

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

D.B. Civil Writ Petition No. 12775/2024

Sumit Agarwal S/o Late Shri Subhash Chandra Agarwal, Aged About 35 Years, Occupation - Chartered Accountant, R/o- 45, First Floor Amrit Nagar, Kotla Mubarakpur New Dehli- 110003.

----Petitioner

Versus

1. The High Court Of Judicature Of Rajasthan, Through Registrar General, Rajasthan High Court Building, Jodhpur, Rajasthan.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur Rajasthan.

----Respondents

Connected With

D.B. Civil Writ Petition No. 12254/2024

Avinash Bhardwaj S/o Shri Pramod Bhardwaj, Aged About 25 Years, Resident Of 71-Rail Nagar, Queens Road, Nirman Nagar, Jaipur (Raj.) - Roll No.958910.

----Petitioner

Versus

1. Rajasthan High Court, Jodhpur, Through Registrar General, Rajasthan High Court Building, Jodhpur.
2. Rajasthan High Court, Jodhpur, Through Registrar (Examination) Rajasthan High Court Building, Jodhpur.

----Respondents

D.B. Civil Writ Petition No. 12688/2024

1. Tejaswi Surolia Son Of Shri Sanjay Surolia, Aged About 27 Years, Resident Of Surolia Sadan, Near Kesra Temple, Rambas, Rajgarh, Sadulpur, Churu, Rajasthan
2. Mohan Lal S/o Late Shri Rughnath, R/o Village Anoppura, Tehsil Amer, District Jaipur
3. Omprakash Raiger S/o Late Shri Rughnath, R/o Village Anoppura, Tehsil Amer, District Jaipur
4. Savitri Devi D/o Late Shri Rughnath W/o Shri Kajodmal, R/o Village Anoppura, Tehsil Amer, District Jaipur, Presently R/o 778, Raigaron Ka Mohalla, Luharon Ka

Mohalla, Jobner, District Jaipur.

5. Kaushalya Devi D/o Late Shri Rughnath W/o Shri Omprakash, R/o Village Anoppura, Tehsil Amer, District Jaipur, Presently R/o 778, Raigaron Ka Mohalla, Luharon Ka Mohalla, Jobner, District Jaipur.
6. Kamla Devi D/o Late Shri Rughnath W/o Shri Hanuman Prasad, R/o Village Anoppura, Tehsil Amer, District Jaipur, Presently R/o Raigaron Ka Mohalla, Village Karansar, Tehsil Sambhar, District Jaipur.
7. Teeja Devi W/o Late Shri Rughnath, R/o Village Anoppura, Tehsil Amer, District Jaipur

----Petitioners

Versus

1. Rajasthan High Court, Through The Registrar General, Dangiyawas By-Pass, Jodhpur-342001
2. The Registrar (Examination), Rajasthan High Court, Dangiyawas By-Pass, Jodhpur-342001

----Respondents

D.B. Civil Writ Petition No. 12807/2024

1. Pooja Sharma D/o Shri Rajendra Kumar Sharma, Aged About 32 Years, Resident Of 14-A, Gyatri Nagar B, Durgapura, Jaipur, Rajasthan (Roll No. 949764).
2. Shyam Singh Pal S/o Shri Phool Singh Pal, Aged About 32 Years, Resident Of Flat No. F-5, A22, A23, A23A, Acharya Vinobha Bhave Nagar, Jaipur, Rajasthan (Roll No. 938477).
3. Raunak Karnat D/o Shri Pushpendra Singh Karnat, Aged About 27 Years, Resident Of 11 Sarv Siddhi Nagar, Ward No. 38, Behind Gurukul School, Beawar, District Ajmer, Rajasthan. (Roll No. 904542).
4. Vishakha Saini D/o Shri Mohal Lal Saini, Aged About 23 Years, Resident Of Ward No. 45, Near D. Siddharath Sr. Sec. School, Reengus Road, Chomu, Jaipur Rural, District Jaipur, Rajasthan (Roll No. 943298).
5. Anjali Shekhawat D/o Shri Bhupendra Singh Shekhawat, Aged About 23 Years, Resident Of Plot No. 81, Jai Paltan Road, Hardeva Vihar, Lal Diggi, Alwar, District Alwar, Rajasthan (Roll No. 946768).

6. Jogendra Singh Rajpurohit S/o Shri Ganpat Singh Rajpurohit, Aged About 34 Years, Resident Of Lalji Maharaj Mandir Ke Pass, Old Pali Bus Stand Ke Pass, Sumerpur, District Pali, Rajasthan (Roll No. 913795).
7. Lovy Sharma D/o Shri Manoj Kumar Sharma, Aged About 23 Years, Resident Of H.no. 2, Sector No. 2, Shjivaji Nagar, Housing Board, Sawai Madhpur, Rajasthan (Roll No. 948773).
8. Pankhuri Gour S/o Shri Vineet Gour, Aged About 27 Years, Resident Of Ward No. 25, Saraswati Nagar, Hoshangabad, Madhya Pradesh (Roll NO. 924228).
9. Naina Singh D/o Shri Pradeep Singh, Aged About 25 Years, Resident Of H.no. 1192, Urban Estate Jind, Haryana (Roll No. 903059).
10. Shahu Minakumari Ladu Lal D/o Shri Shahu Ladulal, Aged About 34 Years, Resident Of Village Hajiya Post Falamada, Tehsil Hurda, District Bhilwara, Rajasthan (Roll No. 908910).
11. Sumati Talwar D/o Shri Pradeep Talwar, Aged About 34 Years, Resident Of 11-A, L.i.g. Flats Prasad Nagar, Karolbagh, New Delhi Central. (Roll No. 957901).
12. Amandeep Singh Gahlot S/o Shri Manjit Singh Gahlot, Aged About 26 Years, Resident Of House No. 79, Village Kakrola, Kakrola, Village, West Delhi (Roll No. 945058).
13. Garima Sharma D/o Shri Tejpal Sharma, Aged About 31 Years, Resident Of J-305, Labham Residency Near Agarwal Public School, Indore, Madhya Pradesh (Roll No. 919559).

