



Reserved On : 16/04/2026
Pronounced On : 07/08/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO.3425 of 2025

FOR APPROVAL AND SIGNATURE :

HONOURABLE MR. JUSTICE NIRZAR S. DESAI

Sd/-

Approved for Reporting	Yes	No
	<u>YES</u>	

ARATI DAMJIBHAI RANGPARIYA
 Versus
 STATE OF GUJARAT & ANR.

Appearance :

MS MEGHA JANI, SENIOR ADVOCATE ASSISTED BY MR MIT S THAKKAR for the Petitioner.

MR GURSHARANSINGH H VIRK, GOVERNMENT PLEADER ASSISTED BY MS DHARITRI PANCHOLI, AGP for the Respondent No.1.

MR GURSHARANSINGH H VIRK, GOVERNMENT PLEADER ASSISTED BY MR CHAITANYA S JOSHI for the Respondent No.2.

CORAM: HONOURABLE MR. JUSTICE NIRZAR S. DESAI

CAV JUDGMENT

The matter was heard on 16.4.2026 and on the same day, upon hearing learned Senior Advocate Ms. Megha Jani appearing with Mr. Mit S. Thakkar for the petitioner, Mr. Gursharansingh H. Virk, Government Pleader assisted by Ms. Dharitri Pancholi, learned Assistant Government Pleader appearing for the respondent No.1 and Mr. Gursharansinh H. Virk, Government Pleader assisted by Mr. Chaitanya S. Joshi appearing



for the respondent No.2 - GPSC, the matter was reserved for judgment.

2. At the time when the petition was filed, the petition was filed with following main prayer. I do not propose to incorporate the interim prayer in view of the fact that it was heard finally and is being decided finally. Hence, only the main prayer is reproduced as under :-

“(A) That the Hon’ble Court be pleased to issue a writ of mandamus and/or any other writ in the nature of mandamus or any other appropriate writ, order or direction commanding the respondents to revise Provisional Result of eligible candidates declared on 24.02.2025 qua Advertisement No.28/2024-2025 and/or commanding the Respondent to rectify the marks of the Petitioner (Seat N.13017701) with respect to Question Nos.30, 167, 182 and 187 from Series B and to allow the Petitioner to apply and appear for further selection process;”

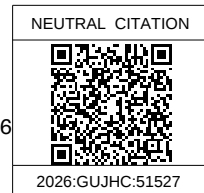
3. The respondent No.2 - GPSC published an advertisement No.28/2024-2025 on 12.8.2024 for recruitment to the post of Sales Tax Inspector, Class III. Though it is not stated in the petition, on perusal of the Annexure A to the petition which is the advertisement as well as the general instructions pertaining to the aforesaid examination, it can be seen that the examination is consisting of two stages i.e. preliminary exam (objective type



consisting of one paper of 200 objective type questions each) with one mark awarded for the right answer and 0.3 marks deducted for the wrong / multiple encoded / blank answer choice. The main (written) examination consists of four papers of 100 marks each and the candidates clearing the examination and found eligible will qualify for selection. The aforesaid details about the exam is not specifically given in the petition, but the same has been incorporated in this order on the basis of Annexure A to the petition as well as from the paper-book supplied by the petitioner wherein memo of Special Civil Application No.3287 of 2025 along with annexure was filed as Annexure I in case of Yash Prabhudanbhai Gadhvi v. State of Gujarat and another, more particularly paragraph 3.3 of the said annexure of the paper-book.

4. The preliminary exam in respect of the said recruitment is basically a screening test and marks obtained in the preliminary exam is not considered at the time of final selection, only marks secured in the Mains (Written) exam is considered for final selection. It is stated that usually, the Commission allows six times more candidates than the vacancies to appear in the Mains (Written) Exams and the candidate would require to clear previous stage to become eligible for and participate in the subsequent stage. Therefore, in order to qualify for Main exam, a candidate must secure cut-off marks or above in the Preliminary Exams.

5. The entire recruitment is governed by the Rules called the State Tax Inspector Class III, Competitive Examination Rules, 2018. The objective paper is in respect of general studies whereas the four papers of the Main (Written) Exams would be of Gujarati language, English language, General Studies 1 and General



Students 2. The time to attend the objective question paper is of two hours duration and of 200 marks in Preliminary Exams whereas in the Mains (Written) Exams, each of the exam would be of 3 hours duration and of 100 marks.

As per the Rules, no oral interviews are provided for selection to the aforesaid post.

6. Pursuant to the above advertisement, the petitioner applied for the same and appeared in the Preliminary Exam held on 22.12.2024. Out of various series of question sheets, the petitioner was allotted B series of question sheet. After the examination, GPSC released provisional answer key and the petitioner raised objections within the time frame by paying Rs.100/- for each objection. The GPSC released final answer key on 24.2.2025 on its Website and in respect of Question Paper, 6 out of 200 questions were cancelled and answer to 6 questions were revised. On the very day, GPSC declared provisional result along with list of eligible candidates.

7. The petitioner secured 94.36 marks in the said examination under EWS Category whereas the cut-off marks for the Mains (Written) Exam was fixed at 95.59 marks. According to the petitioner, the answers given in the final answer key were erroneous and, therefore, the petitioner made a representation to the GPSC pointing out the errors in the final answer key but her objection did not yield any result and she was declared unsuccessful. Hence, she was not in a position to appear in the next stage.



8. According to the petitioner, Question Nos.30, 167, 182 and 187 of Question Paper B Series pertaining to the petitioner were incorrect and hence, the present petition is preferred before this Court.

9. When the petitioner preferred this petition, many other candidates also preferred various petitions. This petition was listed for the first time on 17.3.2025. On 17.3.2025, advocate for the GPSC requested for time to file affidavit-in-reply. He made a statement, under instructions, that on the next date of hearing, if the Court finds merit in the case of the petitioner, GPSC under directions of this Court, shall accept the application form of the present petitioner.

10. The aforesaid statement was continued from time to time and ultimately, the coordinate Bench of this Court on 17.6.2025 passed the following order and adjourned the group of matters to 3.7.2025 :-

“1. Heard learned advocate Ms. Megha Jani for learned advocate Mr. Mit Thakker for the petitioners, learned AGP Mr. J.K. Shah for the respondent State and learned advocate Mr. Chaitanya Joshi for the respondent No.2.

2. Learned advocate Mr. Joshi for the respondent No.2, under the instructions, has tendered a sealed cover to this Court and whereas it is submitted that a list of 8 experts have been provided in the sealed cover and



whereas since the questions in dispute are in four different subjects, names of eight experts, two in each subject have been provided. Learned advocate would under instructions, further submit that the respondent No.2 would have the disputed questions examined by the experts, which may be chosen by this Court and whereas the experts shall evaluate the submissions of the petitioners qua the questions in dispute vis-a-vis the answers as deemed correct by the paper setters engaged by the GPSC and would submit a report, as to whether the disputed questions and the answers chosen by the GPSC are correct or not and as to whether there is any substance in the grievance raised by the petitioners.

3. Learned advocate Ms. Jani for the petitioners would submit that since the main examination is scheduled on 26.06.2025, this Court may permit the petitioners to appear in the examination and whereas the results of the petitioners may be directed to be kept in a sealed cover to ensure that no equities are created.

4. Considering the submissions made by learned advocates for both the parties, to this Court, the following directions, at this stage, would meet with the ends of justice :-



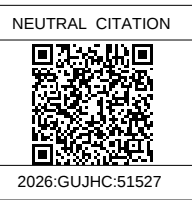
(a) The GPSC shall have the disputed questions verified by the experts, whose names have been given by the GPSC in sealed cover. The GPSC shall have the questions concerned verified by the senior most among the experts, whose names have been suggested.

(b) The experts concerned shall examine the questions set by the GPSC i.e. the disputed questions and shall give a clear and unambiguous report as to whether the answers, which have been fixed by the GPSC for the questions concerned, are correct or not and the experts shall also opine as to whether the objection raised by the petitioners has any substance or not.

(c) Let such report be ready by 01.07.2025 and place before this Court on 03.07.2025.

(d) The petitioners are permitted to appear in the main examination for the post of Sales Tax Inspector, Class III, which is scheduled to be held on 26.06.2025 to 29.06.2025.

(e) It is clarified that the result of the petitioners in the main examination shall be kept in a sealed cover and whereas it is further clarified that appearing in the examination



would not confer any equity in favour of the present petitioners.

(f) The GPSC shall forward the objections raised by the petitioners in their representations and / or the grounds raised in the petition for the experts to examine.

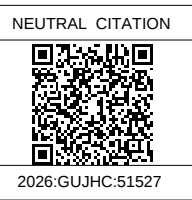
The sealed cover as provided by learned Advocate Mr. Joshi containing the names, which is opened by this Court, is returned back to the learned advocate.

List on 03.07.2025.

Direct service is permitted."

11. Thereafter on 18.11.2025, following order was passed by this Court :-

"Today learned advocate Mr. Chaitanya Joshi appearing for respondent No.2 - GPSC has placed on record the reports in four sealed covers as per order dated 17.6.2025 passed by the coordinate Bench of this Court which are opened in the Court in presence of learned advocate Ms. Megha Jani appearing with Mr. Mit S. Thakkar for the petitioner. Learned advocate Ms. Megha Jani was allowed to peruse the reports of the Experts and all four sealed

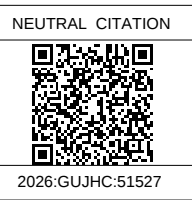


covers were returned to learned advocate Mr. Joshi to enable him to prepare a summary which shall be incorporated in the affidavit that shall be filed by GPSC giving gist of the report. Such affidavit shall be filed on or before 24.11.2025.

List on 25.11.2025.”

12. On 25.11.2025, the Court posed certain questions to the GPSC and directed GPSC to file an affidavit. Those questions were general questions about the functioning of the GPSC to know how the questions papers are set, are being prepared and examined and how the entire process is being supervised. The aforesaid order was passed in the entire group of petitions i.e. Special Civil Application No.3278 of 2025 and allied matters, about which subsequently an affidavit was also filed. Thereafter, this Court passed a detailed order on 22.1.2026 in Special Civil Application No.3278 of 2025 and allied matters noting that in the group of petitions, two affidavits were filed on 9.12.2025 and 22.1.2026 and in paragraphs 6 to 8 of the said order passed in Special Civil Application No.3278 of 2025 and allied matters, this Court observed as under:-

“6. The sum and substance of the affidavits is that the GPSC has pool of experts in respect of each subject, I am not disclosing the number though the said numbers were shown to the Court and perused by learned Senior Advocate Ms. Jani as well. At one point of time, in respect of only handful of subjects, i.e., about three or

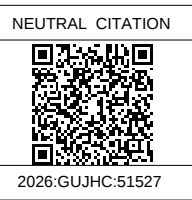


four, this Court found that the number of experts was required to be increased, and learned G.P. Mr. Virk assured the Court that the sentiments expressed by the Court would be duly taken care of.

