



IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR

BEFORE

HON'BLE SHRI JUSTICE VISHAL MISHRA

ON THE 28<sup>th</sup> OF JANUARY, 2026

WRIT PETITION No. 33714 of 2025

*RIYA TIWARI*

*Versus*

*RANI DURGAVATI UNIVERSITY, JABALPUR*

.....  
Appearance:

*Shri Utkarsh Agrawal - Advocate for the petitioner.*

*Shri Shreyash Pandit - Advocate for the respondent.*

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WITH

WRIT PETITION No. 32931 of 2025

*AISHWARYA BHAGAT*

*Versus*

*RANI DURGAVATI UNIVERSITY, JABALPUR*

.....  
Appearance:

*Shri Utkarsh Agrawal - Advocate for the petitioner.*

*Shri Shreyash Pandit - Advocate for the respondent.*

.....  
ORDER

Since the controversy involved in W.P. No.33714/2025 and W.P. No.32931/2025 is identical, therefore, both these petitions are being decided by this common order.

2. The present petitions under Article 226 of Constitution of India have been filed seeking following reliefs:-

- (i) The Hon'ble High Court may kindly be pleased to issue an appropriate writ, order or direction to call for



the question paper for the DET, 2024-2025 Ph.D. Examination under Microbiology Subject, from respondent for its perusal.

(ii) The Hon'ble High Court may kindly be pleased to issue an appropriate writ, order or direction against respondent to exclude all the out of syllabus questions from DET, 2024-2025 Ph.D. Examination under Microbiology Subject and thereafter, revised result may be declared accordingly after making changes in the cut-off marks as per notification dated 11/03/2025 and Ordinance 11, in the interest of justice.

(iii) The Hon'ble High Court may kindly be pleased to issue an appropriate writ, order or direction to hold and declare that petitioner qualified entrance exam for DET 2024-2025 Ph.D. Examination under Microbiology Subject, in the interest of justice.

(iv) The Hon'ble High Court may kindly be pleased to issue writ in the nature of mandamus directing respondent to conduct interview for petitioner for Ph.D. Microbiology and further ordering respondent to give admission to petitioner in Ph.D. Microbiology subject academic session 2024-2025, if she is qualified, in the interest of justice.

(v) The Hon'ble High Court may kindly be pleased to issue an appropriate writ, order or direction to alternatively, grant full marks to petitioner for all the out of syllabus questions and then accordingly making changes in the result in the interest of justice.

(vi) Any other writ, order or direction which this Hon'ble Court deems fit and proper in favor of the petitioner together with cost may also kindly be issued against the respondents in the interest of justice.

3. It is the case of the petitioners that the respondents have issued a notification on 11/03/2025 for conducting Doctoral Entrance Test (DET) for admission to Ph.D. program for the academic session 2024-25. Probable number of seats likely to be available for Ph.D. in Botany, Microbiology and Bio-Technology for the session 2024-25 was 16. Petitioners participated and applied for the subject of Microbiology. They were issued the admit card having Roll No.2502188 and 2502169 respectively. They appeared in the examination. The syllabus of exam was Section-A (Research Methodology) and Section-B (Subject Specific). It is the case of the petitioners that there



were around 20 questions which were out of syllabus under Section B i.e. Subject Specific category. All these questions did not pertain to Microbiology, but rather pertained to Botany, Bio-Technology. The result of the entrance test was declared on 24/07/2025, which itself shows that petitioner in W.P. No.33714/2025 obtained 45 marks and petitioner in W.P. No.32931/2025 obtained 41 marks.

4. It is the specific case of the petitioners that on receiving the question paper, petitioners found 20 questions out of syllabus and did not pertain to Microbiology, for which, oral objection was raised by the petitioners. On 25/07/2025, some other students also raised objections regarding question being out of syllabus. The objections were duly considered by the respondent University and they have issued a revised result for Microbiology on 06/08/2025. On perusal of which, it is shown that without there being any basis one mark of the petitioner in W.P. No.33714/2025 has been increased and no mark of the petitioner in W.P. No.32931/2025 has been increased, but this clearly goes to show that the objections taken by the petitioners were correct and 20 questions were out of syllabus. Interview of Microbiology was held on 19/08/2025 and petitioner in W.P. No.33714/2025 could not participate as she was wrongly disqualified, whereas petitioner in W.P. No.32931/2025 was permitted to participate in the interview by this Court vide interim order dated 18/08/2025 and it was observed that the same shall remain subject to final outcome of the present petition. Petitioners were waiting for the reply to the representation but when no reply was filed they were constrained to approach the Court by filing these petitions.