-----Petitioners

Versus

1. The Rajasthan High Court, Through Registrar General, Rajasthan High Court Building, Jodhpur, Rajasthan.
2. Registrar (Examination), Rajasthan High Court, Jodhpur, Rajasthan High Court Building, Jodhpur, Rajasthan.

-----Respondents

D.B. Civil Writ Petition No. 12808/2024

1. Vishal Kumar S/o Shri Birbal Singh, Aged About 26 Years, Resident Of Ward No. 11, Village And Post Kirdoli, Tehsil

Sikar Gramin, District Sikar, Rajasthan. (Roll No. 943345).

2. Praveen Jahanara D/o Shri Shammimuddin, Aged About 44 Years, Resident Of 152, Gali No. 3, Rishi Galav Nagar, Galta Gate, Jaipur Rajasthan (Roll No. 915804).
3. Keerti Acharya D/o Shri Ramakant Acharya, Aged About 41 Years, Resident Of F.no. G-2, Plot No. 105, Radhey Krishna Apartment, Modi Nagar, Ajmer Road, Jaipur, Rajasthan. (Roll No. 932454).
4. Suneela D/o Shri Ranjeet Singh, Aged About 29 Years, Resident Of Village And Post Mandota, Tehsil Sikar Gramin, District Sikar, Rajasthan (Roll No. 958050).
5. Surbhi Sharma D/o Shri Rama Kishan Sharma, Aged About 33 Years, Resident Of Ward No. 3, Vakil Colony, Station Road, Mandalgarh, Bhilwara, Rajasthan (Roll No. 918010).
6. Sapna D/o Shri Omprakash Mohata, Aged About 40 Years, Resident Of 10 Shyampuri, Near Kanta Chowk, Jhotwara, Jaipur, Rajasthan (Roll No. 927776).
7. Arpit Gupta S/o Shri Girraj Prasad Gupta, Aged About 26 Years, Resident Of 53-A, Chander Vihar Street No. 13, Near Baba Balaknath Temple, Mandawali, Fazalpur, East Delhi. (Roll No. 951433).
8. Vishal S/o Shri Satish Vats, Aged About 29 Years, Resident Of Flat No. 149, Pocket 2, Delhi. (Roll No. 943312).
9. Ridhi Jain D/o Shri Virender Kumar Jain, Aged About 34 Years, Resident Of D-10, Prashant Vihar, Outer Ringh Road, Rohini, Delhi, North West Delhi (Roll No. 941416).
10. Kajal Pareek D/o Shri Narendra Pareek, Aged About 23 Years, Resident Of 60, Sheer Sagar Patrakar Colony, Mansarovar, Jaipur, Rajasthan (Roll No. 901505).
11. Ekta Yadav D/o Shri Kuldeep Singh, Aged About 33 Years, Resident Ward No. 3, Village Fauladpur, Neemrana, Kothputli, Behror, Rajasthan (Roll No. 944670).
12. Nishtha Mittal D/o Shri Sanjay Agarwal, Aged About 24 Years, Resident Of 3F, 179, Nehru Nagar, Ghaziabad, Utter Pradesh (Roll No. 940922).
13. Ashish Srivastava D/o Shri Chandra Prakash Srivastava,

Aged About 25 Years, Resident Of House No. 00, Gram Baniyadih, Thana And Post Lotan, Siddharath Nagar, Uttar Pradesh (Roll No. 955045).

14. Aastha Phuloria D/o Shri Bipin Chandra Phuloria, Aged About 26 Years, Resident Of 573, Chandanwari Cghs, Plot No. 08, Sector 10 Dwarka, Delhi South West (Roll No. 918936).
15. Jaya Bahar D/o Shri Jagdish Prasad Bahar, Aged About 34 Years, Resident Of 3 Kha 13, Pawanpuri, Bikaner, Rajasthan (Roll No. 901388).

-----Petitioners

Versus

1. The Rajasthan High Court, Through Registrar General, Rajasthan High Court Building, Jodhpur, Rajasthan.
2. Registrar (Examination), Rajasthan High Court, Jodhpur, Rajasthan High Court Building, Jodhpur, Rajasthan.

-----Respondents

D.B. Civil Writ Petition No. 12945/2024

Keshav Khandelwal Son Of Shri Sunil Gupta, Aged About 27 Years, Resident Of B-11 Radha Vihar, New Sanganer Road, Near Vivek Vihar Metro Station, Jaipur, Rajasthan

-----Petitioner

Versus

1. The Honble High Court For Judicature Of Rajasthan, Through Registrar General, Dangiyawas By-Pass, Jodhpur-342001.
2. The Registrar (Examination), Rajasthan High Court, Jodhpur, Dangiyawas By-Pass, Jodhpur-342001.

-----Respondents

D.B. Civil Writ Petition No. 12959/2024

Uday Bara S/o Shri Anil Bara, Aged 30 Years, R/o Ward No 12 Sangriya, Hanumangarh (Raj) 335063.

-----Petitioner

Versus

1. The Honble High Court Of Judicature Of Rajasthan, Jaipur Bench Through Registrar General
2. The Registrar (Examination Cell), Rajasthan High Court,

Jodhpur.

-----Respondents

D.B. Civil Writ Petition No. 12960/2024

Shantanu S/o Shri Hira Lal Dhaka, Aged About 30 Years, R/o Flat No. A 204, Star Residency, Dcm, Herra Nagar, Near Anita Children's Hospital, Jaipur (Raj.) 302021

-----Petitioner

Versus

1. The Honble High Court Of Judicature Of Rajasthan, Jaipur Bench Through Registrar General
2. The Registrar (Examination Cell), Rajasthan High Court, Jodhpur.

-----Respondents

D.B. Civil Writ Petition No. 13163/2024

Tushar Agarwal, Son Of Shri Arun Kumar Agarwal And Renu Agarwal, Aged About 29 Years, Presently Residing At Flag No. 204, Silvar Crown, Gandhi Path (West), Vaishali Nagar, Jaipur (Rajasthan).

-----Petitioner

Versus

1. High Court Of Judicature For Rajasthan At Jodhpur, New Building, Dangiyawas Bypass, Jodhpur Through Its Registrar General Jodhpur- 342001 (Rajasthan).
2. Registrar (Examinations), High Court Of Judicature For Rajasthan At Jodhpur, New Building, Dangiyawas Bypass, Jodhpur- 342001 (Rajasthan).

