in part and rejected in part. A process affecting promotion and seniority cannot be allowed to rest on unexplained conclusions of an undisclosed expert body.

10.13. In conclusion, this is not a case calling for a general re-appreciation of academic standards. It is a case of patent error, arbitrariness, and opacity in the treatment of specific objections. On that basis, the revised answer key



and the consequential result of the CBT dated 13th November, 2021, are liable to be interfered with, and that appropriate consequential relief, including correction of result and restoration of seniority, ought to follow.

Respondent's Submissions

11. Mr. V.S.R. Krishna, counsel for the Respondent, opposes the petition and contends as follows:

11.1. The writ petition is wholly misconceived. The Petitioners, having participated in the examination with full knowledge of the procedure, syllabus, qualifying marks and method of selection, cannot turn around after failure and challenge the process itself. Reliance is placed on settled law that a candidate who takes a calculated chance in a selection process cannot assail it merely because the outcome turns unfavourable.

11.2 The scope of judicial review in matters concerning academic evaluation and answer keys is extremely limited. Once objections were invited, considered and referred to the Test Conducting Agency, and the final answer key was revised accordingly, the matter must ordinarily rest there. The Court does not sit as an appellate authority over expert opinion in examination matters. Further, the syllabus itself indicated that that questions would be “*generally in conformity with the educational standards and/or technical qualifications prescribed*”, which permitted a wider range of questions and cannot be read narrowly

11.3 The Respondent acted fairly and transparently throughout. A detailed syllabus had been circulated well in advance. A portal was opened for objections. The answer key was revised. Substantial benefit was granted to all candidates, including blanket award of marks in the ‘*Rajbhasha*’ section and correction in respect of other defective questions. The result is reflected



in the fact that 59 out of 80 candidates qualified, which itself shows that the examination was not arbitrary in design or execution.

11.4 The impugned order was passed in compliance with the earlier order of this Court, after considering the representation and after granting personal hearing to the Petitioners' representatives. The order records the factual background, the grievance redressal mechanism adopted, the corrective exercise already undertaken, and the reasons why no further change was warranted.

11.5 The challenge is liable to fail on practical and equitable considerations. Promotions pursuant to the 2021 CBT have long since been acted upon. Seniority positions have moved forward. Some Petitioners themselves have earned further promotions in the ordinary channel or through later promotional exercises. Any interference at this stage would unsettle a closed selection and create avoidable administrative disruption.

Analysis

12. At the outset, one aspect requires brief clarification. When the petition was instituted, the Petitioners were working at N2 level and sought relief in relation to the CBT held on 13th November, 2021 for promotion to N5 grade. During the pendency of the proceedings, they have since moved ahead in service and, as noticed in the record, have secured promotion to N5 in the subsequent CBT held in 2023. They however argue that the challenge is not rendered entirely academic because if the 2021 CBT is found to have been vitiated, consequential re-fixation of their placement and seniority would follow. The matter is therefore examined on that footing.

13. The real question that falls for determination lies within the narrow scope of examination disputes in which a writ court may justifiably interfere



with an answer key, the evaluation founded upon it, or the decision taken by the recruiting or promoting authority after considering objections. As per the settled position, the Court while exercising judicial review does not sit as an appellate examiner. It does not re-set question papers, re-evaluate academic standards, or substitute its own view in place of that of subject experts merely because one side is able to cite textbooks or publications in support of its view. Judicial intervention is warranted only where the error is patent, self-evident, and demonstrable without embarking upon a long inferential exercise. That restraint has been stated with clarity in *Ran Vijay Singh*, and reiterated in *Vikesh Kumar Gupta*, where the Supreme Court emphasised that courts must ordinarily defer to the opinion of expert bodies and refrain from undertaking an independent evaluation of answer keys. The same line of principle also informs the decision in *West Bengal Central School Service Commission v. Abdul Halim*⁴.

14. The Court is therefore not concerned with whether another view on some of the disputed questions is possible. Nor is the Court to undertake a fresh academic comparison between competing study materials, manuals, and publications in order to see whether one answer appears preferable. The only inquiry is whether the objections raised by the Petitioners disclose a manifest defect of such clarity that the impugned decision cannot be allowed to stand.

15. Before turning to the individual strands of challenge, it is necessary to notice the factual setting in which the impugned order came to be passed. The Respondent had introduced a special channel of accelerated promotion by which MTS could compete, through CBT, for direct movement to N5

⁴ (2019) 18 SCC 39.



level. The syllabus for the examination published by DFCCIL, provided that *“The standard of questions for the online examination will be generally in conformity with the education standards and /or minimum technical qualifications prescribed for the post (Jr. Executive)”*. It was further stated that the question papers will be Objective Type with Multiple Choice and are likely to include questions pertaining to General Knowledge/Awareness, Arithmetic, General Intelligence and reasoning, General Science and Technical ability. The qualifying benchmark was fixed at 60 marks.

