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

% *Date of Decision : 24.04.2026*

+ W.P.(C) 5600/2026

ARVIND AND ORS

.....Petitioners

Through: Mr. Ankur Chhibber, Adv.

versus

REGISTRAR GENERAL HIGH COURT OF DELHI

AND ORS

.....Respondents

Through: Mr. Chetan Lokur, Adv. for R-1 and 2

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

MANMEET PRITAM SINGH ARORA, J. (ORAL)

1. This is a petition under Article 226 of the Constitution of India, 1950, for quashing of the Memorandum dated 28.02.2026 and the final roll number-wise result of the Junior Judicial Assistant ['JJA']/Restorer Departmental Examination-2023.
2. The Petitioners herein joined the services as a Chauffer, Court Attendant, etc., i.e., the Group-C posts in the establishment of the High Court of Delhi on various dates ranging from 2017- 2020.
3. The Examination Cell of this Court *vide* circular dated 20.12.2023 invited applications from eligible officials for filling up 71 posts of JJA/Restorer under the 25% quota to be filled up by the Departmental Competitive Examination. The Petitioners herein met the requisite eligibility



criteria applied under the aforesaid posts of JJA/Restorers, respectively. The circular prescribed a scheme of the examination depicting that there are three stages to the LDCE process, namely Stage I, Stage II and Stage III. As per the Stage I of the examination comprises a written test of a maximum of one hundred marks, consisting of two Parts, i.e., Part A and Part B, each carrying 50 marks. Part A of the written examination was to have questions to test candidates' knowledge of General Knowledge and Current Affairs, and Part B was for testing the General English of the candidates. Candidates were mandated to score a minimum of 20 marks for Part A and Part B each.

The candidates who scored a minimum of twenty marks in Part A and 20 marks in Part B of Stage I would be permitted to partake in the subsequent Stage.

4. *Vide* circular dated 09.10.2024, the examination branch notified that the Stage I [written test] was to be conducted on 27.10.2024.

5. During the said written test, a certain number of questions were out of the syllabus. Pertinently, question nos. 42, 44 and 46 of Part A pertained to logical reasoning, whereas Part A of the Stage I was supposed to be General Knowledge, and question no.74 of Part B was to translate a passage from Hindi to English, whereas Part B was supposed to be General English.

6. Representations were submitted by the candidates regarding the inclusion of out-of-syllabus questions, which were duly acknowledged by the Competent Authority. Consequently, *vide* memorandum dated 28.05.2025, the said questions were declared to be out of the syllabus.

7. The Respondents adopted an *extrapolation method* for finalising the results of the candidates. The Petitioners have been declared as 'Fail' only



for the reason that they did not meet the minimum benchmark of 40% of marks in either part of the examination in view of the method adopted. It is stated that the reason for such failure was that for a set of candidates, the total score, including that of the dropped/deleted questions, was considered, and for a set of candidates, the interpolated marks were taken into account whilst ascertaining the eligibility. This methodology led to the fact that a set of candidates was assessed and declared passed on the basis of dropped/deleted questions. The said methodology of dealing with the scenario was neither contemplated in the rules of the examination nor was this notified to the candidates before declaration of results; it was only at the time of declaration of results that such a decision to proceed with this differential method of marking was disclosed.

8. In these facts, the Petitioners have preferred the present petition.

Submissions by the Petitioners

9. Mr. Chhibber, learned counsel for the Petitioners, states that the decision of the Respondents to award the higher of the two scores has resulted in differential and arbitrary treatment of candidates *qua* the questions declared to be out of the syllabus. Once the questions were declared out of the syllabus, the only fair and remedial measure was to award marks for such questions to all candidates who attempted them.

10. He states that Petitioner No. 1 was declared to have passed Part A but failed in Part B due to an *extrapolation method* adopted by the Respondents after the said questions were declared out of the syllabus.