6.1. Further, as regards the revision of the pool of experts, this Court finds that the same is updated from time to time, and that the system of inviting experts is by way of invitation, for which a watertight procedure is adopted by the GPSC. The manner in which the GPSC functions and carries out the said exercise, though disclosed in the affidavits, I do not deem it appropriate to disclose the same in this order.

6.2. As regards proofreading, it was apprised to the Court that ample care is taken while proofreading the question papers prepared by the paper-setters. However, learned Senior Advocate Ms. Jani offered certain suggestions in this regard, and therefore, she was requested to submit all her suggestions concerning the affidavits and documents perused by her. She may forward her suggestions in a sealed cover to the concerned authority of the GPSC through learned G.P. Mr. Virk, which the GPSC shall consider objectively.

6.3. The most important part of the affidavit is



the seriousness and sincerity with which the GPSC has dealt with paper-setters who have failed to maintain the prescribed standards and were found to be at fault. The affidavit revealed that a certain number of paper-setters have been subjected to disciplinary action, including debarment either for a limited period or permanently, which prima facie indicates that the GPSC is serious about maintaining the highest standards in the conduct of examinations.

6.4. As far as the procedure for resolving disputes relating to the correctness of answers to any question is concerned, the same has been elaborately addressed in the affidavit, and upon reading thereof, this Court is prima facie satisfied with the manner in which such disputes are being dealt with by the GPSC. However, any suggestions to further improve the system are welcome, as stated by the learned advocates appearing for the GPSC.

7. Considering the aforesaid facts, the affidavit dated 22nd January, 2026 is directed to be kept in a sealed cover along with the record of this petition and shall not be opened unless further orders by this Court.

8. This order is passed in open Court with

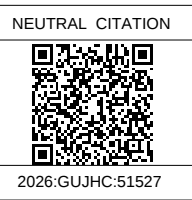


the consent of learned Senior Advocate Ms. Jani, learned G.P. Mr. Virk, and all learned counsel appearing in the matter, and any suggestions that may be forwarded by Ms. Jani through the office of learned G.P. shall be duly considered by the GPSC.”

13. At the same time, a separate order was passed on 22.1.2026 in Civil Application No.1 of 2026 in Special Civil Application No.3347 of 2025 directing GPSC to produce the results of all the petitions and ultimately, when the matter was listed on 2.2.2026, this Court had passed an order in Special Civil Application No.3278 of 2025 and allied matters observing that the petitioner of this petition has got more marks than cut-off marks whereas rest of the petitioners were unsuccessful or had chosen to remain absent in the Mains examination and the matter was ordered to be listed on 9.2.2026.

14. Thereafter, as the petitioner was the only successful candidate who was declared successful at the time of Preliminary Examination and in view of her challenge to answer in respect of Question No.147 which according to the petitioner was a correct answer, on 24.2.2026, this Court passed the following order :-

“1. Considering the developments in the matter, and further considering that the present petitioner is the only candidate who has succeeded and is eligible for appointment, as well as the fact that the question relating to Kautilya prima facie appears to have been



answered correctly by the present petitioner, the respondent GPSC is directed to file an affidavit stating whether it intends to accept its mistake in framing the question and in not awarding one mark to the present petitioner for the said question, which, according to the Court, prima facie appears to have been correctly answered.

2. I have to say so because when the court orally instructed learned advocate Mr. Chaitanya Joshi to take instruction. Today, it is stated that the respondents are not in mood to accommodate the present petitioner. Therefore, Mr. Sudhir K. Patel, Secretary of GPSC, being the decision-making authority, is directed to file an affidavit justifying the stand of the respondents by next date of hearing.

List the matter on 3rd March, 2026.”

15. Thereafter, on 16.3.2026, this Court passed the following order :-

“1. Learned advocate Mr. Chaitanya Joshi, upon instructions from Mr. Harshil Mehta, Deputy Secretary, GPSC, states that the original book from which Question No.147 was taken reads as under :-



147. Please take into consideration the below-mentioned sentences from the book written by Kautilya named Arthashastra :

1. This book was written in Sanskrit language.

2. This book is of economics.

From the above, which sentence/sentences are correct?

A. Only one.

B. Only two.

C. One and two both.

D. None of the above.

2. When the Court, looking to the controversy involved, asked the learned advocate Mr. Chaitanya Joshi to produce the original book from which the aforesaid question was framed, he, upon instructions, stated that the original book is not available with the respondents and that only a PDF copy of the book is available.

3. When further asked as to from where the said PDF copy was downloaded, the learned advocate was not in a position to state the source from which the said PDF copy of the book was downloaded.



3.1. In view of the above, the Secretary, GPSC is directed to file an affidavit to this effect.

4. The Secretary shall also state on oath whether, when the original source is not available, it would be permissible to frame questions from a book, the physical copy of which is not available and the source from which the PDF copy was downloaded is also not available. If such practice is permissible, it shall also be clarified how the authenticity of such book is to be determined.

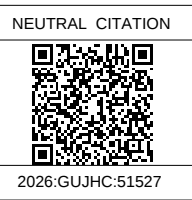
5. The respondents shall also state in the affidavit whether the aforesaid book is widely available and, if a physical copy is available, from which edition the above question was selected.

Copy of the affidavit shall be served upon the advocate for the other side latest by the evening of 19th March, 2026.

List the matter on 20th March, 2026.”

16. Thereafter, on 20.3.2026, this Court passed the following order :-

“1. The affidavit dated 18.03.2026 is



completely silent on how the PDF version can be considered an authenticated version. It is also silent on whether any policy exists for authenticating such material.

2. The affidavit filed by the Secretary of GPSC appears to be merely an eyewash, particularly when considered in light of the earlier order passed by this Court on 16th March, 2026.

3. With a view to granting an opportunity, the Secretary, GPSC, is directed to file a detailed and specific affidavit addressing the queries posed to GPSC vide order dated 16th March, 2026. The affidavit shall not contain vague or general submissions and must be based strictly on the material or policy available with GPSC, and not on the subjective understanding or thought process of its administrators.

4. The affidavit shall specifically state whether there exists any policy for authenticating material downloaded from the website. If no such policy exists, the basis on which the said book is being treated as authenticated shall be clearly explained.

List the matter on 02.04.2026.”



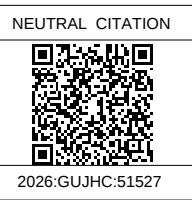
17. In the meantime, GPSC had filed three affidavits dated 2.3.2026, 18.3.2026 and 6.4.2026. The tone and tenor of the aforesaid affidavits was that Question No.147 in respect of Kautilya's Arthashastra was a question related to a book Kautilya's Arthashastra translated into English by R. Shamasastri and the same was downloaded from the Internet. The latest affidavit dated 6.4.2026 reads as under :-

"I, Sudhir K. Patel, aged about 50 years, presently serving as Secretary, Gujarat Public Service Commission ("GPSC" / "Commission"), having office at Sector 10-A, Gandhinagar, do hereby solemnly affirm and state as under :-

1. I respectfully state that the present affidavit is being filed in compliance with the orders dated 24.02.2026, 16.03.2026 and 20.03.2026 passed by this Hon'ble Court.

2. At the outset, I most respectfully and unconditionally tender my apology to this Hon'ble Court for the inadequacy in the affidavits dated 02.03.2026, 18.03.2026 and 01.04.2026. I state with utmost respect that the said affidavits could not adequately address the specific concerns raised by this Hon'ble Court, for which I express sincere regret.

3. In compliance of the order dated



24.02.2026, I respectfully state that the stand of the Commission has been based on the opinion of the paper setter as well as the independent expert appointed pursuant to the directions of this Hon'ble Court, both of whom have affirmed the correctness of the question and the final answer key. In view thereof and in view of the settled legal position in this regard, as elucidated in various decisions of the Hon'ble Apex Court and this Hon'ble Court, the Commission did not award additional marks to the petitioner.

4. In compliance of the order dated 16.03.2026, I state that the question in issue was framed by the paper setter, based on his academic understanding of the subject. The paper setter had relied upon a digital (PDF) version of the source material available with him as part of his academic resources. As regards from where the paper setter had downloaded the PDF copy of the book, the Respondent Commission is not aware. It is clarified that the physical copy of the said book is not available with the Commission. The PDF copy of the book concerned was received by the Respondent Commission from the paper setter, as a supporting document to the final answer key for the concerned question.



5. *I respectfully state that the Commission does not have a written policy governing authentication of material relied upon by the candidate or the paper setter..*

6. *In response to the query that in absence of any policy what is the basis for treating the book as authentic, it is respectfully submitted the Commission relied upon the academic expertise of respective paper setters or experts appointed by this Hon'ble Court. In the present matter, the PDF copies of the material received from paper setter was sent to the experts appointed by this Hon'ble Court for independent evaluation of the correctness of the question and the final answer key. Similarly, when candidates rely upon certain material to justify their objections, those material are also forwarded to the paper setter. The examination process is structured around reliance on domain experts, who frame and evaluate questions on the basis of standard academic sources and accepted knowledge within the discipline.*

7. *I further state that, in cases where widely recognised and time-tested classical works are involved, such as the text "Arthashastra" attributed to Kautilya, the subject matter is not dependent on any specific edition or version,*

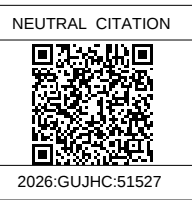


but on broadly accepted academic understanding of the work. Such texts are consistently referred to across educational curricula and scholarly material, and their core content remains substantially uniform. In the present case, the correctness of the answer has been independently examined and affirmed by experts, including the neutral expert appointed under the orders of this Hon'ble Court.

8. In compliance of the order dated 20.03.2026, I respectfully state that the issue regarding authentication and policy framework, which remained insufficiently addressed earlier, has now been clarified herein above.

9. The 1915 edition of the book in question is widely available online. Some sources where the book can be procured from, are as follows :

- a) <https://archive.org/details/in.gov.ignca.900>*
- b) <https://archive.org/details/in.gov.ignca.900>*
- c) <https://www.slideshare.net/slideshow/kautilya-s-arthasastra-translated-to-english-by-r-shamasastri-pdf/273920758>*
- d) https://www.amazon.in/Books-R-Shamasastri/s?rh=n%3A976389031%2Cp_27%3AR%2BShamasastri*



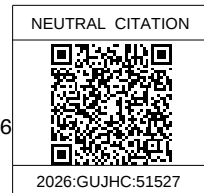
10. There may be other online sources also where the said book is available. Furthermore, editions and/or reprints of the said book are also available online.

11. In view of the above, I most respectfully pray that this Hon'ble Court may kindly permit the Respondent Commission to withdraw the earlier affidavits dated 02.03.2026, 18.03.2026 and 01.04.2026, and take the present affidavit on record as complete compliance of the directions issued by this Hon'ble Court."

18. After hearing learned advocates appearing for the respective parties, the matter was reserved for judgment on 16.4.2026.