5. It is argued that Ordinance 11 of the respondent University and the notification of DET 2024-25 dated 11/03/2025 shows that a candidate must secure a minimum of 50% marks for Unreserved category and 45% marks for reserved category to qualify for the entrance test. Petitioner in W.P. No.33714/2025 belongs to UR category and obtained 45 marks, therefore she was short of 5 marks for qualification. However on objection being raised, her marks were increased to 46 and now she is just short of 4 marks. Whereas, petitioner in W.P. No.32931/2025 belongs to SC category and obtained 41 marks, therefore she was short of 4 marks for qualification. As 20 questions were out of syllabus, then cut-off marks in terms of the notification should also be reduced substantially. If the said cut-off marks have been reduced then the petitioners are having chances to qualify. Therefore, these petitions have been filed.

6. On notice being issued, reply has been filed by the respondent University. They have denied the petition averments and contented that they have rightly awarded the marks to all the candidates equally by applying the principle of equity. It is contended that the examination was conducted for DET on 24/07/2025 for the session 2024-25. It consists of 100 questions. To qualify, a candidate was required to secure minimum 50% marks under UR category and 45% marks under reserved category in terms of Ordinance 11 and notification of DET dated 11/03/2025. Petitioners appeared in the examination and initially obtained 45 and 41 marks out of 100 respectively. A representation was submitted to the University regarding 20 questions being out of syllabus and does not pertain to Microbiology. The University



promptly took action on the representation and after due consideration, revised the result and declared it on 06/08/2025. At the time of consideration of representation, the matter was placed before the Research Advisory Committee for review. The RAC concluded that certain questions i.e. Question Nos.57, 58, 59, 60, 61, 62, 64, 70, 71, 72, 74, 75, 86, 90, 91, 92, 93, 94, 95 and 100 were out of syllabus and liable to be cancelled. The RAC further instructed that the results be evaluated considering question paper to be of 80 marks excluding those 20 questions and final scores be converted into percentages. Accordingly, a revised result was declared on 06/08/2025 based upon the remaining 80 questions. Score of the petitioner in W.P. No.33714/2025 was increased from 45% to 46%, whereas score of petitioner in W.P. No.32931/2025 remained the same. The review performed under the instructions of RAC shows that in the evaluation of remaining 80 questions, petitioner in W.P. No.33714/2025 correctly answered only 37 questions. This calculation yields a score of  $37/80 \times 100 = 46.25\%$  which was officially recorded as 46% after carrying out the round off. Petitioner in W.P. No.32931/2025 correctly answered only 33 questions and the calculation yields a score of  $33/80 \times 100 = 41.25\%$ , which was officially recorded as 41% after round off. Therefore, if the objections of the petitioners were taken note of, petitioners could not achieve the minimum required percentage for qualifying in the examination. It is further contended that the cancellation of 20 marks was equally applied for all the students who have participated in DET examination for Microbiology. Therefore, no discrimination has been done with the petitioners and no prejudice has been caused to them because



the marks have been calculated and distributed to the students equally. 20 questions have been cancelled which were treated to be cancelled for all the students. Therefore, in absence of any prejudice being caused to the petitioners, respondents have rightly declared the revised result.

7. In pursuance to the order passed by this Court on 06/01/2026, learned counsel for the respondent University has also produced the results of the candidates before this Court in a sealed cover. He has prayed for dismissal of the Writ Petition.

8. Heard learned counsel for the parties and perused the record.

9. It is not in dispute that in pursuance to the notification issued by the respondent, petitioners appeared in the examination to be conducted for Ph.D. program for academic session 2024-25 for subject Microbiology. The results were declared and petitioner in W.P. No.33714/2025, who belongs to Unreserved category, obtained 45 marks out of 100 marks which was subsequently revised to 46 marks out of 100 marks. Whereas petitioner in W.P. No.32931/2025, who belongs to Scheduled Caste category, obtained 41 marks out of 100 marks. The minimum requirement for candidates to qualify the examination was 50% marks for Unreserved category and 45% marks under the Reserved category. On raising objections with respect to 20 questions being out of syllabus, the matter was considered by the respondent University and was placed before the Research Advisory Committee (RAC) for review. The RAC concluded that certain questions, specifically question Nos.57, 58, 59, 60, 61, 62, 64, 70, 71, 72, 74, 75, 86, 90, 91, 92, 93, 94, 95 and 100, in total 20 questions to be out of syllabus and declared them to be



cancelled. Meaning thereby, the said questions will not carry any marks for any of the candidates who have participated in the examination. The marks will be calculated out of total 80 marks excluding 20 questions and the final results will be converted into percentage basis.

10. If the aforesaid directions were implemented by the Authorities, petitioner in W.P. No.33714/2025 scored 46% marks in the final result. Out of 80 questions, she has correctly answered 37 questions and in terms of the calculation (i.e.  $37/80*100=46.25\%$ ) she has secured 46.25% marks, which were rounded off to 46%. Similarly, petitioner in W.P. No.32931/2025 scored 41% marks in the final result and Out of 80 questions, she has correctly answered 33 questions and in terms of the calculation (i.e.  $33/80*100=41.25\%$ ) she has secured 41.25% marks, which were rounded off to 41%.