-----Respondents

D.B. Civil Writ Petition No. 13265/2024

Devansh Sharma, S/o Sandeep Kumar Sharma, Aged About 24 Years, Present Address - Village Sanoli, Tehsil Mundawar, District Khairthal (Old District Alwar), Rajasthan.

-----Petitioner

Versus

1. Rajasthan High Court, Jodhpur Through Its Registrar General
2. Registrar (Examination), Rajasthan High Court, Jodhpur



----Respondents

D.B. Civil Writ Petition No. 13450/2024

Sweety Lalwani D/o Ghanshyam Das Lalwani, Aged About 27 Years, R/o H No. 28, Vaibhav Nagar, Shastri Nagar Extension, Bhilwara, Rajasthan

----Petitioners

Versus

1. The Hon'ble High Court For Judicature Of Rajasthan, Through Registrar General
2. The Hon'ble High Court For Judicature Of Rajasthan, Through Registrar (Examination)

----Respondents

D.B. Civil Writ Petition No. 14064/2024

Ms Jayanti Shrivastava D/o Shri Jalaj Harsh Shrivastava, Aged About 29 Years, Resident Of House No. 236, Purana Bazar No. 1 Near Sarkari Kanya Putrid Shala, District – Damoh, (M.P.).

----Petitioner

Versus

1. Rajasthan High Court, Through Its Registrar General, Dangiawas Bypass Jodhpur Rajasthan.
2. Registrar (Examination), Rajasthan High Court Dangiawas Bypass Jodhpur Rajasthan.

----Respondents

For Petitioner(s)	:	Mr. Sumit Agarwal (in person) Mr. Keshav Parashar for Mr. Ashwani Kumar Jaiman Mr. Aditya Surollia Ms. Sneha Gulati & Ms. Nikita Sharma for Mr. Girraj P. Sharma Mr. Keshav Khandelwal Mr. Shantanu Mr. Saransh Saini Mr. Vibhuti Bhushan Sharma Mr. Anish Bhadla
For Respondent(s)	:	Mr. A.K. Sharma, Sr. Adv. Assisted by Mr. Vishnu Kant Sharma and Mr. Madhav Dadhich

HON'BLE THE ACTING CHIEF JUSTICE MR. SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE BALJINDER SINGH SANDHU
Judgment

Reserved on **08/10/2025**

Pronounced on **14/11/2025**

Per: BALJINDER SINGH SANDHU, J.

1. These writ petitions have been preferred by the petitioners laying challenge to the final answer key and result dated 15.07.2024 issued by the respondents of the Preliminary Examination for Direct Recruitment to the Cadre of Civil Judge-2024. Since all these writ petitions raise a common question of assessment of the answer key, hence, these petitions are being heard together.
2. The facts of the case are that the respondent-Rajasthan High Court issued the advertisement for Direct Recruitment to the post of Civil Judge Cadre dated 09.04.2024, under the Rajasthan Judicial Service Rules 2010 (as amended) (hereinafter referred to as "Rules of 2010"). As per the scheme of the Rules, the same is divided into three stages:-
 - (i) Preliminary Examination (objective type).
 - (ii) Written Mains Examination (subjective type).
 - (iii) Interview.
3. The Preliminary Examination was conducted on 23.06.2024 and in the examination, the question paper was given in four series A, B, C and D having the same questions and carrying 100 questions of one marks each. Thereafter, the model answer key was uploaded on 25.06.2024 and the

objections were called. Since, several objections were received regarding the correctness of the answers, the High Court constituted an Expert Committee comprising of two Hon'ble High Court Judges and the expert of the subjects i.e. Law, English and Hindi. The Committee after considering objections, gave its report and based upon the same, the final answer key was issued. The five questions in the question paper were deleted and the maximum marks were reduced to ninety-five in view of the same. For the purpose of the present adjudication, the questions of series-A are being taken into consideration. The five questions deleted were questions No. **A-14, A-16, A-80, A-91 and A-92**. With the final answer key, the result of the Preliminary Examination was also declared on 15.07.2024 and the number of vacancies advertised was 222. The candidates to the extent of fifteen times to the number of vacancies were declared qualified in the preliminary examinations, to be provisionally admitted to the Mains Examination. At this juncture, the petitioners have preferred the present writ petitions. But however, subsequent to it, the Mains Examinations have been held on 31.10.2024 and 01.07.2024. Thereafter, holding the interviews, the selection process was completed and the appointments were already been granted to the incumbents vide order dated 27.10.2024. Therefore, as on date the selection stands concluded.

4. This batch of petitions have been preferred by the petitioners laying challenge to the final answer key that has been issued by the respondents. The common grounds of challenge in these writ petitions can be summarized as under:-

- (a) The following questions No. **A-14, A-16, A-80, A-91** and **A-92** have wrongly been deleted despite their being no defect in the questions and the answers of the petitioners being right has resulted in loss of marks to the petitioners.
- (b) The answers of question Nos. **A-4, A-38 and A-51** have wrongly been changed. The answer in the model answer key was corrected, hence marks of these questions deserves to be awarded to the petitioners.
- (c) The objections **A-11, A-12, A-15, A-44, A-52, A-75, A-76** and **A-86**, have wrongly been rejected and their answers provided in the final answer key are incorrect.
- (d) The questions **A-78** and **A-83** deserved to be deleted as they had multiple correct answers.
- (e) The recruitment has not been held in a fair and transparent manner. The answers key used for evaluation being defective, the entire result of the examination is vitiated.
- (f) That instead of deleting the incorrect questions, the bonus marks were deserves to be given to the candidates and by decreasing the total marks from 100 to 95, prejudice has to be caused to the petitioners.

(g) The objections filed for the other questions have wrongly been rejected by the Expert Committee despite being supported by authentic material.

