2026:PHHC:024217-DB

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Reserved on : 18.11.2025
Pronounced on : 17.02.2026
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Whether only operative part of the judgment is pronounced or the full Judgment is pronounced: ***Full judgment.***

1. CWP-29498-2024 (O&M)

PUNEET AGGARWAL

... PETITIONER

Versus

PUNJAB AND HARYANA HIGH COURT AND OTHERS

... RESPONDENTS

2. CWP-3255-2025 (O&M)

HARVINDER SINGH JOHAL

... PETITIONER

Versus

PUNJAB AND HARYANA HIGH COURT AND OTHERS

... RESPONDENTS

CORAM:- HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Kanwaljit Singh, Senior Advocate,
with Mr. Deepkaran Dalal, Advocate,
and Mr. Nishant, Advocate,
for the petitioner (in CWP-29498-2024).

Mr. Prashant Bhushan, Senior Advocate,
(through Video Conferencing)
with Mr. Vishal Aggarwal, Advocate,
for the petitioner (in CWP-3255-2025).

Ms. Munisha Gandhi, Senior Advocate,
with Ms.Shubreet Kaur Saron, Advocate,

and Ms. Manveen Narang, Advocate,
for respondent-High Court.

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SANJIV BERRY, J.

1. Both the aforesaid writ petitions under Article 226 and 227 of the Constitution of India have been preferred by the respective petitioners seeking quashing of the act of respondents in not considering their candidature for the post of Additional District Judge based on the notifications dated 14.11.2023 and 15.11.2023 issued by the respondent High Court, and further seeking writ of mandamus directing respondents to consider their candidature for the said post.

2. In nut shell, the case pleaded by the petitioners in their respective petitions happens to be that the petitioner in CWP-29498-2024 (hereinafter referred to as petitioner-1) had applied for the post of Additional District Judge in the State of Haryana on the basis of notification no. 188 Gaz.I/VI.F.2 dated 15.11.2023, while the petitioner in CWP-3255-2025 (hereinafter referred to as petitioner-2) had applied for the post of Additional District Judge in the States of Punjab as well as Haryana on the basis of respective notifications No. 185 Gaz.I/VI.F.2 dated 14.11.2023 and 188 Gaz.I/VI.F.2 dated 15.11.2023.

2.1 As per the said notifications, the examination comprised of two stages i.e. written test as well as *viva voce*. The syllabus and format was duly published in Annexure-II of the notification. The result of written examination of Haryana Superior Judicial Service Examination 2024 based on the aforesaid notification was declared wherein petitioner-1 was shown unsuccessful in the written examination.

2.2 While petitioner-2 who had applied for Haryana as well as Punjab Superior Judicial Service, was declared successful in the written examinations

and then appeared in the *viva voce*. The final results of the examinations were declared wherein petitioner-2 was found unsuccessful, falling short of 09 and 14 marks respectively in the examination for the respective States of Haryana and Punjab. Petitioner-2 sought information under RTI and found there were cuttings of marks in various papers. It is claimed by petitioner-2 that he had successfully topped Delhi Higher Judicial Service Examination 2023 but was declared unsuccessful in the Punjab and Haryana Superior Judicial Service examination 2024 despite having scored 2nd highest marks in the written examination therein, for unknown reasons to deny him the post.

2.3 Thus, claiming primarily the re-evaluation of their answer-sheets suspecting the act of alleged cuttings in the answer-sheet, the petitioners have preferred the present writ petitions.

3. The main issue raised in the instant petitions happens to be as to whether the petitioners are entitled to get their answer-sheets re-evaluated in the light of alleged cuttings in the marks in the answer sheets.

4. Learned Senior counsels representing the petitioners have *inter alia* assailed the rampant cuttings in the awarded marks in the answer-sheets of the petitioners claiming the same to have been done without any justifiable reason in an arbitrary manner. They contend that such cuttings certainly lead to the inference that the examiners were not clear in their mind as to the correctness of the answers which lead to rampant cuttings in the marks awarded to various questions attempted by the petitioners. They claimed that had such unwanted cuttings be not there, the petitioners would have been successful candidates.

4.1 The learned Senior counsel representing petitioner-2 has emphasized that petitioner-2 was declared unsuccessful for the post of

Additional District Judge in the States of Punjab and Haryana on account of having falling short by merely 14 and 09 marks respectively although he had fared well in written examination as well as *viva voce*. He pointed out that petitioner-2 had even scored 2nd highest marks in the written examination.

