CNR No: PHHC011226912025

2026:PHHC:106938

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.22532 of 2025

1. Brahampal and others ....Petitioners

Versus

State of Haryana and others ....Respondents

CWP No.22526 of 2025

2. Narender Kumar and others ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP No.22590 of 2025

3. Akash Jaisawal and others ....Petitioners

Versus

State of Haryana and others ....Respondents

CWP No.23258 of 2025

4. Yashika ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP No.23383 of 2025

5. Amita and another ....Petitioners

Versus

State of Haryana and others ....Respondents

CWP No.23396 of 2025

6. Manmohan Singh and others ....Petitioners

Versus

State of Haryana and others ....Respondents

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CWP No.23428 of 2025

7. Tamanna ….Petitioner

Versus

State of Haryana and others ….Respondents

CWP No.25047 of 2025

8. Ekta and others ….Petitioners

Versus

State of Haryana and others ….Respondents

CWP No.25745 of 2025

9. Mukesh Kumar ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP No.26373 of 2025

10. Vijender Kour ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP No.26522 of 2025

11. Surender Singh and others ....Petitioners

Versus

State of Haryana and others ....Respondents

CWP No.26525 of 2025

12. Meena Rani ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP No.26725 of 2025

13. Deepak and others ....Petitioners

Versus

State of Haryana and others ....Respondents

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CWP No.26726 of 2025

14. Kalavati ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP No.26874 of 2025

15. Ankit Kumar ....Petitioner

Versus

State of Haryana and others ....Respondents

CWP No.27279 of 2025

16. Rohit ....Petitioner

Versus

State of Haryana and others ....Respondents

Reserved on: 05.08.2026
Pronounced on: 12.10.2026
Uploaded on: 12.10.2026

Whether only the operative part of the judgment is pronounced? No
Whether full judgment is pronounced? Yes

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present *:* Mr. R.K. Malik, Senior Advocate with
Mr. Sarthak Gupta, Advocate
Mr. Sandeep Dhull, Advocate
for the petitioner(s) in CWP No.22532-2025.

Mr. Puneet Bali, Senior Advocate with
Ms. Bhagyashri Setia, Advocate
Mr. Gagandeep Singh, Advocate
for the petitioner(s) in CWP No.22526-2025.

Mr. Sandeep Singal, Advocate
for the petitioner(s) in CWP No.23258-2025.

Mr. Kuldeep Sheoran, Advocate
for the petitioner(s) in CWP No.23396-2025.

Ms. Nidhi, Advocate
Mr. Mandeep Singh Kundu, Advocate
for the petitioner(s) in CWP No.23428-2025.

Mr. Samrit Gill, Advocate for Mr. Ravi Verma, Advocate
for the petitioner(s) in CWP No.25047-2025.

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Mr. Sarthak Gupta, Advocate
for the petitioner(s) in CWP No.26373-2025.

Mr. Jasbir Singh Mor, Advocate
for the petitioner(s) in CWP No.26725 of 2025 and
CWP No.20857-2025.

Mr. Rajat Mor, Advocate
for the petitioner in CWP No.22590-2025

Mr. R.S. Budhwar, Addl. A.G., Haryana.

Mr. Atul Lakhanpal, Senior Advocate with
Mr. Raahat Kataria, Advocate
Mr. Karan Jangra, Advocate
Ms. Caral, Advocate
for respondents No.5 to 8 in CWP No.22526-2025.

Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocates
for the respondent(s)-HPSC.

Ms. Harpriya Khaneka, Advocate
for the respondent(s)-HPSC.

*****

HARPREET SINGH BRAR, J.

1. With the consent of all the parties, the aforementioned writ petitions shall be disposed of by this common order as they arise from a similar factual matrix and pose identical questions of law. However, for the sake of brevity, the facts are taken from **CWP-22532-2025**.

2. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the announcement dated 03.07.2025 (Annexure P-7A) and the Final Answer Key dated 27.06.2025 (Annexure P-6) in respect of Questions Nos.9, 17, 19, 20, 26, 28, 32, 35, 36, 37, 44, 46, 52, 63 and 76 of the Question Paper (Master Set) for the post of Assistant Professor (Geography) (Annexure P-4). The

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petitioners further seek quashing of the consequent result of the Screening Test declared on 11.07.2025 (Annexure P-2). A writ in the nature of *mandamus* is also sought, directing respondent No.3-Haryana Public Service Commission to rectify the Final Answer Key (Annexure P-6) in respect of the aforesaid questions, re-evaluate the OMR sheets of all candidates and publish a fresh, revised result/merit list. By way of interim relief, the petitioners prayed that they be permitted to provisionally appear in the Subject Knowledge Test scheduled to be held on 17.08.2025, subject to the final outcome of the present writ petition.

CONTENTIONS

3. Learned Senior Counsel for the petitioners, *inter alia,* contended that 30 questions of the Screening Test were identical to those asked in the test conducted by the Bihar Public Service Commission for the same post of Assistant Professor (Geography) on 29.04.2025, i.e., merely two months prior to the Screening Test conducted by the respondent-Commission. Further, in the Final Answer Key (Annexure P-6), the respondent-Commission deleted 10 questions and changed the answers to 06 questions. Thus, according to learned Senior Counsel, 46 out of 100 questions were in dispute, which impugned the credibility of the Screening Test itself.

4. It was further contended that the answers to the 06 questions, as given in the provisional answer key (Annexure P-5), were correct. However, they were thereafter changed in the Final Answer Key (Annexure P-6). This caused serious prejudice to the candidates who had attempted these questions correctly. Such candidates not only lost the marks for a correct answer but were also penalised with negative marking of 0.25 marks for each such answer. Learned Senior Counsel submitted that the claim of the petitioners regarding the correctness of the 06

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answers stands supported by standard textbooks, including those published by the National Council of Educational Research and Training (hereinafter referred to as 'NCERT'), as discernible from Annexures P-8 to P-13. The said analysis is summarised as under:

Question No.	Provisional Key	Final Key	Answer claimed by the petitioners	Source relied upon	Annexure
26	C	A	C (Tides)	NCERT, Fundamentals of Physical Geography, Class XI, Page 104	P-8
28	C	B	C (Both 1 and 2)	NCERT, Fundamentals of Physical Geography, Class XI, Page 103	P-9
35	C	A	C (Both 1 and 2)	NCERT, India: Physical Environment, Class XI, Page 64	P-10
37	C	D	C (Both 1 and 2)	NCERT, Biology, Class XII, Page 208	P-11
44	C	D	C (Reilly)	R.C. Chandna, A Geography of Population, Page 305	P-12
46	A	C	A (Jean Gottman)	NCERT, Fundamentals of Human Geography, Class XII, Page 98	P-13

5. Learned Senior Counsel further placed reliance upon the judgment of a Division Bench of this Court in **CWP No.17608 of 2019** titled ***'Rustam Garg v. Punjab and Haryana High Court, Chandigarh and others'*** decided on 08.08.2025, wherein the questions in dispute were referred to an Expert Committee. He submitted that, in terms of the said judgment, the 06 questions were also required to be referred to Subject Experts. The experts could then determine

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whether the earlier answer key was correct, or whether the changes were made without considering the established and correct answers to these questions.

6. Insofar as the deleted questions are concerned, it was contended that Questions No.17, 19, 20, 32, 36 and 52 were unambiguous and each had a single correct answer, as borne out from the NCERT textbooks (Annexures P-14 to P-16). Their deletion was without any valid academic justification. It was further contended that Questions No.9, 63 and 76 had more than one correct answer. For instance, in Question No.76, both Claudius Ptolemy and Pomponius Mela were Roman, and not Greek, geographers (Annexure P-17). In such a situation, the fair course was to award marks to the candidates who marked any of the correct options, and not to delete the question. Moreover, the deletion of questions has a direct bearing on shortlisting, as the Screening Test is conducted only for the purpose of shortlisting, while the selection is made entirely on the basis of the merit list prepared on the basis of the Subject Knowledge Test and the interview.