The marksheet issued by the Respondents reflects for Part B that Column [9] indicates the marks obtained in the original paper out of 50. Column [10] specifies the marks awarded for question no. 74, which carried



6 marks and was subsequently declared out of syllabus by the examining authority itself. Column [11] represents the total marks recalculated out of 44, excluding the said question. Column [12] sets out the extrapolated marks, arrived at by computing the percentage secured out of 44 and proportionately scaling it to a base of 50. Furthermore, for the purpose of preparation of the merit list, the higher of the scores reflected in Columns [11] and [12] would be considered.

11. He states that, however, the adoption of this methodology resulted in practical prejudice to candidates such as the Petitioners herein, as they were rendered unsuccessful under both scenarios, whether their performance was assessed on the original scale of 50 marks or on the basis of extrapolated scores.

12. He places reliance on the judgment of the Supreme Court, **Kanpur University v. Samir Gupta**¹, to state that it is incumbent upon the competent authority to award ‘free marks’ against the out-of-syllabus questions to each of the candidates who have attempted or wrongly attempted the dropped questions. The said submission reads as follows: -

“15. That the aforesaid decision of the competent authority to take higher marks amongst the two categories has created a differential treatment qua the wrong questions, as one set of candidates are being benefitted from the marks scored in the out of syllabus questions being added to their scores, whereas once the questions have been declared to be wrong/out of syllabus, the remedial measure should have been to award marks to each and every candidate having attempted such out of syllabus questions and not to do otherwise be allowed to be assessed. The methodology as devised by the Competent Authority has caused non uniform application of determination of merit.”

[Emphasis Supplied]

¹ (1983) 4 SCC 309



Submissions by the Respondents

13. Mr. Chetan Lokur, learned counsel, appears on behalf of Respondent Nos. 1 and 2 on advance service.

14. He states that the grievance raised in the petition is misconceived. He states that it is a matter of record that in the Part A examination, question nos. 42, 44 and 46, which carried 1 mark each, were declared out of the syllabus, and consequently, the valid questions carried a value of 47 marks. Similarly, in the Part B examination, question no. 74, which carried 6 marks, was declared out of syllabus, and consequently, the valid questions carried a value of 44 marks.

15. He states that the score of the candidates for the valid questions out of 44 marks in Part A and 47 marks in Part B was assessed, as well as the score of the candidates out of 50 marks after including the incorrect question was also assessed.

16. He states that the score of the candidate for the valid questions out of 44/47 was extrapolated to 50 marks using the formula set out in column no. 6/column no. 12, respectively, to arrive at a score on the basis of proportionate re-distribution of the marks.

17. He states that for the students who attempted the dropped questions and scored on these questions have been given the benefit while comparing their actual marks with the extrapolated marks. He states that this method was therefore fair to the candidate who had not attempted the question, as well as the candidate who had attempted the question. He states that the Respondents have consciously taken a decision not to adopt the policy of awarding 'free marks' for the dropped questions to each of the candidates.

18. He submits that the judgment of **Kanpur University** (supra), relied



upon by the Petitioners, is inapplicable.

Court's Findings

19. This Court has heard the learned counsel for the parties and perused the record.

20. In the facts of this case, during the examination for Stage I, a few questions, which were out of the syllabus, were included in both Part A and Part B. After the examination was concluded, upon representation, the out-of-syllabus questions were dropped by the Respondents *vide* memorandum dated 28.05.2025.

21. It is a matter of record that 3 questions were dropped from Part A, which contained 46 questions, leaving 43 valid questions. Similarly, 1 question was dropped from Part B, which contained 30 questions, leaving 29 valid questions.

22. The Respondents had to therefore now effectively evaluate each candidate out of 43 valid questions carrying 47 marks in Part A, and 29 valid questions carrying 44 marks in Part B.

The examination, however, was conducted for a total of 50 marks for each part, with the cut-off threshold fixed at 40%, i.e., 20 marks.

In these facts, the Respondents adopted the *extrapolation method* for assessing the final score of the candidate out of 50 marks, on the basis of the marks actually scored by the candidate for the correct answers given to the valid questions.