4.2 Learned Senior counsel representing the petitioner-2 has further pointed out that petitioner-2 eventually topped the Delhi Higher Judicial Service Examination 2023 and had such rampant cuttings being not their in the marks awarded, he would have been successful in the examination conducted in the States of Punjab and Haryana as well.

4.3 The learned senior counsel have submitted that the undesired cuttings in the evaluation process by the examiners have marred the careers of the petitioners.

4.4 They further submit that the powers of the Court under Article 226 of the Constitution of India are much wide enough to undo the injustice where ever found and as such the re-evaluation of the answer-sheets of the petitioners is sought to be done by way of issuance of writ to undo the injustice done to the petitioners due to undesired cuttings in the award of marks in their respective answer-sheets. They have relied upon the judgment cited as ***Pranav Verma and others vs. Registrar General of the High Court of Punjab and Haryana at Chandigarh & Anr. 2020(15) SCC 377; Rustam Garg vs. Punjab and Haryana High Court Chandigarh and others. Neutral Citation No.2025:PHHC:103042-DB; and Jasmine vs. State of Haryana and Ors. 2025(1) PLR 385.***

5. *Per contra* learned Senior counsel representing the respondent High Court submits that petitions lack merits and deserve dismissal. She submitted that the re-evaluation is not allowed as it is specifically and clearly mentioned in

the notifications itself. She has referred to Clause 12.18 of the relevant notifications dated 15.11.2023 and 14.11.2023 pertaining to Direct recruitment of Punjab Superior Judicial Service 2023-2024 and Haryana Superior Judicial Service 2023-2024 respectively which provide for prohibition for re-evaluation and only limited rechecking. Learned Senior Counsel categorically contends that such clause in the respective notifications was never challenged by the petitioners. As such once re-evaluation is not permissible under Rules, the petitioners have no case in their favour to seek judicial review thereof. In support of her contention she has referred to the judgments cited as ***Mukul Dhankar Vs. State of Haryana and Others, CWP No. 34049 of 2024; Vikesh Kumar Gupta and another vs. State of Rajasthan and others, (2021) 2 SCC 309; Ran Vijay Singh and Others Vs. State of Uttar Pradesh and others, (2018) 2 SCC 357; Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission, Patna, (2004) 6 SCC 714; Board of Secondary Education vs. Pravas Ranjan Panda and another, (2004) 13 SCC 383; Himachal Pradesh Public Service Commission vs. Mukesh Thakur and another, (2010) 6 SCC 759;*** *and* ***Dr. NTR University of Health Sciences vs. Dr. Yerra Trinadh and Others, (2022) 18 SCC 716.***

6. It is further contended by learned Senior Counsel for the respondent that as far as the petitioner-2 is concerned, he after being declared successful in written examinations of Punjab Higher Judicial Service as well as Haryana Judicial Service, had even appeared in the viva voce without raising any grievance or protest regarding the issue of alleged cuttings. She contends that in fact the alleged cuttings in the award of marks in the answer sheet are actually the corrections/rectifications made by the Evaluators during evaluation process

itself which were duly initialed/signed by them. She emphasized that infact there is no cutting or overwriting on the title sheet of the answer sheet of the petitioners and such corrections are done with a view to ensure error free evaluation. Such corrections during evaluation process did not amount to any tampering as alleged by the petitioners especially when the evaluation was conducted by way of 'table marking' thus maintaining absolute uniformity. By referring to the evaluation process, learned Senior Counsel pointed out that the evaluation process is under the direct personal supervision of Co-coordinator who is a senior academician of the rank of Vice Chancellor of the National Law School and in the evaluation process one question is assigned to each evaluator for evaluation of all law papers of the candidates thereby making a common yardstick to be followed for all the candidates without there being any scope of discrepancy. She further submitted that as far as petitioner-2 is concerned he had made the representation regarding re-evaluation, which was rejected by the Recruitment Committee (Superior Judicial Service) in its meeting dated 20.01.2025 and conveyed to the petitioner vide letter dated 23.01.2025 (Annexure A-2). She submitted that the examination had been conducted in a fair and impartial manner, evaluation was carried under the Supervision of Coordinator who happens to be a Senior Academician, by way of table marking, leaving no scope of any error. The cuttings so alleged by the petitioners in the answer sheet are nothing but just corrections/ rectifications made by the Evaluators under their signatures with no such cuttings on the title page of the answer sheet. She thus submitted that once the re-evaluation is especially prohibited in the notification itself, which has never been challenged by the

petitioners, the petitioners have no case in their favour for grant of writ as prayed for. Hence she prayed for dismissal of the writ petitions.

