



RAJASTHAN HIGH COURT
HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 18130/2023

1. Prema Ram Patel S/o Bheema Ram Patel, Aged About 31 Years, R/o O7, Opp Rajeshwar Nagar, Salawas Road, Jodhpur, Rajasthan.
2. Vishal Natwadiya S/o Hajari Lal Natwadiya, Aged About 25 Years, R/o Ward 06, Vrindavan Vihar Colony Shahpura , Jaipur Rajasthan.
3. Kana Ram Yadav S/o Govindram Yadav, Aged About 25 Years, R/o Sambhar, Phulera, Sunderpura, Jaipur Rajasthan.
4. Rishi Goswami S/o Jagdish Singh, Aged About 24 Years, R/o Village Lahakpur, Tehsil Bari Dholpur, Rajasthan.
5. Rajendra Singh S/o Ram Singh, Aged About 35 Years, R/o 101, Moti Nagar (West), Shiv Colony, Akshardham Road, Akshardham Mandir, Vaishali Nagar, Jaipur, Rajasthan.
6. Abhimanyu Singh S/o Jaswant Singh, Aged About 25 Years, R/o Vpo- Paota Dausa, The- Mahwa, Rajasthan.
7. Harsh Goyal S/o Mahaveer Prasad Goyal, Aged About 25 Years, R/o Ward No. 20 Shahpura Jaipur, Rajasthan.
8. Hema D/o Ghan Shyam Das, Aged About 35 Years, R/o Plot No. 37 Khasara 129, Sunthala, Jodhpur, Rajasthan.
9. Lakshya Yadav S/o Satish Kumar Yadav, Aged About 29 Years, R/o K-12 Mahaveer Nagar Durgapura Jaipur Rajasthan.
10. Azad Rathi S/o Bodaram Rathi, Aged About 29 Years, R/o V/p Lototi, Teh. Jaitran Dist. Pali Rajasthan.
11. Devraj Patel S/o Chaina Ram Patel, Aged About 28 Years, R/o Babu Walo Ka Bas, Dundara, Teh- Luni, Jodhpur Rajasthan.
12. Richhpal Khurkhuriya S/o Banshi Lal, Aged About 25 Years, R/o Village Khurkhura Kalan, Jhoojhanda Marwar Mundwa, Nagaur, Rajasthan.
13. Nidhi D/o Shivnarayan Rao, Aged About 25 Years, R/o 14Spm Godhuwali Dhani, 15Spm, Ganganagar, Rajasthan.
14. Hitendra Kumar S/o Ganpat Lal, Aged About 34 Years, R/o Vatsalya Kunj, Near Shri Kheteswar Chauk, Sirohi,





Rajasthan.

15. Neeru Sharma W/o Dharmendra Kumar Sarasvat, Aged About 42 Years, R/o Indra Nagar Dhanipur, Aligarh, Uttar Pradesh.
16. Vinita Jhuria D/o Madan Singh Jhuria, Aged About 25 Years, R/o Kisan Colony Prem Nagar, Ward No. 57 Near Subodh School Nawalgarh Road, Sikar, Rajasthan.
17. Magraj S/o Kewalram, Aged About 30 Years, R/o Shree Krishna Kripa Saree Centre, Shiv Bhawan, Hari Om Market, Mathania, Jodhpur, Rajasthan.
18. Sooraj Singh Choudhary S/o Jaynarayan Jat, Aged About 28 Years, R/o 199, Gathalo Ki Dhani, Village- Nangal Purohitan Teh-Amer, Dis.-Jaipur, Rajasthan.
19. Deependra Singh Rathore S/o Raghuvveer Singh Rathore, Aged About 38 Years, R/o Mayapur House, Pratap Nagar, Loha Khan ,ajmer (Rajasthan).
20. Aditi Sharma D/o - Rajesh Sharma, Aged About 23 Years, R/o Sirsai, Bharatpur, Rajasthan.
21. Praveen Ghunawat S/o Rajesh Ghunawat, Aged About 25 Years, R/o - Bhotwara, Karauli, Rajasthan.
22. Satyam Bisu S/o Ramratan Bisu, Aged About 29 Years, R/o Mojas Jhunjhunu, Rajasthan.
23. Jahid Ali Khan S/o Majid Khan, Aged About 30 Years, R/o Jhareda Road Islam Colony, Hindaun City, District Karauli, Rajasthan.
24. Omprakash S/o Jagdish Ram, Aged About 25 Years, R/o Liyadara Post Bhadrana Sanchor District -Jalore, Rajasthan.
25. Bhuvneshwar Sharma S/o Mohan Lal Sharma, Aged About 30 Years, R/o Temple Of Varah Avtar, Near Of Jain Mandir, Gangapur City, Sawaimadhapur, Rajasthan.
26. Mahesh Kumar S/o Gordhan Ram, Aged About 24 Years, R/o Village Liyadara Post Bhadrana Tehsil Sanchoe District Jalore Rajasthan 343041.
27. Ritu Kumari R/o Sudheer Kumar, Aged About 23 Years, R/o Bapu Nagar, Khadi Colony , Bharatpur, Rajasthan.
28. Saurabh Soni S/o - Ganesh Narayan Soni, Aged About 24 Years, R/o 134, Shri Ram Nagar A, Jhotwara, Jaipur.





