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

% *Date of Decision: 21.08.2026*

CNR No. DLHC010148442025

+ **W.P.(C) 3547/2025 CM APPL. 55528/2026**

NEERAJ BHARDWAJ

.....Petitioner

Through: **Mr. Saurabh Trivedi, Advocate**

versus

**HIGH COURT OF DELHI AT NEW DELHI THROUGH ITS
REGISTRAR GENERAL**

.....Respondent

Through: **Mr. Samar Singh Kachwaha, Ms.
Shivangi Nanda, Ms. Kavita Vinayak
and Mr. Yash Dadriwal, Advocates**

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

1. The present writ petition has been filed by a candidate who applied in the selection process for appointment to the Delhi Higher Judicial Service [‘DHJS’] pursuant to the Delhi Higher Judicial Service Examination, 2024 [‘DHJSE-2024’], assailing the Notice dated 20.02.2025 [‘impugned Notice’] issued by the Respondent, whereby four questions, including Question Nos. 6, 22, 60 and 101 of Question Paper Booklet Series ‘C’, were deleted from the Preliminary Examination on the ground that they were ambiguous, and



the answers to four other questions i.e., Question Nos. 77, 82, 102, 113 of Question Paper Booklet Series 'C' were revised.

2. We may note at the outset that though the reliefs encompass the deletion of the said four questions and revision of separate four questions, during arguments the Petitioner has confined his challenge to deletion of Question No. 60 only.

3. Pursuant to the impugned Notice, the maximum marks of the Preliminary Examination were reduced from 150 to 146. The revised minimum qualifying marks for the General Category became 73 marks [50% of the maximum marks i.e., 146]. The Petitioner scored 75.75 marks. Respondent states that the cut-off for the candidates who qualified for a Mains (Written) Examination was fixed at 77 marks. Respondent contends that even if the Petitioner's submission for Question No. 60 is considered, it would add only 1 mark which would take his total to 76.75 marks and the same would fall short off the cut-off of 77 marks. Respondent has contended that therefore the Petitioner has no cause to pursue this petition.

4. Also, this petition was filed on 12.03.2025. The interim relief was denied by the Court *vide* order dated 21.03.2025 and the interim application stood dismissed. Respondent states that the selection in pursuance to DHJSE-2024 is complete and appointments have also been made. Respondent states that nothing survives for consideration in this petition as no relief can be granted to the Petitioner. To this, the Petitioner contends that if it succeeds in this petition, the Court may consider granting the Petitioner limited relief of age relaxation to participate in the next upcoming DHJS



Examination. The Petitioner states that, otherwise, he has crossed the maximum permissible age limit for appearing in the next exam.

5. The aforesaid facts have been noted to record that the limited relief that the Petitioner is now pressing for is age relaxation for appearing in the next examination for DHJS.

FACTS

6. Facts relevant to adjudicate the present writ petition are as follows:

6.1 On 27.12.2024, the High Court issued a public notice inviting online applications for recruitment to 16 vacancies (14 existing and 2 anticipated) in the DHJS through a three-stage selection process comprising the Preliminary Examination, Mains (Written) Examination and Viva Voce. The Petitioner applied pursuant to the said notification, his application was accepted and an Admit Card was issued to him.

6.2 On 02.02.2025, the Preliminary Examination was conducted. The Petitioner appeared in the examination and was allotted Question Paper Booklet Series 'C'.

6.3 On 06.02.2025, the Respondent published the Model Answer Keys for Series A, B, C and D of the said Preliminary Examination and invited objections from candidates up to 5:30 PM on 09.02.2025.

6.4 After considering the objections received, the Respondent issued the impugned Notice dated 20.02.2025, whereby Question Nos. 6, 22, 60 and 101 of Booklet 'C' were treated as ambiguous and hence deleted, while the



answers to Questions Nos. 77, 82, 102 and 113 were revised. Consequently, as noted above, the maximum marks for the Preliminary Examination were reduced from 150 to 146, and the revised qualifying marks for the General Category were fixed at 73 marks (50% of 146).

6.5 One of the deleted questions was Question No. 60 of Booklet 'C', concerning the nature and evidentiary use of a statement under Section 174 of the Code of Criminal Procedure, 1973 ['Cr.P.C']. The original Model Answer Key had indicated Option (2) as the correct answer. The Petitioner contends that the said question was subsequently deleted despite the original question and the model key answer being correct.