11. The question which is required to be considered by this Court is whether the petitioners can be have any benefit towards the cancellation of 20 questions. The respondent University has categorically stated that 20 questions which were out of syllabus were considered for all as cancelled questions and marks were to be calculated on percentile basis out of 80 marks.

12. Petitioner in W.P. No.33714/2025 under the Unreserved category was required to obtain 50% marks out of 80 marks, that is 40 marks. She has scored 37 correct answers and obtained 46.25% i.e. below 50%. Similarly, petitioner in W.P. No.32931/2025 under the Reserved category was required to obtain 45% marks out of 80 marks, that is 36 marks. She has scored 33



correct answers and obtained 41.25% i.e. below 45%.

13. The notification which has been issued by the University has not been put to challenge by the petitioners. In terms of the Ordinance No.11, petitioners were required to obtain 50% marks under the Unreserved category and 45% marks under the Reserved category. The said Ordinance is also not put to challenge by the petitioners.

14. Under these circumstances, calculation of marks by the respondent University on percentile basis in terms of the advisory issued by the Research Advisory Committee was rightly done.

15. Learned counsel appearing for the respondent University has pointed out that the University has declared the results of the candidates, which are placed before this Court in sealed cover. After opening the sealed cover before the Court, it is seen as under:-

**"RANI DURGA VATI VISHWA VIDYALAYA,  
JABALPUR (M.P.)  
Ph.D. ENTERANCE EXAM 2024-25  
SUBJECT-MICROBIOLOGY  
DET Microbiology results declared on 24th July 2025 is  
revised herewith on 6th August 2025**

Roll No	Category	Marks out of 80	Marks in Percentage	Round Off Percentage
2502169	SC	33	41.25	41
2502188	UR	37	46.25	46

**Eligibility Criteria for Interview**

The Candidate must score minimum 50% marks (45% for SC/ST/OBC (NC)/PH/EWS)

Note: In addition to above qualified candidates, those applicants if any who are exempted from the test will appear for interview as notified by the RAC of the concerned subject."

16. The law is settled on the proposition that in the event of cancellation of questions and application of said principle equally amongst all the candidates, no prejudice will be caused to the candidates.



17. The Hon'ble Supreme Court in the case of **Rishal and Others Vs. Rajasthan Public Service Commission and Others** reported in (2018) 8 SCC

81 : 2018 Supreme (SC) 446 has held as under:-

"26. The questions having been deleted from the answers, the question paper has to be treated as containing the question less the deleted questions. Redistribution of marks with regard to deleted questions cannot be said to be arbitrary or irrational. The Commission has adopted a uniform method to deal with all the candidates looking to the number of the candidates. We are of the view that all the candidates have been benefited by the redistribution of marks in accordance with the number of correct answers which have been given by them. We, thus, do not find any fault with redistribution of marks of the deleted marks (sic questions). The High Court has rightly approved the said methodology."

18. Recently, the Hon'ble Supreme Court in the case of **Vanshika Yadav Vs. Union of India and Others** reported in (2024) 9 SCC 743 : 2024 Supreme (SC) 620 has held as under:-

"49. Some petitioners argue that this change in marking led to unfair advantages for some students while disadvantaging others, thereby impacting the overall merit list and the rankings. This discrepancy could have altered admission outcomes for many students who narrowly missed the cut-off marks or ranks due to the inclusion of the second option as correct. As held in *Kanpur University v. Samir Gupta*, (1983) 4 SCC 309, if *prima facie* a question is considered ambiguous, such a question should be deleted. This precedent emphasises the need for clarity and precision in competitive examinations to maintain fairness and transparency.

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54. This is crucial to ensure the integrity and fairness of the examination process. The recalibration of ranks is necessary to reflect the true merit of the candidates, correcting any distortions caused by the earlier inclusion of an incorrect answer. This action will restore confidence in the examination system, ensuring that all candidates are evaluated on an equal and just basis. It also addresses the grievances of those who may have been unfairly disadvantaged, thus upholding the



principles of equity and transparency in competitive examinations."

19. In view of aforesaid, it is clear that redistribution of marks in accordance with the correct answers to all the candidates will not create any prejudice to the petitioners.

20. Under these circumstances, no relief can be extended to the petitioners.

21. Both the petitions are, accordingly, **dismissed**. No order as to costs.

22. The results produced before this Court be kept in sealed cover and handed over to learned counsel appearing for the respondent University and the same be provided to the petitioners.

(VISHAL MISHRA)  
JUDGE

Shbhnr