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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% *Date of Decision : 24.08.2026*

# **CNR No. DLHC010397682026**

+ **W.P.(C) 12343/2026 & CM APPL. 57257/2026**

NAVRAJ

.....Petitioner

Through: Ms. Charu Sharma, Advocate  
versus

REGISTRAR GENERAL HIGH COURT OF DELHI .....Respondent

Through: Dr. Amit George, Mr. Arnav Bhansali  
and Mr. Vaibhav Gandhi, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE V. KAMESWAR RAO**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**V. KAMESWAR RAO, J. (ORAL)**

1. This petition has been filed with the following prayers:

*“(a) Issue an appropriate writ, order or direction declaring the decision of the Respondent, as recorded in the Notice dated 12.08.2026, to retain the existing answer-key entries in respect of Question Nos. 65, 73 and 81 of Booklet Series ‘B’ to be legally unsustainable, and consequently direct the Respondent to correct the said answer-key entries and/or delete the defective question(s), as the case may be, in accordance with the findings of this Hon’ble Court;*

*(b) Issue an appropriate writ, order or direction quashing and setting aside, to the extent of the Petitioner’s challenge, the Notice dated 12.08.2026 recording the decision on objections to the Model Answer Keys, the result of the Delhi Higher Judicial Service Preliminary Examination–2026, and the Notice dated 14.08.2026 shortlisting candidates for provisional admission to the Mains Examination (Written)–2026, insofar as they give effect to the retention of the impugned answer-key entries and consequently exclude the Petitioner from the*



*shortlist;*

*(c) Issue an appropriate writ, order or direction directing the Respondent to treat Option (4) as the correct answer to Question No. 65 of Booklet Series 'B', and to make the corresponding consequential correction in the answer key applicable to the other Booklet Series, wherever the corresponding question and options are identical in substance;*

*(d) Issue an appropriate writ, order or direction directing the Respondent to delete Question No. 73 of Booklet Series 'B', on the ground that the question, as framed, is incapable of yielding a single objectively correct answer, and to make the corresponding consequential correction in the answer key applicable to the other Booklet Series, wherever applicable;*

*(e) In the alternative to prayer (d), issue an appropriate writ, order or direction directing the Respondent to treat Option (3) as the correct answer to Question No. 73 of Booklet Series 'B', and to make the corresponding consequential correction in the answer key applicable to the other Booklet Series, wherever applicable;*

*(f) Issue an appropriate writ, order or direction directing the Respondent to treat Option (3) as the correct answer to Question No. 81 of Booklet Series 'B', and to make the corresponding consequential correction in the answer key applicable to the other Booklet Series, wherever applicable;*

*(g) Issue an appropriate writ, order or direction directing the Respondent to re-compute the Petitioner's marks in the Preliminary Examination on the basis of the corrections and/or deletion(s) directed by this Hon'ble Court, and thereafter redraw the Preliminary Examination result and the shortlist for the Mains Examination (Written)-2026 accordingly; and, if upon such re-computation the Petitioner meets the applicable qualifying cut-off, include the Petitioner in the shortlist for provisional admission to the Mains Examination (Written)-2026;*

*(h) Pending the hearing and final disposal of the present petition, issue an appropriate interim order directing the Respondent to permit the Petitioner to participate provisionally in the Delhi Higher Judicial Service Mains Examination*



*(Written)-2026 scheduled to be held on 12th and 13th September, 2026, subject to the outcome of the present petition;  
(i) Award costs of the present petition to the Petitioner; and  
(j) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case and in the interest of justice."*

2. In effect, the petitioner is challenging the notice dated 12.08.2026 whereby the respondent, High Court of Delhi, pursuant to objections received to the Model Answer Keys, has decided to delete 11 questions of the Delhi Higher Judicial Services Preliminary Examination, 2026 held on 26.07.2026. The answer key to all other questions were held to be correct. Pursuant thereto, the marks of the petitioner were declared as 70.50, which falls short of the cut off mark for enabling a candidate to sit in the Mains examination.