29. Jitendra Lodha S/o Shyam Lodha, Aged About 30 Years, R/o 186-B Civil Lines Nayapura Kota, Rajasthan.
30. Mayank Choudhary S/o Nand Kishore, Aged About 25 Years, R/o Gali No.2, Tilak Nagar Heeradas , Bharatpur, Rajasthan.
31. Nishant Kumar Saini S/o Anand Swaroop Saini, Aged About 32 Years, R/o Bamda Mandir Colony, Near Subash Chowk, Bayana, bharatpur Rajasthan.
32. Ashish Bishnoi S/o Raisahab Poonia, Aged About 28 Years, R/o Ward No. 01 Gurudhayal Colony, Near Shri Trimurti School, New Gharsana, Sri Ganganagar Rajasthan.
33. Dharmendra Singh S/o Umashankar, Aged About 32 Years, R/o Opposite SBI Branch Vpo- Khakharki Tehsil- Merta Dist- Nagaur Rajasthan.
34. Ayushi Sharma D/o Rajesh Sharma, Aged About 22 Years, R/o- Khandar Sawai, Madhopur, Rajasthan.
35. Lakshita Kumawat D/o Kailash Kumawat, Aged About 24 Years, R/o 167A Heera Nagar A, Heerapura Ajmer Road, 200 Feet Bypass Jaipur, Rajasthan.
36. Chandra Prakash Singaria S/o Hari Prasad, Aged About 30 Years, R/o Behind Gopinath Temple, Ward No 34, Regar Basti, Sujangarh- 331507.
37. Manorma Pathak D/o Chandrashekhar Pathak, Aged About 32 Years, R/o Nyotha, Bharatpur, Rajasthan.
38. Ram Prasad S/o Durga Ram, Aged About 30 Years, R/o Sukhdev Nagar Bhopal Garh, Jodhpur, Rajasthan.
39. Harita Saraswat D/o Vijay Kumar Saraswat, Aged About 24 Years, R/o Ward No.1, Pilibanga Village, 1 Nr, 108, Jaato Ka Mohalla, Pilibanga, Hanumangarh, Rajasthan.
40. Ankit Sharma S/o Ramlal Sharma, Aged About 24 Years, R/o E-7, Janki Vihar, Behind Heerapura Power House, Ajmer Road, Jaipur, Rajasthan.
41. Hemant Karodiya S/o Kishan Karodiya, Aged About 28 Years, R/o 2772 Khazane Walon Ka Rasta ,indra Bazar , Jaipur, Rajasthan.
42. Ramesh Chand Meena S/o Ramsahay Meena, Aged About 37 Years, R/o Village Naroli Choad Th Baranala District





Gangapur City Rajasthan Jaipur.

43. Nitin Kumar Sharma S/o Pradeep Kumar Sharma, Aged About 24 Years, R/o Village- Papurana Teh- Khetra Dist.- Jhunjhunu, Rajasthan.
44. Tej Singh S/o Manak Chand, Aged About 26 Years, R/o 58, Bhawani Colony, sardar Samand Road, Pali, Rajasthan.
45. Lavendra Singh S/o Vijay Pal Verma, Aged About 26 Years, R/o Village Post-Januthar Bharatpur, Rajasthan.
46. Rajesh Kumar Meena S/o Madan Lal Meena, Aged About 29 Years, R/o Vpo-Bichhauchh Tehsil-Bamanwas Distt-Sawai Madhopur, Rajasthan.
47. Jai Singh S/o Hanuman Singh, Aged About 29 Years, R/o Ward No. 4, Dabur Johri, Vpo Tarpura, Dist. Sikar Rajasthan.
48. Yashpal-Singh S/o Dalpat Singh, Aged About 24 Years, R/o Village Serna The- Jaswanpura Dist Jalore, Rajasthan.
49. Dharmender S/o Mahaveer Prasad, Aged About 24 Years, R/o Naina Wali Dhani Po Kikarwaliteh- Sangariya, Disst.- Hanumangarh, Rajasthan.
50. Jograj Singh S/o Gulab Singh, Aged About 23 Years, R/o Village Kalawa, tehsil Pachpadra, Dist.- Barmer Rajasthan.
51. Guman Singh R/o Ishwar Singh, Aged About 24 Years, R/o Singarpalo Ki Dhani, Ramsar, District - Barmer, Rajasthan.
52. Ramesh Kumar Saini S/o Mr. Hari Ram Saini, Aged About 24 Years, R/o Vill-Post Dhuwan Kalan, Tonk, Rajasthan.

----Petitioners

Versus

1. The State Of Rajasthan, Through The Chief Secretary, Government Secretariat, Jaipur Rajasthan.
2. Chairman, Rajasthan Public Service Commission, Ajmer.
3. The Secretary, Rajasthan Public Service Commission, Ajmer.

**Along with connected matters shown in the appended
Schedule-I**





For Petitioner(s) : Mr. R. N. Mathur, Sr. Advocate with
Mr. Shovit Jhajharia
Mr. Ankit Kumar &
Mr. Utkarsh Dubey
Mr. Raghu Nandan Sharma
Mr. Nikhil Kumawat with
Mr. Abhinav Srivastava
Mr. Ram Pratap Saini with
Mr. Aamir Khan & Mr. Gopesh Kumar
Mr. Suresh Khileri
Mr. Vigyan Shah with
Mr. Harendra Neel
Mr. Srijan Tiwari for
Mr. Ram Mohan Sharma
Ms. Komal Kumari Giri
Mr. Rajaram Choudhary
Mr. Dhoop Singh Poonia
Mr. Tushar Panwar
Mr. Rakesh Prajapt
Ms. Neha Godara
Mr. S. K. Tank
Mr. Ravindra Singh Shekhawat
Mr. A. R. Meena
Mr. R. K. Bairwa
Mr. V. K. Rathore
Mr. H. K. Sharma
Mr. Ajay Choudhary