23. In a competitive examination, when a question is dropped for any reason, instead of reducing the total marks in the paper, by using the *extrapolation method*, the marks allocated to the dropped question are distributed across the remaining valid questions, thereby effectively



increasing the weightage of valid questions in the paper.

24. For instance, in an examination that has 50 questions, each carrying 1 mark, where the cut-off threshold is 40% [i.e. 20 marks], if 2 questions are dropped, the 2 marks equal to these questions are distributed to the 48 valid questions. Thus, if initially each question in this examination carried a value of 1 mark, by using this method, the 48 valid questions will now carry a value of 1.0416^2 marks each, i.e., $50/48$. The effect is that the final score is still out of 50, maintaining the standard cut-off threshold of 20 marks, and since the remaining 48 questions now have a higher value of 1.0416, the impact/value of the correct answer increases for all the candidates.

25. Mathematical expression of the *formula* is as follows: -

$$y = \frac{y_1}{48} \times 50$$

y_1 represents the actual marks scored by the candidate out of the 48 valid questions.

y represents the final score credited to the candidate on the basis of this formula.

This formula is the mathematical expression of proportionate redistribution of marks when the questions are dropped.

26. The *extrapolation method* effectively increases the weightage of every remaining question, since the correct answer in this instance contributes more to the final score of the candidate than it would have originally. This

² approximately



method ensures equality for all candidates and is accurate.

27. In the facts of this case, we are concerned with Stage I of the examination, which consisted of 2 papers. Part A was for General Knowledge, carrying 50 marks, and Part B was for General English, also carrying 50 marks. The candidate had to score 40% [i.e., 20 marks] in Part A and Part B, respectively.

27.1. Part A consisted of 46 questions carrying 50 marks. However, 3 questions being question nos. 42, 44 and 46 carrying 1 mark each were dropped vide memorandum dated 28.05.2025. Consequently, there were 43 valid questions carrying 47 marks. The Respondents, however, had to evaluate the marks of the candidate out of 50 and to assess that the candidate had scored 40%, i.e., 20 marks.

28. The Respondents adopted the *extrapolation method* for marking the candidates out of 50 marks. For this purpose, Respondents first assessed the actual marks scored by all the candidates for the 43 valid questions. The candidate's actual marks were scored out of 47 marks. Thereafter, using the

extrapolation method, the Respondents applied the formula $y = \frac{y_1}{47} \times 50$ to arrive at the candidate's score out of 50 marks. The score arrived at by the formula is extrapolated from the 43 questions actually answered to the full scale of 50 questions. In fact, the effect of the *extrapolation method* is that the marks obtained by a candidate for the correct answers to the 43 questions are proportionately enhanced, thereby contributing to a higher final score out of 50.

The application of the *extrapolation method* in no manner affected the rights and interests of the candidate, who did not attempt the dropped



questions or wrongly attempted them, since the value of total marks, i.e., 50, was redistributed to the 43 valid questions.

With respect to a candidate who attempted a dropped question and answered it correctly, marks were awarded for the correctly answered dropped question while evaluating the candidate's score out of 50 marks. For instance, Petitioner No. 2 correctly answered a dropped question no. 42, he was assigned 1 mark for question no. 42 and his total marks were 20 out of 50. However, Petitioner No. 2 scored 19 marks for the 43 valid questions carrying 47 marks. When the *extrapolation method* was used, by applying the *formula* and using the 19 marks score, on extrapolation, Petitioner No. 2 scored 20.21 out of 50. Since the extrapolated score was higher, Petitioner No. 2 was granted 20.21 marks and declared 'Pass' for the Part A-General Knowledge examination.

29. Thus, the application of the *extrapolation method* results in the redistribution of the question value.

30. Part B, which pertains to General English, consists of 30 questions, which carry a total of 50 marks. Question No. 74, which carried 6 marks, was dropped by the Respondents *vide* memorandum dated 28.05.2025.