6.6 On 24.02.2025, the result of the Preliminary Examination was declared. 102 General Category candidates were shortlisted for the Mains Examination, instead of 100, on account of a tie at the cut-off. The Petitioner secured 75.75 marks but did not qualify for the Mains (Written) Examination, as the cut-off was set at 77 marks.

6.7 The present Petition was filed on 12.03.2025, challenging the impugned Notice dated 20.02.2025, though petition was pressed principally in relation to the deletion of the Question No. 60. The Petitioner sought restoration of the original question, the Model Answer Key and consequential relief.

SUBMISSIONS ON BEHALF OF THE PETITIONER

7. Learned counsel for the Petitioner submitted that Question No. 60 of Booklet 'C' concerned the evidentiary value of a statement under Section



174 Cr.P.C; the original Model Answer Key had correctly indicated Option (2), i.e. that such statement can be used only as a previous statement to corroborate or contradict its maker at trial, however, the impugned Notice treated the question as incorrect/ambiguous and deleted it.

7.1 He contended that Section 174 Cr.P.C. relates to the inquest proceedings and the statement made therein is corroborative in nature. Reliance was placed on **Madhu @ Madhuranatha & Anr. v. State of Karnataka**¹, wherein the Supreme Court had held that such statement could be used only as a previous statement for corroborating or contradicting its maker at trial. He therefore argued that the Respondent could not treat the Question No. 60 and Option (2) as incorrect, as this was contrary to the settled law declared by the Supreme Court.

7.2 He submitted that, despite thousands of candidates appearing in the examination, only eight candidates had objected to Question No. 60 and, significantly, none of those objections alleged that the question was vague and therefore contended that the subsequent description of the question as ‘ambiguous’ was arbitrary and unsupported by the objections received.

7.3 He further submitted that the Respondent had not disclosed that any expert opinion was obtained before treating the question as vague and deleting it. Reliance was placed on **Secretary (Health) v. Dr. Anita Puri**², to contend that alteration of an answer key, particularly without appropriate expert consideration, is susceptible to judicial scrutiny.

¹ AIR 2014 SC 394

² (1996) 6 SCC 282, para 9



7.4 He submitted that an erroneous determination in a competitive examination could vitiate the fairness of the examination process. Reliance was placed on **Om Prakash Verma v. National Testing Agency**³ to contend that the Court possesses jurisdiction to interfere with an erroneous answer key in appropriate circumstances.

7.5 He further relied upon **Kanpur University, through Vice-Chancellor & Ors. v. Samir Gupta & Ors.**⁴, and **Rishal & Ors. v. Rajasthan Public Service Commission & Ors.**⁵, submitting that judicial interference is warranted where the answer key is palpably and demonstrably incorrect. On this basis, he urged that the finding in the impugned Notice that Question No. 60 was incorrect or ambiguous was contrary to settled law and called for correction by this Court in exercise of its jurisdiction under Article 226 of the Constitution.

SUBMISSIONS ON BEHALF OF THE RESPONDENT

8. Learned counsel for the Respondent submitted that, pursuant to the impugned Notice dated 20.02.2025, the Mains (Written) Examination was conducted on 22.03.2025 and 23.03.2025, and the DHJSE-2024 process had thereafter reached the interview stage. It was contended that after interviews appointments have been made and this process is complete. It is contended that therefore nothing survives in this petition.

8.1 He submitted that, following objections to the Model Answer Key, the Examination Committee (DHJS & DJS) undertook a detailed review and,

³ W.P.(C) No. 11380/2023

⁴ (1983) 4 SCC 309



after considering the objections and relevant material, deleted four questions, namely Questions 6, 22, 60 and 101 of Booklet 'C', and revised the answers to Questions 77, 82, 102 and 113. He submitted that the exercise was undertaken in accordance with the prescribed procedure.

8.2 He contended that the Examination Committee, being an expert administrative body, was vested with the requisite discretion to revise or delete questions found to be ambiguous. He submitted that the Petitioner had failed to establish any arbitrariness, procedural irregularity or mala fides in the decision-making process.

8.3 He submitted that the Respondent has placed on record the objections received in respect of all eight (8) questions.

8.4 With respect to Question No. 60, he submitted that although Option (2) was initially marked as the correct answer, the Committee, upon consideration of the objections, decided to delete the question; the Respondent's case is that Section 174 Cr.P.C. does not itself contemplate recording of a 'statement', but concerns preparation of an inquest report to ascertain the apparent cause of death. He submitted that as per the Respondent the statements are recorded under Sections 161 and 164 Cr.P.C, and accordingly, the question, as framed, was confusing and ambiguous, warranting its deletion.