19. Learned Senior Advocate Ms. Megha Jani appearing with Mr. Mit Thakkar appearing for the petitioner tendered written submissions which are as under :-

19.1 On the point of jurisdiction of this Court in matters challenging Final Answer Key, it is submitted that GPSC, being a government recruitment agency, has the duty of conducting the recruitment process in a fair, reasonable and transparent manner. It is the responsibility of GPSC to ensure that candidates are not ousted from recruitment process for no fault of theirs. The Answer Key prepared by paper setters ought to be accurate and bereft of any errors. An erroneous Answer Key would result into declaring a candidate unsuccessful, who is otherwise successful, thereby



entering the realm of arbitrariness and unreasonableness, permitting exercise of writ jurisdiction of this Hon'ble Court. The law with respect to challenges against erroneous Answer Key is well settled, wherein Hon'ble Apex Court has held that it would be unfair to penalize the student or candidates for not giving an answer according to the key answer if the key answer itself is demonstrably wrong.

19.2 *That the Hon'ble Apex Court has laid down test for interference in Kanpur University v. Samir Gupta and Others, reported in (1983) 4 SCC 309 wherein it is held that :*

"16. We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well - versed in the particular subject would regard as correct. The contention of the university is falsified in this case by a large number of acknowledged text - books, which are commonly read by students in U.P. Those textbooks leave no room for doubt that the answer given by students is correct and the key answer is incorrect."

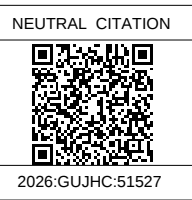
19.3 *Referring to the said ratio, Hon'ble Apex Court has in a connected matter being Abhijit Sen and Ors. v. State of U.P. and Ors., reported in (1984) 2 SCC 319 held that :*



"1. Suffice it to say that this court has expressed therein a clear and categorical view that if the key - answer (i.e. the answer which the paper-setter has applied to the university as the correct answer and which has been fed into the computer) is shown to be demonstrably wrong, that is to say, such as no reasonable body of men well-versed in the particular subject would regard it as correct and if the answer given by a student is correct if regard we had to acknowledged textbooks or books which the student was expected to read and consult before appearing for the test it would be unfair to penalized the student for not giving an answer which accords with the key - answer that is to say with an answer which is demonstrated to be wrong.

19.4 The judgment in the case of Kanpur University (supra) has been cited and followed by Hon'ble Courts from time to time, including in Manish Ujwal and Ors. v. Maharishi Dayanand Saraswati University and Ors., reported in (2005) 13 SCC 744 in its para 9 and 10 as well as in Ran Vijay Singh and Ors. v. State of Uttar Pradesh and Ors., reported in (2018) 2 SCC 357 in its para 19. Therefore, the law laid down in Kanpur University (supra) is good law as on date.

19.5 The Hon'ble Supreme Court has passed several orders correcting the Answer Key where the errors were demonstrably wrong. A list of orders passed by the Hon'ble Supreme Court in



the past year itself is as follows :-

(i) *Charan Preet Singh v. Municipal Corporation Chandigarh and Ors., Civil Appeal No.3446 of 2026, decided on 17.03.2026 and reported in 2026 SCC OnLine SC 398.*

(ii) *Siddhi Sandeep Ladda v. Consortium of National Law Universities and Another, SLP(C) No.12786 of 2025, decided on 07.05.2025 and reported in 2025 SCC OnLine SC 1144. Hon'ble Apex Court has observed in its para 8 that:*

"8. Insofar as the present appeals are concerned, at the outset, we must state that in academic matters, the Courts are generally reluctant to interfere, in as much as they do not possess the requisite expertise for the same. However, when the academicians themselves act in a manner that adversely affects the career aspirations of lakhs of students, the Court is left with no alternative but to interfere."

(iii) *Reetesh Kumar Singh and Ors. v. State of Uttar Pradesh and Ors., Civil Appeal No.12069 of 2024, decided on 24.04.2025 and reported in 2025 SCC OnLine SC 2273.*

Thus, it is well within the scope of this Hon'ble Court to exercise its writ jurisdiction where the Answer Key is demonstrably and palpably erroneous.

19.6 *It has been contended by Respondent that in view of*



the judgment of Ran Vijay Singh and Ors. v. State of Uttar Pradesh and Ors., reported in (2018) 2 SCC 357, referring to para 30 to 32, this Hon'ble Court cannot entertain the present petition.

19.7 *It is submitted that the said judgment itself mentions in para 18 that "a complete hands-off approach was neither suggested in Mukesh Thakur nor has it been suggested in any other decision of this Court. The caselaw developed over the years admits of interference in the results of an examination but in rare and exceptional situations and to a very limited extent". It further relies upon and follows Kanpur University (supra) and holds in para 19 that the onus is upon the candidate to clearly demonstrate that the key answer is incorrect without any inferential process and that constitutional Courts must be cautious. Additionally, even para 30.5 of the judgment, the Hon'ble Court has stated that it is only in the event of a doubt that the benefit should go to the examination authority and not where the error is undoubtedly clear. Further, in para 32 as well it holds that the Courts must consider internal checks and balances put in place before interfering, thereby indicating that Courts can interfere when needed.*

19.8 *The judgment is even otherwise distinguishable on facts as it concerned an examination where 36,000 candidates took the written exam, result of which was challenged. Due to multiple petitions and appeals filed by candidates the answer key was revised twice and re-evaluation of answer sheets happened thrice. Referring to delay of 8 years since the advertisement was first issued, the Hon'ble Court has opined that re-valuation should not be permitted in absence of Rules.*

19.9 *In any case, in undertaking assessment of errors in*



answer key and grant of marks towards the same, question of re-valuation does not arise. Reference can be made to the judgment in the case of Salil Maheshwari v. The High Court of Delhi, reported in 2014 SCC OnLine Del 4563 at para 21.

19.10 *Therefore, the judgment in the case of Ran Vijay Singh (2018) would not act as a bar to the challenge in present petition.*

19.11 *As far as the sources referred by the petitioner, it is submitted that the Petitioner challenges the Final Answer Key published in regard of the aforesaid Question No.147 (pg.85 of Paper-book). It is the case of Petitioner that the book 'Arthashastra' was written by Kautilya was in Sanskrit and it is a book on economics, therefore, not just Statement 1 but Statement 2 is also correct, therefore, Option C should be the correct answer.*

19.12 *In order to substantiate its case, Petitioner relies upon GCERT Textbook published by Gujarat State School Textbook Board for Standard XI of the subject Economics (**pg.55 of the Petition and pg.132 of the Paperbook**). Chapter 1 and Chapter 11 of the Textbook on economics describe Kautilya's meaning of economics (internal pg.2 of the Textbook) and also Kautilya's economic thought as elaborated in his publication 'Arthashastra' (internal pg.121-122 of the Textbook).*

19.13 *It is submitted that textbooks published by GCERT and NCERT are widely referred sources by all candidates participating in these competitive examinations. Because of reliability of information given and several questions being asked by GPSC from such textbooks year on year, these books are thoroughly referred by all candidates. In such circumstances, reliance placed by*



Petitioner on such a government authenticated source ought to be upheld. The Hon'ble Apex Court in Kanpur University (supra) has upheld reliance placed on such widely known textbooks. In addition to the observations in para 16 which are quoted above, the Hon'ble Apex Court has held in para 17 that :-

“17. Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the medical colleges in U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those textbooks. Those textbooks support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalize the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong.”

19.14 As far as the pleadings filed by the respondent - GPSC, it is submitted that the Respondent - GPSC had filed a detailed affidavit dated 03.04.2024 controverting to the challenges raised against questions. However, so far as Question No.147 is concerned, GPSC has in its affidavit stated that- “The said book does cover the subject of economics, however, it cannot be said to be a book exclusively relating to economics only.” GPSC has admitted that the book covers subject of economics. The question

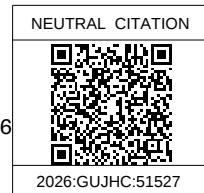


does not even ask whether the book is exclusively on economics and nor is it the case of Petitioner that the book is based exclusively on economics. Further, in the experts opinion, the purported expert states that this book is mainly on politics and administration and not on economics.

19.15 *Further, GPSC has also produced sources relied upon by Experts/GPSC which comprises only of two pages being the cover page and index of a book titled Kautilya's Arthashastra and Translated into English by R. Shamasastri. The said two pages do not bare the name of Publisher or the year of publication. Nothing is produced on record by GPSC to establish authenticity of the said source inspite of repeated orders passed by this Hon'ble Court. Additionally, no further information or explanation or location from where source was found had been disclosed.*

19.16 *GPSC then referred the question to an independent expert, who also opined that Arthashastra concerned several other issues but did not state that it is not on economics. The opinion has been kept in a sealed cover.*

19.17 *When inquired about the source of the book referred to, GPSC was unable to disclose its source in its affidavit dated 18.03.2026. Further, GPSC stated in its affidavit that "upon enquiry with the original paper setter, it has been clarified that the question pertains to general awareness about the nature of work titled Arthashastra and is not based on any specific portion or extracted content from the original text of the said work. The said question is founded upon the commonly except understanding of the work which does not necessary reference to a reading of the original text." The said stance of GPSC and its paper setter itself*



suggests that question is not based on any source at all, not even the original book which GPSC earlier claimed to have relied upon. Additionally, it relied upon new sources which were not even referred to by the question paper-setter.

19.18 Further, GPSC in its last affidavit dated 06.04.2026, while stating on oath that GPSC was not aware about the source of the pdf, admitted that the so far as time tested classics are concerned, subject matter is not dependent on any edition or version. Therefore, this itself mitigates the reliance placed by GPSC on the version of R. Shamashastry as the subject matter will not depend on any version as per GPSC. The affidavit does not disclose any authentic source which could have been referred by candidates and cites open source websites. Additionally, it seeks permission to withdraw its previous affidavit, thereby establishing that it will not rely on any other sources produced. In such circumstances and in view of the stance of GPSC, the source referred to by GPSC is unreliable.

19.19 That reference to Expert Committee does not preclude judicial interference, it is submitted that it is well settled that a candidate cannot be made to suffer on account of demonstrably and palpably erroneous answer key. The question in challenge, as admitted by GPSC, relies upon common understanding of the works and not on any version or edition. GCERT textbook gives a detailed understanding of the work of Kautilya being Arthashastra and economic thought of Kautilya. GPSC in its own affidavit has admitted that the book does cover economics. Additionally, considering the pleadings of GPSC, the only source cited by Petitioner could have been referred to expert committee and not any other source. The question even otherwise does not need any



inferential process to decide, therefore, reference to expert committee would not preclude judicial interference. The Hon'ble Apex Court in the judgment of U.P. Public Service Commission v. Rahul and Anr. reported in (2018) 7 SCC 254, after considering at length the judgment in case of Ran Vijay Singh (2018) has held that "13. ...It can be resumed that these committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts and academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the Court cannot enter into the academic field where the pros and cons of arguments by both sides and then come to a conclusion as to which of the answers is better or more correct." Therefore, the Court would have jurisdiction in case where key answers are patently wrong.