7. Further, it was also argued that petitioner No.1 and petitioner No.17, along with other similarly situated candidates, raised their grievance *qua* the Final Answer Key through a representation dated 30.06.2025 (Annexure P-7). However, the same was rejected through an announcement dated 03.07.2025 (Annexure P-7A), stating that there was no change in the Final Answer Key. Learned Senior Counsel placing reliance upon the judgments rendered by the Hon'ble Supreme Court in ***Kanpur University v. Samir Gupta (1983) 4 SCC 309*** and ***Richal and others v. Rajasthan Public Service Commission (2018) 8 SCC 81,*** contended that, though judicial review in academic matters is limited, this Court can interfere when an answer key is shown to be palpably and demonstrably erroneous. Therefore, the

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action of the respondent-Commission in finalising an erroneous answer key was arbitrary and violative of Articles 14 and 16 of the Constitution of India.

7.1. Additionally, learned counsel for the petitioner(s) in **CWP No.26725 of 2025** also submitted that, as per the affidavit filed by the respondent-Commission (Annexure P-32 in CWP No.26725 of 2025), the past practice of the respondent-Commission has been to re-conduct an examination in which more than 14% of the questions are deleted. It was argued that by not doing so in the present selection, the respondent-Commission departed from its own practice.

8. *Per contra*, learned counsel for the respondent-Commission submitted that the petitioners participated in the Screening Test without any protest. Having remained unsuccessful, they are estopped from challenging the same process. Moreover, none of the petitioners could clear the Screening Test. Since they did not come within the zone of consideration for the Subject Knowledge Test, their roll numbers did not find mention in the result dated 11.07.2025 (Annexure P-2).

9. Additionally, it was submitted that vide announcement dated 10.06.2025 (Annexure P-5), objections were invited against the provisional answer key till 13.06.2025. All the objections received from the candidates, including those of the petitioners, were forwarded to the Subject Experts. The Final Answer Key (Annexure P-6) was prepared on the basis of the report and recommendations of the experts and uploaded on 27.06.2025. The changes in the answer key, including the deletion of questions, were made after thorough scrutiny by the Subject Experts. No allegation of mala fides, arbitrariness or discrimination has been levelled against them. Further, all such changes were uniformly applied to all the candidates. Learned counsel submitted that there is no precedent or procedure for

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reviewing a Final Answer Key. Even so, to allay the doubts of the candidates, the representations received against the Final Answer Key were again reviewed by the Subject Experts. The experts reported that no change was required. Accordingly, the announcement dated 03.07.2025 (Annexure P-7A) was issued.

10. Learned counsel further submitted that the issue regarding the changes in the answer key has already been examined by this Court in **CWP No.20359 of 2025** titled ***'Jasmine v. State of Haryana and another',*** and **CWP No.20373 of 2025** titled ***'Veena v. State of Haryana and others'***. In ***Jasmine's case (supra)***, the changes to the answers of Questions No.26, 44 and 46 and the deletion of Questions No.17, 19, 20, 36, 52 and 76 were under challenge. In ***Veena's case (supra)***, the changes to the answers of Questions No.26, 35, 44 and 46 were under challenge. In abovementioned cases, the report of the Subject Experts was produced before this Court in a sealed cover on 30.07.2025. After perusing the same, a Co-ordinate Bench of this Court found that the Subject Experts held senior academic positions in Universities and that no mala fide was alleged against them. Accordingly, vide orders dated 30.07.2025 (Annexures R-2/3 and R-2/4), the Co-ordinate Bench declined to interfere in view of the law settled in **CWP No.30309 of 2024** titled ***'Amit and others v. State of Haryana and others'.*** Thereafter, **LPA No.2368 of 2025,** filed against the order passed in ***Jasmine's case (supra)***, was dismissed by a Division Bench of this Court vide order dated 13.08.2025 (Annexure R-2/5). ***Veena's case (supra)*** remains pending only on the limited ground of checking the eligibility of all candidates before the declaration of the result of the Screening Test, and not on the issue of changes in the Final Answer Key.