7. We have considered the respective arguments and also perused the record. It is not disputed that the respondent had issued notification dated 14.11.2023 and 15.11.2023 for the direct recruitment to Punjab Superior Judicial Service 2023-24 and Haryana Superior Judicial Service 2023-24, respectively both the petitioners being fulfilling the eligibility criteria applied thereunder. The examination comprised of written examination as well as *viva voce* of 750 marks and 250 marks respectively. As per the Scheme of the examination notified, the candidates securing 40% or more marks in each paper in the written examination were to be called for *viva voce* and required to secure 50% aggregate as qualifying marks. It is evident from the record that petitioner-1 could not qualify written examination, failing to obtain qualifying marks of 40% in Civil Law and Criminal Law papers and as such was not called for *viva voce*. Whereas petitioner-2 qualified the written examination having scored 346/750 marks and 351/750 marks in the written examination for the States of Punjab and Haryana respectively and was called for viva voce wherein he obtained 140/250 marks as is evident from the result declared but could not secure 50% aggregate marks to qualify, he fell short of 14 and 09 marks respectively to qualify for the post of Additional District Judge in the States of Punjab and Haryana respectively.

8. Apart from aforesaid factual position, petitioner-2 also made representations for re-evaluation dated 08.11.2024 and 16.11.2024 which were rejected by the Recruitment Committee (Superior Judicial Service) in its meeting dated 20.01.2025. The decision of the committee dated 20.01.2025 was conveyed to the petitioner vide letter dated 23.01.2025 (Annexure A-2). It is

apprised by learned Senior Counsel for the High Court that while rejecting the representations, the Committee had observed as under:-

> *"Meeting Note and representations perused. The representationist failed to secure the place in the selection process of Punjab and Haryana Superior Judicial Service 2023-24. The submission made by the representationist with regard to cutting, overwriting, alteration etc. In the answer sheets are actually corrections/rectifications made by the evaluators during the evaluation process. There is no cutting/overwriting or alteration in the marks posted on the title page of the answer sheets by the evaluators. Nothing has come to notice that there is any change of marks to the disadvantage of the candidate to fail him. The allegations of the representationist are baseless and frivolous as the entire selection process is carried out with utmost confidentiality and transparency. Thus, the representation, being devoid of merit is hereby rejected. He be informed accordingly."*

9. Before proceedings further, a glance at the relevant provision contained in notifications No. 185 Gaz.I/VI.F.2 dated 14.11.2023 and 188 Gaz.I/VI.F.2 dated 15.11.2023, would reveal that as per clause 12.18 thereof, the re-evaluation of answer sheet was specifically barred. The relevant clause reads as under:-

> " **12.18** Re-evaluation of answer sheets is not allowed. Only re-checking of answer sheets (i.e no part of the answer sheets has been left unevaluated or there is no totaling error) can be allowed on a written request from a candidate addressed to the Registrar (Recruitment), High Court of Punjab and Haryana, Chandigarh through Co-ordination Branch, High Court of Punjab and Haryana, Chandigarh, on payment of fee of Rs. 500/- per answer

sheet (in the shape of Indian Postal Orders payable in favour of Registrar General, High Court of Punjab and Haryana, Chandigarh) within thirty days from the date of display of marks on the official website of this Court. No separate request in this regard by any candidate or any other person on their behalf shall be entertained under the RTI Act for re-evaluation/re-checking etc."

10. The perusal of the aforesaid provision clarifies that the re-evaluation of the answer sheets was not allowed and only rechecking of the answer sheets, so as to ascertain that there is no totaling error, was permissible for which specific procedure has been prescribed therein.

10.1 Admittedly none of the petitioner applied for the permissible re-checking.

10.2 Only petitioner-2 had moved representations for re-evaluation dated 08.11.2024 and 16.11.2024 which were however rejected by the Recruitment Committee (Superior Judicial Service). It is not out of place to mention here that the representations moved by him were not as per the prescribed format for rechecking which was permissible under Clause 12.18.