5. That the petitioners in support of their contentions have relied upon the books and other material. It is further contended that as the appointments were made subject to the outcome of the writ petitioner, in view of the interim order by the court on 30.08.2024, the appointments made is will be no impediment in granting relief to the petitioner. Hence, the petitioners have prayed that after making necessary corrections in answer key, their marks may be recomputed. Further, the selection list dated 15.07.2024 may be quashed and a fresh list of eligible candidates be prepared.
6. The respondents have submitted reply to the writ petition stating that upon the Preliminary Examination being conducted and the Provisional Answer Key being issued, objections were received on several questions and looking into the same, an Expert Committee was constituted with two Hon'ble Judges and the subject expert being its member. All the objections were placed before the Expert Committee and they meticulously examined all the objections and considered each question individually and thereafter came to the conclusion as to the changes required in the answers or the question required to be deleted. It is stated that once the questions were found to be incorrect, the proper course of action in such circumstances is the

deletion of the question. And the maximum marks were proportionately reduced to 95, causing no prejudice of any candidate. It is stated that since the matter has been examined by the Expert Committee and only thereafter, the final answer key has been issued, there is no error in the result declared, and answers suggested by the petitioners based on the material produced, cannot be accepted. In reply to the writ petitions, the respondents have reproduced the contested questions and also the opinion of the Expert Committee.

7. Further, it is contended that since the petitioners had only participated in the preliminary examination, which is only for the purpose of shortlisting the candidates, thereafter the Mains Examination has already been held on 31.10.2024 and 01.10.2024 and after holding the interviews, appointments have also been granted to the incumbents, hence no relief can be granted to the petitioners. He further argues that the Hon'ble Supreme Court as well as a Division Bench of this Court has clearly held that once a question has been examined by the Expert Committee, there remains no scope of interference by the High Court while exercising its extraordinary powers under Article 226 of the Constitution of India. Hence, the writ petitions deserve to be dismissed.
8. We have heard the counsel for the parties and given our earnest consideration to the submissions made.
9. From the submissions made and the material on record, it is clear that after the examination were held, several objections

were received by the examining body and thereupon a Committee of Experts comprising of two Hon’ble judges and one subject expert for each subject, was constituted to look into the objections received from various candidates. The committee of experts after deliberations and making objective analysis of all the objections and prepared the report. During the course of arguments the respondent were asked to submitted the report of the committee for consideration of the court. The same was submitted in a sealed envelop. The has been examined by us. The report of the expert committee clearly reveals that each and every question was considered individually upon the objections received. The Expert Committee, while examining these questions have considered the objections threadbare, only after examining the relevant legislative provisions and the material on the subject the correct answer was chosen. Where the Committee found that the question itself was erroneous or there was some typographical error, or there were more than one answers, the question were deleted. The Committee opined the five questions to be deleted, which are as under:-

A	B	C	D	EXPERT COMMITTEE OPINION
14	14	15	24	Deleted
16	26	22	29	Deleted
91	100	99	89	Deleted
92	89	97	97	Deleted
80	80	77	85	Deleted

The questions of which the answers have been changed:-

A	B	C	D	EXPERT COMMITTEE OPINION
4	5	27	21	Changed from Option no.(4) to Option no. (3)
38	40	47	66	Changed from Option no.(3) to Option no. (2)
51	60	36	46	Changed from Option no.(1) to Option no. (2)

Rest of the objections were found superfluous and without any substance, and hence same were rejected.

10. Acting upon the recommendations of the Committee, these five questions mentioned above were deleted and the answers to the three questions, **A-4**, **A-38** and **A-51** were changed and final answer key was issued on 15.07.2024.
11. Before proceeding further, we would first consider the questions regarding which the objections have been raised by the petitioners in light of the report of the Expert Committee.

QUESTIONS WHICH WERE DELETED :-

A-14/B-14/C-15/D-24

The legal maxim “Ut Res Magis Valeat Onam Pareatis” is also known as-

- 1) Rule of harmonious construction
- 2) Rule of Reasonable constructions
- 3) Rule of ejusdem generis
- 4) Golden Rule of Interpretation

Model Answer- (2)

Opinion of the Committee-In this, the Committee found that the word ‘Quam’ had been incorrectly printed as ‘Onam,’ causing possible confusion to examinees, and therefore held that the question should be **deleted**.

A-16/B-26/C-22/D-29

A law made by one legislature affects the scope of the other legislature in a related manner, then which of the following doctrine of interpretation is applied?

- 1) Doctrine of Separation
- 2) The doctrine of imbibing essence
- 3) Doctrine of colourable legislation
- 4) Doctrine of rigidity

Model Answer- (2)

Opinion of the Committee-In this, though the Hindi version of the question was correct, the English version wrongly mentioned 'The doctrine of imbibing essence' at option No. (2), which is not a recognized legal maxim. As this error disadvantaged English-medium candidates, the Committee held that the question should be **deleted**.

A-91/B-100/C-99/D-89

Fill in the blank with correct form of verb.

He.....in his father's firm till his father died.

- 1) stay
- 2) had stayed
- 3) will stay
- 4) stayed

Model Answer- (2)

Opinion of the Committee-In this, the Committee was of the considered opinion that Option (2) and Option (4) were both correct. Therefore, while accepting the objections, the Committee recommended that the question itself be **deleted**.

A-92/B-89/C-97/D-97

Complete the sentence with the correct phrasal verb/idiom from the option given below.

My plans to go to Germany Because the journey turned out to be very exorbitant.

- 1) fell in
- 2) fell through
- 3) fall behind
- 4) fall out

Model Answer- (3)

Opinion of the Committee:- In this, question although Options (2) and (3) conveyed the correct sense, Option (3) used the incorrect verb form of 'fall.' While 'fall behind' expressed the intended meaning, it did not fit the sentence structure. Hence, the objections were tenable, and the Committee recommended that the question be **deleted**.

