

ITEM NO.32

COURT NO.14

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

PETITION FOR SPECIAL LEAVE TO APPEAL (C) NO.12895/2026

[Arising out of impugned final judgment and order dated 20-03-2026 in CMRA No. 224/2021 passed by the High Court of Judicature at Allahabad]

UTTAR PRADESH SUBORDINATE
SERVICE SELECTION COMMISSION

Petitioner(s)

VERSUS

ASHOK YADAV & ORS.

Respondent(s)

FOR ADMISSION

IA No. 107477/2026 - EXEMPTION FROM FILING O.T.

Date : 17-04-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) :Mr. P.S. Patwalia, Sr. Adv.
Mr. Talha Abdul Rahman, AOR
Mr. Utsav Misra, Adv.
Mr. Sudhanshu Tewari, Adv.
Ms. Deveshi Chand, Adv.
Mr. Faizan Ahmed, Adv.
Mr. Shuktiz Sinha, Adv.

For Respondent(s) :Mr. Himanshu Raghav, Adv.
Mr. Umesh Dubey, AOR
Ms. Shraddha Saxena, Adv.
Mr. Mithilesh Kumar Mishra, Adv.
Mr. Amulya Dev Mishra, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. The submission of the learned counsel for the petitioner is that the disputed question did not indicate the parameter on the basis of which matching had to be done. Apparently option 'B' did not match and, therefore, the same was chosen as the correct option based on consideration of the objections. However, pursuant to the direction of the High Court, a fresh report was obtained. In the fresh report, option 'C' was reported to be correct. Based on which the High Court directed the petitioner to consider the report and take a fresh decision. The Commission thereafter appointed a fresh Two Member Committee which reported that both options 'B' and 'C' were correct. However, based on the nature of question, the Commission took a conscious decision to accept option 'B' as the correct answer and result was drawn accordingly.

2. After considering the matter in detail, the Division Bench of the High Court vide order dated 20.01.2021 dismissed the special appeal and thereby rejected the challenge set up by the writ petitioner. However, a review petition was filed. The review was sought on the ground that report of Two Member Committee opining that both options 'B' and 'C' were correct was not placed on record.

Based on that, the review petition has been allowed by the impugned order and a direction has been issued to the petitioner to declare a revised result by providing one mark to the review petitioner.

3. The contention of the learned counsel for the petitioner is that the disputed question was framed in a manner that option 'B' was apparently the correct answer and, therefore, the Commission took its decision, based on its own assessment of the question, to treat it as the only correct answer. Being an expert body itself, the decision of the Commission was not open to challenge. The report of the Expert Committee was not binding on the Commission. Moreover, the report of the Expert Committee was based on authorship of the scripture even though authorship was not part of the question. It was contended that choice of correct answer selected by the Commission as to warrant any interference in exercise of writ jurisdiction. In support of the above submission, the learned counsel for the petitioner has placed reliance on a decision of this Court in *Ran Vijay Singh & Ors. vs. State of U.P. & Ors.* (2018) 2 SCC 357, wherein the law on the subject has been crystallized as follows:

30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions.

They are: (i) 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; (ii) 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; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate - it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

4. By relying on the aforesaid decision of this Court, the learned counsel for the petitioner submits that the Court cannot test the correctness of an answer by employing inferential process of reasoning or by a process of rationalisation. In such circumstances, it is urged, the decision taken by the Commission was not amenable to interference particularly in a review petition.

5. Issue notice, returnable in six weeks.

6. Notice on behalf of the first respondent has been accepted by Mr. Umesh Dubey, Advocate-on-Record.

7. In the meantime, the effect and operation of the impugned order dated 20.03.2026 shall remain stayed.

(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)