30.1. With the disqualification of the question no. 74, which carried 6 marks, the 29 valid questions carried 44 marks, and the candidates had to be marked out of 50. Thereafter, using the *extrapolation method*, the

Respondents applied the formula $y = \frac{y_1}{44} \times 50$, extrapolated the score of the candidate earned from 29 questions actually answered to the full scale of 30 questions.



30.2. For instance, in the case of a candidate at Roll No. 4³ who had scored 37 marks out of 44 marks in respect of the 29 valid questions, by applying the *extrapolation method*, he was awarded 42.05 marks out of 50 marks.

However, the same candidate [i.e., Roll No. 4] had also attempted the dropped question no. 74 and had scored 5 out of 6 marks, and therefore his actual score was indeed 42 out of 50.

Still, since this candidate got higher marks by the application of the *extrapolation method*, he was granted the credit of the higher of the marks.

31. Learned counsel for the Petitioners has contended that the *extrapolation method* adopted by the Respondents is arbitrary, and the only course that could have been adopted by the Respondents was to give ‘free marks’ for the dropped questions to each of the candidates who wrongly attempted the said question in view of the judgment of **Kanpur University** (supra). In the judgment of **Kanpur University** (supra), controversy arose with respect to 3 questions, one each in the papers of Chemistry, Zoology and Botany. As per the rules, if the student ticked the correct answer, he would have secured 3 marks, and if a student ticked an incorrect answer, he would have lost one mark. Each paper was for a duration of 3 hours. The students therein [who approached the High Court] attempted these 3 questions, which were multiple-choice objective-type questions, where 4 alternate answers were given to the students. The students therein chose the answer that turned out to be contrary to the answer key provided by the paper setter. Consequently, the students were given one mark negative for each question. However, the High Court came to the conclusion that the

³ Afzal Hussain



answer key provided by the paper setter was incorrect and these students had rightly answered the 3 questions. The High Court accordingly directed that the students will be entitled to be given 3 marks for each of the questions correctly answered, and the negative mark would also be recalled.

The aforesaid judgment of the High Court was carried in appeal to the Supreme Court, and the Supreme Court, on scrutiny, having found that the answer key provided by the paper setter was indeed wrong, concurred with the judgment of the High Court and upheld the direction that each of the students who had correctly answered the question would be entitled to 4 marks each.

32. As can be seen from the facts of the **Kanpur University** (supra), this was a case wherein the students, who had answered the question, were given the benefit of the full marks, in view of the fact that there was negative marking. We fail to see how this judgment is of any assistance to the Petitioners herein, who are pleading that full marks for the dropped questions should be given to the candidates [who have attempted the question and who have wrongly attempted the question]. The reliance placed on the judgment is therefore completely misconceived and misplaced. The aforesaid judgment of the Supreme Court is *not* a proposition for awarding 'free marks' to candidates in the examination who have wrongly attempted the dropped questions.

33. It is pertinent to note that, in the said judgment, the Supreme Court has observed that once the University was apprised of a defect in the answer key, the appropriate course would have been for the University to exclude the concerned question from the paper, with *no marks* being awarded to any



student in respect thereof. The relevant paragraph reads as follows: -

“18. If the State Government wants to avoid a recurrence of such lapses, it should compile under its own auspices a text book which should be prescribed for students desirous of appearing for the Combined Pre-Medical Test. Education has more than its fair share of politics, which is the bane of our Universities. Numerous problems are bound to arise in the compilation of such a text-book for, various applicants will come forward for doing the job and forces and counterforces will wage a battle on the question as to who should be commissioned to do the work. If the State can succeed in overcoming those difficulties, the argument will not be open to the students that the answer contained in the text-book which is prescribed for the Test is not the correct answer. Secondly, a system should be devised by the State Government for moderating the key answers furnished by the paper-setters. Thirdly, if English questions have to be translated into Hindi, it is not enough to appoint an expert in the Hindi language as a translator. The translator must know the meaning of the scientific terminology and the art of translation. Fourthly, in a system of ‘multiple choice objective-type test’, care must be taken to see that questions having an ambiguous import are not set in the papers. That kind of system of examination involves merely the tick-marking of the correct answer. It leaves no scope for reasoning or argument. The answer is “yes” or “no”. That is why the questions have to be clear and unequivocal. Lastly, if the attention of the University is drawn to any defect in a key answer or any ambiguity in a question set in the examination, prompt and timely decision must be taken by the University to declare that the suspect question will be excluded from the paper and no marks assigned to it.”

