



**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

**Civil Appeal No(s). /2026
@ SLP (C) No(s).12895/2026**

**UTTAR PRADESH SUBORDINATE SERVICE SELECTION COMMISSION
....Appellant**

VERSUS

ASHOK YADAV & ORS.

...Respondent(s)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal impugns judgment and order of the Division Bench of the High Court¹ dated 20.03.2026 rendered in Civil Misc. Review Application No. 224/2021 which sought review of order dated 20.01.2021 passed in Special Appeal Defective No.1186 of 2020.

FACTS

4. A brief narration of facts is necessary to

¹ The High Court of Judicature at Allahabad

understand the issue that has arisen for our consideration in this appeal.

5. The appellant i.e., The Uttar Pradesh Subordinate Service Selection Commission², on 18.01.2016 published an advertisement inviting applications for appointment on 3133 posts of Village Development Officer. As per selection procedure, a written test comprising objective type questions-answers was held on 05.06.2016. Provisional answer-key was published on 09.06.2016. After considering objections a revised answer-key was published on 30.06.2016. Based on the revised answer-key, on 18.07.2018, the result was declared. In between, few candidates, who had their own individual grievances, filed writ petitions before a Single Judge Bench of the High Court wherein certain directions were issued. In consequence, a supplementary result was published on 26.06.2020.
6. Though, in between various writ petitions came to be filed before the High Court, the issue that falls for our consideration in this appeal

² The Commission

emanates from Writ A No.10221 of 2019, which shall hereinafter be referred to as the subject writ petition. The subject writ petition was filed before the learned Single Judge of the High Court for a direction to the Commission to allot one mark to the writ petitioner (i.e., the respondent herein) for his answer to the following question³:

In Hindi:

"68. निम्न में से कौन सा सुमेलित नहीं है?

- (A) बाबरनामा - बाबर
- (B) शाहजहाँ नामा - मुहम्मद ताहिर
- (C) हुमायूँ नामा - हुमायूँ
- (D) तुजुक-ए-जहाँगीरी - जहाँगीर"

In English:

"68. Which of the following pairs is incorrect?

- (A) Baburnama - Babur
- (B) Shahjahannama - Mohd. Taahir
- (C) Humayunnama - Humayun
- (D) Tuzuk-e-Jahangiri - Jahangir"

7. The Commission in its answer-key had selected option 'B' as the correct answer whereas the writ petitioner had opted for option 'C'.
8. The writ petitioner's contention was that option 'C' is the correct answer in as much as Humayunnama was not authored by Humayun but by

³ To have a clear understanding of the question, its Hindi as well as English version, as found in the question Booklet, have been reproduced.

Gulbadan Begum.

9. The learned Single Judge dismissed the writ petition on the ground of laches upon being informed that several such writ petitions were dismissed on laches. While dismissing the writ petition the learned Single Judge also cited a decision of this Court in *U.P. Public Service Commission through its Chairman V. Rahul Singh and Another*⁴ wherein it has been held that constitutional courts must exercise restraint in such matters and should be reluctant to entertain a plea challenging the correctness of key answers.
10. Aggrieved by the order of learned Single Judge, the respondent preferred an intra court appeal before the Division Bench of the High Court. The Division Bench *vide* order dated 20.01.2021 dismissed the appeal by relying on few decisions of this Court.
11. Upon dismissal of the intra court appeal, a review petition was filed, which came to be allowed by the impugned order holding that the writ

⁴ (2018) 7 SCC 254

petitioner was entitled to one mark for selecting option 'C', which was the correct answer as per the report dated 10.08.2020. In consequence, the intra court appeal was allowed, the order of the learned Single Judge was set aside, and a direction was issued to the Commission to declare the result of the review petitioner and make recommendation accordingly, and the State Government was directed to issue appointment.

12. While allowing the review petition, the High Court opined that the expert report dated 10.08.2020 was not placed either before the learned Single Judge or before the Division Bench earlier even though it was relevant and had a bearing on the decision of the matter. It held that the expert report dated 10.08.2020 indicated that both option 'B' and 'C' could be correct depending upon the perception of the reader.

13. The said expert report dated 10.08.2020, which was considered by the High Court while passing the impugned order, is reproduced below:

"Opinion of the Subject Expert

regarding the question of the written examination conducted by the Uttar Pradesh Subordinate Services Selection Commission, Lucknow.