10.3 It is also not disputed that after having obtained the response under RTI, the petitioners have not disputed any answer attempted by them having been left un-evaluated.

10.4 In view of the existence of the specific Clause in the advertisement itself barring any re-evaluation, it is apt to mention here that such clause has never been challenged by either of the petitioners nor the same could have been challenged once they have actually participated in the selection process.

11. Considering the above facts and circumstances, it is observed that in view of the specific clause in the relevant notifications making the re-evaluation not permissible, in the advertisement itself on the basis of which the petitioners actually participated in the selection process, the petitioners have no right to claim re-evaluation.

12. It has been laid down by Hon'ble Apex Court in ***Vikesh Kumar Gupta's*** case (supra) that in the recruitment process scope for judicial review is limited. It has further held that though re-evaluation can be directed if rules permit, but practice of re-evaluation and secreting of questions by Courts which lack expertise in academic matters must be discouraged. It is also held therein that it is not permissible for High court to examine question papers and answer sheets itself, and the Court must show deference and consideration to the recommendation of expert committee.

13. Further, the Hon'ble Apex Court while examining the scope of judicial review with particular reference to re-evaluation has held in ***Ran Vijay Singh's case*** (supra) that the Court should not re-evaluate or scrutinize the answer sheets of a candidate as it has no expertise in the matter and academic matters are best left to the academicians. The relevant part of the assertions made by Hon'ble Supreme Court in **Ran Vijay Singh's** case (supra) are as under:-

> *"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;*
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> *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."*

13.1 Similar is the decision of the Division Bench of this Court in ***Mukul Dhankar's case*** (supra) wherein the aforementioned view has also been followed.

14. The Hon'ble Apex court in ***Pramod Kumar Srivastava's*** (supra) has held that the re-evaluation of the answer books cannot be permitted in the absence of any specific provision/rule in that regard.

15. In this regard, learned counsel for the High Court has also referred to the judgment of Hon'ble Supreme Court in ***Dr. NTR University of Health Sciences case*** (supra) wherein also the emphasis has been laid on the impermissibility of issuing directions to re-evaluate the answer scripts in absence of any specific provision in relevant rules. The practice of calling for answer

sheets and thereafter ordered re-evaluation in the absence of any specific provision in the relevant rules for re-evaluation and that too in exercise of powers under Article 226 of the Constitution of India was strongly disapproved by Hon'ble Apex Court.

16. Similarly, it has been held by the Hon'ble Supreme Court in ***Mukesh Thakur's case*** (supra) that the Court cannot take on itself the task of examiner and examine the discrepancy or inconsistency in the question papers and the valuation thereof it was observed that it is not permissible for High Court to examine the question paper and answer sheets itself. It has further been held therein that in a recruitment process, the re-evaluation of answer books is not permissible in the absence of any specific provision under the statutory Rules/Regulations and therefore, the Court should not generally direct the re-evaluation.

17. The aforesaid pronouncements have, therefore, clarified the position that in a selection process until and unless the Rules specifically so permit, the re-evaluation of answer sheets cannot be undertaken. It is also worth mentioning here that the scheme of examination in the present case provided for subjective type answers in the main written examination and the response given by the different candidates differ from person to person as every candidate has his own mindset and the qualitative analysis of a particular question to be answered in the way he thinks more appropriate. The answers so given by different candidates happen to be qualitative and not quantitative and hence a proper assessment thereof could only be done by none else than the expert in the subject. The Court in such a situation cannot, certainly, attain the role of a super examiner.

18. Much emphasis has been laid on behalf of petitioners on the fact that there happens to be alleged cuttings in the marks in the answer sheets on account of which they seek re-evaluation, however considering the fact that the scheme of the examination required descriptive answers, the evaluation thereof is precisely in the domain of the subject experts, which in the present case was done by way of table marking by the experienced examiners under direct supervision of a senior academician of the rank of Vice Chancellor of National Law School and further one particular question was assigned to one particular evaluator for evaluation of that very question attempted by all the candidates, there being a common yard stick followed for all candidates, thus maintaining absolute uniformity. Simply on account of the alleged cuttings in the marks, by itself, would not be a sufficient ground for ordering the re-evaluation especially when the Rules do not permit re-evaluation.