For Respondent(s) : Mr. S. S. Raghav, AAG
Mr. Yuvraj Samant with
Ms. Neha Amola
Mr. Neeraj Meena
Mr. Ashutosh Gupta, IAS, Chief
Examination Controller, RPSC

HON'BLE MR. JUSTICE SAMEER JAIN

Order

Reserved on **17/01/2024**

Pronounced on **22/03/2024**

1. In the present batch of writ petitions, the scope of the controversy involved, albeit not limited to but is broadly and predominantly defined by the challenge raised regarding the correctness and/or validity of the final answer key dated 20.10.2023, as issued by the respondent-Rajasthan Public Service



Commission (hereinafter, RPSC), pursuant to the invitation of objection(s) from the applicants/candidates as against the model answer key published on 01.10.2023. Therefore, considering the fact that the writ petitions warrant adjudication on common questions of law; with the consent of learned counsel appearing on behalf of all the parties, **S.B. Civil Writ Petition No. 18130/2023** titled as **Prema Ram Patel and Ors. vs. State of Rajasthan and Ors**, is being taken up as the lead case. It is cautiously clarified that any discrepancies in the present batch of writ petitions, pertain purely to the factual narratives contained therein and not viz-a-viz the questions of law to be determined by this Court.

2. The overarching factual matrix, enveloping the *lis* to be determined by this Court, is concisely noted herein-under:-

2.1 On 28.06.2023, the respondent-RPSC issued an advertisement for the Rajasthan State and Subordinate Services Combined Competitive Examination-2023 (hereinafter, RAS 2023).

2.2 Being eligible as per the conditions enumerated in the advertisement, the petitioners applied for the RAS 2023 Examination, in their respective categories.

2.3 On 08.08.2023, the respondent-RPSC issued a press note whereby the date of examination was scheduled as 01.10.2023.

2.4 On 01.10.2023, the RAS-2023 Examination i.e. preliminary round, was conducted by the respondent-RPSC.

2.5 After the completion of said written examination, the model answer key was uploaded on the website of the respondent-RPSC.





2.6 Subsequently, on the same date, vide press note dated 01.10.2023, objections were invited from the applicants/candidates against the said model answer key.

2.7 Certain objections were raised by the candidates/applicants against the model answer key so issued. At this nascent juncture, it is made clear that as per the record before this Court, it is reflected that not all the petitioners had raised objections against the model answer key, in the time frame so prescribed by the respondent-RPSC.

2.8 On 20.10.2023, the final answer key for the RAS 2023 Preliminary Examination was released by the respondent-RPSC. On the same date, the result of the applicants/candidates along with the cut-off marks for the preliminary examination was also declared.

2.9 In accordance with the final answer key released by the respondent-RPSC and the corresponding result of the petitioners, the petitioners failed to qualify for the RAS 2023 Mains Examination.

2.10 Being aggrieved of the purported incorrectness of the final answer key dated 20.10.2023, the petitioners have preferred the instant writ petition.

3. At the outset, learned counsel for the petitioners, Mr. R. N. Mathur, Senior Counsel, unanimously and unequivocally, along with the other counsel argued that the impugned action of the respondent-RPSC, in not adequately and correctly examining the objections raised by the petitioners is patently arbitrary, unjust and unfair, thereby being violative of the fundamental rights of the





petitioners, as enshrined under the Constitution of India. As a result, the relief sought by the petitioners is threefold. Qua the primary relief, it is prayed that the final answer key, as also the result dated 20.10.2023, be quashed and set aside. Secondly, the objections advanced by the petitioners be duly considered and thereafter, a fresh final answer key be prepared by the respondent-RPSC. Whereas, by way of the tertiary relief, it is prayed that in accordance with the subsequently revised final answer key, the result of the petitioners be revised and thereafter, if eligible as per the fresh cut-off marks, the petitioners be declared eligible for the RAS 2023 Mains Examination. The other reliefs, as sought, are purely incidental to the threefold prayers stated above. In order to establish their case, learned counsel for the petitioners raised the following arguments:-

3.1 That under Article 226 of the Constitution of India, a writ court can exercise judicial review in respect of disputed answer keys and question-answers, where it clearly appears that the disputed answer key is palpably and demonstrably erroneous and that if a prudent man can prove them to be incorrect by way of his ordinary understanding, then judicial review is not prohibited under such circumstances. Thus, considering the fact that the answer keys issued by the respondent-RPSC are *prima facie* demonstrably erroneous and objectively incorrect, judicial review in respect of such an answer key is warranted for protecting the fundamental rights of the petitioners.

3.2 That in matters of public employment, especially on such celebrated and eminent posts, the scope of fallaciousness must be





removed *in-toto* and due diligence ought to be exercised at the end of the body conducting the examination to ensure transparency, fairness and correctness in the recruitment process, at all stages.

3.3 That with regards to the disputed answers/questions, the petitioners placed reliance upon authentic text books, which makes it abundantly clear that there is no room for doubt and therefore, the answer key issued by the respondent-RPSC warrants judicial intervention.

3.4 That in **Kanpur University and Ors. vs. Samir Gupta and Ors.** reported in **1983 AIR (SC) 1230**, the Hon'ble Apex Court categorically held that it would be unfair to penalize the candidates for not giving an answer which accords with the answer key, that is to say, with an answer which is demonstrated to be incorrect. Hence, there is no doubt that in the facts and circumstances of the case, when the answer key is erroneous and demonstrably wrong, the candidates cannot be made to suffer.