20. Mr. Gursharansingh H. Virk, learned Government Pleader assisted by Mr. Chaitanya Joshi appearing for the respondent No.2 - GPSC also tendered written submissions which are as under :-

20.1 At the very outset, it is submitted that the Petitioner had only raised objections in relation of Q. No.51 and Q. No.147 (out of which, only Q. No. 147 is in dispute today). Some of the supporting material, as relied upon by the Petitioner in the captioned Petition, was not even submitted by her while raising the objections. Therefore, the Petitioner may not be permitted, now, belatedly, to challenge the rest of the questions i.e. Q. No. 50, Q. No. 87 and Q. No. 142. In this regard, it may be noted that the **Hon'ble Delhi High Court in the case of Salil Maheshwari v The High of Delhi and Anr as reported in (2014) SCC OnLine**



Del 4563 has held that :-

“7. This Court is of the opinion that the petitioner cannot be heard to challenge the answer key to a particular question, after having discovered that he was awarded no marks for his response, it being at variance with the answer key. Here, the last date for communicating objections was 23.6.2014, and the respondent released its response to the objections on 2.7.2014. The results were only published on 8.7.2014. It appears that the petitioner did not think it necessary to object to this question before the deadline for objections, but only sought to object after the results were published on 8.7.2014 by way of this petition filed on 1.8.2014. This Court finds that the petitioner was therefore estopped from raising a challenge at this belated stage, since a challenge cannot be advanced against a selection process only after the candidate has discovered his or her unsuccessful performance in the process. See Dhananjay Malik v. State of Uttaranchal (2008) 4 SCC 171 and Madan Lal v. State of J&K (1995) 3 SCC 486. Consequently, no findings will be recorded in regard to this question.”

20.2 *It is a settled principle of law that a candidate would only be permitted to raise questions against those questions, for*



which, the candidate had raised objections, in the window provided for raising objections against the provisional answer key. Any further or belated additions at the end of the petitioner may not be entertained by this Hon'ble Court.

20.3 *Now, Presently, the Petitioner has challenged four questions by way of the captioned Petition. The reply on merits of the matter has been filed by the Respondent - GPSC in the lead matter (Special Civil Application No. 3278 of 2025) on 03.04.2025 (Page 187 of the paper book).*

1. Question No. 50

Question :- *The question is produced at Page 31 of the captioned Petition. The question was about the conspicuous changes occurred in Post-Independence Indian economic structure.*

Answer :- *In FAK option D is treated as correct, whereas Petitioner claims that option A is correct.*

Material relied upon by paper setter : *The statement is wrong as the contribution of agriculture and allied activities in GDP has been found to be increased during Green Revolution phase and Period of Wider Dissemination phase and also during Post-COVID era. A copy of Chapter - 8 (Page 227 of paper book) of Statistical Year Book of India published by Ministry of Statistics and Program Implementation (for sake of brevity - MOSPI) which shows five distinct phases of growth trend in Agriculture, where table shows that the growth rate in GDP in Agriculture and allied sector has been increased during the phase of Early Green Revolution (1968-69 to 1985-86) and Period of wider dissemination (1986-87 to 1996-97).*



Material relied by Petitioner : Page 36 onwards of captioned Petition is the material relied upon by the Petitioner. Here Petitioner's claim is to consider this statement as correct and it is pertinent to note that the Petitioners have also relied upon the same MOSPI document which is relied upon by paper setter but it is partially presented and have suppressed the information.

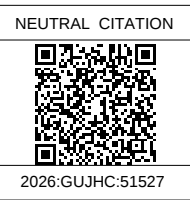
2. Question No. 87

Question :- The Question is produced at Page 31 of the captioned Petition. The question was to find incorrect statement/s amongst the four statements given in the question pertaining to time zone. Dispute is pertaining to only statement no.3.

Answer :- The question has been cancelled by paper setter as there is a mistake in the question itself. Statement no.3 is incorrect as 82.30 is not correct way to represent. Whereas Petitioner claims that question ought not to have been cancelled as Statement No. 3 is also correct. Hence option D is the answer.

Material relied upon by paper setter : At Page 240 of paper book is the copy of Geography Textbook of GCERT Standard 11 which shows standard time line of India is located on 82.5° E or $82^{\circ}30'$ E of Greenwich. Thus Statement No.3 is incorrect. Remaining Statements pertaining to Question No. 87, i.e. Statement no. 1, 2 & 4 are correct. (Therefore, the answer would be "statement 3 only" which is not there in the options therefore the question was cancelled in the FAK)

Material relied upon by Petitioner : There is no specific material



produced by the Petitioner except a hand written note at Page 62 of the captioned Petition to claim that Statement No. 3 as correct. Petitioners have not raised any contention for Statement No. 1, 2 & 4.

3. Question No.142

Question :- *The question is produced at Page 196 of the paper book. The question was regarding two statements regarding Jainism.*

Answer :- *As per FAK, option A is correct i.e. both the Statements are wrong, while as per the Petitioner option D is correct, i.e. both the statements are true.*

Material relied upon by paper setter :- *As per the FAK, option A, is correct. Statement I states that Jainism accepts existence of God. The paper setter has relied upon the books of GCERT History and Philosophy, which state that Jainism comes under Nastik School of Philosophy which denies existence of God. As far as Statement II is concerned, the books relied upon by the paper setter state that Jainism does not condemn Varna System and as per Lord Mahavira, a person is born in to higher or lower Varna based on this sins or virtues acquired by a person in previous birth.*

Material relied upon by the Petitioner :- *As per the Petitioner, the correct answer is option D. The Petitioner relies on certain textbooks of GCERT and NCERT, both of which do not support the case of the Petitioner.*



4. Question No. 147

Question :- The question is produced at Page 32 of present captioned Petition. The question was asked to consider correct statement/s from the given two statements about Kautilya's "Arthashastra".

Answer :- In FAK option A is considered as correct i.e. only statement 1 is correct. Whereas Petitioner claims option C to be correct i.e. both statements are correct. Thus the there is no dispute that Statement No. 1 is correct.

Material relied upon by paper setter :- The copy of English Translated version of Kautilya's Arthashastra by R. Shamasatry's book (Page 247 of paper book), the book depicts list of 15 chapters/books (Pradhikaranas) which shows that the subject areas of book. Hence, it is clear that the said book is about Politics, Duties of Kings etc. Moreover at Page 81 and 82 of captioned Petition are standard 10th Social Science and Standard 11th History textbooks.

Material relied upon by Petitioner :- From Page 132 onwards is the material relied upon by the Petitioner. However, the said material does not conclusively demonstrate that the answer proposed by the Petitioner is correct.

During the course of argument, questions were raised as to the authenticity of the material relied upon by the paper setter. It is respectfully submitted that the Hon'ble Supreme Court in the case of Neera Yadav v Central Bureau of Investigation as reported in (2017) 8 SCC 757 has itself relied on the book titled



“R.Shamasastry : Kautilya’s Arthashastra” (Paragraph 60). Again, in the case of Devinder Kumar Bansal v State of Punjab as reported in (2025) 4 SCC 493, the said book is referred to (Paragraph 31). There is, therefore, no question as regards the authenticity or credibility of the source material relied on by the Respondent - GPSC.

20.4 *That the final result for the present Advertisement has been declared. If the relief sought for by the Petitioner is granted by holding that question or answer key of any one or all question is wrong, then the marks would have to be granted to all candidates who have attempted these questions and given the answer that the Petitioner is claiming to be correct. The same would affect the inter se merit of all the candidates. Resultantly, the cut off marks may also change and the Petitioner may or may not qualify as a result. Therefore, it is prayed that the present matter does not warrant any interference from this Hon’ble Court.*

Submissions on Law

20.5. *That while exercising its power under Article 226 of the Constitution of India, this Court has a very limited jurisdiction to re-evaluate the answer-key, more particularly when the answers have already been looked into once by experts, and that too on the directions of this Hon’ble Court. Any further consideration or appreciation of the questions/answers would amount to this Court sitting in appeal over the re-evaluation done by the experts, which is impermissible in law. That it is a settled principle of law that there is no scope for interference left for this Hon’ble Court to re-evaluate once the re-evaluation is already done by the experts of the concerned subjects.*



20.6. That the Hon'ble Supreme Court in the case of **Vikesh Kumar Gupta & Anr v. State of Rajasthan & Ors as reported in (2021) 2 SCC 309** [3 Judge-Bench of the Hon'ble Supreme Court] has been pleased to hold that :

"[16] In view of the above law laid down by this Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the Expert Committee in its judgment dated 12.03.2019. Reliance was placed by the Appellants on Richal & Ors. v. Rajasthan Public Service Commission & Ors. In the said judgement, this Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case.

[17] A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic matters. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible. The delay in finalization of appointments to public posts is mainly caused due to pendency of cases



challenging selections pending in courts for a long period of time. The cascading effect of delay in appointments is the continuance of those appointed on temporary basis and their claims for regularization. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel.”

20.7 *It is a settled principle of law that the Hon’ble Court should interfere in the answer key 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 case that a material error has been committed. The Respondents have produced material in support of their answer, which in itself is an authoritative work, even cited by the Hon’ble Apex Court in its decisions. Therefore, in the present factual scenario, the Petitioner has failed to “demonstrate clearly, without any inferential process of reasoning or by a process of rationalisation”, that the answer key of the Respondent is incorrect and only their answer is the correct one.*

20.8 *That the Hon’ble Supreme Court has also held that in case there is any doubt, the benefit should go to the examination authority.*

20.9 *The Hon’ble Supreme Court in the case of **Ranvijay Singh v. State of Uttar Pradesh as reported in (2018) 2 SCC 357** has held that :-*



“[30] The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are :

(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;

(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 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.”

20.10 The Hon’ble Supreme Court in the case of *Uttar Pradesh Public Service Commission v. Rahul Singh as reported in (2018) 7 SCC 254* has observed that :-

“[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. In Kanpur University case, the Court recommended a system of :-

- (1) Moderation;*
- (2) Avoiding ambiguity in the questions;*
- (3) Prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.*

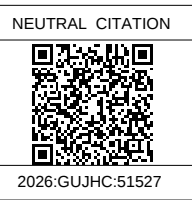
[13] As far as the present case is concerned even before publishing the first list of key



answers the Commission had got the key answers moderated by two expert committees. Thereafter, objections were invited and a 26 member committee was constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answer is better or more correct.”

20.11 *That even after obtaining the opinion of an independent expert, if there is still any doubt the benefit must go to the examination authority. In the present case, not only has the Petitioner failed to demonstrate that the questions or answer key are patently wrong, but the independent subject experts appointed by this Hon’ble Court have also confirmed correctness. Under these circumstances it is therefore prayed that the captioned Petition be dismissed.*

20.12 *That the Petitioner cannot claim any sympathy from*



this Hon'ble Court in such a scenario. In Ranvijay Singh case (supra) the Hon'ble Apex Court has observed in para 31, 32 and 33 that sympathy cannot play a role in such matters :-

“[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

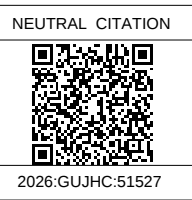


interest suffers.