A-80/B-80/C-77/D-85

'दमड़ी की सुर्द, सवा मन मालीदा' मुहावरे का निकटतम अर्थ है -

- 1) थोड़े से लाभ के लिए बहुत अधिक खर्च करना
- 2) छोटी सी बात के लिए बेईमान होना
- 3) चापलूसी से प्रसन्न होना
- 4) किसी कार्य को बढ़ा-चढ़ाकर प्रयास करना

मॉडल उत्तर-(1)

Opinion of the Committee:-समिति की राय में इस प्रश्न में वर्तनी की त्रुटि हुई है तथा "सुई" शब्द के स्थान पर "सुर्द" शब्द लिखा गया है। अतः आपत्तियों को स्वीकार करते हुए समिति ने इस प्रश्न को निरस्त करने की राय दी।

QUESTIONS OF WHICH ANSWERS WERE CHANGED :-

A-4/B-5/C-27/D-21

Under the Code of Civil Procedure, 1908, "The first hearing of the suit" means-

- 1) The presentation of the plaint in the court

- 2) The presentation of written statement by the defendant
- 3) The examination under Order 10 Rule 2
- 4) The framing of issues

Model Answer- (4)

Opinion of the Committee:- In this, the Committee was of the considered opinion that Option No. (3) was the most reasonable answer to the question. Therefore, the Committee recommended that the answer be changed from **Option No. (4) to Option No. (3).**

A-38/B-40/C-47/D-66

There is an old rivalry between Rachit and Vikas. Vikas goes to Rachit's house with an automatic Pistol to kill him. On reaching there, he puts the Pistol on his head and says you have troubled me a lot, today your life will end Rachit Suddenly snatches the Pistol from Vikas's hand. Upon which Vikas immediately starts running away from there While running Rachit fires several rounds of Pistol at Vikas, due to which he dies on the spot What offence has Rachit committed?

- 1) Rachit has self defend him therefore has not committed any offence
- 2) Rachit has committed the offence of culpable homicide amounting to murder
- 3) Rachit has committed the offence of culpable homicide not amounting to murder
- 4) Rachit has committed the offence of causing death by negligence

Model Answer- (3)

Opinion of the Committee- While considering this question, the Committee was of the opinion that Rachit had committed the offence of culpable homicide amounting to murder and unanimously recommended that the correct answer to this question be changed from **Option No.(3) to Option No. (2).**

A-51/B-60/C-36/D-46

Ramswaroop is charged and convicted for the theft of the golden chain of Savita Which of the following statement is correct regarding above illustration.

- 1) Ramswaroop can subsequently charged with and tried for robbery on the same facts.
- 2) Ramswaroop can neither subsequently be charged nor tried for robbery on the same facts.
- 3) However, Ramswaroop can subsequently be charged with for robbery on the same facts but shall be acquitted without trial as per the provisions prescribed under Section 300 of the Code of Criminal Procedure, 1973.
- 4) After getting prior permission in writing from the District & Session Judge concerned, only thereafter, Ramswaroop can subsequently be charged with the tried and robbery on the same facts.

Model Answer- (1)

Opinion of the Committee- The Committee was of the opinion that once Ramswaroop had been convicted by a court of competent jurisdiction, he could not be tried again on the same facts; hence, the Committee recommended that answer be changed from **option No. (1) to option No. (2).**

12. OTHER QUESTIONS OBJECTED TO BY THE PETITIONERS:-

A-11/B-18/C-30/D-18

“When specific words are followed by general words, the meaning of those general words should be taken in the context of those specific words and the general words should be construed as limited as the specific words.”

The above rule is-

- 1) Rule of harmonious interpretation
- 2) Golden Rule of interpretation
- 3) Rule of homogeneous interpretation
- 4) Rule of Association

Model Answer- (3)

Opinion of the committee:- In this, the Committee was of the opinion that the question was based on the rule of homogeneous interpretation and that Option No. 3 was the most appropriate answer.

A-12/B-10/C-7/D-31

Under Section 20(3) of Rajasthan Rent Control Act, 2001, “mesne profit” denotes-

- 1) Rent as agreed as envisaged in Section 4 of the Act, 2001
- 2) Compensation depriving landlord from the use of premises
- 3) Revision of Rent as envisaged in Section 4 of the Act, 2001
- 4) Revision of Rent as per Section 6(2) of the Act, 2001

Model Answer- (2)

Opinion of the committee:- In this, the Committee considered the provisions of Section 20(3) of the Rajasthan Rent Control Act, 2001, which clearly provided for mesne profits on account of non-vacation of the premises; held Option No. 2 to be the correct answer. Accordingly, all objections raised were rejected.

A-15/B-19/C-3/D-7

Which of the following cases, is related to the ambit of judicial review in the matter of appointment of judges to High Courts under Article 217 of the Constitution of India?

- 1) Anna Mathews Vs. Union of India
- 2) Anna Mathews Vs. Supreme Court of India
- 3) Anna Mathews Vs. President of India
- 4) Anna Mathews Vs. State of Kerala

Model Answer- (2)

Opinion of the committee:- In this, the Committee found that in the case before the Supreme Court was *Anna Mathews vs. Supreme Court of India*. Although the Union of India was respondent No. 3, it was not respondent No. 1; therefore, the case could not be titled *Anna Mathews vs. Union of India*. Hence, Option No. (2) was the most appropriate answer, and the Committee unanimously decided to reject all objections.

A-75/B-76/C-81/D-74

संज्ञा से बनने वाला क्रिया रूप नहीं है

- 1) बतियाना
- 2) अपनाना
- 3) हथियाना

4) स्वीकारना

मॉडल उत्तर- (2)

Opinion of the committee: समिति ने इस प्रश्न की आपत्तियों की समीक्षा करते हुए पाया कि शेष तीनों शब्द संज्ञा से बनने वाले क्रिया रूप हैं जबकि 'अपनाना' सर्वनाम से निर्मित है। (पृष्ठ 19 नवीन हिन्दी व्याकरण एवं रचना, संयोजक डॉ सोहन लाल वारण)। उक्त के आधार पर समिति ने मॉडल उत्तर-कुंजी में दिया गया विकल्प (2) ही सही पाया तथा अन्य सभी आपत्तियों को अस्वीकार कर खारिज कर दिया।

A-76/B-75/C-76/D-81

विस्मयादि बोधक विद्ध के अशुद्ध प्रयोग वाला विकल्प है

- 1) वाह ! तुम्हारे क्या कहने।
- 2) हे ईश्वर । सबका कल्याण हो।
- 3) भगवान !तुम्हारा भला करे।
- 4) वाह! आपने कितना अच्छा गाना गाया.

मॉडल उत्तर- (3)

Opinion of the committee:-समिति की राय में 'भगवान' विकल्प 3 सही पाया गया क्योंकि विस्मयादिबोधक चिह्न का प्रयोग आश्चर्य व्यक्त करता है। केवल 'भगवान' शब्द में ही आश्चर्य का भाव नहीं है। इसलिए, सभी आपत्तियां खारिज की गईं।

A-44/B-37/C-54/D-49

Who among the following is not entitle to get maintenance under Section 125 of the Code of Criminal Procedure, 1973?

