

(2025) 12 UK CK 0051

Uttarakhand HC

Case No: Writ Petition (S/B) No. 462 Of 2025

Nazim Ahamad & Others

APPELLANT

Vs

Uttarakhand Public Service
Commission

RESPONDENT

Date of Decision: Dec. 4, 2025

Acts Referred:

- Constitution Of India, 1950 - Article 14
- Uttarakhand Public Service Commission (Examination Result Preparation Procedure) Regulations, 2022 - Regulation 9(iv)

Hon'ble Judges: Ravindra Maithani, J; Alok Mahra, J

Bench: Division Bench

Advocate: Vinay Kumar, Pankaj Miglani

Final Decision: Dismissed

Judgement

Alok Mahra, J

1. Petitioners have approached this Court, seeking the following reliefs:

“(i) Issue a writ, order or direction in the nature of Certiorari calling for the record and quashing the impugned Final Answer Key dated 08.10.2025 (Annexure No.08 to the writ petition) so far as the Selecting Body has deleted Question No. 27, 41 and 126 of Question Booklet Series-A of Upper Subordinate Examination-2025 inasmuch as the answer given by the petitioners for the said questions are correct and accordingly revise the marks allotted to the petitioners.

(ii) Issue a writ, order or direction in the nature of Mandamus directing the respondent Selecting Body to revise the Final Result dated 08.10.2025 (Annexure No. 6.to the writ petition) of the Preliminary Examination of the Upper Subordinate Examination-2025 by including the Roll Numbers of the petitioners and to declare the petitioners qualified for appearing in the Mains Examination of Uttarakhand Combined State Civil/ Upper Subordinate Examination-2025.

(iii) Issue a writ, order or direction in the nature of Mandamus constituting an independent Expert Committee of Subject Experts to look into the Question Nos. 27, 41 and 126 of Question Booklet Series-A of General Studies Test and examine the correct answers to these questions.”

2. Briefly put, the case of the petitioners is as follows:

On 07.05.2025, the Uttarakhand Public Service Commission issued an advertisement inviting applications for the Uttarakhand Combined State Civil/Upper Subordinate Services Examination, 2025. The petitioners applied pursuant to the said advertisement and participated in the preliminary examination. According to the petitioners, they attempted Question No. 27, 41 and 126 of the Question Booklet Series-A. The petitioners gave option for Option 'D' for Question No. 27, Option 'A' for Question No. 41 and Option 'A' for Question No. 126. After the Preliminary Examination, the Selecting Body published the Provisional Answer Key on 04th July, 2025 on its website, wherein the Selecting Body also gave the same options as exercised by the petitioners as correct answer key for the said questions. The Selecting Body invited objections on the Provisional Answer Key published on 04.07.2025. Selecting Body invited objections from the candidates on the questions as well as on the answer key. Since the options exercised by the petitioners in respect of Question Nos. 27, 41 and 126 of Booklet Series-A was the same as was given by the Selecting Body, therefore, the petitioners did not submit any objection on the answer key published by the Selecting Body. After deciding the objections received against the Provisional Answer Key, on the basis of the opinion of the subject expert, the Selecting Body published the Amended Answer Key on 03.09.2025. In the Amended Answer Key, the Selecting Body deleted Question No. 27, Question No. 41 and Question No.126 of Booklet Series-A. On 08.10.2025, the Selecting Body published the Result of the Preliminary Examination, whereby the candidates were declared qualified for appearing in the Mains Examination of the Upper Subordinate Service Examination-2025. It is submitted that the Roll Number of the petitioners did not figure in the result of the preliminary examination. Question no. 27 of Set 'A' of General Studies paper reads as under:-

“Which of the following pairs is not correctly matched?

| Mineral | | Location |
|-----------------|---|--------------------------|
| (a) Dolomite | - | Dehradun, Pithoragarh |
| (b) Soap Stone | - | Chamoli, Bageshwar |
| (c) Graphite | - | Almora, Nainital |
| (d) Silica sand | - | Pauri Garhwal” |

According to the petitioners, the initial answer given by the Commission in the provisional answer key was option (d), in the amended provisional answer key the answer was option (d) but at the time of issuing the final answer key the Commission changed the answer and deleted the question, which is completely incorrect, as according to Directorate of Geology and Mining Annual Report 2024-25, the correct answer is option (d).

Question no. 41 of Set 'A' of General Studies paper, which reads as under:-

“Consider the following statements about “Right to Education” and choose the correct answer:

1. It try to achieve the aim of ‘Education for All’.
2. Earlier a provision of free and compulsory education was provided in Part IV of the Constitution.
3. It became Fundamental right after 91st Constitutional Amendment.