18.1 To ascertain the effect of alleged cuttings in the marks in the answer sheets of the petitioners, their answer sheets were called for and perused which show that in fact the alleged cuttings are nothing but the rectifications made by the evaluators during the evaluation process itself to avoid any error or omission in awarding marks to any particular part of a question. This entire process appears to have been done during the process of evaluation itself which was undertaken by way of table marking. Moreover, such alleged rectification bears the initials/signatures of the respective examiners. Further, there is no cutting or over writing on the title page of the answer sheets of the petitioners. The corrections/rectification which have been projected as ‘alleged cuttings’ by the petitioners, are nothing but constitute part of evaluation process itself being duly initialed by the respective examiners, and there being no cutting or rectification

on the title page of the answer sheets would also negate the allegations of post evaluation tampering, especially when the evaluation process was undertaken by way of table marking by the academic experts in the respective subjects under the supervision of senior academician, each being allocated one particular question, which tantamount to applying common yard stick to be followed for all the candidates and therefore the alleged cuttings cannot in any manner be termed as tampering in any manner.

18.2 In fact, on account of the alleged cuttings, the marks of petitioner-1 had increased in Civil Law-I paper which ironically was the only paper wherein he qualified in written examination. As regards petitioner-2 he had qualified in the written examinations and even participated in the viva voce without raising any objection to the alleged cuttings and it was only when he failed to qualify in the overall aggregates in both the examinations that he moved the representations for the first time. It is, therefore observed that the alleged cuttings in the answer sheets were nothing but a routine evaluation process duly initialed by the examiners for the respective question in the table marking process and there being no cutting on the title page of the answer sheets, thus the same cannot be termed as post evaluation tampering and we find no merit in this argument advanced on behalf of the petitioners.

19. Much emphasis has been laid by the petitioners to the judgment rendered in ***Pranav Verma's case, Rustam Garg's case and Jasmine's case*** *(supra),* however the preposition laid down therein is clearly distinguishable from the facts of the present case.

19.1. In ***Pranav Verma's case*** *(supra)* the issue was of uniformly strict marking in the examination of Haryana Civil Services (Judicial Branch) wherein

only 9 out of 1195 candidates qualified for viva voce and considering the same Hon'ble Apex Court had held the necessity of moderation of marks to remedy the harsh evaluation in the examination. Hon'ble Apex Court while exercising the power under Article 142 of the Constitution of India had uniformly awarded grace marks to all the candidates who appeared in the examination process and not just to a particular petitioner. Even the Hon'ble Supreme Court had not acceded to the prayer for re-evaluation in that case too. The relevant portion of the judgment reads as under:-

> *" 14. In the instant case, Justice Sikri critically examined the selection process as well as the evaluation method and it is explicit from his report that the procedure of evaluation was 'uniform'. We are of the view that evaluation done by multiple evaluators i.e. one Evaluator examining and marking one question in all the mark-sheets, ensures uniformity and prevents chance grading. Every candidate's answers are marked on same parameters by the same examiner. There can possibly be no other better method to ensure uniformity in evaluation. The petitioners have stated that as per the information received via RTI no model 'answer key' was present. It gives more credance to the afore-stated method of evaluation as no model 'answer key' ought to be devised for the Main Exam, the purpose whereof is not to just assess the knowledge of candidates but also to evaluate their analytical ability. In the present case, there was no Examiner Variability, therefore, Justice Sikri has very aptly remarked that, "this was well intended move to attain uniformity in evaluation". This method ensures equal level play field for all candidates. The only setback was lack of holistic view and lack of realistic expectations in the examiner's mind, for which there are adequate remedies as discussed in the later part of this order.*
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> *15. The marking criteria and evaluation method was strict but it was so for everyone. This was may be for the reason that one Evaluator*

checked one answer in each script and in this manner the entire lot of scripts were marked. The Evaluators failed to keep a pragmatic view that source of recruitment was likely to be the same in a fresh attempt also and that candidates had only 8.5 minutes to answer each question and time constraint did not allow them to give their best of performance. Even those candidates who covered all aspects briefly were not awarded proper marks. Unlike the hypothetical illustration given in Sanjay Singh's case (supra), it was not a case where some candidates were subjected to strict marking and others had an advantage of lenient marking, so as to draw an inference that the evaluation method was discriminatory or arbitrary.