[33] The facts of the case before us indicate that in the first instance the learned Single Judge took it upon himself to actually ascertain the correctness of the key answers to seven questions. This was completely beyond his jurisdiction and as decided by this Court on several occasions, the exercise carried out was impermissible. Fortunately, the Division Bench did not repeat the error but in a sense, endorsed the view of the learned Single Judge, by not considering the decisions of this Court but sending four key answers for consideration by a one-man Expert Committee.”

20.13 That time and again, the Hon’ble Courts have been pleased to hold that in the matter of mass public recruitment, even if there is some element of incorrectness, all the applicants/candidates shall be uniformly affected by the same. That if there was an error committed by the examining authorities, the entire body of candidates would suffer uniformly.

20.14 That it is not permissible for this Court to examine the question papers and answer-sheets, itself, where inter se merits of the candidates has been assessed. It is respectfully submitted that time and again, the Courts have observed that the Courts should not at all re-evaluate or scrutinize the answer-sheets, since it has no expertise in the matter and the academic matters are best left to the academicians and the Courts should presume the correctness



of the answer-key and proceed on the said assessment.

20.15 That The Hon'ble Supreme Court in **Himachal Pradesh Public Service Commission v. Mukesh Thakur as reported in (2010) 6 SCC 759** has held that :-

“[20] In view of the above, it was not permissible for the High Court to examine the question paper and answer sheets itself, particularly, when the Commission had assessed the inter-se merit of the candidates. If there was a discrepancy in framing the question or evaluation of the answer, it could be for all the candidates appearing for the examination and not for respondent No.1 only. It is a matter of chance that the High Court was examining the answer sheets relating to law. Had it been other subjects like physics, chemistry and mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court. Therefore, we are of the considered opinion that such a course was not permissible to the High Court.

[21] So far as the second issue is concerned, the Court had issued a direction while disposing of the writ petition observing as under :-



“Therefore, we direct that in future, under the above referred circumstances no other petition on same and similar grounds shall be entertained by this Court.”

20.16 That reliance placed upon certain books / material by the Petitioner is their interpretation of the text and therefore the issue becomes debatable, which is not permissible in writ jurisdiction. On the other hand, the paper setter has placed reliance on the English Translation of the original work, which has also been cited by the Hon’ble Apex Court. Therefore, the authenticity of the source matter cannot be questioned.

20.17 The Delhi High Court in the case of **Freya Kothari v. Union of India [Writ Petition No. 13668 of 2022, decided by the Delhi High Court on 22.09.2022]** has observed that such an approach is not permissible. At paragraph 32 and 33, the Delhi High Court has observed as under :-

“32. It is significant to note that in relation to question Nos. 63, 133 and 164, it is mentioned that the candidate has to choose the most appropriate answer. Meaning thereby, that one or two answers can look correct but the candidate has to choose the answer which experts feel to be the most appropriate one. This itself leads to a situation where the correctness of the answer becomes a matter of debate and does not fall in the category of cases where it leaves no room for doubt that



the answer given by the student is the correct answer. It was held by the Hon'ble Apex Court in Kanpur University v. Samir Gupta (supra) that the Court has to assume the answer given in the key to be correct unless it is proved to be wrong and it should not be held to be wrong by inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong. In so far as question No.127 is concerned, the candidate has been asked to choose the correct answer from the options given as noted above. From the point of view of a person not an expert in medical field, both statement (a) and statement (b) may seem to be correct statements. However, this Court is not sitting in appeal over the views taken by experts who have set the question paper and have decided on the correct answer. This Court, being not an expert in the field, cannot supplant its opinion being not in a position to interpret the medical literature and would be over-stepping its jurisdiction by holding the view given by the experts to be an incorrect view. The answers given in the key cannot be patently called to be wrong on the face of it. The moment, the Court has to conduct the exercise wherein the arguments have to be heard on whether answer key is correct or incorrect, and has to consider the arguments advanced by both the parties to reach a



conclusion that itself would mean that answer selected by experts is not demonstrably wrong and would amount to interference which has been frowned upon by the Courts in such cases.

33. It is obvious from the perusal of the extract of the NCERT textbook relied upon by the petitioner that the answers are debatable and therefore, it is beyond the scope of judicial review.”

20.18 *The Petitioner is in effect praying that this Court sit in appeal over the re-valuation done by subject experts, which is not permissible. This Court had appointed independent subject experts by way of its order dated 17.06.2025. The said subject experts have also confirmed the validity of the question and answer key. Under the circumstances the Petitioner’s prayer would tantamount to requesting this Court to sit in appeal over the decision of paper setter and the subject expert, which is not permissible.*

20.19 *This Court in the case of **Virendrasinh Chandubha Vaghela & Ors. v. State of Gujarat & Ors. as reported in Special Civil Application No.12100 of 2025 (Judgment dated 20.11.2025)**, after considering exhaustively, the entire law on the subject matter, was pleased to observe as under :-*

“8.8 If, the decisions cited by both the sides are taken into consideration together, it would indicate that, while exercising powers under Article 226 of the Constitution of India, this



Court has very limited jurisdiction / scope to reevaluate the answer-key / answer-sheet, more particularly, when the answers are already re-evaluated by the experts. Since, the same would amount to sitting in appeal over the re-evaluation done by the experts, which is not permissible. Further, even if, there is some minor error or incorrectness in the answers provided in the answer-key, it will not only be the present petitioners, who would be the sufferer, but, all other candidates would also equally suffer the same on account of such an error or incorrectness in the answer-key and for which, only in case the experts opine that a particular question / answer was incorrect, it is always open to the examining body to cancel that particular question / answer and to give necessary marks to all the candidates, who had attempted such a question, on prorata basis.

8.8.1 In the instant case, even the experts have not opined that any of the answers suffers from any defect / incorrectness and therefore, the exercise of aforesaid option is out of question.”

20.20 That in none of the judgments relied upon by the Petitioner, independent experts were appointed either by the Court or by the concerned examining body. The judgments relied upon by the Petitioner herein are those matters wherein the disputed



answer key were never referred to Independent Experts. In the present case, by the order of this Court, the answer-key have already been assessed by independent experts and therefore, it is humbly submitted that the Court may reject the captioned Petition on this ground alone.

21. I have heard learned counsels appearing for the respective parties and perused the record and thereupon, the Court deems it appropriate to frame following questions to adjudicate upon the issue on hand :-

(1) In view of submission made by both the counsel whereby the power of High Court in interfering with the answers provided by the Paper-setter / Experts / Examining Body are questioned in view of various decisions cited by both the sides, the question would be, whether the High Court can interfere with the answer provided by way of answer key about its correctness or not and if yes, under what circumstances ?

(2) When the question asked in the examination is from a Reference Book downloaded from the Internet without there being any Policy about authentication of the Book, whether such question can be considered to be a valid question and whether the material relied upon by the Paper-setter as reference material can be said to be credible material when the source material is downloaded from a source derived from Internet and original physical copy of which is not available for comparing it with the copy of downloaded version, in such circumstances whether such material can be said to be authenticated material ?

(3) Whether the reasonability permits the Paper-setter / Examining Body to ask question in the examination from an Edition downloaded from Internet which was originally published in the year 1915 i.e. before more than 100 years ?

(4) When the Preliminary Exam is of objective type and consists questions related to general studies, consisting the questions on various subjects, and when it is not stated as to whether the paper was set by one person or multiple persons having expertise on various subjects, in that case, is the Court powerless to interfere with the answer provided by the Paper-setter as whether that one person can be said to be the expert of multiple subjects ?

21.1 To adjudicate upon and determine the aforesaid questions, the Court is required to consider the submissions made by learned Senior Advocate Ms. Megha Jani as well as the legal propositions based on the judgments cited by learned Government Pleader Mr. Virk.

22. **QUESTION NO.1 :-**

In view of submission made by both the counsel whereby the power of High Court in interfering with the answers provided by the Paper-setter / Experts / Examining Body are questioned in view of various decisions cited by both the sides, the question would be, whether the High Court can interfere with the answer provided by way of answer key about its correctness or not and if yes, under what circumstances ?

22.1 Learned Government Pleader Mr. Virk cited series of



judgments and submitted that it is a settled legal proposition that :-

- (a) the Court should be very slow in interfering with expert's opinion in academic matters
- (b) the Court should interfere with the answer key only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation"
- (c) in case there is any doubt, the benefit should go to the examination authority,
- (d) the Court should presume the correctness of the answer key and proceed on that assumption,
- (e) the Court should not at all 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 academicians and
- (f) if an error is committed by the examination authority, the complete body of candidates suffers and, therefore, sympathy cannot play a role in such matters
- (g) even if there is some element of incorrectness in the answer key, all the applicants/candidates shall be uniformly affected by the same.

The paper-setter has placed reliance on the english translation of the original work which has also been cited by the Hon'ble Apex Court and, therefore, the authenticity of the source



matter cannot be questioned.

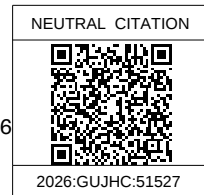
In view of above legal proposition canvassed by learned Government Pleader Mr. Virk, I am required to consider the issue on hand.

22.2 The learned Government Pleader Mr. Virk canvassed that the authenticity of book may not be questioned as the same was referred to by the Hon'ble Supreme Court in the case of **Neera Yadav v Central Bureau of Investigation as reported in (2017) 8 SCC 757 (Supra)**, wherein in paragraph 60, the Hon'ble Supreme Court has observed as under :-

“60. To state the ubiquity of corruption, we may refer to the oft-quoted words of Kautilya, which reads as under :-

Just as it is impossible not to taste the honey or the poison that finds itself at the tip of the tongue, so it is impossible for a government servant not to eat up, at least, a bit of the king's revenue. Just as fish moving under water cannot possibly be found out either as drinking or not drinking water, so government servants employed in the government work cannot be found out (while) taking money (for themselves).

It is possible to mark the movements of birds flying high up in the sky; but not so is it possible to ascertain the movement of government servants of hidden purpose.”



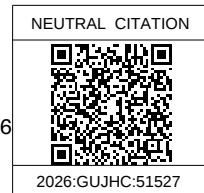
[Ref : Kautilya's Arthasastra by R. Shamasastry,
Second Edition, Page 77]

As pointed out by Paul H. Douglas in his book on
"Ethics of Government", "corruption was rife in
British public life till a hundred years ago and in
USA till the beginning of this century. Nor can it
be claimed that it has been altogether eliminated
anywhere." (Ref: Santhanam Committee Report,
1962: Para 2.3)."

22.3 The aforesaid paragraph was once again quoted by the
Hon'ble Supreme Court in paragraph 31 in the decision in the case
of **Devinder Kumar Bansal v State of Punjab as reported in
(2025) 4 SCC 493**. However, the context in which the book was
referred before the Hon'ble Supreme Court was different and
hence, reliance placed on the aforesaid book is absolutely
misplaced on following grounds :-

(i) The aforesaid matters wherein there is a reference of
the Kautilya Arthasastra are in reference to corruption as those
matters were of criminal jurisdiction and the issue involved in the
matter was corruption,

(ii) What is questioned by this Court here in the instant
case, is the authenticity of downloaded material and not the book.
Had the original copy of the original publication was available, in
that case, such authenticity of the material could not have been
questioned.