Question- Which of the following is not correctly matched?

- (a) Baburnama - Babur
- (b) Shahjahan Nama - Mohammad Tahir
- (c) Humayun Nama - Humayun
- (d) Tuzuk-e-Jahangiri - Jahangir

We have gone through the question on the above. If we go by the logic of Book and Author pair, the correct answer to the above question is C. Because Humayun Nama was not written by Humayun but it was written by Gulbadan Begum.

However, if we go by the logic of Book and its description about Whom, the correct answer to the above question is B. Because Baburnama talks about Babur and Humayun nama talks about Humayun and Tuzuk-e-Jahangiri talks about Jahangir, but Shahjahan nama does not talk about Mohammad Tahir, it talks about Shahjahan.

10.8.2020

Sd/-
Dr. Alok Kumar
DSMNR University
Lucknow

Sd/-
Prof. S. Victor Babu
B. B. Ambedkar University
Lucknow"

SUBMISSION ON BEHALF OF THE APPELLANT

14. Assailing the impugned judgment of the High Court, on behalf of the appellant it is submitted that the Expert Report relied by the High Court is

equivocal. It does not say that option 'C' is the correct answer. It simply says that if pairing is to be done by authorship, then option 'C' would be the correct answer because Humayunnama is not written by Humayun, but if pairing is done on the basis of subject i.e., the book/ scripture relates to whom, option 'B' would be the correct answer. It was argued that the question does not spell out that pairing had to be on authorship, therefore, authorship cannot be used as a parameter to find out the incorrect pair. It has also been submitted that in absence of authorship as a parameter for pairing, the answer to the question i.e., pairing can be done either phonetically or subject-wise i.e., to whom the book relates to. If it is paired phonetically, option 'B' is the only option where the two do not phonetically match; and if pairing is done subject-wise, then too, option 'B' is the only correct option. To illustrate, the learned counsel for the appellant submitted that 'Baburnama' is about Babur, 'Humayunnama' is about

Humayun and 'Tuzuk-e-Jahangiri' is about Jahangir whereas Shahjahannama is not about Mohammad Tahir; therefore, if pairing is done subject-wise option 'B' is the only combination which does not match. Hence, option 'B' was the only correct option. Phonetically also option 'B' is the only correct answer. Thus, when authorship was not the parameter on which pairing had to be done, option 'C' cannot be considered as the correct answer.

15. Additionally, it is submitted, the writ court ought not to have interfered with the decision of the Commission, particularly when its decision was neither arbitrary nor perverse. More so, when the writ petition came to be filed much after declaration of the result. In these circumstances, it is urged, the impugned order of the High Court is liable to be set aside.

SUBMISSION ON BEHALF OF RESPONDENTS

16. *Per contra*, on behalf of the respondents as well as intervenors whose matters are pending before the High Court, it has been submitted that the

question paper had three Parts, namely, General Hindi, General Intelligence Test and General Knowledge. The first part comprising questions 1 to 30 relates to General Hindi; the second part comprising questions 31 to 50 relates to General Intelligence Test; and the third part comprising questions 51 to 80 relates to General Knowledge. The subject question falls in the third part which relates to General Knowledge. Therefore, the question had to be understood in that context whereas the underlying rationale for picking up option 'B' does not correlate with General Knowledge, rather it relates to General Intelligence or logic. Therefore, the very basis on which option 'B' was selected by the Commission as the correct answer is faulty. It has been submitted that having information about authorship of a known book or scripture is part of General Knowledge and, therefore, when all other options match with the name of author, only option 'C' stands out as Humayunnama's author is not Humayun

but Gulbadan Begum. Consequently, the High Court was justified in awarding one mark for the said option. In the alternative, it is submitted, if there was no parameter for pairing, the same could be both subject-wise and author-wise, giving rise to two correct answers, namely, option 'B' and option 'C'. In such circumstances, marks would have to be awarded for both and, therefore, the impugned order calls for no interference as marks have been awarded to both. In this context, reliance was placed on a decision of this Court in *Siddhi Sandeep Ladda vs. Consortium of National Law Universities and Anr.*⁵ to canvass that though Courts are generally reluctant to interfere in such matters for lack of expertise, however, when the academicians themselves act in a manner that adversely affects the career aspirations of lakhs of students, the Court's hands are not tied, and it may interfere to do complete justice.

