

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.12450 of 2025

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JAYMIN MUKESHBHAI PATEL

Versus

UNION OF INDIA & ORS.

Appearance :MS MEGHA JANI, SENIOR COUNSEL ASSISTED BY MS KRISHA M BHIMANI
for the Petitioner.MR NARESH KAUSHIK, SENIOR COUNSEL ASSISTED BY MR BHAGYODAYA
MISHRA for the Respondent No.2.

MR HARSHEEL D SHUKLA for the Respondent No.1.1,1.2

MR PRADIP D BHATE for the Respondent No.1.

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CORAM: **HONOURABLE MR. JUSTICE NIRZAR S. DESAI**

Date : 23/03/2026

ORAL ORDER

1. I have heard learned Senior Counsel Ms. Megha Jani assisted by Ms. Krisha M. Bhimani for the petitioner and learned Senior Counsel Mr. Naresh Kaushik with Mr. Bhagyodaya Mishra for the respondent No.2 - UPSC.

At the outset, learned Senior Counsel Mr. Naresh Kaushik has tendered an affidavit claiming privilege. The same is taken on record.

2. By way of this petition, the petitioner has prayed for the following reliefs :-

“(A) That the Hon’ble Court be pleased to issue a writ of mandamus and/or any other writ in the nature of mandamus or any other appropriate writ,

order or direction

(1) commanding the Respondents to declare the Answer Key with respect to Question No. 25 in Test Booklet Series-D in General Studies Paper-I in Civil Services (Preliminary) Examination, 2024 conducted pursuant to Examination Notice No. 06/2024- IFOS dated 14.02.2024 is incorrect and consequently, revise the marks obtained by the Petitioner; Annex A

(ii) commanding the Respondents to allow the Petitioner to take one attempt of the the Indian Forest Service (Main) Examination;

(B) That pending the hearing and final disposal of this Petition the Hon'ble Court be pleased to direct the Respondents to allow the Petitioner to fill up/submit/upload form for Indian Forest Service (Main) Examination pursuant to Examination Notice No. 06/2025- IFOS dated 22.01.2025 and to allow the Petitioner to participate in the Main Examination which is scheduled to commence on 16.11.2025 or on such date as it may be rescheduled and in further selection process for the Indian Forest Services;”

3. In view of the relief prayed for, the matter was heard by the coordinate Bench extensively and after by-parte hearing, on 15.10.2025, the coordinate Bench has passed an elaborate order,

which reads as under :-

“1. Heard learned advocate Ms. Megha Jani for Learned Advocate, Ms. Krisha M. Bhimani for the petitioner, Learned Advocate Mr. Harsheel Shukla for respondents no. 1.1 and 1.2 and learned Advocate Mr. Bhagyoday Mishra for respondent no. 2.

2. By way of this petition, the petitioner has inter alia, raised a grievance as regards the petitioner having been deprived from appearing in the Mains Examination conducted by the UPSC in the Civil Services Examinations, more particularly on account of the UPSC committing an error insofar as assessing the question in General Studies Paper-I in Civil Services (Preliminary) Examination, 2024 conducted by the UPSC.

3. It is the case of the petitioner that the petitioner had applied for selection to the post of Indian Forest Services (IFS) in UPSC 2024 Examination and whereas, the Civil Services (Preliminary) Examination, 2024 was conducted on 16.06.2024.

3.1. It appears that the results of the preliminary examination were declared on the 01.07.2024 and whereas the candidates who had qualified were permitted to appear in the Indian Forest Service

(Mains) Examination, 2024. It would appear that while the petitioner had applied for copy of O.M.R. sheet under the Right to Information Act, he had been intimated that copies of the same would be provided only after the entire process i.e. after the declaration of the final results. It would appear that the examination for the post in question had been conducted by the UPSC on the 24.11.2024 and whereas on 30.01.2025 the results were declared and after the interviews were conducted, on 19.05.2025 the final result came to be declared by the UPSC.