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11. Insofar as the deletion of Questions No.9, 13, 17, 19, 20, 32, 36, 52, 63 and 76 is concerned, learned counsel submitted that these questions were deleted on the advice of the Subject Experts. The reasons for their deletion are recorded in the report of the Subject Experts, which was produced before this Court. As regards the claim for grace marks in lieu of deletion, it was submitted that no candidate has been disadvantaged by the deletion. The marks secured by each candidate were converted into marks out of 100 by applying the formula *'marks obtained / 90 × 100*'. Thus, a candidate who scored 45 marks would get 50 marks. Learned counsel placing reliance upon ***Amit's case (supra)***, contended that where the answer key is finalised and questions are deleted on the advice of Subject Experts, and the result is prepared without assigning any marks for the deleted questions, all examinees stand treated at par. A candidate who attempted a deleted question correctly as per the provisional answer key acquires no right to object to its deletion. This is because the correct answer had not been finalised by then, and the experts had opined against the inclusion of that question. Hence, in the absence of mala fides against the Subject Experts, the respondent-Commission was well within its rights to delete the questions.

12. Moreover, with regard to the alleged repetition of questions from the examination conducted by the Bihar Public Service Commission, learned counsel submitted that out of the 30 questions pointed out, 05 questions, i.e., Questions No.9, 17, 20, 32 and 36, already stand deleted. Reliance was again placed upon ***Amit's case (supra)*** to contend that the mere repetition of questions from a test conducted by another agency does not, by itself, cause prejudice to the candidates or impair the sanctity of the test. In the absence of any specific allegation that any of the repeated questions was disclosed to any candidate, and in the absence of any

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allegation of mala fides, the allegations of the petitioners fail to establish even a prima facie case.

13. It was further submitted that the Subject Experts had no interest in favouring any candidate, and therefore there was no arbitrariness, illegality or infirmity in the action of the respondent-Commission. The Expert Committee consisted of eminent persons of recognised repute, who did not favour any candidate. Thus, there is no arbitrariness, illegality or infirmity in the action of the respondent-Commission.

13.1. Lastly, learned counsel for the respondent-Commission submitted that the reliance placed on the affidavit (Annexure P-32 in CWP No.26725 of 2025), to contend that the past practice of the respondent-Commission was to re-conduct an examination in which more than 14% of the questions were deleted, was misplaced. It was submitted that the same argument had been considered and rejected by a Co-ordinate bench of this Court in ***Pinki Devi v. State of Haryana and others,*** **2025 NCPHHC 172449.**

OBSERVATION AND ANALYSIS

14. Having heard learned counsel for the parties and after perusing the record with their able assistance, the following questions arise for adjudication:

i. ***Whether, and to what extent, a Court can interfere with the final answer key of a competitive examination, including the deletion of questions, where the same has been finalised on the recommendations of subject experts?***

ii. ***Whether the mere repetition of questions from an examination earlier conducted by another recruiting agency vitiates the sanctity of a competitive examination?***

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- ***Scope of judicial review over answer keys finalised by experts***

15. It is no longer *res integra* that the evaluation of answers in a competitive examination falls within the domain of academic experts, and Courts do not possess the expertise to assess the correctness of answers in a specialised subject. The foundation of this principle was laid down by the Hon'ble Supreme Court in ***Kanpur University and others v. Samir Gupta and others, (1983) 4 SCC 309***, wherein it was held that the key answers are to be presumed correct, and that a Court can interfere only where the key is demonstrably wrong, and not where its correctness can be questioned only through an inferential process of reasoning.

16. Subsequently, a Two-Judge Bench of the Hon'ble Supreme Court in ***Ran Vijay Singh and others v. State of Uttar Pradesh and others, (2018) 2 SCC 357***, reiterated the settled position, and held that a candidate's answer sheet cannot be re-evaluated by the Court. The key answers are to be presumed correct, and that the benefit of any doubt must go to the examining authority. Speaking through Justice Madan B. Lokur, the following was held:

> ***"****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***

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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.”

(Emphasis added)

17. More recently, in a judgment rendered by a Two-Judge Bench of the Hon'ble Supreme Court in ***U.P. Public Service Commission, through its Chairman and another v. Rahul Singh and another, (2018) 7 SCC 254***, reiterated that the Court cannot sit as an appellate authority over the opinion of experts. Where the examining body has placed the objections before experts and acted upon their opinion, the Court must give due weight to that opinion. Speaking through Justice Deepak Gupta, the following was held:

“*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 answer is better or more correct.***

14. In the present case we find that all the 3 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 text books. ***When there are conflicting views, then the court must bow down to the opinion of the***

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> ***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."***

(Emphasis added)