- 1)Wife who has obtained divorce from her husband and nor remarried
- 2) Illegitimate minor child
- 3) Mother or Father
- 4) Married daughter who has attained majority and by reason of any physical or mental abnormality or injury unable to maintain herself.

Model Answer- (4)

Opinion of the committee:-In this, the Committee was of the opinion that from a bare reading of Section 125 of the Code of Criminal Procedure, 1973, Option No. 4 was the correct answer. Accordingly, the objection raised was rejected.

A-86/B-98/C-95/D-88

"Tell me where you live"

In the give sentence, Noun Clause is used as-

- 1) Subject to verb
- 2) Object of a Transitive verb
- 3) Object of a Preposition
- 4) Complement of a Verb of incomplete predication

Model Answer- (2)

Opinion of the committee:-In this, the Committee was of the firm opinion that the question was not out of syllabus, as it was covered under the heading 'Coordination and Subordination'. The Committee was further of the opinion that Option No. 2 was the correct answer. Accordingly, all objections raised were rejected.

A-52/B-36/C-68/D-51

Which of the following is such an offence, if commission thereof would be the object of the assembly, then, it does not come under the purview of unlawful assembly?

- 1) To overview by criminal force any public servant in the exercise of his lawful duties
- 2) To resist the execution of any legal process
- 3) To commit criminal trespass
- 4) To commit cheating

Model Answer - (4)

Opinion of the committee:- In this, the Committee held that was of the opinion that from a bare reading of Section 141 of the Indian Penal Code, 1860, Option No. (4) was the correct answer; hence, all objections were rejected.

A-78/B-81/C-72/D-77

उपयुक्त विलोम शब्द वाला विकल्प यह नहीं है:

- 1) असूया - अनसूया
- 2) अनिवर्या - निवर्या
- 3) अभीष्ट - मिश्र
- 4) आर्द्रा - अनारद्रा

मॉडल उत्तर (3)

Opinion of the committee:- डॉ. बट्टीनाथ कपूर, विश्वविद्यालय प्रकाशन, वाराणसी द्वारा संपादित "नूतन पर्यायवाची एवं विपरीत कोश" (नवीन पर्यायवाची एवं विलोम शब्दकोष) की समीक्षा की गई, जिसके अनुसार विकल्प (1), (2), और (4) उपयुक्त विलोम शब्द हैं, जबकि विकल्प (3) में उपयुक्त विलोम शब्द नहीं है। इसलिए, समिति ने विकल्प (3) को सही उत्तर माना और सभी आपत्तियों को खारिज कर दिया।

A-83/B-83/C-75/D-71

अशुद्ध शब्द है...

- 1) अभ्यार्थी
- 2) स्वातंत्र्य
- 3) निराप्रध
- 4) उच्चवास

मॉडल उत्तर (1)

Opinion of the committee:- समिति ने माना कि अभ्यार्थी गलत शब्द है क्योंकि यह अभि+अर्थी से बना है। (पृष्ठ 8, शुद्ध हिंदी, डॉ. जगदीश प्रसाद कौशिक) अन्य तीन विकल्प सही हैं। अतः समिति ने सभी आपत्तियां खारिज की।

13. When we examine the report of the Committee regarding the aforementioned questions, we see that the Expert Committee has meticulously examined the objections and after consideration of the relevant provisions of law and material in support of the same, have arrived at the conclusion. The committee has taken a decision to delete the questions looking to the error in question and

multiple answers of the questions. The change in the three answers to the questions has been done after considering the objections and based upon the material. The other objections were found to be frivolous, and hence it opined to uphold the answers of the model answer key.

14. Having taken note of questions regarding which the objections have been raised by the petitioners and the consideration of the same by Expert Committee, now we consider the legal position regarding scope of Judicial Review under Article 226 of the Constitution of India in the academy matters, wherein the challenge is laid to the answer key. First of all we consider the land mark judgment of Hon'ble Supreme Court in **Kanpur University Vs. Samir Gupta, 1983 (4) SCC 309**, wherein the Hon'ble Apex Court held that the key answer should be presume to be correct, unless it is proved to be wrong without inferential process or the reasoning, and that the answer key is palpably and demonstratively erroneous. The Hon'ble Supreme Court in para No.15 and 16 held 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....."

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."

15. In **West Bengal Central School Service Commission & Ors V. Abdul Halim & Ors.** reported in **2019 (18) SCC 39**, the Hon'ble Apex Court again reiterated that a power of Judicial view can only be exercised if the error is self evident and not based on any reasoning, and where there may be reasonable read two opinion, it cannot be said to be an error on the face of the record. The relevant observations made by the Hon'ble Apex Court are reproduced herein:-

"8. In exercise of its power of judicial review, the Court is to see whether the decision impugned is vitiated by an apparent error of law. The test to determine whether a decision is vitiated by error apparent on the face of the record is whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points where there may reasonably be two opinions, it cannot be said to be an error on the face of the record, as held by this Court in *Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale* [*Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale*, AIR 1960 SC 137] . If the provision of a statutory rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ court. It is only an obvious misinterpretation of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ court by issuance of writ of certiorari.

9. The sweep of power under Article 226 may be wide enough to quash unreasonable orders. If a decision is so arbitrary and capricious that no reasonable person could have ever arrived at it, the same is liable to be struck down by a writ court. If the decision cannot rationally be supported by the materials on record, the same may be regarded as perverse."

16. Again in **Ran Vijay Singh & Ors. Vs. State of Uttar Pradesh & Ors.** reported in **2018 (2) SCC 357**, the Hon'ble Apex Court while reiterating the principles laid down in **Kanpur University (supra)**, laid down the principles for interfering in the academic matters and permissible course of action. The law on the subject was propounded as below:-

"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."