3.2. It would appear that the UPSC had declared the answer key with regard to General Studies Paper-I and Paper-II i.e. the preliminary examination on 21.05.2025. Parallely, the petitioner had made an application on the very day and vide a communication dated 05.06.2025, the petitioner had been provided with a copy of O.M.R.sheet of the petitioner. It would appear in this regard that in the question paper with regard to General Studies Paper-I, according to the petitioner, the answer given by the UPSC was erroneous and whereas, a representation had been made by the petitioner and whereas, since the same had not been decided, originally, the petitioner had approached the Hon'ble Apex Court by preferring a Writ Petition No. 801/2025 under Article 32 of the Constitution of India.

3.3. It would also appear that vide an order dated 25.08.2025, the Hon'ble Apex Court had permitted the petitioner to withdraw the writ petition so as to approach the High Court to avail remedy under Article 226 of the Constitution of India. It would also appear in this regard that the conundrum has arisen on account of the fact that the UPSC declares the final answer key even for the preliminary examination after the final result is over. The issue being that in a case like the present, where the candidate is of the opinion that the answer given by the UPSC may not be correct, it would be too late in the day, after the final result is declared by the UPSC, for the candidate to have challenged the same before appropriate forum.

3.4. It would also appear that the Hon'ble Supreme Court was also seized of petitions raising such questions with regard to conducting of the Civil Services Examination by the UPSC and whereas, learned advocate Ms. Jani would submit that, to the best of her instructions, more particularly as per the reports which have appeared in the Live Law Application, the petition has been disposed of by the Hon'ble Apex Court. Learned advocate would submit that even the case status on the Supreme Court Website also shows the matter as having been disposed of. Relying upon the report in the Application, learned advocate would submit

that the Hon'ble Apex Court had inter alia opined that persons having similar grievance or grievance against the way the examination had been conducted by the UPSC, should be directed to approach the Central Administrative Tribunal and whereas, the Hon'ble Apex Court had permitted such candidates to approach this Court.

4. Insofar as the merits is concerned, the issue is with regard to a question based upon the Constitution of India which inter alia is reproduced as hereinbelow:-

“25. With reference to Union Budget, consider the following statements:

1. The Union Finance Minister on behalf of the Prime Minister lays the Annual Financial Statement before both the Houses of Parliament.

2. At the Union level, no demand for a grant can be made except on the recommendation of the President of India. Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2”

4.1. While the UPSC, in its final answer key, had declared that option (c) i.e. Both 1 and 2 would be

the correct answer, according to the petitioner, the correct answer would be option (b) i.e. 2 only. Learned advocate Ms. Jani would draw the attention of this Court to Article 112 which inter alia states as regards the President laying before the Houses of Parliament a statement of the estimated receipts and expenditure of Government of India for that year, referred to as the Annual Financial Statement. Learned advocate would further draw the attention of this Court to Article 113 of the Constitution of India whereby the Constitution has inter alia prescribed the procedure with regard to estimates to be tabled in the Parliament. Learned advocate would rely upon sub-article (3) of the said Article whereby it is clearly stated that no demand for a grant shall be made except on the recommendation of the President. Learned advocate would submit that since the first part of question no. 25 states as if that Union Finance Minister is laying the Annual Financial Statement before the Houses of Parliament on behalf of the Prime Minister, the said statement as per Article 112 was an erroneous statement since the Annual Financial Statement is laid on behalf of the President of India.

4.2. As far as no.2 is concerned, the said proposition being in tandem with Article 113, learned advocate would submit that the said question could be answered correctly as per answer

no.(b) i.e. with option no.2 only and whereas the UPSC has incorrectly stated about the answer no. (c) i.e. both the options being correct.