17. We have accorded due consideration to the rival submissions and have perused the materials

⁵ [2025] 7 S.C.R. 55:2025 INSC 714:2025 SCC OnLine SC 1144

available on record including the impugned judgment in review as well as the judgment whereby, earlier, the intra court appeal was dismissed.

ISSUE

18. Upon consideration of the rival submissions, the following issue arises for our consideration:

“Whether the High Court was justified in interfering with Commission’s decision to pick Option ‘B’ as the only correct answer to the concerned question?”

ANALYSIS

19. Before we address the aforesaid issue, it would be useful to examine the scope of judicial review in adjudging the correctness of a key answer selected and published by the examining body holding a public examination.
20. In *Ran Vijay Singh v. State of U.P.*⁶ this Court after considering earlier decisions culled out legal principles delineating the scope of judicial review while examining a challenge to the correctness of the key answer(s) and seeking re-

⁶ (2018) 2 SCC 357

evaluation of the answer script. The relevant paragraphs of the said judgment are extracted below:

"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 rationalization" 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 scrutinize 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."

(Emphasis supplied)

After holding as above, this Court added a note of

caution for the courts while entertaining such matters and highlighted the adverse consequences of over interference with the examination results. Relevant observations in that regard are as under:

"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 the 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)

21. Following the decision in *Ran Vijay Singh (supra)*, in *U.P. Public Service Commission v. Rahul Singh (supra)*, this Court held:

"12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The constitutional courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. ..."

22. The legal position that emerges from the aforesaid decision(s) is that a challenge to the correctness of answer key must be entertained only where the mistake is so glaring and apparent that no inferential process or reasoning is required to

show that the mistake exists. Besides, while considering a challenge to the correctness of a question or an answer, the court must bear in mind that there is a presumption about the correctness of the question/ answer, and the onus is on the candidate to demonstrate that it is incorrect. Further, in the event of a mere doubt about the correctness of the question or the answer, the benefit should go to the examining body and not to the candidate. However, where it is demonstrated that the question itself is incorrect, or there could be two correct answers to the question when only one is to be chosen from the options provided, the Court may interfere and order exclusion of the suspect or offending question from evaluation. In a situation where the question is correct and is admissible to only one answer and that answer is amongst the options provided but is not the one chosen by the examining body, the Court may direct the examining body to award marks only for the correct answer and revise the

result accordingly. While entertaining a petition in such matters, courts must be strict in condoning laches, if any, having regard to the ensuing consequences. Besides, the court may reject a challenge if the procedure prescribed to raise objection(s) to the question/ answer, within a specified time frame, is not followed.

23. Having noticed the law on the point, we shall now consider whether the answer selected by the Commission to the concerned question suffered from a glaring mistake.

24. At this stage, it would be pertinent to note that the concerned question did not spell out the parameter/ principle basis which the incorrect pair had to be selected from the available options. Absent any parameter/ principle for pairing, a commonsense approach of pairing the book with the subject i.e., the person about whom the book was, is what has been adopted by the Commission in selecting the answer. Such an approach cannot by any stretch of imagination be

considered arbitrary or irrational. Therefore, in the context of the question concerned, option 'B' is one answer which cannot be called patently erroneous.

25. The Expert Report relied upon by the High Court is not categorical in saying that Option 'C' is the only correct answer. What it says is that if one adopts the logic of authorship of the scripture, option 'C' would be the correct answer i.e., pairing based on authorship; and if logic adopted is subject-wise i.e., on whom the book is written, option 'B' would be the right answer. Thus, the Expert Report does not say that option 'B', chosen by the Commission, is an incorrect answer.

26. Admittedly, the question concerned is silent about the basis of pairing, therefore, a commonsense approach leads us to Option 'B', which is the answer chosen by the examining body.

27. The writ petitioner is facing problem because he applied inferential logic to read into the question 'authorship of the book' as the guiding principle to select an incorrect pair, when no

such principle or parameter is decipherable from a plain reading of the question. Thus, the writ petitioner committed an assumptive mistake which cannot be attributed to the question or the examining body.