[Emphasis Supplied]

34. In our considered opinion, the Respondents herein have, in fact, adopted the recourse recommended by the Supreme Court by upholding that the questions are out of the syllabus, and dropping the questions, whilst marking the candidate on the basis of the correct questions and answers thereto.

35. It is contended that inclusion of dropped questions in the examination paper has acted to the disadvantage of the candidate who attempted the questions and spent their valuable time answering the questions, and the only manner of remedying this wrong, *qua* the Petitioners, is to give the



candidates 'free marks' for the dropped questions.

36. We are unable to accept the said submission of the Petitioners as illustrated by the score of the candidate at Roll No. 4. The candidate, in fact, scored 5 out of 6, and yet by the application of the *extrapolation method*, he scored even higher marks. In our considered opinion, the *extrapolation method* followed by the Respondents is not arbitrary, as the Petitioners have failed to satisfy us as to how the application of the method has acted to the detriment of the candidates, who actually attempted it and scored on it.

36.1. In our considered opinion, it was also *open* to the Respondents to have completely ignored the marks scored by the candidates for the dropped question; however, the Respondents herein have not adopted such a recourse and, in fact, given benefit to every candidate who attempted the dropped question correctly and given him the benefit of the higher score, if applicable.

A perusal of the marksheet shows that the candidate at Roll No. 135, who answered the dropped question no. 74 in Part B, partly correct and scored 20 marks out of 50, and 17 out of 47, and when his score is computed by the *extrapolation formula*, which gives a score of 19.32, the Respondents have taken into consideration the 20 marks and not 19.32 for determining whether he has passed or failed. Thus, a candidate who answered a dropped question correctly was granted the benefit of their efforts.

37. Notwithstanding our finding above that the method adopted by the Respondents is fair and does not suffer from arbitrariness, we have examined the actual scores of the Petitioners.

38. The relief which the Petitioners are seeking in this petition is that, if



they are granted full 6 marks [as ‘free marks’] for the dropped question no. 74 in Part B and full 3 marks [as ‘free marks’] for the dropped questions in Part A, they will be able to score passing marks of 20 in both Part A and Part B and proceed to Stage II.

Petitioner Nos. 1 to 4 have failed the Part B examination pertaining to General English-Part B; each of these four individuals had attempted the dropped question and was duly marked on their attempt. However, even after giving them the benefit of the marks scored by them for their actual attempt, they are unable to score the passing marks of 20. In these facts, we fail to understand on what legal basis the Petitioners are claiming full marks for a dropped question.

Petitioner Nos. 4 and 5 have failed in the General Knowledge Part A examination. The dropped questions have a total value of 3 marks, and Petitioner No. 5 scored 1 out of 3; similarly, Petitioner No. 4 scored 0 out of 3. However, learned counsel for the Petitioners would contend that both Petitioner No. 4 and Petitioner No. 5 should be given full 3 marks for this dropped question. Petitioner No. 5 has been given the benefit of this 1 mark, but even with that benefit, he failed to score the passing marks in Part A. In **Kanpur University** (supra), the students who approached the High Court had correctly answered the questions and were therefore given the benefit of full marks by the High Court and the Supreme Court. The Petitioners herein cannot seek any parity with the students in the aforesaid judgment of the Supreme Court.

39. We see no equitable basis for this claim of the Petitioners for seeking full marks for the dropped questions, which were either wrongly answered.



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40. Accordingly, the petition is dismissed.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

APRIL 24, 2026/mt/aa