18. Furthermore, a Two-Judge Bench of the Hon'ble Supreme Court in ***Haryana Public Service Commission v. The State of Haryana and others***, **Civil Appeal No.7727 of 2019**, decided on 30.09.2019, wherein the observation was with respect to a recruitment of Assistant Professors (Geography) by the respondent-Commission itself. Candidates had objected to 46 questions as defective. The Commission referred the objections to a Committee of Experts, which found seven questions ambiguous or wrongly keyed. The Commission deleted those questions and declared the result. The learned Single Judge of this Court directed deletion of four more questions. The Division Bench, in **LPA No.1973 of 2017**, appointed a second Expert Committee. The Hon'ble Supreme Court by setting aside both orders, observed as follows:

> *".....If the judgment of the Division Bench is allowed to stand, there will be no finality to the selection process.* ***There was no allegation as such against the Expert Committee which was appointed by the Commission. The Expert Committee, in its wisdom has concluded that seven questions were either ambiguous or the answer keys were not correct. Accepting the said report, the Commission has proceeded with the selection process and results were announced. Thereafter, the candidates approached the High Court. Though learned Single Judge was right in agreeing for deletion of seven questions, was not justified in acting as an expert in the field and, therefore, the learned Single Judge's order relating to deletion of four questions also cannot be accepted****..."*

(Emphasis added)

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18.1 A Co-ordinate Bench of this Court in ***Amit and others v. State of Haryana and others*****, CWP-30309-2024**, decided on 08.01.2025, relied upon the aforesaid judgment in ***Haryana Public Service Commission's case (supra)*** and held as follows:

> *"8. So far as deletion of eleven questions from the Screening Test is concerned, that also cannot be a ground in itself to set aside the test. It remains undisputed on record that after conducting the Test, the Commission invited objections from the candidates against the provisional answer key. The same were sent to the concerned subject experts and only on the basis of their opinion the answer key was finalised; the deletion of questions was also based on their advice. Thereafter, the result of Screening Test was prepared without assigning any marks for the deleted questions. Resultantly, all the examinees have been treated at par.* ***Merely because some of them attempted the deleted questions and their answers were correct as per the provisional answer key, this would not give them any right to object to the deletion because, firstly, correct answer to the question(s) had not been finalised by then and, secondly, in the face of experts' opinion against inclusion of those questions in the Test, a candidate had no right to claim marks against the same. It is not the petitioners' case that there is any bar on deletion of questions. Besides, there is no mala fide alleged against the subject experts, nor has any other document been placed on record discrediting their judgment in deciding the objections and/or recommending deletion of questions. In these circumstances, the Commission is within its rights to delete the questions based on the experts' opinion.****"*
>
> (Emphasis added)

19. Learned Senior Counsel for the petitioners placed reliance upon ***Kanpur University' case (supra)*** and ***Richal's case (supra)***. However, ***Kanpur University's case (supra)*** itself sets the threshold of a demonstrable error, which, the ratio of the said judgments, therefore, has no application to the controversy at

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hand. In ***Richal's case (supra)***, the Hon'ble Supreme Court did not itself determine the correct answers, and took the aid of an expert committee to examine the disputed questions. Similarly, in ***Rustam Garg's case (supra)***, the Division Bench of this Court referred the disputed questions to an Expert Committee. In the present case, that exercise stands already undertaken, as the disputed questions have been examined by Subject Experts *twice*. The ratio of the said judgments, therefore, does not advance the case of the petitioners.

20. Adverting to the facts of the present case, it transpires that the respondent-Commission invited objections against the provisional answer key (Annexure P-5). The objections, including those filed by the petitioners along with supporting material, were placed before the Subject Experts. The Final Answer Key (Annexure P-6) was prepared on their recommendations. Thereafter, the representation dated 30.06.2025 (Annexure P-7) was again placed before the Subject Experts, who found that no change was required (Annexure P-7A). No mala fides or bias has been alleged against the Subject Experts, nor has their competence been questioned.