17. In **U.P. Public Service Commission Vs. Rahul Singh** reported in **2018 (7) SCC 254**, the Court held that restraint should be exercised by the Courts in entertaining the challenge to answer key and in case of conflicting views, the court should bow down to the opinion of experts. The relevant paras of the judgment is reproduced hereunder for ready reference:-

"12. 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. In Kanpur University case [Kanpur University v. Samir Gupta, (1983) 4 SCC 309] , the Court recommended a system of:

- (1) moderation;
- (2) avoiding ambiguity in the questions;
- (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.

13. As far as the present case is concerned, even before publishing the first list of key answers the Commission had got the key answers moderated by two Expert Committees. Thereafter, objections were invited and a 26-member Committee was constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these Committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answers is better or more correct.

14. In the present case, we find that all the three questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain textbooks. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.”

18. In the case of **Rishal and Ors Vs. Rajasthan Public Service Commission 2018 (8) SCC 81**, the Hon’ble Apex Court held that the key answers prepared by the paper setter or the examining body is presumed to have been prepared after due deliberations and the publication of answers and taking objections is a step to achieve transparency, fairness and perfection in process. The Hon’ble Court observed as under:-

“19. The key answers prepared by the paper-setter or the examining body is presumed to have been prepared after due deliberations. To err is human. There are various factors which may lead to framing of the incorrect key answers. The publication of key answers is a step to achieve transparency and to give an opportunity to candidates to assess the correctness of their answers. An opportunity to file objections against the key answers uploaded by examining body is a step to achieve fairness and perfection in the process. The objections to the key answers are to be examined by the experts and thereafter corrective measures, if any, should be taken by the examining body. In the present case, we have noted that after considering the objections final key answers were published by the Commission thereafter several writ petitions were filed challenging the correctness of the key answers adopted by the Commission. The High Court repelled the challenge accepting the views of the experts. The candidates still unsatisfied, have come up in this Court by filing these appeals”

19. In **Subhash Chandra Verma and Others Vs. State of Bihar and Others** [1994] 1 SCC 151 the Apex Court held that in objective type test, the most appropriate answers has to be opted. The Hon'ble Supreme Court observed as under:-

"25. We will now examine, whether these grounds had been made out by those candidates who took the objective test as well as the viva voce and yet could qualify for selection.

(1) xxxxxxxx

2. xxxxxxxx

3. Several controversial questions were set and in relation to some questions, there could be more than one answer: In an objective type of test, more than one answer are given. The candidates are required to tick mark the answer which is the most appropriate out of the plurality of answers. The questions and answers were prescribed by the experts in the field with reference to standard books. Therefore, it is incorrect to say that a question will have more than one correct answer. Even if the answers could be more than one, the candidates will have to select the one which is more correct out of the alternative answers. In any event, this is a difficulty felt by all the candidates."

20. In **Vikesh Kumar Gupta Vs. State of Rajasthan 2021 (2) SCC 309**, the Hon'ble Apex Court considered the scope of interference of the writ court and clearly deprecated the practice of scrutiny of questions by the Court. The observations are 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 [H.P. Public Service Commission v. Mukesh Thakur, (2010) 6 SCC 759 : (2010) 2 SCC (L&S) 286 : 3 SCEC 713]). Courts have to show deference and consideration to the recommendation of the expert committee who have the expertise to evaluate and make recommendations (see Basavaiah v. H.L. Ramesh [Basavaiah v. H.L. Ramesh, (2010) 8 SCC 372 : (2010) 2 SCC (L&S) 640]). Examining the scope of judicial review with regards to reevaluation of answer sheets,

this Court in *Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.* 3 held that court should not re-evaluate or scrutinize the answer sheets of a candidate as it has no expertise in the matters and the academic matters are best left to academics"

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* [*Richal v. Rajasthan Public Service Commission*, (2018) 8 SCC 81 : (2018) 2 SCC (L&S) 456] . 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.

17. A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic matters. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible. The delay in finalisation of appointments to public posts is mainly caused due to pendency of cases challenging selections pending in courts for a long period of time. The cascading effect of delay in appointments is the continuance of those appointed on temporary basis and their claims for regularisation. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel."

21. The principles propounded and the legal position settled in the aforesaid decisions were reiterated by the Division Bench of this Court while considering the identical cases in **Kavita Bhargava Vs Registrar Examination, Rajasthan High Court, Jodhpur (D.B. Civil Writ Petition No.2253/2022)** wherein similar challenge was given to the questions of the examinations of the Civil Judge Cadre, 2022 and it was held as under:-

"27. In view of the aforesaid decisions, it, therefore, emerges as settled legal position that though re-evaluation in the absence of their being any rule/scheme governing the examination is not permissible in law except in exceptional cases where the answers are found to be demonstrably wrong, the injustice caused to the candidates has to be undone. The course of action

adoption in many cases referred to above, which was approved by the courts, was that the complaints with regard to key answers or disputed questions have to be examined by a committee of experts and if the opinion of the committee of experts reflects that model answers are demonstrably wrong and some other option is correct, the answers given by the candidates is required to be reassessed with reference to the correct answer key. Where the question were itself vague and wrong or where it is a case of multiple correct answers out of options given, the questions are required to be deleted and the candidates have to be evaluated on the basis of the answers given by them to the questions remaining after deletion. Scope of judicial review is limited, but in exceptional cases where the courts find that model answer keys are demonstrably wrong on the face of it without involving inferential process of reasoning or by process of rationalisation."

22. The Hon'ble Supreme Court has unequivocally deprecated the practice of re-evaluation or judicial scrutiny of question papers by the Courts. It has been clearly held that the High Court, while exercising jurisdiction under Article 226 of the Constitution, is not competent to assess the correctness of questions or answers on its own, particularly where an Expert Committee has already examined each disputed question, duly considered the objections raised by the candidates, and rendered a reasoned report. The law is now firmly settled that in matters concerning academic evaluation, the scope of judicial review is extremely narrow and circumscribed. Courts do not sit in appeal over the academic decisions of expert bodies, nor can they substitute their own opinion for that of specialists who possess the requisite expertise and domain knowledge. Interference by the Court is warranted only when there is a demonstrable violation of statutory provisions, manifest arbitrariness, mala fides, or where the decision-making process suffers from gross procedural irregularity. Absent such circumstances, the

opinion of the expert body is entitled to due deference and finality.