- | | |
|------------------|------------------|
| (a) Only 1 and 2 | (b) Only 2 and 3 |
| (c) Only 1 and 3 | (d) 1,2 and 3" |

According to the petitioners, in the provisional answer key as well as final answer key, the question has been deleted however, the option (a) is the correct answer.

Question no. 126 of Set 'A' of General Studies paper which reads as under:-

"Consider the following statements with reference to Trade Union Movement in India:

1. All India Trade Union Congress was founded in 1920.
2. Lala Lajpat Rai was elected its first President.
3. All India Trade Union Federation was formed by S.A. Dange in 1929.

Select the correct answer from the code given below:

- (a) Only 1 & 2 (b) Only 1 & 3 (c) Only 2 & 3 (d) Only 2 & 4"

According to the petitioners, the Commission has deleted the aforesaid questions which, according to the petitioners, ought not to have been deleted by the petitioners.

3. Learned counsel for the petitioner submits that the action of the respondent-Selecting Body in deleting Question Nos. 27, 41, and 126 of Booklet Series-A from the Final Answer Key is manifestly arbitrary, unreasonable, and violative of the mandate enshrined under Article 14 of the Constitution of India. The deletion of the said questions has been effected without any cogent reasons, rational basis, or supporting documentary evidence on record, thereby rendering the entire exercise unsustainable in law. It is submitted that in both the provisional answer key dated 04 July 2025 and the amended answer key dated 03 September 2025, Question No. 27 was retained with Option-D as the correct answer. However, in the final answer key, the said question was deleted without affording any opportunity to the petitioners to demonstrate the correctness of Option-D, which was duly supported by authentic documentary material. By deleting Question Nos. 27, 41, and 126, the respondent-Selecting Body has deprived the petitioners, who had correctly attempted the said questions, of their rightful marks, thereby disqualifying them from participation in the Upper Subordinate Service (Main) Examination-2023. Conversely, candidates who had wrongly attempted these questions stand unjustly benefited by award of marks, leading to a clear breach of fairness and equality in evaluation. It is further submitted that as per Instruction No.5 of the Question Booklet, only one option for each question was correct, and the options exercised by the petitioners for the impugned questions correspond to the only correct answers supported by authoritative sources. The arbitrary deletion of these questions has, therefore, resulted in substantial prejudice to the petitioners, who have missed the qualifying cutoff by a narrow margin of 0.25 to 2.00 marks. In absence of any rational justification or record-based reasoning for such deletion, the impugned action of the Selecting Body is ex facie arbitrary, unfair, and violative of the principles of natural justice, warranting interference by this Court in exercise of its power of judicial review.

4. Per contra, learned counsel for the respondent submits that the entire process of finalization of answer key for the Uttarakhand Combined State Civil/Upper Subordinate Services Examination, 2025 (Preliminary) has been conducted strictly in accordance with the statutory scheme, established procedures and principles of transparency, fairness and natural justice. The advertisement was issued on 07.05.2025; Preliminary Examination held on 29.06.2025. Provisional Answer Key was published on 04.07.2025 on the official website. The objections against Provisional Answer Key were specifically invited. Petitioners filed no objections whatsoever, thereby accepting the Provisional Key as correct and estopped from raising grievance at post-finalization stage.

5. Heard learned counsel for the parties and perused the record. Petitioners challenge the deletion of Question Nos. 27, 41 and 126 from Booklet Series-A in the Final Answer Key for the Uttarakhand Combined State Civil/Upper Subordinate Services Examination, 2025 (Preliminary) held on 29.06.2025, alleging arbitrariness and violation of Article 14 of the Constitution. Provisional Answer Key was published on 04.07.2025 inviting specific objections, which the petitioners failed to file, thereby accepting it as correct and estopped from challenging post-finalization. The scope of judicial review in examination matters is confined to manifest arbitrariness or procedural illegality. The Courts do not re-evaluate questions absent cogent evidence. No material demonstrates procedural lapse in finalization or lack of rational basis for deletions, following statutory process including objection window.

6. Hon'ble Supreme Court in the case of Ran Vijay Singh & others Vs. State of Uttar Pradesh & others, reported in (2018) 2 SCC 357, has held that candidates not objecting to provisional keys stand estopped from post-result challenge, prioritizing process integrity. Failure to utilize the objection mechanism bars Article 14 claims, as affirmed in relevant precedents limiting interference absent proven prejudice warranting judicial intervention. Petitioners missing cutoff by narrow margin does not override established procedure.

7. Taking into account the law laid down by the Hon'ble Supreme Court in the aforesaid case and the provisions contained in Regulation 9(iv) of Uttarakhand Public Service Commission (Examination Result Preparation Procedure) Regulations, 2022 and also keeping in view the facts of the present case, no interference by this Court is warranted.

8. In these circumstances, the writ petition does not merit interference and is accordingly dismissed.