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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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Reserved on: 20.04.2026**Date of decision: 05.05.2026**

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W.P.(C) 5175/2026, CM APPL. 25342/2026 & CM APPL. 25343/2026

CENTRAL BOARD OF SECONDARY EDUCATIONPetitioner

Through: Mr. MA Niyazi, SC with Ms. Anamika Ghai, Ms. Kirti, Ms. Nehmat, Mr. Adnan, Adv.

versus

SUYASH KUMAR AWASTHI AND ORS.Respondents

Through: Mr. Nitish Kumar, Mr. Amit Kumar, Mr. Shashank, Adv. for R-1,2.

Ms. Avshreya Pratap Singh, CGSC with Mr. Ankit Khatri, Ms. Nyasa Sharma, Ms. Usha Jamnal, Adv.

Mr. Rohan Tripathi, GP for UoI.

CORAM:**HON'BLE MR. JUSTICE VIVEK CHAUDHARY****HON'BLE MS. JUSTICE RENU BHATNAGAR****J U D G M E N T**

1. The present petition under Article 226 and 227 of the Constitution of India, assails the *interim* Order dated 15.04.2026, passed by the Central Administrative Tribunal (“Tribunal”) in O.A. No. 1260 of 2026, titled as *Suyash Kumar Awasthi & Anr. vs. Union of India and Anr.*, (“Impugned Order”) whereby Respondent Nos. 1 and 2 were permitted to provisionally



appear in Tier-II Examination for the post of Assistant Secretary under Direct Recruitment Quota Examination-2026 (“DRQ 2026”), to be held on 18.04.2026.

2. Briefly stated, the petitioner issued a recruitment notification dated 02.12.2025 for various posts including Assistant Secretary under DRQ-2026, prescribing a two-tier examination process, wherein candidates qualifying Tier-I would be eligible to appear in Tier-II.

3. The Tier-I examination was conducted on 31.01.2026, and the provisional answer key was uploaded on 11.02.2026, with a window from 12.02.2026 to 14.02.2026 for raising objections upon payment of the prescribed fee. The result of Tier-I was declared on 02.03.2026. Respondent No.1 secured 232 marks and Respondent No.2 secured 226 marks, both falling below the prescribed cut-off of 236 marks for the Unreserved category, rendering them ineligible for Tier-II examination.

4. Respondent No.1 failed to raise any objection within the stipulated time and only submitted a representation after declaration of result, which was not entertained being time-barred. Respondent No.2 raised objections to three questions within the prescribed time, which were duly considered and rejected by subject experts, and thereafter the final answer key was published. Aggrieved, the Respondent Nos. 1 and 2 filed O.A. No. 1260/2026 before the learned Tribunal seeking correction of the answer key, re-evaluation of their result, and consequential permission to appear in the Tier-II examination.

5. It is the case of the Respondent Nos. 1 and 2 that certain questions in the Tier-I examination, particularly Question Nos. 1 and 40 of Test Booklet ‘D’



(and corresponding questions in other booklets), contain either multiple correct answers or incorrect evaluation in the answer key, which has materially affected their result. As per the Petitioner before the learned Tribunal, the answer key had been finalized based on expert opinion. Further, the objections of Respondent No.1 were time-barred, and even if his claims were accepted, they would still not meet the cut-off marks. Pending adjudication of the said O.A., the respondents Nos. 1 and 2 sought *interim* relief to permit them to appear in the Tier-II examination, contending that denial thereof would render the O.A. *infructuous*. The learned Tribunal granted the said *interim* relief *vide* the impugned *interim* order dated 15.04.2026 directing that the Respondents be permitted to appear in the Tier-II examination provisionally, subject to outcome of the O.A.

6. Aggrieved thereby, the petitioner has preferred the present petition. During the pendency of petition, this Court *vide* Order dated 17.04.2026, permitted Respondent Nos. 1 and 2 to appear in the Tier-II examination provisionally, subject to outcome of the present petition. However, Respondent No. 2 has failed to avail such indulgence granted and did not appear in the said examination. Consequently, the proceedings, insofar as Respondent No. 2 is concerned, stand *infructuous*, and the present petition survives only with respect to Respondent No. 1.

7. We have heard the learned counsel for parties and perused the material placed on record.

8. The impugned order is assailed by the learned counsel for the Petitioner by submitting that the same is contrary to the settled position of law governing



interference in academic matters. It is contended that once the answer key has been finalized by subject experts, the scope of judicial review is extremely limited and can be exercised only in cases of patent and demonstrable error. The learned Tribunal itself has refrained from expressing any opinion on merits, yet proceeds to hold that a *prima facie* case exists, rendering the reasoning inconsistent and unsustainable.

9. It is further submitted that the learned Tribunal has also failed to appreciate that Respondent No.1 did not raise any objections within the prescribed time and sought to challenge the answer key only after declaration of results. In view of the clear stipulation in the advertisement and public notice regarding the time-bound objection mechanism, Respondent No.1 is barred from raising such challenge at a belated stage.