4.3. Learned advocate would also draw the attention of this Court to the final result obtained in preliminary examination by the petitioner and would submit that the petitioner had obtained 98.29 marks in the Civil Services (Preliminary) Examination, 2024 for the IFS and whereas, the cut off for General category was 100.35 marks for the said post. Learned advocate would thereafter draw the attention of this Court to affidavit-in-reply filed by the UPSC and would submit that the UPSC has admitted that if the petitioner had been given weightage of one question that would be an additional 2.06 marks and whereas, therefore, the petitioner would have made the cut off for appearing in the Mains Examination. Learned advocate would submit that since the answer key had been released by the UPSC after the mains examination and the interviews were over i.e. after the final results were declared, the petitioner could not be left remediless and whereas, under such circumstances, learned advocate would press for being granted interim relief in terms of permitting the petitioner to appear in the Civil Services (Mains) Examination, 2025.

5. This petition is opposed by learned advocate Mr.

Bhagyoday Mishra on behalf of the UPSC. Learned advocate would submit that the UPSC is an organization which has been established in the year 1950 and whereas, the organization is functioning with utmost sincerity from the said date onwards. Learned advocate would further submit that as far as the Preliminary Examination for the year 2024 is concerned, a total of 1,23,705 candidates had appeared and whereas, 26,000 candidates were declared successful. Learned advocate would submit that the fact that none of the candidates had approached either this Court or any other Court for challenging the Preliminary Examination would itself go to show that the UPSC had conducted the procedure with utmost sincerity and whereas, it is submitted that this Court may not entertain the petition and may not grant any interim relief at this stage.

6. Having heard learned advocates for the respective parties, this Court is of the opinion that the petitioner has made out a prima facie case for interference. More particularly, to this Court, it would appear that the answer given by the UPSC may not be correct, more particularly, even applying the limited jurisdiction this Court has, as laid out by the Hon'ble Apex Court in case of *Ran Vijay Singh vs. State of U.P.*, reported in (2018) 2 SCC 357. Perusal of Article 112 and Article 113 of the Constitution of India, makes it more than clear

that the Annual Financial Statement is tabled on behalf of the President of India and the proposition at Question 25(1), that the same is laid on behalf of the Prime Minister of India is not the correct proposition.

6.1. Having observed as thus, the question would be that how could this situation be salvaged insofar as the petitioner is concerned.

6.2. In this regard, it would appear that the situation which has arisen, while it is being looked at by the Hon'ble Apex Court yet, this Court cannot but observe that in an examination of such an importance, the fact that the answer keys are being published after the final results are declared, would not be of any purpose whatsoever. To this Court, it would appear that such declaration would be rendering the candidates like the petitioner almost remediless since a defense which could be very reasonably taken would be that since the final examinations and the interviews for the UPSC examination for the said year has been concluded, nothing could be done about it. To this Court, such a position cannot be countenanced.

6.3. To this Court, it would appear that since the above situation is of the creation of the UPSC and whereas, since the prima facie opinion of this Court as regards the answer to question no.25 having

been erroneously given by the UPSC could not be dislodged by learned advocate for the respondent and since it also *prima facie* appears that since the wrong evaluation of one question has resulted in the petitioner being excluded from the Mains Examination for UPSC, 2024, at this stage, as a via media, the following directions are being passed :-

(i) Issue Notice to the respondents, returnable on the 15.12.2025. Learned Advocate Mr.Shukla waives service of notice on behalf of respondents no.1.1 and 1.2. Learned Advocate Mr.Bhagyoday Mishra waives service of notice on behalf of respondent no.2.

(ii) By way of interim relief, respondent no.2 is directed to permit the petitioner to appear in the examination for Indian Forest Service (Main) Examination / Civil Services (Mains) Examination pursuant to Examination Notice No.06/2025-IFoS dated 22.01.2025.

(iii) It is further clarified that while the petitioner is permitted to appear in the examination, the result of the petitioner shall be kept in a sealed cover, which would be opened only after the directions of this Court and whereas, it is further clarified that permission to appear in the examination shall not be treated as any equity being created in favour of the petitioner.

(iv) The UPSC shall take appropriate steps to ensure that whatever procedural formalities have to be completed by the petitioner are done as soon as possible and whereas, the UPSC shall ensure that the petitioner is permitted to sit in the examination for the IFoS post in the 2025 examination.