21. Further, the case of the petitioners rests on a question-wise comparison of the Final Answer Key with NCERT textbooks and other reference works (Annexures P-8 to P-17). To accept it, this Court would have to weigh passages from textbooks against the opinion of the Subject Experts and decide which option is the better answer. That is precisely the exercise which the Hon'ble Supreme Court in ***Ran Vijay Singh's case (supra)*** has held to be impermissible. How a statement in a textbook bears upon the framing of an objective question, and which option is the most appropriate answer, are academic matters. Once the Subject Experts have considered the objections and taken a view, the answers

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cannot be said to be demonstrably wrong without an inferential process of reasoning.

22. Moreover, Questions No.26, 35, 44 and 46, as also Questions No.17, 19, 20, 36, 52 and 76, have already been examined by a Co-ordinate Bench of this Court in ***Jasmine's case (supra)*** and ***Veena's case (supra)***. The petitioners have not pointed out any material which was not before the Subject Experts or the Co-ordinate Bench. The remaining Questions No.9, 28, 32, 37 and 63 stand on the same footing, as they too were examined by the Subject Experts at both stages.

23. Insofar as the deletion of questions is concerned, the 10 deleted questions were excluded for all the candidates alike. The marks of every candidate were computed out of 90 and scaled to 100. Thus, no candidate has been placed at a disadvantage vis-à-vis another. A candidate who attempted a deleted question acquires no right to marks for it, as held in ***Amit's case (supra)***. The grievance qua Questions No.9, 63 and 76 is also misplaced. Once the Subject Experts found these questions to be flawed or to admit of more than one answer, whether to delete them or to award marks for more than one option was a matter for the respondent-Commission to decide on expert advice. The petitioners have not pointed out any rule or term of the advertisement (Annexure P-1) mandating the latter course. Furthermore, as the Screening Test is meant only for shortlisting and its marks are not counted in the final merit, a uniform deletion cannot be said to have caused any prejudice to the petitioners.

23.1. The reliance placed upon the past practice of the respondent-Commission, as stated in its affidavit (Annexure P-32 in **CWP No.26725 of 2025**), is also misplaced. The affidavit records a practice and not a rule or a term of the

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advertisement (Annexure P-1). It is settled law that an examination can be cancelled only where its sanctity stands compromised at a systemic level. Placing reliance on a judgment rendered by Three-Judge Bench of the Hon'ble Supreme Court in ***Vanshika Yadav v. Union of India*, 2024 INSC 568**, speaking through Dr. Justice D.Y. Chandrachud, held as follows:

> *"61. The facts of this case and the resultant issue before this Court do not call for the development of new legal principles.* ***It is settled law that the cancellation of an examination, either for the purposes of gaining admission into professional and other courses or for the purpose of recruitment to a government post, is justified only in cases where the sanctity of the exam is found to be compromised at a systemic level. Courts may direct the cancellation of an examination or approve such cancellation by the competent authority only if it is not possible to separate the tainted candidates from the untainted ones.***
>
> *xxx* *xxx* *xxx*
>
> ***66**. **The purpose of testing whether the integrity of the exam has been compromised at a systemic level is to ensure that the cancellation of the exam which has already taken place and the conduct of a fresh examination is a proportionate response. This is also why courts are required to assess the extent of the use of unfair means and separately, consider whether it is possible to separate tainted and untainted candidates. A holistic view must be taken."***
>
> (Emphasis added)

23.2. In the present case, 10 out of 100 questions, i.e., 10%, were deleted. This is below the 14% figure stated in the affidavit. In any case, the deletion was made on expert advice and applied uniformly to all the candidates. It does not point to any systemic compromise of the Screening Test. A similar argument resting on

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the said affidavit has also been rejected by a Co-ordinate Bench of this Court in ***Pinki Devi's case (supra).***

24. In the wake of the aforementioned discussion, this Court is of the considered view that the Final Answer Key dated 27.06.2025 (Annexure P-6), the announcement dated 03.07.2025 (Annexure P-7A) and the consequent result dated 11.07.2025 (Annexure P-2) do not suffer from any demonstrable error, arbitrariness or mala fides. No violation of Articles 14 and 16 of the Constitution of India is made out. In view of this finding, this Court does not deem it necessary to examine the objection of estoppel raised by the respondent-Commission.