16. The syllabus was notified in January 2021, and the examination was conducted in November 2021. After the examination, an answer key was circulated, a mechanism for objections was opened, and the objections received were placed before the Test Conducting Agency. That exercise resulted in certain corrections: ten marks were awarded to all candidates in the ‘*Rajbhasha*’ section, marks were awarded in respect of eight questions treated as out of syllabus, two questions carrying incorrect answer keys, and one question having incorrect options. The result was thereafter published, and 59 of the 80 candidates who appeared in the CBT qualified.

17. The impugned order dated 19th October, 2023 was passed after an earlier round of litigation, in which this Court required the competent authority to consider the Petitioners’ detailed representation, hear them, and pass a reasoned order. The order records that three representatives of the Petitioners were heard in person. It records the background of the promotional scheme, the grievance redressal process adopted after the CBT, the corrections already made, and the further reconsideration of the fifteen questions specifically pressed by the Petitioners during the hearing. The order then states that those fifteen questions were again referred to the Test



Conducting Agency, which advised that the objections in respect of all those questions were invalid.

18. The Petitioners assail that order as being opaque and insufficiently reasoned. There is some force in the submission; the order could have been more exact in its articulation. It does not set out a question-wise analysis of each of the fifteen disputed items, nor does it reproduce the reasoning of the Test Conducting Agency in detail. However, the Court is unable to hold that the order is for that reason vitiated. The order does set out the background, the process followed, the broad reasons why the Respondent found no merit in the objections, and the fact that the fifteen disputed questions were again sent to the Test Conducting Agency for reconsideration. In the context of a challenge to an examination process, the absence of a question-by-question academic essay in the impugned order does not by itself justify interference, unless the underlying errors are otherwise shown to be manifest.

19. The Petitioners' main contention is that several questions were out of syllabus, particularly because the syllabus referred to "*Arithmetic*", whereas a number of questions were said to pertain to trigonometry, algebra, geometry, which comprise advanced mathematics. This submission cannot be brushed aside lightly. Once an employer prescribes a syllabus, candidates are entitled to structure their preparation around it. A promotion examination cannot be defended by inviting candidates to discover, after the event, that expressions used in the syllabus were meant in a far wider sense than the text suggested.

20. Even so, the difficulty for the Petitioners lies elsewhere. The standard laid down in *Ran Vijay Singh* is exacting. The Court can interfere only where the error is clear and demonstrable without any inferential process of



reasoning. On the material placed, the Court is unable to say that the retained questions are so plainly alien to the notified field that no expert body could have treated them as falling within the examination standard. The Respondent has pointed to the stipulation that the questions would generally be in conformity with the educational standards and/or minimum technical qualifications prescribed for the post, and has also emphasised that the promotional post was four levels above the Petitioners' entry-level position. Whether a given question involving basic mensuration, a simple algebraic operation, or a mathematical application ordinarily taught at school level stands wholly excluded merely because the syllabus used the expression "*Arithmetic*" is not a question admitting of only one indisputable answer. It is, at the least, arguable. Once that is so, the matter exits the narrow window of judicial review.

21. The Petitioners rely on *Prabhu Dayal Sesma* to submit that arithmetic, algebra and geometry are distinct subjects. As a conceptual proposition, and in the context in which that decision was rendered, the argument may have some force. But the present controversy does not turn on an abstract classification of mathematical disciplines. It turns on whether the questions objected to are so demonstrably outside the examination contour that their retention becomes indefensible in law. This Court does not find that threshold satisfied.

22. The Petitioners have attempted to demonstrate arbitrariness by extracting, side by side, questions which were deleted as out of syllabus and questions which were retained, and by contending that both sets belong to the same field of inquiry. That submission has not been overlooked. It has been examined with care. However, the comparison, as presented,



establishes thematic overlap at best; it does not establish identity or such close equivalence that inconsistent treatment becomes self-evident. In syllabus disputes of this kind, it is not enough to show that two questions broadly arise from the same subject-area. What matters is the exact nature of the task set by the question, the level at which the concept is tested, the degree of reasoning required, and whether the question merely uses an underlying concept incidentally or in truth examines a distinct and excluded domain. Two questions may both draw upon mathematical reasoning and yet stand on materially different footing for purposes of syllabus scrutiny.

23. That distinction assumes importance here. The Court would have to undertake a close question-by-question academic comparison to determine whether a retained question was, in substance, indistinguishable from one already deleted. That is precisely the terrain on which judicial review is most circumscribed. The standard is not whether the Petitioners have shown arguable similarity; it is whether they have shown, clearly and without elaborate reasoning, that the retained question could not rationally have been treated differently. On the material placed, that standard is not met. The fact that the expert body deleted some questions and retained others rather indicates that a line-drawing exercise was in fact undertaken. The Petitioners may disagree with where that line was drawn. But disagreement with the expert's calibration is not the same as demonstrating manifest arbitrariness.