Direct service of this order is permitted.”

4. The aforesaid order dated 15.10.2025 was carried before the Hon’ble Supreme Court by way of Special Leave to Appeal (Civil) No.32756 of 2025 and the same was dismissed by the Hon’ble Supreme Court vide order dated 14.11.2025, which reads as under :-

“1. While we are not inclined to interfere with the impugned order passed by the High Court, we are of the opinion that the directions, such as those in the order impugned before us, have a direct bearing on the conduct and integrity of the examination.

2. However, in view of the fact that the order impugned before us is passed way back on 15th October, 2025 and the Mains exam is imminent, we are disinclined to exercise our discretion under Article 136 of the Constitution. The Special Leave Petition is, accordingly, dismissed.

3. We request the High Court to take up the writ petition expeditiously on its own merits, preferably within three months from today.
4. Pending interlocutory application(s), if any, is/are disposed of.”
5. In the meantime, as the petitioner was allowed to participate in the Indian Forest Service (Mains) Examination, 2024 for the post of Indian Forest Services (IFS), his result was not declared. Today, learned advocate Mr. Bhagyodaya Mishra appearing for the respondent No.2 – UPSC has tendered a sealed cover consisting the result of the petitioner. The same was opened in presence of learned Senior Advocate Ms. Megha Jani and learned Senior Advocate Mr. Naresh Kaushik and as per the said result, the petitioner was declared to be qualified in the written examination.

After recording the result of the petitioner, the sealed cover was given back to learned advocate Mr. Bhagyodaya Mishra.
6. In view of the above result of the petitioner, learned Senior Advocate Ms. Megha Jani submitted that looking to the complex nature of controversy in question, at this juncture, the petitioner may be permitted to appear in the oral interviews which are scheduled to start from 6.4.2026 and the petitioner is ready and willing to even file an undertaking that he shall not claim any right or equity if the petitioner is allowed to participate in the oral interview for the post of Indian Forest Services (IFS) and only after the interview of the petitioner is over, if the Court deems it

appropriate, the Court may direct the respondents to bring the result of the petitioner in the sealed cover, and if the petitioner succeeds, in that case only, the controversy in question may be adjudicated.

7. Learned Senior Advocate Mr. Naresh Kaushik appearing for the respondent No.2 - UPSC submitted that if the Court directs the respondents to carry out the aforesaid exercise, the same is not going to cause any prejudice to the respondents. But at the same time, in case if the petitioner succeeds in clearing the interview, then in that case only, the Court is required to decide the controversy in question and if the petitioner fails in the interview, then in that case, the matter will not be required to be adjudicated on merits.

8. Learned Senior Counsel Mr. Naresh Kaushik vehemently opposed the petition and submitted that looking to the controversy in question, the issue under challenge is required to be adjudicated at the earliest. He further submitted that allowing the petitioner to participate in the oral interview for the post of Indian Forest Services (IFS) would not be legally justifiable simply for the reason that the petitioner had applied for 2024 Batch and today, by virtue of Court's order, the petitioner would be appearing in interview for 2025 Batch and, therefore, in the meantime, the petitioner has reached the upper age limit and he is not qualified for 2025 Batch and, therefore, such permission would run contrary to the Rules framed by UPSC in respect of upper age limit of the candidates and this Court may outrightly reject such contention raised by learned Senior Counsel Ms. Megha Jani.

9. Learned Senior Counsel Mr. Kaushik also submitted that it is not open for the Court to go behind the question and the interference in the process of examination as can be seen from the catena of decisions, some of which are referred to in the affidavits and additional affidavits filed by the respondents. Therefore, Mr. Kaushik insisted that the matter be decided and heard today itself or at least, if not today, without allowing the petitioner to appear in the oral interview for the post of Indian Forest Services (IFS).