3. The challenge laid is primarily to question nos.65, 73 and 81 and the answers thereto. The same are reproduced here as under:

*"65. Section 343 of the BNSS deals with tender of pardon to an accomplice. Which out of following is correct category of offences for which such pardon can be tendered?*

- (1) To all offences*
- (2) To any offence triable exclusively by Sessions Court.*
- (3) To any offence punishable with maximum sentence of three years.*
- (4) None of the above*

*73. When an offence under the Protection of Children from Sexual Offences Act, 2012 is committed by a child, which is the court competent to try the case?*

- (1) Special Court under the POCSO Act*
- (2) The Juvenile Justice Board (JJB) -*
- (3) The Children's Court*
- (4) The Magistrate Court*



*81. B was robbed on a highway by two unknown offenders. The accused persons were arrested three days after the incident. B is called at the police station to identify the accused persons. B identifies the accused persons at the police station and later in the court during trial. What is the evidentiary value of such identification?*

*(1) The identification of accused persons in police station by B corroborates the evidence of identification in court, and is therefore, substantive evidence*

*(2) Such identification has no value in the eyes of law without prior Test Identification Parade*

*(3) Identification of accused persons in court by B on oath can be relied upon, even though there was no Test Identification Parade.*

*(4) None of the above”*

4. The submission of Ms. Charu Sharma, the learned counsel for the petitioner on question no.65 is that the said question is contrary to the statutory text of Section 343(2)(a) of the Bhartiya Nagarik Suraksha Sanhita, 2023 (BNSS). The provision expressly refers to offences triable exclusively by a Court of Session and also by a Special Judge appointed under any other law for the time being in force. According to her, option no.2 to the question, which is adopted as correct by the respondent refers only to offences triable exclusively by the Court of Sessions and omits the latter statutory category i.e., the Special Judge.

5. According to her, the petitioner specifically brought this error to the respondent's notice and identified 'none of the above' as the correct response. She submits therefore, the dispute concerns the application of pleading statutory language and not a question on which competing legal interpretation reasonably arises.

6. Dr. Amit George, the learned counsel for the respondent would



contest the submission of Ms. Sharma. He states that though the provision of Section 343(2)(a) of BNSS also refers to a Special Judge, the word Special Judge was specifically omitted from the question. The provision reads as under:-

*“(2) This section applies to-  
(a) any offence triable exclusively by the Court of Session or by the Court of a Special Judge appointed under any other law for the time being in force;”*

7. According to him, the question refers to offences triable exclusively by a Court of Session, which finds mention in the said section. Hence, the answer necessarily has to be option no.2 and not ‘none of the above’ as answered by the petitioner. In fact, choosing the option ‘none of the above’ would render option no.2 incorrect, which cannot be the case as Section 343(2)(a) of BNSS specifically refers to offences triable exclusively by the Court of Session.

8. We agree with the submission of Dr. George as in the available four options, the answer or for that matter, the closest correct answer is option no.2. Hence, the challenge of the petitioner *qua* question no.65 is rejected.

9. Insofar as question no.73 is concerned, according to Ms. Sharma, the same is incomplete and incapable of yielding a correct answer. She submits that the question merely posits that when an offence under the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) has been committed by a child, which Court would be competent to try the case. She submits it does not identify the particular POCSO offence, the category of the offence, the age of the child, the punishment prescribed for that offence or its classification by the Juvenile Justice (Care and Protection of Children) Act,



2015 (JJ Act). She submits those particulars are legally determinative inasmuch as the statutory scheme distinguishes between offences according to the punishment prescribed. The JJ Act separately classifies offences as petty, serious and heinous and prescribes different consequences upon their adjudication.

10. She also submits that an offence committed by a child follows the statutory preliminary assessment proceedings by the Children's Court whereas other offences may remain triable with the Juvenile Justice Board. She states that the petitioner specifically raised this defect in his objection, pointing out that the question contains both Juvenile Justice Board and Children's Court as options despite failing to furnish the facts necessary to determine which forum is competent. The submission of Dr. George is primarily that the submission of Ms. Sharma is on a misreading of the provisions of the JJ Act. According to him, the competent forum to decide the issue relatable to offences committed by a child less than sixteen years of age is the Juvenile Justice Board. It is only in certain eventualities like under Section 15 and Section 18 of the JJ Act that the matter is referred to the Children's Court. If the question is seen in that perspective, the right answer to the question no.73 would be Children's Court.

11. We agree with the said submission made by Dr. George as the offence is stated to be under the POCSO Act, the Court competent to decide the issue shall be the Children's Court. Hence, the objection to this question is rejected.

12. Insofar as question no.81 is concerned, the submission of the Ms.Sharma is primarily that the same is contrary to law declared by the



Supreme Court. She submits that the respondent has treated the proposition that identification of an accused in Court has no value in the eyes of law in the absence of prior Test Identification Parade (TIP) as the correct answer. She states that the question, however, expressly states that the witness identified the accused person in a police station and subsequently identified the accused in the Court during trial. The petitioner objected to the answer key stating option no.2 as the right answer, as according to him, the same runs contrary to the judgments of the Supreme Court in the cases of ***Harjindra Singh Etc. v. State of UP 2026 SCC OnLine SC 966*** and ***Malkhansingh and Ors. v. State of MP. (2003) 5 SCC 746***. Paragraph 26 of ***Harjindra Singh (supra)*** reads as under:

*“26. This argument is legally untenable given the specific facts of this case. A TIP is not a substantive piece of evidence; it is merely corroborative. As correctly pointed out by the respondent-State, this Court in Ronny @ Ronald James Alwaris Etc (supra) clearly laid down that “where the witness had a chance to interact with the accused or that in a case where the witness had an opportunity to notice the distinctive features of the accused which lends assurance to his testimony in court, the evidence of identification in court for the first time by such a witness cannot be thrown away merely because no test identification parade was held.” Furthermore, in Rajesh Govind Jagesha (supra), we held that the absence of a TIP is not fatal if the accused is sufficiently described or arrested immediately after the occurrence.”*

13. We are not in agreement with the submission made by the learned counsel for the petitioner for the simple reason that question no.81 states that the person accused of the offence were unknown offenders, unlike in the judgments *supra*, on which reliance has been placed by the petitioner where



the accused persons were in acquaintance with the victim and it was in that context that the Court held that failure to hold a TIP would not make evidence of identification in Court inadmissible. In this regard, we may refer to paragraph 10 of ***Malkhansingh and Ors. (supra)***, which reads as under:

*“10. It is no doubt true that much evidentiary value cannot be attached to the identification of the accused in court where identifying witness is a total stranger who had just a fleeting glimpse of the person identified or who had no particular reason to remember the person concerned, if the identification is made for the first time in court.”*

14. We find that Dr. George is correct in relying upon the judgment in the case of ***V. C. Shukla v. State (Delhi Administration), (1980) 2 SCC 665*** wherein the Supreme Court in paragraph 24 has held as under:

*“24. In order to show that A-1 took a somewhat unusual interest in the dispatch of the negatives and other material of the film from Bombay to Delhi it is further the case of the prosecution that Tripathi who was Special Assistant to A-1 was sent expressly to receive the materials at New Delhi Railway station and make arrangements for their transport But Tripathi categorically stated that he never went to the Railway Station for the purpose of receiving the film material, etc. On the other hand, PW2 states that on 9-11-1975 PW4, Khandpur informed him on telephone from Bombay that the film material was being sent from Bombay to Delhi by Western Express and would be reaching Delhi on the next day and that two officers, one of them being Kane, PW 5, were accompanying the material. PW 2 adds that he then, rang up Ghose and asked him to get in touch with Tripathi for making the necessary arrangements for transport and delivery of the material. The witness goes on to state that on the 10<sup>th</sup> November 1975, PW 39 Ghose came to him and reported that the film material had arrived and had been brought in tempos arranged by A-1. Ghose, however, has not supported this witness on this aspect of the matter. Reliance*



*was therefore, placed on the evidence of PW 5, Kane to show that when he reached Delhi along with the film material, Tripathi was there to receive the same. It is not disputed that Tripathi was not known to PW S, Kane, before the 10th and that by the time the witness saw him at the New Delhi Railway Station he had seen him only once in Bombay. The witness does state that his pointed attention was drawn to Tripathi because he had asked him to settle the payment of charges to the coolies and that but for this his attention would not have been drawn to Tripathi. He, however, admits that he his statement before the Central Bureau of Investigation, he did not mention the fact that Tripathi had asked him to settle the matter of the payment of charges to the coolies. Thus, the existence of the only circumstance on the basis of which the witness could have identified Tripathi becomes doubtful and in view of the categorical statement of Tripathi that he never went to New Delhi Railway Station on the 10th of November to receive the film, it is difficult to accept the evidence of PW 5 that Tripathi was the person present at the station. The possibility that the witness committed some mistake in identifying cannot be ruled out. Moreover, the identification of Tripathi by the witness for the first time in the court without being tested by a prior test identification parade was valueless. Besides, the witness admits that in the note Ext. PW4/E-2 he did not mention Tripathi or any other person along with Ghose to have been present at the New Delhi Railway Station. Thus, even on the question of the arrival of the material of the film at New Delhi no direct connection with A-1 has been established by the prosecution. In time, it is not proved by the prosecution that Tripathi was present at the Railway Station to receive the film and hence it cannot be said that A-1 took an unusual interest in seeing that the film is properly brought from Bombay to Delhi and placed in his custody."*

15. As such, the submission of Ms. Sharma with respect to question no.81 is liable to be rejected.



16. In view of our above discussion, the pleas raised by the learned counsel for the petitioner are unsustainable. We do not see any merit in the petition. The same is liable to be dismissed along with the pending application. We order so.

**V. KAMESWAR RAO, J**

**MANMEET PRITAM SINGH ARORA, J**

**AUGUST 24, 2026/rt**