



2026:AHC:200505

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 14195 of 2026

Garima Diwaker

.....Petitioner(s)

Versus

State Of U.P. And 2 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Ankit Tripathi, Parbind Kumar Tiwari
Counsel for Respondent(s)	:	C.S.C., Kushmondeya Shahi

A.F.R.

Court No. - 6

HON'BLE SIDDHARTH NANDAN, J.

1. Heard Shri P.K. Tiwari, Advocate appearing on behalf of the petitioner and Shri Tanju Shahi, Advocate holding brief of Shri K. Shahi, learned counsel appearing on behalf of the respondent-Commission and learned Standing Counsel for the State-respondents.

2. The contention of learned counsel for the petitioner is that in the OMR sheet in the column of 'Question Book Number' though numerically correct entry was made i.e. 204103343; but however, in the second column along with the first bubble (corresponding to '0'), the fourth bubble was also inadvertently marked; and as such though the entry in the form of numeric, has been rightly made, the OMR sheet has not been evaluated merely on a slight marking in the fourth bubble of the second column.

3. Learned counsel appearing on behalf of Commission submits that the inadvertence in the examination, while filling up the OMR sheet is not confined to few candidates but 14000 such rejections are there on the record.

3. The Apex Court in the case of **U.P. Public Service Commission and Another vs. Rahul Singh and another reported in (2018) 3 ESC 377 (SC)**, considered the extent and power of the Court to interfere in the matter of academic nature and after considering the judgment in the case of **Kanpur University, through Vice Chancellor and others vs. Samir Gupta and others, (1983) 4 SCC 309** and **Ran Vijay Singh and others vs. State of Uttar Pradesh and others, (2018) 2 SCC 357**, relying on

paras-31 and 32 has eventually held that law is well settled that 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.

4. He has also placed reliance on the judgment of **Vinay Kumar vs. State of U.P. and others reported in (2022) 4 ADJ 631 (DB)**, wherein, also decision of the Apex Court in the case of **State of Tamil Nadu and others vs. G. Hemalathaa and Another**; reported in **(2019) SCCOnline SC 1113** was considered and had observed that the High Court after summoning and perusing the answer-sheet of the respondent was convinced that there was infraction of the instructions; and thereafter the High Court granted relief to the respondent on sympathetic consideration on human grounds: the Apex Court held that in spite of the finding that there was no adherence to the instructions, the High Court granted the relief ignoring the mandatory nature of the instructions. It however admitted that it cannot be said that such exercise of discretion should be affirmed by us, especially when such direction is in the teeth of the instructions which are binding on the candidates taking the examinations; and eventually had set aside the judgment of the High Court. The Apex Court had held that instructions issued are mandatory and have to be strictly complied with strict adherence, terms and conditions and instructions is of paramount importance.

5. Learned counsel appearing on behalf of respondent nos. 2 and 3 submits that such inadvertence in the examination in question is not confined to the present candidate, but 14,000 such rejections are on record. The Apex Court, in the case of **U.P. Public Service Commission** (supra), had considered the extent and power of the Court to interfere in matters of academic nature.

6. He has also placed reliance upon the judgment of **Vinay Kumar** (supra), wherein the decision of the Apex Court in the case of **State of Tamil Nadu** (supra), was also considered. It was observed that the High Court, after summoning and perusing the answer sheet of the respondent, was convinced that there was an infraction of the instructions; and thereafter, the High Court granted relief to the respondent on sympathetic consideration and on human grounds. The Apex Court held that, in spite of the finding that there was no adherence to the instructions, the High

Court granted relief ignoring the mandatory nature of the instructions. It, however, observed that it cannot be said that such exercise of discretion should be affirmed, especially when such direction is in the teeth of the instructions which are binding upon the candidates taking the examinations. Eventually, the judgment of the High Court was set aside. The Apex Court held that the instructions issued are mandatory and have to be strictly complied with, and strict adherence to the terms, conditions, and instructions is of paramount importance.

7. Similar controversy has also been dealt by this Court in **Special Appeal No.90 of 2018 Jai Karan Singh and 52 others vs. State of U.P. and others**) decided on 25.04.2018. For ready reference relevant extract of the judgment is reproduced below:-

"The writ petitioners had admittedly given incorrect information in the OMR Answer Sheet relating to either the Registration Number, the Roll Number or Question Booklet Series and the Language attempted and that is why their results have not been declared. The manual check can be conducted but the larger issue before the Court is whether such a direction should be given at all. In our opinion, it is for the examining body to work out a method for the recruitment process and the manner in which Answer Sheets is evaluated and once clear instructions have been given to the candidates that incorrect information relating to Registration Number, Roll Number, Question Booklet Series and Language attempted would lead to non-declaration of the result, the examining body should not be directed to conduct a manual check 72,876/- OMR Answer Sheets. This would take substantial time and ultimately result in causing delay in the declaration of the result. It is this delay that was sought to be eliminated by requiring the candidates to give answers in the OMR Answer Sheet so that they could be scanned by electronic means.

The error committed by the candidates cannot be said to be minor in nature. It is the Registration Number, Roll Number that determines identity of the candidates. The candidates who appeared in the examination were mature students and were to be appointed as Assistant Teachers in institution. They should have read the instructions that was issued time and again and should have correctly filled the entries relating to Roll Number, Registration Number, Question Booklet Series and Language attempted. The entries were, however inaccurately filled as a result of which the scanner has not been able to process the result."

8. It is no longer res integra that instructions are mandatory in nature and the candidates are expected to read the instructions carefully and the

OMR Sheets has to be filled up, as the answers given cannot be evaluated with infraction of the instructions, by the OMR Software Application and candidates who are negligent in not reading the instructions properly and not filling the columns meant for corresponding question booklet set, could not have been granted indulgence to fill up the columns in the OMR Sheet, subsequently.

9. The Court is also conscious of the fact that if such indulgence is granted subsequently then it may also result in making the fairness and transparency of the examination process questionable; and therefore the OMR Sheets cannot be permitted to be evaluated physically either. The aforesaid observation is also fortified by the decision in the case of **U.P. Secondary Education Services Selection Board vs. State of U.P. and others reported in 2022 (4) ADJ 7 (DB)**, wherein also similar conclusion has been given by the Division Bench of this Court.

10. This Court has also considered the Division Bench decision in the case of **Vinay Kumar** (supra) in **Writ-A No.9780 of 2026 (Gaurav Kumar Gautam vs. State of U.P. and others)**.

11. In view of the aforesaid, no relief can be granted and accordingly the writ petition is dismissed. However no order as to costs.

(Siddharth Nandan,J.)

September 23, 2026
S.Prakash