3.5 That the answer keys have to be prepared very carefully, primarily for the welfare of the candidates, who study for the examination diligently. An incorrect answer key results in the merit being made a casualty and/or a mockery on the face of fairness.

3.6 That one can well understand the predicament of a young student at the threshold of their career, when despite giving correct answers, the students suffers and as a result, faces a huge setback, for no fault attributable to the student. Moreover, in educational matters, where the Courts are slow in extending





judicial interference, the responsibility upon the respondent-RPSC increases manifestly, for conducting a fair and proper examination, with demonstrably correct answers.

3.7 That reliance was also placed upon an array of judgements, as passed by the Hon'ble Apex Court and also this Court, in furtherance of the dictum enunciated in **Kanpur University (Supra)**. Amongst the judgments so relied upon, are **Manish Ujwal vs. Maharishi Dayanand Saraswati University** reported in **(2005) 13 SCC 744**, **Guru Nayak Dev University vs. Saumil Garg and Ors.** reported in **(2005) 13 SCC 749**, **Rishal and Ors. vs. Rajasthan Public Service Commission and Ors.** reported in **(2018) 8 SCC 81**, **Ankit Sharma and Ors. vs. Rajasthan Public Service Commission and Ors.:** SLP Nos. **4270-4271/2022**, **D.B. Special Appeal (Writ) No. 497/2022** titled as **RPSC and Ors. vs. Gyanendra Sharma and Ors.**, **D.B. Special Appeal (Writ) No. 847/2022** titled as **Suman and Ors. vs. State of Rajasthan**, **D.B. Special Appeal (Writ) No. 1092/2015** titled as **Pankaj Oswal and Ors. vs. RPSC and Ors.** and **State of Rajasthan and Ors. vs. Kamlesh Kumar Sharma and Ors.** reported in **2014 (1) WLC (Raj.) 349**, amongst others.

4. In light of the foregoing submissions, it was conclusively argued that by preparing disputed answer keys in the field of public employment, the respondent-RPSC has tainted the entire examination process, due to which the future of many candidates has been left hanging in the balance, despite no fault on their part. Therefore, the petitioners cannot be blamed for the





errors attributable to the respondent-RPSC and as a result, the petitioners cannot be denied selection as well, on the basis of a demonstrably incorrect answer key. The denial of selection to the petitioners is a direct violation of their fundamental rights conferred under Articles 14,15 and 16 of the Constitution of India.

As a result, in light of the submissions advanced, learned counsel for the petitioners prayed for the reliefs, as noted above.

5. *Per contra*, learned counsel for the respondent-RPSC, Mr. Yuvraj Samant, vehemently opposed the contentions advanced by the learned counsel for the petitioners and argued that the scope of judicial review is limited in the matters of administrative decision-making. It was contended that the Court, while exercising writ jurisdiction, can only consider the correctness of the decision-making process and not the decision itself. While exercising its powers under Article 226 of the Constitution of India, the Court cannot take it upon itself to actually ascertain the correctness of the disputed answer key, for the simple reason, that the Courts are not experts of the contested subject-matter and therefore, do not possess the requisite expertise to ascertain the correctness of the answer-key. Hence, for undertaking the said task, the Court must leave it upon the experts to ascertain the correctness and validity of questions/answers, as they would be more susceptible to the nuances of the subject-matter and thereby, adjudge upon the correctness in an informed manner. In this regard, it was submitted that upon receiving the objections by the candidates/applicants in pursuance to the press note dated 01.10.2023, the experts duly assessed the objections whilst





placing proper reliance on authentic study material and thereafter, made requisite changes, wherever required. Only after the said assessment of the objections, as received, the final answer key dated 20.10.2023 was issued and thereafter, the consequent result was declared in the public domain.

6. Therefore, in furtherance of the arguments advanced, Mr. Samant contended that while undertaking the exercise of judicial review, Courts must only see that whether the decision impugned is vitiated by an apparent error of law. In this regard, it was argued that in the final answer key dated 20.10.2023, no error is apparent on the face of the record. The respondent-RPSC, after duly taking into consideration the objections raised by the candidates, has applied its own mind and thereafter, arrived at the impugned answers.

7. As a result, whilst praying for the dismissal of the present batch of petitions, learned counsel for the respondent-RPSC placed reliance upon the dictum of the Hon'ble Apex Court as enunciated in **Ran Vijay Singh and Ors. vs. State of U.P. and Ors.** reported in **(2018) 2 SCC 357**, **Tajvir Singh Sodhi and Ors. vs. State of Jammu and Kashmir** reported in **2023/INSC/309**, **Uttar Pradesh Public Service Commission, through its Chairman and Anr. vs. Rahul Singh and Anr.** reported in **(2018) 7 SCC 254**, **Vikesh Kumar Gupta and Ors. vs. State of Rajasthan and Ors.** reported in **(2021) 2 SCC 309**, **Bihar Staff Selection Commission and Ors. vs. Arun Kumar and Ors.** reported in **(2020) 6 SCC 362** and **Kavita Bhargava vs. Registrar, Examination, Rajasthan High Court,**





Jodhpur: D.B. Civil Writ Petition No.2253/2022, amongst others.

8. Heard and considered the arguments advanced by learned counsel for both the sides, scanned through the voluminous record and perused the judgments cited at Bar.

9. Preceding to the adjudication on merits, this Court deems it appropriate to take note of certain germane considerations, factual averments and procedural aspects, which envelop the *lis* before this Court. They are noted herein-under:-

9.1 The present batch of petitions before this Court are filed against the final answer-key dated 20.10.2023, as issued by the respondent-RPSC, for the RAS and RTS Combined Competitive Examination, 2023-Preliminary.

