



2026:DHC:5160-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ W.P.(C) 7786/2026, CM APPL. 37752/2026 & CM APPL.  
37753/2026  
BISEN ANSHUL KUMAR .....Petitioner  
Through: Dr. Anindita Pujari, Sr. Adv.  
with Mr. Shaileshwar Yadav and Miss.  
Radhika Mohapatra, Adv.

versus

UNION OF INDIA AND ANR .....Respondents  
Through: Mr. Raktim Gogoi, CGSC with  
Mr. Sanjay Pal, GP, Ms. Akshita Nigam and  
Mr. Kanhaiya Singla, Adv. for UOI.  
Mr. Ravinder Agarwal, Mr. Manish Kumar  
Singh, and Mr. Vasu Agarwal, Adv. for  
UPSC.

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**JUDGMENT(ORAL)**

% **29.05.2026**

**C. HARI SHANKAR, J.**

1. The petitioner, who is a candidate belonging to the OBC<sup>1</sup> Non-Creamy Layer, attempted the UPSC Forest Service Examination, 2022. He did not clear the examination. He approached the Central Administrative Tribunal<sup>2</sup> alleging that the suggested answers to Questions 88 and 96 of the General Studies Paper-I, as contained in the official answer key, were incorrect.

<sup>1</sup> Other Backward Classes

<sup>2</sup> "the Tribunal", hereinafter



2. For the sake of the record, we may reproduce the said questions and the suggested answers as under:

Question	Official Answer Key	Applicant's answer	Explanation & Correct answer
<p>88. With reference to writs issued by the Courts in India, consider the following statements:</p> <p>1. Mandamus will not lie against a private organisation unless it is entrusted with a public duty.</p> <p>2. Mandamus will not lie against a Company even though it may be a Government Company.</p> <p>3. Any public minded person can be a Applicant to move the Court to obtain the writ of Quo Warranto. Which of the statements given above are correct?</p> <p>(a) 1 and 2 only (b) 2 and 3 only (c) 1 and 3 only (d) 1,2 and 3</p>	D	C	<p>The Hon'ble Supreme Court in <i>Federal Bank Ltd. vs Sagar Thomas and Ors.</i> reported in (2003) 10 SCC 733 held that as under:</p> <p>“18. From the decisions referred to above, the position that emerges is that a writ petition under Article 226 of the Constitution of India may be maintainable against (i) the State (Government); (ii) an authority; (iii) a statutory body; (iv) an instrumentality or agency of the State; (v) a company which is financed and owned by the State; (vi) a private body run substantially on State funding; (vii) a private body discharging public duty or positive obligation of public nature; and (viii) a person or a body under liability to discharge any function under any statute, to compel it to perform such a statutory function.”</p> <p>That a bare perusal of aforementioned paragraph makes it clear that a company which is financed and owned by the State is amenable to the writ jurisdiction and therefore, in view of the ruling of the Hon'ble Supreme Court, therefore the correct answer to the question is option C.</p>
96. With refence to foreign-owned e-	D	B	That the Foreign Direct investment policy of India



<p>commerce firms operating in India, which, of the following statements is/are correct?</p> <p>1. They can. sell their own goods in addition to offering their platforms as market-places.</p> <p>2. The degree to which they can own big sellers on their platforms is limited.</p> <p>Select the correct answer using the code given below:</p> <p>(a) 1 only (b) 2 only (c) Both 1 and 2 (d) Neither 1 nor 2</p>			<p>prohibits retail trading in any form through ecommerce for the companies with FDI engaging in the activities of multi-brand retail trading. Multi-brand retail trading means selling different products of various brands through one platform. India has not allowed FDI in inventory-driven models of e-commerce. The inventory model, which Walmart and Amazon use in the United States, is where the goods and services are owned by an e-commerce firm that sells directly to retail customers. The restriction is aimed largely at protecting India's vast unorganized retail sector that does not have the clout to purchase at scale and offer big discounts. Further, the Consumer Protection (E-Commerce) Rules, 2020 defines "ecommerce" entity as:</p> <p>"3. Definitions- "e-commerce entity" means any person who owns, operates or manages digital or electronic facility or platform for electronic commerce, but does not include a seller offering his goods or services for sale on a marketplace ecommerce entity"</p> <p>That the aforementioned further clarifies that ecommerce entity does not include a seller offering his good or services for sale. Hence, option 1 is incorrect which rules out options (a) &amp; (c) of the concerned answer.</p> <p>Further, as per the amended FDI Policy in ecommerce marketplaces in 2018 to classify any vendor accounting for more than 25% of the platform's total</p>
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			sales as “controlled” by the marketplace operator. Further, as per Press Note No. 3 (2016 series) dated 29.03.2016 issued by the Ministry of Commerce & Industry, Department of Industrial Policy & Promotion it was ascertained that an e-commerce entity will not permit more than 25% of the sales affected through its marketplace from one vendor or their group companies. So, no seller must exceed 25 per cent of the total business on any foreign e-commerce platform. Therefore, Statement 2 is correct with leaves with the final answer as option B.
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3. The petitioner’s case was that, while the suggested answer key suggested option (d) for question 88, the correct option was option (c) and while the suggested answer key suggested option (d) for question 96, the correct answer, according to the petitioner was option (b).

4. It is settled law that there is no absolute bar on a Court examining such a contention and that, if the suggested answers as per the suggested answer keys are patently incorrect, the Court can interfere.

5. We do not wish to express any opinion on the correctness of the suggested answers as the Tribunal has not addressed this issue and has merely dismissed the petition following its own earlier decision in OA



3090/2023<sup>3</sup> and the decisions of the Supreme Court which hold that there is no absolute right to re-evaluation of examination papers.

6. In our view, the Tribunal has erred in its approach. The petitioner was not seeking re-evaluation of examination papers. The petitioner was questioning the correctness of the suggested answers in the model answer key released by the authorities conducting the examination.

7. This Court has, in its judgment in *Staff Selection Commission v. Shubham Pal & Ors*<sup>4</sup> examined the entire case law on this aspect and held that there is no absolute bar to entertain such a challenge. Of course, where the matter is arguable, or where the suggested answer in the answer key is even a plausible answer, the Court would not interfere. Where, however, the answer is demonstrably unacceptable, the Court would definitely interfere *ex debito justitiae*.

8. As the Court has not examined the challenge by the petitioner on merits, with consent of learned Counsel for the parties, we set aside the impugned order dated 12 December 2025 and remit OA 4567/2024 to the Tribunal for consideration afresh.

9. As this involves the candidature of a candidate for entry into the Indian Forest Service and the issue is short, we request the Tribunal to take up this matter on the next date of hearing finally and to take a view thereon as expeditiously as possible.

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<sup>3</sup> Potale Sheetal Shivaji v. UPSC

<sup>4</sup> 2024 SCC OnLine Del 7144



2026:DHC:5160-DB



**10.** To expedite matters, we direct the parties to appear before the Tribunal on 6 July 2026. Neither side would be entitled to seek any adjournment on the said date.

**11.** The writ petition is disposed of in the aforesaid terms without expressing any categorical opinion on the merits of the challenges raised by the petitioner.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**MAY 29, 2026/gunn**