10. The principal question, thus, remains for consideration is whether Respondent No. 1, having failed to avail the prescribed objection mechanism within the stipulated time, can be permitted to assail the answer key at a belated stage and consequently claim a right to be considered for Tier-II examination.

11. At the outset, the law on judicial interference in academic matters is no longer *res integra*. In ***Ran Vijay Singh v. State of Uttar Pradesh***, (2018) 2 SCC 357, the Supreme Court has categorically held that the prescribed examination process must be adhered to and that, as far as possible, courts should refrain from interfering in such matters. The relevant paragraphs are extracted as below:

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



30.1. *If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;*

30.2. *If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;*

30.3. *The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;*

30.4. *The court should presume the correctness of the key answers and proceed on that assumption; and*

30.5. *In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.*

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse — exclude the suspect or offending question.

32. *It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in*



a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination — whether they have passed or not; whether their result will be approved or disapproved by the court; whether they will get admission in a college or university or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.”

(emphasis supplied)

12. A co-ordinate Bench in ***Salil Maheshwari vs. The High Court of Delhi &Anr.***, 2014 SCC OnLine Del 4563, wherein, it has been held as under:

“7. This Court is of the opinion that the petitioner cannot be heard to challenge the answer key to a particular question, after having discovered that he was awarded no marks for his response, it being at variance with the answer key. Here, the last date for communicating objections was 23.6.2014, and the respondent released its response to the objections on 2.7.2014. The results were only published on 8.7.2014. It appears that the petitioner did not think it necessary to object to this question before the deadline for objections, but only sought to object after the results were published on 8.7.2014 by way of this



petition filed on 1.8.2014. This Court finds that the petitioner was therefore estopped from raising a challenge at this belated stage, since a challenge cannot be advanced against a selection process only after the candidate has discovered his or her unsuccessful performance in the process. See Dhananjay Malik v. State of Uttaranchal (2008) 4 SCC 171 and Madan Lal v. State of J&K (1995) 3 SCC 486. Consequently, no findings will be recorded in regard to this question.”

13. It was categorically held that a candidate cannot be permitted to challenge a selection process after having participated in it and discovering an unfavourable result. The said principle squarely applies to the present case and operates as a complete bar to the belated challenge sought to be raised by Respondent No. 1.

14. Reliance is placed by the Respondent No. 1 on the subsequent judgment of this Court in W.P.(C) 2344/2024 titled as ***Shruti Katiyar vs. Registrar General, Delhi High Court***, wherein, with regards to the Judgment of ***Salil Maheshwari***, it has been found as under:

“6. Dr George says that since the petitioner did not prefer objections, she has no locus to approach the Court and seek relief. In support of his plea, Dr George has relied upon the judgment of a division bench of this Court in Salil Maheswari vs. The High Court of Delhi and Anr., 2014 SCC OnLine Del 4563.

7. As indicated above, although it is not in dispute that the petitioner had not preferred objection concerning the question in issue i.e., question no.54 in ‘Booklet A’, there were other candidates who had lodged an objection qua the same with the respondent. Therefore, in our view, the preliminary objection taken by Dr George loses its efficacy as a relief given to any candidate would inure ordinarily in favour of all the candidates. The objections,



in a sense, attain universality, once taken by any candidate. The purpose of affording candidates the opportunity to lodge objections is salutary as it allows the respondent to take corrective measures in the larger interest of candidates and move away from a possible unfair result.”

15. However, in the present case, the facts are different. The petitioner is, at present, the sole candidate challenging the questions, and admittedly, he did not raise objections within the stipulated time or in accordance with the prescribed procedure. Hence, the judgment in *Shruti Katyar*, on facts, is not applicable.

16. Applying the aforesaid principles to the present case, in the considered opinion of this Court, the course taken by Respondent No. 1 cannot be permitted. Respondent No. 1, having failed to avail the objection mechanism within the prescribed time, cannot be permitted to reopen the process, that too after declaration of results. The recruitment process clearly provided a specific window for candidates to raise objections to the provisional answer key. This was not an empty formality, but a crucial stage intended to ensure both fairness and finality. Respondent No. 1 chose not to avail of this opportunity within the stipulated time frame and approached only after the results were declared. Allowing such belated challenges would undermine the discipline of the process and create uncertainty for all other candidates who complied with the stipulated procedure.

17. In these circumstances, this Court is of the view that the impugned order dated 15.04.2026 cannot be sustained and is accordingly set aside, and the *interim* relief granted to Respondent Nos. 1 and 2 stands vacated.



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18. The writ petition is allowed in the aforesaid terms. All pending applications, if any, stand disposed of. There shall be no order as to costs.

VIVEK CHAUDHARY
(JUDGE)

RENU BHATNAGAR
(JUDGE)

MAY 05, 2026

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