9.2 Notification/Advertisement for the RAS-2023 Examination was issued on 28.06.2023 by the respondent-RPSC.

9.3 The RAS-2023 Examination-Preliminary is a paper which consists of two subjects, namely General Knowledge and General Science. The detailed syllabus for the said examination and more particularly, for the concerned subjects, was uploaded by the respondent-RPSC on its website on 30.06.2023.

9.4 The total number of applicants who applied for the examination were approximately 7,00,000. Whereas, the total number of candidates who appeared in the examination were about 4,57,000. Out of the said candidates, 19,500 candidates are shortlisted for the next round of examination i.e. RAS-2023 Mains Examination.





9.5 The scheme for the RAS Examination-2023 is governed by the Rajasthan State and Subordinate Services (Direct Recruitment by Combined Competitive Examination) Rules, 1999. Whereas, the procedural aspects regarding the administration of the examination are governed by the decisions arrived at by the Full Commission of the Rajasthan Public Service Commission.

9.6 The RAS Examination 2023-Preliminary, was held on 01.10.2023 and the Model Answer Key qua the same was issued on 01.10.2023 as well.

9.7 Thereafter, the respondent-RPSC issued a Press Note dated 01.10.2023 for calling of objections from the candidates on the Model Answer Key so issued on the same date i.e. 01.10.2023.

9.8 The window to advance/submit objections online was open from 02.10.2023 to 04.10.2023.

9.9 The respondent-RPSC, after the closure of the time period provided for advancing objections, collated the received objections. A total challenge to 90 questions was laid by the aggrieved candidates.

9.10 Subsequently, as per the record, the respondent-RPSC referred the objected questions to the subject matter experts and after receiving the report of the subject experts, the respondent-RPSC prepared the final answer key dated 20.10.2023, based on the said report of the subject experts. The final result qua the candidates was also prepared on the basis of the said answer key.

9.11 Accordingly, the final answer key and the result for the RAS-2023 Examination-Preliminary was also declared on the same date i.e. 20.10.2023.





9.12 As per the record, on the basis of the experts report and upon a consideration of the objections raised by the candidates, by the expert committee so constituted, the respondent-RPSC finally adopted the said experts report and deleted 5 questions, changed the answer in 3 questions and whereas qua the remaining 82 questions, the original answers were retained as opined by the expert committee.

9.13 Upon a further scrutiny of the record, it is also noted that out of the 569 petitioners, only 93 petitioners had raised an objection against the Model Answer Key during the prescribed time frame. Whereas, qua the 476 petitioners, no objection whatsoever, was received by the respondent-RPSC.

9.14 On not being shortlisted for the RAS 2023-Mains Examination i.e. subsequent round of examination, the petitioners have filed the present batch of petitions challenging the impugned answer key dated 20.10.2023.

10. From the overarching factual narrative of the present batch of writ petitions, it is rather apparent that the scope of the controversy//is before this Court pertains to the judicial review of the final answer key dated 20.10.2023, as published for the RAS-2023 Preliminary Examination, pursuant to receiving of the objections from select petitioners/candidates.

11. At this nascent juncture, prior to delving into the arena of assessment of the final answer key dated 20.10.2023, with regards to the objections raised juxtaposed with the answers crystalized pursuant to the consideration of said objections, this Court deems it appropriate to explicate on the following key legal





considerations, which often envelop matters concerning the assessment of answer keys in public examinations, namely:-

11.1 Scope of Judicial Review under Article 226 of the Constitution of India in Examinations for Recruitment in Public Services.

11.2 The 'Exceptional Circumstance': When can an interference be made by the Courts?

11.3 The 'Exceptional Circumstance': What is palpably and demonstrably erroneous?

11.4 Limitations of Courts in Matters of Judicial Review of Answer Keys.

A. Scope of Judicial Review under Article 226 of the Constitution of India in Examinations for Recruitment in Public Services.

The Hon'ble Apex Court, through a plethora of judicial pronouncements, has time and again held that the Courts ought to be extremely reluctant to substitute their own views as to what is correct and well-judged/ascertained, in relation to academic matters, in preference to those formulated by and arrived at, by professional experts possessing prowess, proficiency and expertise in the actual subjects included in the impugned examinations.

In **Ran Vijay Singh (Supra)** and **Vikesh Kumar Gupta (Supra)**, the Hon'ble Apex Court has endorsed the view that re-evaluations of answer keys may be permitted by Courts, which shall be purely subject to the rules framed qua the administration of the concerned examination. In any event, the practice of Court's re-evaluation of answer-keys, as prepared by subject-





matter experts, has been time and again abominated, primarily looking to the mitigating factum of the Courts not possessing the requisite knowledge/expertise in academic matters, nuances of which can only be understood by subject-matter experts who have spent a considerable amount of time studying the subjects and garnering experience in their concerned field of study. No one would be more suited for carrying out an assessment of an answer key, than an expert who comprehensively understands the framework of the question paper and the context/purpose with which the impugned question is incorporated in the body of the examination.

The scope of judicial review is miniscule, insofar as Court's interference is sparingly permissible, only after obtaining the opinion of experts, who have accumulated sufficient knowledge in their stream of academia. Regardless, the Courts, purely on their own volition and knowledge, cannot determine/ascertain the correctness of an answer-key.

B. The 'Exceptional Circumstance': When can an interference be made by the Courts?

The only exception carved out, permitting the Court's interference in disputed answer keys whilst exercising jurisdiction under Article 226 of the Constitution of India, pertains to when the disputed answer key/question-answers appear to be 'palpably and demonstrably erroneous'.