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23. Firstly, we may very briefly emphasise the need of viva-voce as an integral part of selection process for certain posts. This Court in Lila Dhar v. State of Rajasthan (1981) 4 SCC 159*, observed that*

> *"6. … The written examination assesses the man's intellect and the interview test the man himself and "the twain shall meet" for a proper selection.... [I]n the case of services to which recruitment has necessarily to be made from persons of mature personality, interview test may be the only way, subject to basic and essential academic and professional requirements being satisfied..."*

The viva-voce and Written Examination (Main Exam), thus, both have their own importance in a selection process and it is for the interviewing panel to decide how many marks be awarded to a candidate keeping in view his/her performance in interview. Secondly, the composition of Selection Committee is the sole prerogative of Chief Justice of the High Court and this Court need not venture into the issue which pertains to exercise of administrative power (s) of the Chief Justice.

24. The alternative prayer of the petitioners for re-evaluation by an Independent Expert Committee is not worth acceptance. Firstly, for the reason that these 107 posts are already lying vacant for a

considerable long period and the re-evaluation would further delay it. Secondly, Justice Sikri has thoroughly examined the fact situation before recommending the award of grace marks. Thirdly, there is no provision for re-evaluation in the Recruitment Rules and any such direction would run counter to the mandate of this Court in H.P. Public Service Commission v. Mukesh Thakur , laying down that in the absence of any provision under the statute or statutory rules/regulations, the Courts should not generally direct re-evaluation."

19.2. So far as, ***Rustam Garg's case*** *(supra)* is concerned, in that case the controversy pertained to the meaning and usage of an English idiom which did not require qualitative and subjective analysis, but the English idiom had an accepted meaning and it did not require analysis of legal reasoning, narrative composition, and therefore ordered re-evaluation only to that particular meaning of English idiom from independent expert. The aforesaid case is distinguishable from the facts of the present case wherein the petitioners have sought re-evaluation of the papers attempted by them in various subjects of law as well as languages which happens to be descriptive in nature, requiring essay type descriptive answers involving the qualitative analysis thereof by the candidates.

19.3. In ***Jasmine's case*** *(supra)* in fact the writ petition was dismissed by this Court. The relevant para is reproduced as under:-

"Reverting to the case in hand, the expert/examiner has perused the answer given by the petitioner to the question in issue and thereafter has chosen to award zero marks to the petitioner for the answer. We have perused the question in issue and answer thereto given by the petitioner and, in our considered opinion, it cannot be said that such evaluation was palpably incorrect or egregious. The petitioner is verily seeking this Court to be a super-evaluator,

> *supplanting its view for that of the examiner/expert. This Court is indubitably convinced that, it cannot tread this path, in the factual matrix of the present case. Further, Clause 33 of the Advertisement clearly proscribes re-evaluation of the answer sheets. It only permits limited re-checking of the answer sheets, to the extent i.e. as to whether some part of the answer sheet has been left unevaluated or there is a totalling error. In the case in hand, none of these situations emerge, much less are pleaded. Ergo in the attending the facts and circumstances of the writ petition in hand, the same deserves to be rejected."*

20. Thus, from the above discussion it emerges that the petitioners have sought re-evaluation in the answer sheets merely on the premise that there have been alleged cuttings in the marks awarded to the various answers. As have been discussed above, the alleged cuttings in the awards for different answers have been found to have been done in the evaluation process itself under the initials/signatures of the respective examiners. Moreover, the evaluation process had been done by way of table marking with particular question allocated to a particular examiner, expert in the subject, for all the candidates, under direct supervision of senior academician of the level of Vice-Chancellor of a National Law School, coupled with the fact that there is no cutting in the awards mentioned in the title page of the answer sheets, would lead to the only inference that such cuttings were not in any manner post evaluation tampering but a routine *bona fide* rectification done during the evaluation process itself. The rules for the examination did not permit any re-evaluation, to be specific clause 12.18 prohibits the same. Therefore, in such circumstances, no question of any re-evaluation arises at all. Only re-checking was permissible but none of the

petitioners applied for re-checking in accordance with the process duly notified in the advertisement.

21. Thus, the petitioners have not been able to point out any infirmity in the selection process, so as to call for any interference therein.

22. As a consequent, finding no merits in the instant writ petitions the same are hereby dismissed.

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

(SANJIV BERRY)
JUDGE

(SHEEL NAGU)
CHIEF JUSTICE

Dated: 17.02.2026
Gyan

i) Whether speaking/reasoned? Yes/No
ii) Whether reportable? Yes/No