(iii) The judgment relied upon by Mr. Virk does not say that it was downloaded from internet.

(iv) It is the authenticity of the downloaded version which is questioned here, and not the book itself.

When the material is downloaded from the internet, and that too not from any credible sources, the same is questionable and, therefore, the question based upon a material which cannot be termed as credible or authenticated material and hence, whether such question based on such unauthenticated material can be said to be a valid question is the issue that has to be decided by the Court.

22.4 In view of submissions whereby the Court's jurisdiction to interfere with the correctness of answer itself was questioned by learned Government Pleader Mr. Virk. The Court also considered the submissions made by learned Senior Advocate Ms. Megha Jani who submitted that there are number of instances by way of reported and unreported decisions as well as orders passed by the Hon'ble Supreme Court as well as various High Courts to indicate that in a given case and circumstances, the bar to interfere with the answer keys provided by the Examining Body is not a complete bar and in certain cases, the same is permissible.

22.5 Learned Senior Advocate Ms. Megha Jani relied upon the decision in the case of **Kanpur University v. Samir Gupta and Others, reported in (1983) 4 SCC 309** and submitted that the correctness of the answer must be based on the books which



are commonly read by the students in the region and, therefore, those textbooks have no room for doubt that the answer given by the student is correct and, therefore, the key answer is incorrect. Learned Senior Advocate Ms. Megha Jani further relied upon the decision in the case of **Abhijit Sen and Ors. v. State of U.P. and Ors., reported in (1984) 2 SCC 319** and submitted that the answer as per the textbook should be acknowledged or the books which the students were expected to read and consult before appearing for the test and the answer coming from that textbook or those books should be considered to be the correct answer.

22.6 Learned Senior Advocate Ms. Jani further submitted that the Hon'ble Supreme Court has passed several orders correcting the Answer Key where the errors were demonstrably wrong. A list of orders passed by the Hon'ble Supreme Court in the past year itself is as follows :-

(i) Charan Preet Singh v. Municipal Corporation Chandigarh and Ors., Civil Appeal No.3446 of 2026, decided on 17.03.2026 and reported in 2026 SCC OnLine SC 398.

(ii) Siddhi Sandeep Ladda v. Consortium of National Law Universities and Another, SLP(C) No.12786 of 2025, decided on 07.05.2025 and reported in 2025 SCC OnLine SC 1144. Hon'ble Apex Court has observed in its para 8 that :-

“8. Insofar as the present appeals are concerned, at the outset, we must state that in academic matters, the Courts are generally reluctant to interfere, in as much

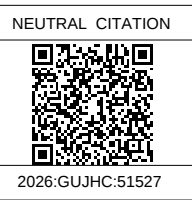


as they do not possess the requisite expertise for the same. However, when the academicians themselves act in a manner that adversely affects the career aspirations of lakhs of students, the Court is left with no alternative but to interfere.”

(iii) Reetesh Kumar Singh and Ors. v. State of Uttar Pradesh and Ors., Civil Appeal No.12069 of 2024, decided on 24.04.2025 and reported in 2025 SCC OnLine SC 2273.

Learned Senior Advocate Ms. Megha Jani submitted that the Hon’ble Supreme Court very recently interfered with the correctness of question related to correctness of answer key where the answers were demonstrably wrong. Therefore, the Court can interfere in respect of correctness of answer key as well if it is demonstrated that the answers were demonstrably wrong. Ms. Jani further relied upon paragraph 18 of the decision in the case of Ran Vijay Singh and Ors. v. State of Uttar Pradesh and Ors., reported in (2018) 2 SCC 357, whereby the Hon’ble Supreme Court has observed as under :-

“A complete hands-off approach was neither suggested in Mukesh Thakur nor has it been suggested in any other decision of this Court. The caselaw developed over the years admits of interference in the results of an examination but in rare and exceptional situations and to a very limited extent”.



22.7 In view of submission made by learned counsel for the parties and on perusal of the record, the Court finds that there is no complete bar about the Court's jurisdiction to interfere about the correctness of the answer. However, what has been emphasized by the various Courts including the Hon'ble Supreme Court is that in a case where an answer is patently wrong or error can be demonstrably wrong in such cases, the Court can interfere with the same.

22.8 In the instant case, it is just not about the correctness of the answer key, but also the source from which the question was asked is also required to be considered. Learned Senior Advocate Ms. Megha Jani from the textbooks as well as from the affidavit filed by the respondent - GPSC pointed out that the answer given by the present petitioner cannot be said to be wrong answer. In fact, in the written submissions given by the petitioner, in paragraph 5, under the heading "Pleadings filed by the Respondent Commission", the petitioner has raised following contentions, though the petitioner's entire written submissions are produced in the foregoing paragraph, I still intend to reproduce it once again at the cost of repetition as the same would be very relevant to determine the issue on hand :-

"5. Pleadings filed by the Respondent Commission

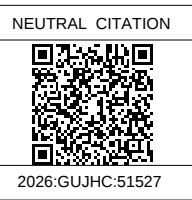
5.1 That the Respondent - GPSC had filed a detailed affidavit dated 03.04.2024 controverting to the challenges raised against



questions. However, so far as Question No.147 is concerned, GPSC has in its affidavit at **pg.197-198 of the Paperbook** stated that-
“The said book does cover the subject of economics, however, it cannot be said to be a book exclusively relating to economics only.”
GPSC has admitted that the book covers subject of economics. The question does not even ask whether the book is exclusively on economics and nor is it the case of Petitioner that the book is based exclusively on economics. Further, in the experts opinion, the purported expert states that this book is mainly on politics and administration and not on economics.

5.2 Further, GPSC has also produced sources relied upon by Experts/GPSC (**at page 247 of the Paperbook**) which comprises only of two pages being the cover page and index of a book titled Kautilya’s Arthashastra and Translated into English by R. Shamasastri. The said two pages do not bare the name of Publisher or the year of publication. Nothing is produced on record by GPSC to establish authenticity of the said source inspite of repeated orders passed by this Hon’ble Court. Additionally, no further information or explanation or location from where source was found had been disclosed.

5.3 GPSC then referred the question to



an independent expert, who also opined that Arthashastra concerned several other issues but did not state that it is not on economics. The opinion has been kept in a sealed cover.

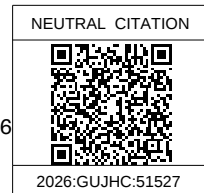
5.4 When inquired about the source of the book referred to, GPSC was unable to disclose its source in its affidavit dated 18.03.2026. Further, GPSC stated in its affidavit **(at page 74 of the petition)** that “upon enquiry with the original paper setter, it has been clarified that the question pertains to general awareness about the nature of work titled Arthashastra and is not based on any specific portion or extracted content from the original text of the said work. The said question is founded upon the commonly except understanding of the work which does not necessary reference to a reading of the original text.” The said stance of GPSC and its paper setter itself suggests that question is not based on any source at all, not even the original book which GPSC earlier claimed to have relied upon. Additionally, it relied upon new sources which were not even referred to by the question paper-setter.

5.5 Further, GPSC in its last affidavit dated 06.04.2026, while stating on oath that GPSC was not aware about the source of the pdf, admitted that the so far as time tested



classics are concerned, subject matter is not dependent on any edition or version. Therefore, this itself mitigates the reliance placed by GPSC on the version of R. Shamashastry as the subject matter will not depend on any version as per GPSC. The affidavit does not disclose any authentic source which could have been referred by candidates and cites open source websites. Additionally, it seeks permission to withdraw its previous affidavit, thereby establishing that it will not rely on any other sources produced. In such circumstances and in view of the stance of GPSC, the source referred to by GPSC is unreliable."

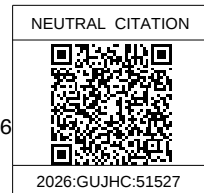
22.9 The aforesaid submission made by learned Senior Advocate Ms. Megha Jani would indicate that the GPSC has in its own affidavit stated that the book Kautilya's *Arthashastra* by R. Shamashastry which covers the subject of economics, but cannot be said to be a book exclusively relating to Economics only, meaning thereby the book, though covers the subject of Economics, it is not exclusively the book on Economics as stated by the respondents. Further, it is also pointed out that even the Experts also could not state that the book is not on Economics. In its affidavit dated 18.3.2026, there is an admission on the part of the GPSC that upon inquiry with the original Paper-setter, it was clarified that as the question was about general awareness, the nature of work in the aforesaid book is not based on any specific portion or extracted content from the original textbook and the same was found upon commonly expected understanding. The aforesaid stand also would indicate that even the Paper-setter also



had framed the question even without pinpointing to a specific portion or a restricted content or the original book and the answer was based on his understanding of the book, which fact also is indirectly admitted by the GPSC. Not only that, in the last affidavit dated 6.4.2026, GPSC has categorically stated that GPSC was not aware about the source of the PDF and, therefore, toady the GPSC – Examining Body itself is not in a position to state on oath that the version of Kautilya's *Arthashastra* from which the question in dispute was asked, is an authenticated translated version of the original book written by R. Shamashastry as the physical original copy of the book is not available.

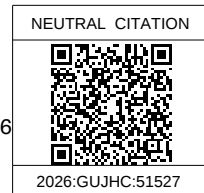
22.10 Considering the above circumstances, it is not merely a case about the correctness of answer because the source from which the question is asked, itself is admittedly from an unknown source from internet from which the book was downloaded. For comparing it with the original book, the original book is not available with the Examining Body. The book contains the subjects of Economy, but the book is not exclusively on Economics, which gives a room for both the sides to interpret the correctness of answer in their own way and no answer can be said to be incorrect.

22.11 The judgments cited by Mr. Virk propagates a few legal propositions which are already summarized in paragraph 22.1. The judgments relied upon by Mr. Virk along with relevant paragraphs are entirely reproduced in the foregoing paragraph No.20 and hence, the legal points canvassed by Mr. Virk which can be carved out from the cumulative reading of the judgments cited by Mr. Virk are already reproduced in paragraph 22.1, the same can be considered and answered as under :-



(A) As far as the submission that the Court should be very slow in interfering with expert opinion in academic matters is concerned, in view of submission made by learned Senior Advocate Ms. Megha Jani, there are instances where learned Senior advocate Ms. Megha Jani has demonstrated that it is not that the Court always remain a mute spectator even when there is an error apparent. On the contrary, the Hon'ble Supreme Court in the case of **Ran Vijay Singh and Ors. v. State of Uttar Pradesh and Ors. (Supra)**, observed in paragraph 18 that a complete a complete hands-off approach was neither suggested in Mukesh Thakur nor has it been suggested in any other decision of the Hon'ble Supreme Court. In a given case, subject to the limitations, the Court can step in and interfere with the question about correctness of answer when the Court finds that there is an error apparent on the part of the Examining Body.