The dictum of the Hon'ble Apex Court, as enunciated in **Ran Vijay Singh (Supra)** is reproduced herein-under:-





"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 rationalization" 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 the academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."**

Similarly, the Hon'ble Apex Court in **Vikesh Kumar Gupta**

(Supra), held as under:-

"11. 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** (Himachal Pradesh Public Service Commission v. Mukesh Thakur and Anr.: (2010) 6 SCC 759) **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 (Dr.) v. Dr. H.L. Ramesh and Ors. : (2010) 8 SCC 372).

12. 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 12.03.2019. Reliance was placed by the Appellants on *Richal and Ors. v. Rajasthan Public Service Commission and Ors.*: (2018) 8 SCC 81. 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.

13. 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 finalization 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 regularization. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel.”

Hence, in light of the foregoing observations, the only exception carved out, whereby the Court's may extend indulgence in disputed question-answers, is when the same appear to be 'palpably and demonstrably erroneous'.

C. The 'Exceptional Circumstance': What is palpably and demonstrably erroneous?

The Hon'ble Apex Court, in the celebrated judgment of **Kanpur University (Supra)**, expounded on what is 'palpably and demonstrably wrong', by holding 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 be 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 because, so many students would have had to suffer the injustice in silence. The publication of the key answer has unravelled an happy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system of examinations which they conduct. What has failed is not the computer but the human system.

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 text-books, which are commonly read by students in U.P. Those text-books leave, no room for doubt that the answer given by the students is correct and the key answer is incorrect."**

While further elaborating upon the test laid down in **Kanpur University (Supra)**, the Hon'ble Apex Court in **West Bengal Central School Service Commission and Ors. vs. Abdul**





Halim reported in **(2019) 18 SCC 39** laid down the test to determine whether an answer-key is palpably and demonstrably erroneous. The relevant extract is reproduced herein-under:-

"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 v. Mallikarjuna*. **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."

Therefore, it is abundantly made clear that a disputed question-answer shall only be treated as palpably and demonstrably wrong, if it is shown that in order to catch hold of the said error and/or notice the fallaciousness crept therein, one ought not to apply a process of reasoning. Rather, the error should be so apparent, that the same may be discernible by a mere glimpse, as opposed to a





thoughtful analysis. Similarly, even when two equally valiant interpretations of an answer are possible, it cannot be said that the answer is demonstrably erroneous.

D. Limitations of Courts in Matters of Judicial Review of Answer Keys.

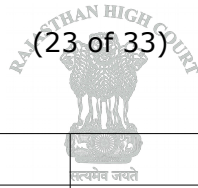
A court carrying on the exercise of judicial review merely scrutinizes the process in question-administrative or statutory, but necessarily public in its outcome, to see if it was arrived at in a procedurally fair and regular manner, free from illegality, not motivated by malice or *mala fides* or not so manifestly unreasonable in its conclusion that no reasonable individual placed in that situation would arrive at such a conclusion. In this regard, reliance can be placed upon the dictum of this Court as enunciated in **S.B. Civil Writ Petition No. 4777/2021** titled as **Surjan Lal Dhawan and Ors. vs. State of Rajasthan.**

12. Having taken note of the established legal position with regards to the scope of judicial review under Article 226, this Court, in order to extend interference in the present batch of petitions, needs to assess whether the impugned model answer key for the contested questions, is palpably and demonstrably erroneous/incorrect or not.

13. The petitioners have contested the following questions, as against the answers furnished in the final answer key dated 20.10.2023. The relevant tabular chart is noted herein-under:-

S. No.	Disputed Question No.	Model Answer key	Final Answer Key	Right Answer/Deleted
1	2	1 Key	Deleted	Option No.1 is correct, it may not be deleted
1	2	1	Deleted	Option No. 1 is correct,





				it may not be deleted
2	6	3	Deleted	Option No. 3 is correct, it may not be deleted (Annexure-12)
3	19	3	Deleted	Option No. 4 is correct
4	22	4	4	Question framed incorrectly; it may be deleted (Annexure-13)
5	39	4	4	Should be deleted
6	44	1	1	Multiple options correct; Should be deleted (Annexure-14)
7	46	1	1	Multiple options correct; Should be deleted (Annexure-15)
8	49	2	2	Option No. 4 is correct (Annexure-16)
9	57	3	1	Should be deleted
10	74	4	4	Should be deleted
11	76	4	4	Multiple options correct; Should be deleted (Annexure-17)
12	87	3	Deleted	Option No. 3 is correct
13	90	1	1	
14	98	2	2	Question framed incorrectly; it may be deleted
15	115	1	1	Question framed incorrectly; it may be deleted (Annexure-18)
16	126	4	4	Multiple options correct; Should be deleted (Annexure-19)
17	145	3	3	Question framed incorrectly; it may be deleted
18	147	3	3	Appropriate option not found (Annexure-20)
19	149	4	4	Multiple options correct; Should be deleted (Annexure-21)
20	150	3	3	Should be deleted





14. Upon a considered perusal of the contested questions as against the model answer key dated 01.10.2023 and the final answer key dated 20.10.2023, this Court in congruence with the established legal position on the subject-matter, deems it appropriate to hold that upon a *prima facie* perusal of the contested final answer key dated 20.10.2023, across the subjects of General Knowledge and General Science, in the absence of any material/information to elaborate upon the incorrectness of the disputed answers, no prudent man having sufficient knowledge, shall be able to categorically catch a glimpse of the mistake so purported to have crept in the impugned answer key dated 20.10.2023. Essentially, in order to establish a case of incorrectness and factual inaccuracy in the contested answer key, a prudent individual would have to take a deep dive into the world of academia and research on the purported illegalities. Even then, in order of lift the veil of inaccuracy and incorrectness, reasonable debate would be necessary before an informed decision can be made in adjudging the validity of the answers challenged. Therefore, in the contested answers as included in the final answer key dated 20.10.2023, reasonable debate coupled with knowledge of academia shall be required to factually ascertain whether the answers reflected, are correct or not.