- ***Repetition of questions from another examination***

25. It is well settled that the mere repetition of questions which appeared in an examination conducted earlier by another agency does not, by itself, vitiate an examination. To unsettle the examination on this ground, there must be material to show that the questions were disclosed to some candidates in advance, or that some candidates gained an unfair advantage over the others. A Division Bench of this Court dealt with a similar challenge in ***Varun Girdhar and others v. State of Haryana and others,*** **LPA No.1054 of 2023**, decided on 10.08.2023, where questions asked in an earlier examination of the Commission had been repeated in a later one. The Division Bench observed as follows:

> ***"****7. On being asked, learned counsel for the appellants have failed to point out prejudice caused to appellants except to make bald statement that possibility of success of candidates who appeared in 2022 exam had increased. The explanation furnished by appellants is not plausible because appellants have failed to bring on record any material indicating number of candidates who appeared in 2022 as well as 2023 exam, number of*

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candidates out of them succeeded and number of questions which have been answered by those candidates. ***In the absence of any material on record, it cannot be concluded that there was intention much less malafide of the Commission to favour candidates who appeared in 2022 exam as well as 2023 exam. In the absence of any evidence that there was malafide intention on the part of Commission to borrow questions from earlier exam, it cannot be concluded that action of Commission was unjustified and exam should be cancelled."***

(Emphasis added)

26. Further, a Co-ordinate Bench of this Court in ***Amit's case (supra)*** held as follows:

"7.2. As per facts on record, forty-five questions which have earlier been asked to the examinees in a different test/HTET conducted by a different recruiting agency/Board of School Education about more than three years back, have been repeated in the Screening Test which has been conducted for altogether different purpose, viz., recruitment for the posts of PGTs. ***It is too far-fetched to contend that repetition of such old questions of a different test conducted by another agency for a separate purpose, can in itself cause any prejudice to the candidates/petitioners or impute the sanctity of the Test. There is no specific allegation to even prima facie establish that any of the repeated questions was ever disclosed to any candidate by anyone in particular; nor any other circumstance has been pointed out establishing that any of the candidates had such a knowledge. The allegations, therefore, appear to be mere imagination of the petitioners which cannot form the basis of any plausible action by this Court.*** *On being specifically asked about the prejudice caused to the petitioners, learned counsel could only submit that some of the candidates might have been aware about the repetition of questions and would have had an advantage over the petitioners while taking the Test, but could not refer to any material or circumstance to establish the allegation even prima facie. This sheer presumption, therefore, cannot be a ground to challenge the Test. Further, there is no mala fide alleged against*

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anyone so far as conduct of the Screening Test is concerned, nor has any malpractice been alleged against anybody associated with it."

(Emphasis added)

27. Adverting to the facts of the present case, out of the 30 questions alleged to have been repeated from the examination conducted by the Bihar Public Service Commission, 05 questions, i.e., Questions No.9, 17, 20, 32 and 36, already stand deleted. Beyond the bare allegation of similarity, nothing has been placed on record to show that any candidate had prior access to the question paper of the Screening Test. Questions asked in an examination already conducted by another Commission cannot be said to be a source available only to a few. No mala fides or malpractice has been alleged against anyone associated with the conduct of the Screening Test. Therefore, the repetition of questions, by itself, does not vitiate the Screening Test held on 08.06.2025.

CONCLUSION

28. In view of the foregoing discussion, the questions framed above are answered in the following terms:

i. The Court does not sit in appeal over the opinion of subject experts on the correctness of an answer key. It interferes only where the key is shown to be demonstrably wrong, without any inferential process of reasoning. The deletion of erroneous or ambiguous questions on expert advice, applied uniformly to all candidates, is a permissible course.

ii. Mere repetition of questions from an examination earlier conducted by another recruiting agency does not vitiate a competitive examination, in the absence of material showing prior disclosure to, or unfair advantage to, any candidate.

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29. Accordingly, all the abovesaid writ petitions are **dismissed**, being devoid of merit. Interim order(s), if any, passed in any of the writ petitions, stand vacated.

30. Pending miscellaneous application(s), if any, shall also stand disposed of.

31. Photocopy of this order be placed on the files of the connected cases.

(HARPREET SINGH BRAR)
JUDGE

October 12 , 2026.
'om'

Whether speaking/reasoned. : Yes/No

Whether Reportable. : Yes/No

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