(B) The judgment cited by Mr. Virk and more particularly in case of **Vikesh Kumar Gupta & Anr v. State of Rajasthan & Ors (Supra)** also would indicate that the Court should be slow in interfering with the expert opinion in academic matters. However, according to this Court, if the question itself is asked from a source which cannot be authenticated by comparing it with the original publication work, in absence of any such written policy for authentication of downloaded material on the basis of which the question was asked, when the validity of a question itself is the subject matter of the petition, the ratio laid down in the case of Vikesh Kumar Gupta would not be applicable in the facts of the present case.



(C) It was also submitted by Mr. Virk that in case of any doubt, the benefit should go to the Examining Body as the Court should presume the correctness of answer key and proceed on that assumption and the Court should not at all re-evaluate or scrutinize the answer-sheet of a candidate in view of the fact that it does not have any expertize in the academic matters and, therefore, the same are best left to the academicians.

All those judgments cited by Mr. Virk are in respect of an examination process where the source material on the basis of the question asked was never questioned. Therefore, when the source material which is the origin of a question was not the subject matter of contention, hence those judgments were delivered on a premise that the source material was not questionable and the same was authenticated.

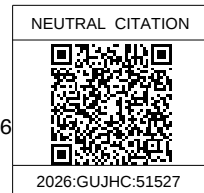
In the instant case, when the respondents have admitted on oath that they do not have the original physical copy of the book available, either with the Paper-setter or with GPSC, in that case, this is the one of those rare cases where the Court is required to interfere with the examination process so as to ensure fair play and to keep the faith of candidates in the examination process intact. The Court cannot shut its eyes and accept the submission of the respondent GPSC in absence of there being any policy for authentication of a downloaded material from internet to prove such question as valid question and to hold that the stand taken by the Examining Body is justified in view of settled proposition of law that the version of Examining Body in case of doubt should be considered to be correct and, therefore, stand taken by the candidate is required to be rejected. If the Court



takes such approach by accepting the contention of GPSC, in that case, that would amount to perpetuating the illegality committed by the respondents and thereby causing a great injustice to the candidate by allowing the respondents to rely upon unauthenticated material and to hold question asked by them to be valid without considering the reasonability about the fact that such question was asked from a book of 1915 edition of which a physical original copy for comparison is not available and there is no policy for authenticating any download material is available with the respondents. If the Court fails to interfere with such kind of stand taken by the respondents, in that case, in a way, the Court would be opening the doors for the Examining Body and Paper-setters to ask questions from anywhere without there being any material to test its credibility and authenticity which would ultimately result into harassing the candidate in the name of testing their general awareness.

(D) A meritorious candidate may not expect any leniency either from the Examining Body or from the Court and sympathy has no place when it comes to legality of the issue. But at the same time, legitimate expectation of the candidate and whether the action on the part of the respondents can be said to be falling within the scope of “fair play” is also required to be considered.

(E) If the candidate whose maximum age limit would be around 35 to 40 years, is asked a question from a downloaded edition of a book printed in another State, before more than 100 years, physical original copy of which is not available even with the respondent or the Paper-setter and when the aforesaid book is not easily available in the State, relying upon such book to ask a

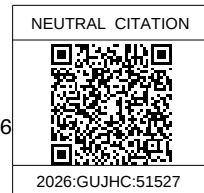


question would not only defy the reasonableness and hence would run contrary to the decision of the Hon'ble Supreme Court in the case of **Kanpur University v. Samir Gupta and Others (Supra)** and would not fall within the scope of fair play. Therefore, to prevent such incidents taking place in future, in other Exams as well, it is the duty of the Court to interfere with such action on the part of the respondents and, therefore, the submission of Mr. Virk cannot be accepted.

22.12 In view of above, when both the answers can be said to be correct and no answer can be said to be wrong, it is not an issue about doubting the answer, but it is about whether a candidate should get benefit of a question which is not based on authenticated material or not and, therefore, when the petitioner has attempted the question, and when the answer of the petitioner also cannot be termed as wrong answer, more particularly when the source of the question is not a credible source, and as per the textbook, Question No.147 can also be answered the way the petitioner has answered it looking to the decisions cited by learned Senior Advocate Ms. Megha Jani, this Court has all the power and jurisdiction to interfere with such kind of issues and, therefore, in respect of the impugned question, this Court has power to interfere looking to the nature of question, reply filed by the respondents. Moreso, when the material on the basis of the question framed cannot be certified to be authenticated material.

23. **QUESTION NO.2 :-**

When the question asked in the examination is from a Reference Book downloaded from the Internet without there being any Policy about authentication of the Book, whether



such question can be considered to be a valid question and whether the material relied upon by the Paper-setter as reference material can be said to be credible material when the source material is downloaded from a source derived from Internet and original physical copy of which is not available for comparing it with the copy of downloaded version, in such circumstances whether such material can be said to be authenticated material ?

23.1 With respect to question No.2, in the affidavit-in-reply filed by the respondent - GPSC dated 6.4.2026, in paragraph 7, GPSC has stated that in cases where widely recognized and time-tested classical works are involved, such as the text "Arthasastra" attributed to Kautilya, the subject matter is not dependent on any specific edition or version, but on broadly accepted academic understanding of the work. Thereafter, in paragraph 9, GPSC has stated that 1915 edition of the book in question is widely available online and has given the sources of the book which can be accessed from. The Court had asked learned advocate Mr. Chaitanya Joshi appearing for GPSC to provide the downloaded version of 1915 Edition of Kautilya Arthasastra which was translated into English by Author R. Shamasastri. Accordingly, the PDF version of the downloaded Book was provided to the Court by learned advocate Mr. Chaitanya Joshi. The Court finds that the book is a compendium of 15 different books which is considered to be Arthasastra. The Book I is titled as "Concerning Discipline" and Chapter I of the said book is Life of a King. The opening part of the book reads as under :-

"Om.



Salutation to Sjkra and Brihaspati.

This Arthasastra is made as a compendium of almost all the Arthasastras, which, in view of acquisition and maintenance of the earth, have been composed by ancient teachers."

23.2 After the above opening, in Chapter I of Book I, there is a description of all 15 books and the compendium of book ends with the following :-

" Thus this Sastra, conforming to these paragraphic divisions is composed as a guide to acquire and secure this and the other world.*

** In the light of this Sástra one cannot only set on foot righteous, economical, and aesthetical acts and maintain them, but also put down unrighteous, uneconomical and displeasing acts.*

** This Sástra has been made by him who from intolerance (of misrule) quickly rescued the scriptures and the science of weapons and the earth which had passed to the Nanda king.*

[Thus ends the Chapter I, 'Paragraphic divisions of the Treatise' in the fifteenth Book, 'Plan of Treatise.' This is the one hundred and



fiftieth chapter from the first chapter of the entire work. The fifteenth book, 'Plan of Treatise, of the Arthasástra of Kautilya is thus brought to a close.]

** Having seen discrepancies in many ways on the part of the writers of commentaries on the Sástras, Vishnu Gupta himself has made (this) Sútra and commentary.*

From :- Kautilya. Arthashastra. Translated by R. Shanasastry.

Bangalore : Government Press, 1915, 515-520."

23.3 The aforesaid paragraph in the Book and more particularly, the following sentence would give a correct idea about what was considered to be Arthshastra by Kautilya :-

"[Thus ends the Chapter I, 'Paragraphic divisions of the Treatise' in the fifteenth Book, 'Plan of Treatise.' This is the one hundred and fiftieth chapter from the first chapter of the entire work. The fifteenth book, 'Plan of Treatise, of the Arthasástra of Kautilya is thus brought to a close.]

** Having seen discrepancies in many ways on the part of the writers of commentaries on the Sástras, Vishnu Gupta himself has made*



(this) Sútra and commentary.”

23.4 Thus, Arthshastra is made as a compendium of almost all the Arthasastras, which, in view of acquisition and maintenance of the earth, have been composed by ancient teachers. The above sentence would indicate that according to Kautilay, as it can be seen from the book itself, the Arthasastra itself is a very wide subject and there are various kinds of Arthasastra and, therefore, Kautilya’s Arthasastra is actually a compendium of 15 different books which the Kautilya called as Kautilya’s Arthasastra.

23.5 As can be seen in the concluding part of the book, even as per the translated version, it is stated as under :-

“ Thus this Sastra, conforming to these paragraphic divisions is composed as a guide to acquire and secure this and the other world.*

** In the light of this Sástra one cannot only set on foot righteous, economical, and aesthetical acts and maintain them, but also put down unrighteous, uneconomical and displeasing acts.*

23.6 The above paragraph itself would indicate that Kautilya had given Arthasastra a very wide meaning and, therefore, the downloaded book is a compendium of 15 different books translated from Kautilya’s original Arthasastra. Now, in view of that, the credibility of downloaded version raises two doubts that the



translated version is translated from original book written by Kautilya in Sanskrit or, a translation in English from any other translated version in any other language of Kautilya's Arthashastra because as per the reply given by GPSC, Kautilya's Arthashastra was written in Sanskrit and in view of the fact that there is an ambiguity about whether the translated version is translated from the original book preserved in any Government Library or elsewhere or is a translated version from the copy of the book. It also does not disclose about whether the translated english version is from Kautilya's Sanskrit version only or translation from any other language and, therefore, the first and foremost thing is that until and unless there is any credible material available to compare the translation with the original, such version does not bear any authenticity about reproduction of the contents of the original book.

23.7 Secondly, as the book can be downloaded from the Internet from various sources as stated in affidavit-in-reply dated 6.4.2026 filed by GPSC. Hence, even if it is believed without admitting that the translated version was the correct translation of the original version, then also, in absence of there being any original book available to compare the PDF version with the original book and until and unless the PDF version of the original book having been certified to be the unaltered or untempered version of the original book, the same cannot be considered to be an authenticated version of the original one. The respondents have not taken care to approach Government Press, Bangalore to get the original copy and to compare the downloaded version with the original copy, though last line of the book states that the book was published by Government Press, Bangalore.



23.8 Therefore, in absence of there being any attempt made by the GPSC to prove the authenticity of the material relied upon by the Paper-setter, the downloaded version of the book cannot be termed as authentic downloaded version of the original book. Hence, any questions if asked from a reference material which is unauthenticated, and if such answer key is based on some reference book downloaded from internet, but not authenticated, in such cases, the benefit of such ambiguity must go in favour of the student or the candidate appeared in the examination, as the case may be.

I have reason to say so because today, the internet has become a big ocean of information. However, not everything we come across on Internet can be said to be genuine or authenticated material. There are some deceptive names of the website. There are phishing sites and there are distorted version of various books or tampered version of original books available on it and, therefore, though relying upon some material from the internet, may not be completely impermissible, but its credibility cannot be endorsed in absence of there being any specific written policy to authenticate the reference material on the basis of which a question is asked in the examination. Hence, if any question based on unauthenticated material or a reference book derived or downloaded from Internet is questioned by the student or the candidate appearing in the examination, in that case, the benefit must go to the student and not to the Examining body.