15. This Court, whilst analyzing the disputed answers through the lens of a prudent man, fails to come across any error apparent on the face of the record, compelling the Court to exercise the narrowly permissible judicial review under Article 226 of the Constitution of India.





16. Illustratively, the following contested questions along with their answers are noted herein-under:-

Question No. 6

Which are the largest Bauxite and Mica producing States in India?

Bauxite - Mica

- (1) Madhya Pradesh-Maharashtra
- (2) Chhattisgarh-Odisha
- (3) Odisha-Andhra Pradesh
- (4) Jharkhand-Rajasthan
- (5) Question not attempted

Model Answer Key: Option No.3

Action of the respondent-RPSC in Final Answer Key:

Deleted the Question pursuant to receiving the objections against the model answer key dated 01.10.2023.

Option deemed correct by the petitioners: Option No.3.

Question No.22

Which one of the following Commission did recommend the establishment of an Inter-Government Council in place of an Inter-State Council.

- (1) Rajmannar Commission
- (2) Punchhi Commission
- (3) Administrative Reforms Commission, 1969
- (4) Sarkaria Commission
- (5) Question not attempted

Model Answer Key: Option No.4

Action of the respondent-RPSC in the Final Answer Key:

Maintained Option No. 4

Option deemed correct by the petitioners: Question is framed incorrectly and therefore, the same ought to be deleted.

Question No. 44

Which of the following statement, related to Pharmaceutical sector is not correct?





- (1) India has 80 percent market share of global vaccine manufacturing.
- (2) India is the largest provider of generic medicines globally.
- (3) India is ranked 14th worldwide in the production of pharma products by value.
- (4) India is ranked 3rd worldwide in the production of pharma products by volume.
- (5) Question not attempted.

Model Answer Key: Option No.1

Action of the respondent-RPSC in Final Answer Key:

Maintained Option No.1

Option deemed correct by the petitioners: Multiple options are correct and therefore, the question ought to have been deleted.

Question No.46

Which of the following statement related to automobile sector is not correct?

- (1) It generated direct and indirect employment of 5.3 crore at the end of the 2021.
- (2) It contributes 7.1 percent to India's GDP.
- (3) In 2021, India was World's fourth largest manufacturer of passenger cars.
- (4) In 2021, India was the largest manufacturer of two wheeler and three wheeler vehicles in the World.
- (5) Question not attempted.

Model Answer Key: Option No.1

Action of the respondent-RPSC in Final Answer Key:

Maintained Option No. 1

Option deemed correct by the petitioners: Multiple options are correct and therefore, the question ought to have been deleted.

Question No. 57

In which of the following scheme, the main objective is to promote the use of appropriate methods, care and services during pregnancy, safe delivery and lactation period to





improve the health and nutritional status of pregnant and lactating women and their infants (0-6 months)?

- (1) Pradhan Mantri Matru Vandana Yojana
- (2) Indira Gandhi Matrutva Poshan Yojana
- (3) Mission Vatsalya Yojana
- (4) Palanhar Yojana
- (5) Question not attempted

Model Answer Key: Option No.3

Action of the respondent-RPSC in Final Answer Key:

Changed the answer to Option No.1, pursuant to the consideration of the objections received.

Option deemed correct by the petitioners: Question ought to be deleted. No material provided to support said claim.

Question No. 74

Out of total Oxygen present in the earth's atmosphere, the estimated production of oxygen by Amazon forest through photosynthesis is:-

- (1) 40 percent
- (2) 50 percent
- (3) 70 percent
- (4) 20 percent
- (5) Question not attempted

Model Answer Key: Option No.4

Action of the respondent-RPSC in Final Answer Key:

Maintained Option No.4

Option deemed correct by the petitioners: Question ought to be deleted. No material provided to support said claim.

Question No. 145

The spread of which of the following Sufi sect was mostly limited to Sindh, Multan and Punjab?

- (1) Qadiri
- (2) Naqshbandi
- (3) Suhrawardi
- (4) Chisti
- (5) Question not attempted





Model Answer Key: Option No.3

Action of the respondent-RPSC in Final Answer Key:

Maintained Option No.3

Option deemed correct by the petitioners: Question ought to be deleted, as the same is framed incorrectly. No material provided to support said claim.

17. In order to even acknowledge the scope of change in the final answer key dated 20.10.2023, this Court after analyzing the questions illustratively noted above, cannot help but highlight the need to adopt an inferential process of reasoning, including the comparative analysis and juxtaposition of various reports and study material, to arrive at an objective decision. Having said that, it is noted that the respondent-RPSC, pursuant to the receiving of the objections against the model answer key dated 01.10.2023, has exercised its discretion, consulted with the experts and thereafter, effectuated necessary changes, as is illustratively reflected by the Questions noted above. Therefore, no rare and exceptional case arises, whereby this Court without adopting an inferential process of reasoning or rather, a process of rationalization, permits scrutiny of the final answer key dated 20.10.2023.