28. Writ petitioner's assumption that pairing is based on authorship is what has let him down. It is possible that if he had not known that Humayun is not the author of Humayunnama, he may not have opted for option 'C'. Therefore, one may feel that the writ petitioner is being punished for having knowledge about a historical fact. But that is not the ground to test the correctness of the question or the answer while exercising the power of judicial review. The test is whether the mistake is so glaring that no inferential process or reasoning is required to show that it is there. Here, authorship was not the basis on which pairing was asked for, therefore, commonsense approach could have resulted in the correct choice. The writ petitioner on his own assumed

that pairing had to be on authorship. But for that the examining body cannot be blamed.

29. Misreading a question, or reading something into a question, often results in a wrong answer. Very often questions are framed to confuse a candidate so that only an alert mind picks up the requisite nuances of a question for rendering a proper answer. The examinee / candidate cannot say that the question ought to have been drafted like this or that. Therefore, while considering whether the question or answer is correct, the Court must only consider whether the question or answer as it stands is correct or not and not what it ought to have been. If the question and its answer, as they stand, do not suffer from a glaring mistake, the Court cannot hold that it should be read and understood as something else than what it actually is only because, in the opinion of the Court, it would have made more sense.
30. From the discussion above, what is clear is that neither the question concerned is incorrect nor

option 'B' chosen by the Commission is incorrect. In such circumstances, the question and its answer was not amenable to judicial review. The High Court clearly overstepped its jurisdiction in interfering with the same, that too, in the review jurisdiction.

31. The argument on behalf of the respondents that the concerned question fell in that Part of the Question Paper which related to General Knowledge, therefore only authorship could have formed the basis of pairing, is based on assumption. A question is to be understood as it stands and not what it ought to have been. We have already noticed above that judicial review of the correctness of a question or an answer is permissible only where the mistake is so glaring and apparent that one could notice the mistake without use of any inferential process or reasoning. Hence, we do not find force in the said submission.

32. Having regard to the discussion above, we are of

the view that the Commission did not commit any such glaring or apparent mistake in picking up option 'B' as the correct answer for the concerned question. The High Court, while acting on the Expert Report, overlooked that the Expert Report had only indicated a possible answer if the question had been perceived as one relating authorship of the Book. The said Expert Report did not fault the question. Rather, it pointed out that if matching had to be subject-wise i.e., as to whom the Book was about, option 'B' was the correct answer. Thus, the report does not in certain terms declare option 'B' as the incorrect answer. Moreover, authorship was not the underlying principle for finding out the incorrect pair. Thus, neither the question nor its answer is patently incorrect. In such circumstances, there was no occasion for the High Court to interfere with the decision of the Commission, that too, in the review jurisdiction.

33. Consequently, the appeal is allowed. The impugned

order is set aside. Writ A No.10221 of 2019 filed by the respondent before the High Court is hereby dismissed.

34. All pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[VIJAY BISHNOI]

New Delhi;
September 09, 2026

ITEM NO.8

COURT NO.10

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12895/2026

[Arising out of impugned final judgment and order dated 20-03-2026 in CMRA No. 224/2021 passed by the High Court of Judicature at Allahabad]

UTTAR PRADESH SUBORDINATE SERVICE SELECTION COMMISSIONPetitioner(s)

VERSUS

ASHOK YADAV & ORS.

Respondent(s)

[FOR FINAL DISPOSAL]

IA No. 172288/2026 - EXEMPTION FROM FILING O.T.

IA No. 107477/2026 - EXEMPTION FROM FILING O.T.

Date : 09-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA
HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) :

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For Respondent(s) :

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Mr. Aviral Saxena, Adv.
Mr. Harsh Srivastava, Adv.
Mr. Abhinav Sharma, Adv.
Mr. Shivansh Rajput, Adv.
Mr. Fardeen Khan, Adv.
Mr. Raman Chugh, Adv.

Mr. Namit Saxena, AOR

Mr. M R Shamshad, Adv.
Mr. Shashank Singh, AOR
Mr. Sanjay Kumar, Adv.
Mr. Arijit Sarkar, Adv.
Ms. Prapti Shrivastava, Adv.
Ms. Sweety Gautam, Adv.
Mr. Varun Singh, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the Reportable signed order placed on the file.
3. All pending application(s), if any, shall stand disposed of.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)