23.9 Though it is a well settled law that in case of doubt, about correctness of a question, the answer provided by way of

answer key by the Examining Body is required to be considered to be correct answer. Ordinarily, the Court would not interfere with the answer provided by the Examining Body in view of the above settled proposition of law. But when the respondent themselves have stated on oath that there is no policy in writing to authenticate the downloaded reference material and the correct answer of the question is debatable, in such cases, the benefit of such question must go to the students or the candidate sitting in the examination and not to the Examining Body.

24. **QUESTION NO.3 :-**

(3) Whether the reasonability permits the Paper-setter / Examining Body to ask question in the examination from an Edition downloaded from Internet which was originally published in the year 1915 i.e. before more than 100 years ?

24.1 Further, I have also considered the fact that the Paper-setter / Examining Body has asked the disputed question in the examination from an Edition downloaded from the Internet from a book which was allegedly originally published in the year 1915 i.e. before more than 100 years before the examination was conducted in the year 2023. In the meantime, the subsequent editions of the aforesaid reference book also may be available considering the fact that the Kautilya's Arthashastra is a widely popular book and I have a reason to believe so for the reason that even in GCERT / NCERT books also, there are references of the aforesaid book, the latest edition of the book may be edited or translated by different Author, but at least in that case that book is easily available in the market and, therefore, when the latest version of the book is available, can the act of the respondents of asking a question from a downloaded



edition allegedly published before 100 years can be said to be reasonable. According to me, these competitive examinations are meant to test the general knowledge, general awareness and aptitude of the candidates. The question was not a part of main exam of any specialized subject and, therefore, considering the fact that the upper age limit to appear in the examination in such kind of exams are usually 35 years or around that, it was absolutely unreasonable on the part of the respondent authority to ask a question from an edition for which the physical authenticated original copy is not available even with the respondent itself and to expect the candidates to sail through the ocean of internet and to read the books or its editions available on internet was absolutely unreasonable and hence, such unreasonability can not be endorsed or permitted.

24.2 Further, when the said material was also available in GCERT / NCERT book, in that case, just to test the general knowledge, general awareness and aptitude of the candidate, it would be too unreasonable and too atrocious on the part of the respondent body to expect a candidate to surf the websites and to read the PDF version of a book and to answer the question correctly. Therefore, on the ground of reasonableness also, such question cannot be allowed to be asked and, therefore, in that case also, the respondents were required to consider this aspect as well. But respondent - GPSC has miserably failed even in meeting with the legitimate expectation of candidates in asking questions to the students in the examination from the material which is usually easily available to the candidates by going through the books or documents which are easily available around them.

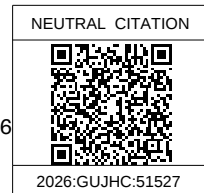


24.3 In view of above discussion, now the next question would be that when the material is available in the form of books published by the State Government or the Central Government as text book as per the curriculum of the State Government or the Central Government and published by NCERT or GCERT, in that case, in view of contradiction between the answers of a particular question, was it justifiable on the part of the respondent to take a stand that correct reply is as per the book downloaded or an unknown source on the internet authenticity of which is questionable and completely ignoring the authenticated text books published by the Government authorities. In the instant case, there are question marks over the validity of question and correctness of it's answers. Therefore, in such circumstances, the respondent authorities were expected to give mark to the candidate by considering the fact that when the Government text books also provide for an answer which can be considered to be correct answer, more particularly when the source is not authenticated one, in such circumstances, the benefit must go to the candidate.

25. **QUESTION NO.4 :-**

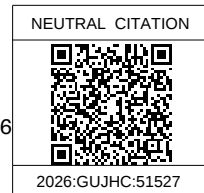
(4) When the Preliminary Exam is of objective type and consists questions related to general studies, consisting the questions on various subjects, and when it is not stated as to whether the paper was set by one person or multiple persons having expertise on various subjects, in that case, is the Court powerless to interfere with the answer provided by the Paper-setter as whether that one person can be said to be the expert of multiple subjects ?

25.1 As far as Question No.4 is concerned, it is true that

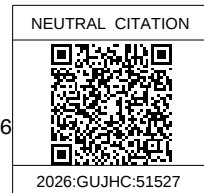


under normal circumstances, in case of dispute, the answer given by the Paper-setter / Subject Expert / Examining Body cannot be interfered with and in the case of dispute, the say of the Examining Body can be said to be final. But in the instant case, considering the fact that the exam was of general studies and, therefore, considering the fact that the questions were asked from different topics, the Paper-setter either would be more than one or the questions must have been asked from a question bank. In either case, considering the fact that the exam was of general studies and not in respect of any specific subject, the aim of the examination was to test the general awareness of the candidate and, therefore, keeping in mind the object of the examination and when there is nothing on record to indicate that whether the question paper was set by more than one person having expertise on the respective subject or by different persons or from a question bank, in such case, when the answer of question is debatable, in that case, the benefit in respect of general studies question must go to the candidate as the object of the general studies examination is to filter the candidates and not to test their expertise on a particular subject. Therefore, on that count also, the submission of learned Government Pleader Mr. Virk that in case of dispute or debate about the correctness of the answer of question, the Examining Body's version would become final and the same cannot be interfered with, is required to be rejected.

25.2 Therefore, in view of above discussion, when the authenticity of the material relied upon by the respondent – GPSC in respect of Question No.147 itself is questionable whereas the material relied upon by the petitioner which is in the nature of books from NCERT & GCERT which also indicates that the



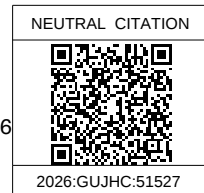
petitioner's answer also can be said to be correct. Therefore, on the ground of questionable authenticity of the material on the basis of the question asked by the respondent - GPSC, the benefit of answer to the aforesaid question must be given to the candidate and accordingly, the petitioner is entitled to the mark of the aforesaid Question No.147 as per the scheme of examination. The deduction of the mark for incorrect answer is required to be added to the petitioner's total marks and the petitioner also should be given the mark for the correct answer. Further, as far as the submission of learned GP Mr. Virk is concerned that all the candidates are required to be treated equally and, therefore, this petition may not be entertained by considering the case of the petitioner alone is concerned, the same submission cannot be accepted for the reason that at the time when the petition was preferred, there were other petitioners also who preferred different petitions and they were permitted to appear in the final examination as well. Thereafter, by the time this petition is being decided, it has reached to a stage where even the result of the final exam is also out and during the pendency of this petition, no other candidate has come to this Court challenging the correctness of Question No.147. As none of the candidate has approached this Court in respect of Question No.147 and subsequently, after the preliminary exam, now the final exam is also over and its result is out and a candidate would get appointment on the basis of result of the final exam and, therefore, as the GPSC is at the verge of finalizing the selection process and till this time as no other candidates other than the petitioner who succeeded in final examination and other candidates who though approached this Court by way of various petitions but failed to clear the final exam or had chosen not to appear in the final exam, except those



candidates, no other candidate has approached this Court and, therefore, the question to grant benefit of correctness of answer to the question No.147 is not required to be extended to the other candidates who did not even upon their failure to clear the preliminary exam, approached this Court and did not make even a request to allow them to appear in the final exam. Therefore, there is no question of extending the benefit of the dispute related to correctness in question to all the candidates who appeared in the exam. Therefore, the submission of learned GP Mr. Virk that every candidate is required to be treated equally, does not acceptance any merit.

26. The discussion made in the foregoing paragraph can be summarized as under :-

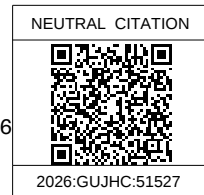
26.1 Ordinarily, the Court should not interfere with the correctness of answer, but there is no complete bar in interfering with the correctness of answer submitted by the Expert and in certain cases, including the cases where the question itself can be said to be based on some material, authenticity of which is questionable, or in case where the key answer can be said to be a wrong answer apparently, or in such other circumstances or the reasons which cannot be termed as usual / ordinary / routine circumstances or reasons, the Court can interfere with the correctness of answer to ensure that the Examining Body may not get any absolute free hand in respect of their say about the correctness of answer and may always be careful about framing the question and its answer key so as to protect the interest of all the candidates appearing in the examination and for bringing in more credibility towards paper-setting and conduct of exam.



26.2 Though the Court can interfere with the correctness of answer, the process should be slow and the Court can interfere with such correctness only in exceptional cases by justifying that why the Court is required to interfere by explaining which circumstances the Court has considered to be exceptional circumstances which may depend on the facts of the case.

26.3 In respect of general awareness, where no single person can claim to be the expert of various subjects concerning the general awareness, in the event of any contradiction or controversy, either the authority is required to stick to the answer provided by any Government textbook published by GCERT or NCERT or any private publishers and in the event of question related to the credibility or authenticity of question, where there is a possibility that the answer provided by the answer key and the answer given by the petitioner both can be considered to be correct or incorrect, in such circumstances, the benefit must go to the candidate and not to the Examining Body. But this will be applicable only in case of a paper related to general awareness / general knowledge / current topics and may not be applicable in case of paper in the exam of a particular subject.

26.4 Though there cannot be a complete bar in asking a question from the material downloaded from internet, but if such question is asked, in that case, the authenticity of material downloaded from the internet must not be questionable and a physical copy of the original material or book must be available either with the Examining Body or with Paper-setter in absence of there being any written policy to determine the authenticity of



source material on the basis of question asked.

26.5 The Examining Body is expected to ask the questions from the books or material which is usually available in the region.

26.6 The reasonability would require that as far as possible, the authority may avoid asking the questions in the exams from the books or material which are too old and may try to ask the questions from the latest editions available easily in the market.

27. In view of above, the petition succeeds and is allowed. The respondents are directed to consider the answer given by the petitioner to be correct answer in view of the fact that the authenticity of the material on the basis of which the question was asked was unauthenticated material as well as considering the fact that as per the GCERT and NCERT textbook, the book Kautilya's Arthashastra is about Economics as well and hence, the petitioner's answer also can be said to be correct answer. Further, the respondents are directed not to deduct the mark for Question No.147 attempted by the petitioner from the correct answer deducted from the petitioner's total marks and if it is already deducted, the respondents are required to reverse the aforesaid deduction by adding the mark deducted from the petitioner's marks and are further directed to grant the mark for Question No.147 as if the petitioner has given correct answer of the aforesaid question and thereafter, to include the name of the petitioner in the select list or waiting list, as the case may be, if the petitioner is found otherwise eligible to find her place in the select list or waiting list by adhering to the process of examination by considering as if the petitioner has cleared the preliminary examination.



28. In view of above discussion, petition is allowed. Rule is made absolute. No order as to costs.

Sd/-
(NIRZAR S. DESAI,J)

29. Upon pronouncement of the judgment, learned Government Pleader Mr. Gursharansingh H. Virk assisted by learned advocate Mr. Chaitanya S. Joshi appearing for the respondent - GPSC requests for stay of this judgment for a period of four weeks. However, the aforesaid request is rejected.

Sd/-
(NIRZAR S. DESAI,J)

SAVARIYA