10. I have heard learned Senior Counsels appearing for the respective parties and perused the record. I have considered the fact that the petition was filed in respect of Indian Forest Service (Mains) Examination, 2024 and thereafter, on 15.10.2025, the coordinate Bench of this Court had passed the interim order whereby by way of direction No.2 given in paragraph 6.3, the petitioner was permitted to appear in the examination for Indian Forest Service (Main) Examination / Civil Services (Mains) Examination pursuant to Examination Notice No.06/2025-IFoS dated 22.1.2025. The aforesaid order was carried before the Hon'ble Supreme Court and the Hon'ble Supreme Court did not interfere with the aforesaid order and SLP was dismissed.

11. The aforesaid fact would indicate that while passing the interim order, the coordinate Bench was very much aware about the fact that the actual advertisement for which the petitioner participated was for the year 2024, whereas pursuant to the direction, the petitioner appeared in the examination taken up by the respondents in the year 2025 which was altogether for different advertisement. The aforesaid order was not interfered by the Hon'ble Supreme Court and the SLP filed by the UPSC was

dismissed which would also indicate that even the Hon'ble Supreme Court had also permitted the petitioner to appear in the written examination for the year 2025 conducted by UPSC.

12. In view of the above factual background, the submission made by learned Senior Counsel Mr. Kaushik at this juncture cannot be accepted simply for the reason that now since the petitioner is qualified in the written examination also pursuant to the interim direction issued by the coordinate Bench vide order dated 15.10.2025 and, therefore, at this juncture, if the submission of learned Senior Counsel Mr. Kaushik is accepted, the same would ultimately render the interim order dated 15.10.2025 passed by the coordinate Bench infructuous.

13. I have also considered the submission made by learned Senior Counsel Ms. Megha Jani that mere allowing the petitioner to participate in the oral interview would not create any right, equity in favour of the petitioner. At the same time, if the petitioner fails in the oral interview, the entire controversy can be put to rest and the controversy is required to be decided only in case if the petitioner succeeds in the oral interview.

14. Learned Senior Counsel Mr. Kaushik also could not point out either from the record or from submission as to how such an order of permitting the petitioner to participate in the oral interview would prejudicially affect the respondents or any other stake holders. In absence of there being any material to indicate that allowing the petitioner to participate in the oral interview would not create any right or equity in favour of the petitioner and as the same would not adversely affect any of the stake holders, I

propose to issue following directions :-

(I) The respondents are directed to permit the petitioner to appear in the oral interview for the post in question and for the said purpose, allow the petitioner to fill up the detailed application forms or to perform any other formality that would be required for appearing in the oral interview as if the petitioner is duly qualified for 2025 Batch for the post of Indian Forest Services (IFS) and the petitioner's shortfall of 2.06 marks would not come in the way of the petitioner in considering the case of the present petitioner at least for the purpose of allowing the petitioner to appear in the oral interview in light of the fact that the petitioner has successfully cleared the written examination.

(II) The respondents shall not create any hurdle and allow the petitioner to fill up the detailed application form as well as any other formality that is required to be completed, which is to be filled online before the oral interview and in case, the Portal to accept such application is already closed, then the petitioner is permitted to make a physical application and the respondents are directed to accept the same and process it as if the petitioner is a qualified candidate.

(III) The petitioner is directed to furnish an undertaking before the UPSC within a period of one week from today to the effect that such permission to appear in the oral interview for the post of Indian Forest Services (IFS) shall not create any right or equity in favour of the petitioner and the petitioner even if succeeds in such interview, he shall not claim appointment only on the basis of such performance unless the petition is decided in

favour of the petitioner.

(IV) The respondent No.2 - UPSC is directed to keep the petitioner's result of oral interview in sealed cover and on the next date or at a subsequent date, when the results of all the candidates are published, the respondents are directed to bring the result of the petitioner in a sealed cover before this Court so as to know the fate of the petitioner in the oral interview.

15. In view of the above directions, list the matter for final adjudication on 23.6.2026.

(NIRZAR S. DESAI,J)

SAVARIYA