24. Put differently, the Court is not persuaded that the retained questions, merely because they share a conceptual neighbourhood with deleted questions, must necessarily suffer the same fate. Unless the equivalence is so plain that no further analytical exercise is needed, the matter remains within the domain of expert assessment. To hold otherwise would require the Court



to enter into precisely the comparative academic evaluation which ***Ran Vijay Singh*** and ***Vikesh Kumar Gupta*** caution against. The challenge on this score, therefore, cannot succeed.

25. The objection to the technical questions stands on no stronger footing. The Petitioners submit that certain questions, including those relating to Ultimate Tensile Strength and to ballast screening under the Indian Railways Permanent Way Manual, were beyond the level indicated in the syllabus or the prescribed qualification. But here again, the Court would have to enter into a technical assessment of what ought, or ought not, to have been regarded as falling within “*technical ability*” for the promotional post. The Respondent’s case is that the difficulty level had necessarily to be pitched at a level appropriate for N5 grade. The Court cannot say, on the material placed, that the retention of those questions discloses a manifest illegality rather than a contestable academic view.

26. The challenge to the answer key in relation to the iron ore question illustrates the same problem from another angle. The Petitioners contend that the answer ought to have been “*Hematite*”, since the question used the expression “*up to 70 per cent*”, while “*Magnetite*” is generally described as having iron content of 70 per cent and above. The objection is not frivolous. However, it remains a matter on which rival reference materials and formulations can be placed. The Court is not persuaded that the answer key is so plainly and indisputably wrong on the face of the record as to justify judicial intervention. At best, the issue appears debatable. A debatable issue is not enough in this jurisdiction.

27. Much emphasis was placed by the Petitioners on the fact that this was the first such CBT held by the organisation, that no study material was



supplied, and that candidates therefore had to rely on market material and general competitive publications. That submission again deserves notice, but does not alter the result. The Respondent is correct in pointing out that the syllabus had been notified well in advance and that the candidates had several months to prepare. The absence of an official preparatory booklet does not, by itself, invalidate the examination, particularly where the subjects notified are conventional in nature and the candidates are being tested for accelerated promotion rather than ordinary time-bound advancement.

28. The Petitioners also argue that the Respondent did not disclose the opinion of the Test Conducting Agency. It would, undoubtedly, have been a more satisfactory course if the underlying expert reasoning had been placed on record in a clearer form. Transparency is always preferable, especially in service-related selection disputes. But the question still remains whether non-disclosure of that internal opinion, by itself, renders the process illegal. The Court does not agree. No statutory provision requiring such disclosure has been shown. Pertinently, even in the absence of that note, the Court has been able to examine the objections as urged before it. Those objections, for the reasons already noted, do not disclose the kind of patent and incontrovertible error that would justify interference.

29. Counsel for the Respondent also submitted that 59 out of 80 candidates qualified, and that this itself indicates that the examination was neither impossible nor arbitrary. That submission cannot be treated as decisive, for legality is not measured solely by pass percentage. The fact remains that the Respondent did not persist with an uncorrected or rigid answer key. It revised the answer key, awarded marks where defects were



found, and extended the benefit of those corrections to all candidates. That feature does not conclude the controversy, but it does militate against the suggestion of an opaque or stubbornly arbitrary process.

30. The Petitioners repeatedly stressed that most of them fell short only by one mark. That circumstance naturally explains the intensity with which the challenge has been pursued. But narrow failure cannot dilute the standard of review. Courts do not grant marks merely because a candidate has fallen short by a small margin. The legal threshold remains the same whether the gap is one mark or ten.

31. The Respondent's additional contention that many of the Petitioners have since earned promotion in the ordinary channel or through the later CBT also deserves brief notice. The Court has already proceeded on the assumption most favourable to the Petitioners, namely, that the issue survives because of the plea of consequential seniority. Even on that footing, however, the challenge cannot succeed unless the original CBT is shown to have been vitiated on the strict standard applicable in answer-key disputes. It has not been so shown.

32. In the end, what the Petitioners seek is, in substance, a second-tier academic review of the 2021 CBT. They seek that this Court should accept their understanding of the syllabus, their sources in support of the disputed answers, their classification of mathematical subjects, and their reading of the technical questions, in preference to the expert assessment relied upon by the Respondent. That is precisely the exercise which the Supreme Court has cautioned courts against undertaking, save in rare and exceptional cases.

33. The Court therefore finds no ground to interfere either with the CBT dated 13th November, 2021, or with the revised answer key, or with the



order dated 19th October, 2023.

34. The petition is accordingly dismissed, along with any pending application(s).

SANJEEV NARULA, J

MARCH 9, 2026/as