18. In this regard, it is noted that on the basis of the reports of the experts and also, on the consideration of the objections so received by the expert committee, the respondent-RPSC finally adopted the experts report and deleted 5 questions in total and changed the answer in 3 questions. Whereas, qua the other 82 questions against which the objections were received, the original answers noted in the model answer key, were





maintained. Correspondingly, it is noted that this Court whilst undertaking the exercise of judicial review, merely scrutinizes the process in question- administrative or statutory, but necessarily public in its outcome, to see if it was arrived at in a procedurally fair and regular manner, free from illegality and not motivated by malice or *mala fides*. The process and the impugned finding, ought not to be so manifestly unreasonable in its conclusion, that no reasonable individual placed in an akin situation would arrive at such a conclusion.

19. However, in the foregoing facts and circumstances of the present case, the objections raised by the petitioners/candidates against the model answer key dated 01.10.2023 were duly taken note of the by the respondent-RPSC and thereafter, in examining those objections, the expert committee duly analyzed the merits and correctness of the objections and thereafter, effectuated necessary changes in the final answer key dated 20.10.2023, wherever required, as is noted above. Therefore, no procedural lapse occurred in carrying out the said exercise. In such an event, any challenge raised to the correctness and/or validity of the opinion of the experts, on the basis of which the final answer key dated 20.10.2023 was prepared, is not to be interfered with by this Court, especially in light of the dictum of the Hon'ble Apex Court as enunciated in the judgments referred above.

20. Therefore, as long as all the candidates who sat in the examination, are treated equally viz-a-viz the system of evaluation in place, *sans* discrimination, then no grievance qua the





impugned examination subsists. It is well settled law that in academic matters, the experts word is the last word. The court neither has the requisite expertise nor infrastructure to go into the correctness of such decisions. As a result, the court cannot sit in judgment over those findings of experts and examine the material on record and arrive at its own conclusions as a court of appeal. It is also not possible in such circumstances to go on appointing committees, especially when the experts have duly analyzed the objections received from the candidates/petitioners and thereafter, released the final answer key dated 20.10.2023. An unending litigation for employment in public posts, in connection with which, the career trajectory of so many young individuals is coherently tied up with, cannot be permitted to be in abeyance for so long, that the end result subsumes and overshadows the duress and hardship faced by the litigants. Moreover, even as per the salutary rule as endorsed in **Ran Vijay Singh (Supra)**, in the event of doubt, the benefit ought to go to the examination authority rather than to the candidates perceiving injustice.

21. As a result, the answer key should be assumed to be correct unless it is proved to be wrong, albeit the same should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. 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. However, such was not the case in the facts and circumstances of the present case, as demonstrated above. If it is a case of doubt, unquestionably the answer-key must be preferred and only if it is





beyond the realm of doubt, the possibility of judicial review must be entertained. In this regard, reliance can be placed upon the dictum of this Court, as previously enunciated in **Surjan Lal Dhawan (Supra)**. The view as noted above, has also been reiterated by the Hon'ble Apex Court in a catena of judgments namely **Rahul Singh (Supra)**, **Arun Kumar (Supra)** and **Mukesh Thakur (Supra)** and **Tajvir Singh Sodhi (Supra)** and also, the Division Bench of this Court headed by the Hon'ble Chief Justice Mr. M. M. Srivastava as enunciated in **Kavita Bhargava (Supra)**.

22. Accordingly, placing cumulative reliance upon the observations made herein-above, this Court deems it appropriate to dismiss the instant batch of writ petitions.

23. Resultantly, the petitions are disposed of. Pending applications, if any, stand disposed of.

(SAMEER JAIN),J

Pooja /





Schedule-I

Sr. No.	SBCWP No.	Reserved Date
1.	17687/2023	
2.	17856/2023	
3.	17924/2023	
4.	18158/2023	
5.	18173/2023	
6.	18176/2023	
7.	18201/2023	
8.	18313/2023	
9.	18314/2023	
10.	18320/2023	
11.	18459/2023	
12.	18469/2023	17.01.2024
13.	18591/2023	
14.	18601/2023	
15.	18616/2023	
16.	18701/2023	
17.	18776/2023	
18.	18962/2023	
19.	19303/2023	
20.	19305/2023	
21.	19571/2023	
22.	19621/2023	
23.	19773/2023	
24.	19856/2023	
25.	20146/2023	
26.	20211/2023	
27.	20579/2023	
28.	20597/2023	
29.	490/2024	
30.	19779/2023	
31.	531/2024	
32.	19410/2023	
33.	18811/2023	





34.	18185/2023	
35.	18548/2023	
36.	893/2024	
37.	18600/2023	
38.	717/2024	
39.	960/2024	18.01.2024
40.	18937/2023	
41.	584/2024	
42.	1076/2024	29.01.2024
43.	1313/2024	
44.	20242/2023	
45.	1531/2024	31.01.2024
46.	1321/2024	02.02.2024
47.	1752/2024	05.02.2024
48.	1662/2024	
49.	1812/2024	06.02.2024
50.	20459/2023	07.02.2023
51.	1967/2024	08.02.2024
52.	1567/2024	12.02.2024
53.	2280/2024	
54.	18985/2023	15.02.2024
55.	19027/2023	
56.	2875/2024	26.02.2024
57.	2750/2024	27.02.2024
58.	3067/2024	29.02.2024
59.	1767/2024	01.03.2024
60.	482/2024	04.03.2024
61.	3334/2024	05.03.2024
62.	18602/2023	19.03.2024
63.	4195/2024	20.03.2024
64.	1817/2024	21.03.2024