23. This principle stems from the broader judicial understanding that academic assessment involves technical and specialized considerations which lie beyond the province of judicial competence. The Court, therefore, exercises self-imposed restraint in such matters to preserve the autonomy and integrity of expert institutions. As consistently reiterated by the Apex Court, it is the process and not the merits, of academic decisions that is open to judicial scrutiny.
24. In the present case the respondents have adopted a fair method by issuing the provisional answer key and calling for the objections from the candidates. Upon receiving the objections, the Committee of Experts consisting of two Hon'ble Judges as well as subject experts was constituted, and as dealt above, the committee meticulously examined the objections, submitted a comprehensive report with the opinion of deleting the five questions and changing the answer of three questions. Rest of the objections which were received were duly considered but rejected, and the answer earlier finalized in the model answer key was found to be correct. Based upon the report of the Expert Committee the final answer key was issued, deleting the five questions and changing the answer of three questions. All the other objections were found to be frivolous and were rejected. We finds that the respondents have acted with full fairness and has maintained full transparency in the matter of holding the

examinations and the errors, which were found were corrected. Since malafides have neither been alleged nor established, the action cannot be faulted merely on conjecture or suspicion. We find no error in the decision making process and find the selection process to be fair and transparent.

25. The questions to which the challenge has been laid, have already been assessed by us as above in light of the report of the Expert Committee, and we find that the Committee of Experts has duly taken into consideration the objections and only after micro-analysis of the legislative provisions, and considering the other authentic material in support of the same, has arrived at the conclusion. The Committee has assigned due reasons for their decision in each question and the same are plausible and cannot be said to be based on irrelevant considerations or irrational or demonstrably wrong. The experts have duly examined the questions, and having found the reasons plausible, we cannot substitute the view taken by the experts with the view propounded by the petitioners or with our view. Hence, we find no reason to interfere with the opinion given by the experts.
26. The petitioners have sought to demonstrate that the options chosen by them were correct and that the answers reflected in the final answer key are palpably erroneous. It has been urged that the answers to Questions No. **A-4, A-38** and **A-51** have been wrongly altered, and that the objections in respect of Questions No. **A-11, A-12, A-15, A-44, A-52 A-**

75, A-76 and A-86 among others, have been wrongly rejected. To substantiate these assertions, learned counsel for the petitioners has invited this Court to undertake a detailed inferential process of reasoning and rationalization to establish that there exist glaring errors in the answer key. However, the law on the subject is now well settled that where the alleged error can be established only by a process of reasoning or inferential analysis, or where two plausible views may reasonably coexist, such an issue cannot be treated as an error apparent on the face of the record, nor can it be said that the answer key is demonstrably wrong. At best, such contentions may create an element of doubt, but as held by the Hon'ble Supreme Court in **Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors. (supra)**, in cases of such doubt, the benefit must go to the examiner rather than to the candidate, and the opinion of the Expert Committee must prevail. In the present case, the petitioners have failed to establish that the answers adopted in the final key are demonstrably or palpably incorrect. On the contrary, the reasoning adopted by the Expert Committee appears to be plausible, objective, and based on relevant considerations. Accordingly, this Court finds no ground to interfere with the conclusions arrived at by the Expert Committee.

27. As regards the contention of the petitioners that Questions No. **A-78** and **A-83** admitted of two possible answers and therefore ought to have been deleted, this argument too cannot be sustained. The existence of two conceivable

answers does not, by itself, constitute an error apparent on the face of the record. The Hon'ble Supreme Court has consistently held that where two divergent views are possible, the opinion of the experts must prevail, and the answer key is presumed to be correct. The benefit of any doubt, if at all, must necessarily go to the examiner. Moreover, as held by this Court in **Subhash Chandra Verma (supra)**, in objective-type examinations where multiple answers appear to be correct, the candidate is expected to select the one that is "more correct" out of the available alternatives. In light of the above settled principles and the material on record, this Court is of the considered view that the petitioners have failed to make out any case warranting interference with the evaluation process or the conclusions reached by the Expert Committee.

28. The petitioners have also raised the argument that the question no. **A-14, A-16, A-80, A-91** and **A-92** have been wrongly deleted, as there was no error in the questions, and the answers selected by them was correct. Their deletion has caused prejudice them and loss of marks. As we have already examined, the experts have clearly found the questions erroneous due to spelling mistake or due to lack of clarity of question, and the same were deleted. Once the questions were found to be erroneous/wrong, the proper course of action in such circumstances is to exclude the question, which has been rightly done. We have already held that the report of the committee is well

reasoned and plausible and hence they have not committed any error in deleting the questions. No candidate can claim award of marks on the ground that he has given the correct answer to a wrong question. The deletion of the questions applies uniformly to all candidates and, therefore, has a uniform consequence for each of them. Therefore, the contention is devoid of merit and deserves to be rejected.

29. The contention of the petitioners that for the deleted questions instead of reducing the maximum marks to 95, bonus marks should have been given for the deleted questions, is noted to be rejected. Candidates have been evaluated on the basis of the answers given by them to the questions remaining after deletion, Maximum marks for all the candidates were common, as they all equally tested against 95 maximum marks. No marks for the deleted questions can be as such given. Therefore, it cannot be stated that any prejudice has been caused to any candidate, much less any discrimination.
30. In view of the findings recorded above and the issues decided herein, and having regard to the legal propositions propounded by the Hon'ble Supreme Court governing the scope of judicial review in academic matters, this Court finds that no demonstrable or apparent error has been established in the final answer key prepared by the Expert Committee.

The Committee, duly constituted for the purpose, has meticulously examined all objections, re-evaluated the disputed questions, and submitted a reasoned report in accordance with the law laid down by the Apex Court. The petitioners have failed to point out any material irregularity, perversity, or patent mistake in the conclusions so drawn. Mere difference of opinion or alternate interpretation of a question cannot furnish a ground for interference. In view of the settled legal position and the absence of any palpable error in the evaluation process, this Court finds no justification to exercise its extraordinary writ jurisdiction.

31. The writ petition, being devoid of merit, is accordingly dismissed. No order as to costs.
32. The copy this order be placed on record in each connected writ petition.
33. All the pending application, if any, also stand disposed of.

(BALJINDER SINGH SANDHU),J (SANJEEV PRAKASH SHARMA),ACTING CJ