8.5 He pointed out that the Petitioner had challenged essentially the deletion of Question No. 60, but had not assailed the deletion of Questions

⁵ (2018) 8 SCC 81



6, 22 and 101, or the revised answers to Questions 77, 82, 102 and 113. It was further submitted that the Petitioner had, in fact, benefitted from the revised answer key in respect of Questions 77 and 82. He submitted a written note to demonstrate that due to the revision of the answer key for Question Nos. 77 and 82 by the impugned Notice, the Petitioner benefitted and earned 1.25 marks each for the said questions. He therefore contended that the Petitioner could not simultaneously avail himself of the benefit of those revisions and seek quashing of the very Notice through which those revisions were made.

8.6 He relied upon the proposition that Courts should exercise great restraint in interfering with answer keys or examination decisions, particularly where the decision has been taken by an expert examining body. Reliance was placed on **Vivek Kumar Yadav v. Registrar General, Delhi High Court**⁶, **Vikesh Kumar Gupta v. State of Rajasthan**⁷, and **Kushagra Mittal Minor v. National Testing Agency**⁸. He submitted that even where a question may be capable of causing confusion or another view may be possible, such matters ordinarily fall within the domain of the examining body and do not warrant judicial review on merits.

8.7 He submitted that the Petitioner had failed to demonstrate any arbitrariness, mala fides, procedural irregularity or violation of law in the decision to revise the answer key. The impugned Notice was issued after considering the objections and relevant material and therefore did not

⁶ 2022 SCC OnLine Del 1670

⁷ (2021) 2 SCC 309

⁸ 2026:DHC:6822- DB.



warrant interference under Article 226.

8.8 He further contended that, even assuming the Petitioner's grievance was confined to Question No. 60, he had failed to demonstrate why the entire impugned Notice should be quashed; no sufficient prejudice or legal basis had been shown for reopening or reworking the examination or the selection process as a whole.

8.9 He submitted that since the selection process is complete, considering the limited scope of judicial review in examination matters, and the absence of any demonstrated arbitrariness or procedural impropriety, the Respondent prayed that the writ petition be dismissed.

FINDINGS AND ANALYSIS

9. This Court has considered the submissions made by the parties and has perused the record.

10. Respondent has submitted that the cut-off marks were fixed at 77 and Petitioner scored only 75.75 marks in the Preliminary Examination, thus, even if the Petitioner's submission *qua* Question No. 60 had been accepted it would have only led to addition of 1 mark, and the Petitioner would still not have qualified for the Mains (Written) Examination. The Petitioner has not disputed this submission.

11. In our considered opinion, due to the aforesaid fact, the challenge raised by the Petitioner to the deletion of Question No. 60 was always academic *qua* the Petitioner's result, as any interference would not come to the aid of the Petitioner, as it would have not qualified for the Mains



Examination at the relevant time. In view of the fact that no other candidate has approached the Court challenging the deletion of Question No. 60 and the selection and appointment process in pursuance to DHJSE-2024 stands completed, we do not propose to adjudicate the Petitioner's academic challenge to the said deletion.

12. This brings us to the limited relief prayed for by the Petitioner for seeking one time age relaxation by participating in the next upcoming DHJS Examination. The Petitioner has relied upon an interim order dated 15.06.2026 passed in SLP (C) 18196/2026 pertaining to Uttar Pradesh Higher Judicial Services, wherein the Petitioner therein was allowed to appear in the Mains Examination pending the outcome of the SLP. The said SLP arose out of judgment dated 04.05.2026 passed by the Division Bench of Allahabad High Court dismissing a petition, where the candidate had challenged her disqualification on the ground that she had not applied through a proper channel. The candidate challenged the judgment dated 04.05.2026 in the SLP and pending the SLP, the Supreme Court has permitted the said Petitioner to write the main examination. We fail to see how the said interim order can be relied upon by the Petitioner herein for seeking a relief of age relaxation for the next DHJS Examination. The Petitioner has failed to show any legal basis for such a relief. We therefore reject this oral prayer made by the Petitioner.

13. We clarify that we have not examined the rival contentions of the parties with respect to the correctness or incorrectness of Question No. 60 as framed in the Question Paper.



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14. We therefore dismiss this petition on the findings recorded at paragraph 10 and 11. Pending applications are disposed of.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

AUGUST 21, 2026/AM/mt