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

% ***Date of Decision: November 19th, 2026***

\# **CNR No. DLHC010563022023**

\+ **W.P.(C) 16737/2023 & CM APPL. 67443/2023, CM APPL. 10818/2024**

MEGHA JOSHI .....Petitioner

Through: Mr. Shambhu Nath Singh, Mr. Alok Kumar Rai & Mr. Shashi Kumar, Advs.

versus

UNION OF INDIA & ANR. .....Respondents

Through: Mr. Ravinder Agarwal, Mr. Manish Kumar Singh, Mr. Vasu Agarwal & Mr. Emmanuel Benny, Advs. for UPSC.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. By way of the present petition, the petitioner seeks the following reliefs:

> *"(i) Issue appropriate writ, order or direction in nature of mandamus to Respondent No. 2 to supply to the petitioner certified copies of her answer booklets of all the Papers of the Civil Services (Mains) Examination 2022, including the Essay Paper of this examination.*
> *(ii) Issue appropriate writ or direction to the Respondent No. 2 in the nature of mandamus to allow the Petitioner to personally inspect her original answer booklets of all the Papers of the Civil Services (Mains) Examination 2022, including the Essay Paper of this examination.*
> *(iii) Issue appropriate writ, order or direction in nature of mandamus to Respondent No.1 to bring on record steps taken pursuant to the official communication dated 13-06-2023 issued by Respondent No. 2 (UPSC) to Respondent No. l (DoPT) In respect to the petitioner's grievance regarding mismatch and misreporting*

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of her Roll Number
(iv) Issue appropriate writ, order and directions to Respondent No. 1 and 2 to revisit the petitioner's result of the Civil Services Examination 2022, if any mistake is pointed out by her on the disclosure/ inspection of her Answer Booklets of all papers including Essay Paper and to revise/ finalize her final result accordingly for declaring her as recommended/ non-recommended candidate.
(v) Issue appropriate writ, order and directions to Respondent No. 1 and 2 to complete the process at the earliest and in a given time frame so that the petitioner may not be put in a disadvantageous position in any manner in terms of her final selection, her merit and her inter-se-seniority in the process of this recruitment exercise.
Pass such further or other order as this Hon 'ble Court may deem fit and proper in the interest of justice."

2. Briefly stated, the petitioner appeared in the UPSC Civil Services Examination, 2022, and successfully cleared the Preliminary and Mains Examinations, pursuant to which she was called for the Personality Test. However, in the communication dated 23.01.2023 issued by Respondent No. 1 (DoPT), her Roll Number was incorrectly mentioned as "106438" instead of the correct Roll Number "0106438", with the first digit omitted.

3. Upon declaration of the final result, the petitioner, having noticed an unexpectedly low score in her Essay Paper, apprehended that similar errors may have occurred in the recording of her marks against her correct Roll Number. Accordingly, she filed an RTI application dated 26.05.2023 seeking certified copies and inspection of her evaluated Answer Booklets of all papers.

4. The UPSC, *vide* reply dated 22.06.2023, denied the request informing the petitioner that a copy of the evaluated answer sheet is neither provided to the candidate nor to any third party. However, it was further informed that keeping in view the spirit of the RTI Act

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and the intent of the query raised by the petitioner, the conventional answer booklet of her Essay Paper in respect of the Civil Services (Main) Examination, 2022 was re-scrutinized and it was found as follows:

> *"I. No part of any answer has been left unvalued.*
> *II. The answer book used is intact.*
> *III. There is no totaling error.*
> *IV. There is no clerical error of any other kind."*

5. Aggrieved thereby, the petitioner preferred an appeal against the same, the petitioner's first appeal was dismissed *vide* order dated 07.07.2023. It was observed by the Appellate Authority that the reply furnished by the CPIO, UPSC to the petitioner was appropriate and no further directions were required to be passed.

6. Thereafter, the petitioner approached this Court by way of W.P.(C) 11533/2023, which was permitted to be withdrawn vide order dated 31.08.2023, with liberty to approach the Central Information Commission (CIC).

7. The petitioner's second appeal was also dismissed by the CIC *vide* order dated 30.10.2023. Aggrieved thereby the present petition has been filed.

8. The learned counsel for the petitioner submits that the petitioner's Roll Number was incorrectly mentioned as "106438" instead of "0106438" in various communications issued during the selection process. He submits that the error was admitted by the UPSC in its counter affidavit, wherein it acknowledged that incorrect Roll Numbers had been mentioned in respect of 362 candidates who finally qualified in the examination. He contended that the said discrepancy

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gave rise to a legitimate apprehension that similar errors may have occurred in recording the petitioner's marks against her correct Roll Number.

9. He submits that the CIC has erroneously relied upon the judgment in ***UPSC and Anr. Vs. Agnesh Kumar & Ors.*** **: (2018) 4 SCC 530** while dismissing the petitioner's appeal. He submits that the petitioner's case is distinguishable from the general principles laid down in ***Angesh Kumar*** (Supra) and fell within the exception contemplated in paragraph 9 of the said judgment, warranting disclosure of information in the peculiar facts of the case.

10. He further placed reliance upon the judgments of the Hon'ble Supreme Court in ***Mradul Mishra v. Chairman, U.P. Public Service Commission*** **: 2018 SCC OnLine SC 3993**, **CBSE v. Aditya Bandopadhyay : (2011) 8 SCC 497**.

11. Learned counsel for Respondent No. 2 submits that the petitioner's request for supply of or inspection of her evaluated Answer Booklets was untenable.

12. He placed reliance upon the judgments in ***UPSC v. Angesh Kumar*** **: (2018) 4 SCC 530**, ***Vijay Pal Singh v. Union of India*** **: 2021 SCC OnLine Del 2232**, and ***Nitish Shankar v. Union of India*** **: LPA No. 449/2023**, to contend that disclosure of answer sheets and examination-related information is permissible only where public interest so warrants. He submits that the petitioner had failed to demonstrate any such public interest, and that her desire to undertake self-evaluation of her answers could not constitute public interest.

13. He further submits that there was no discrepancy in the

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recording of the petitioner's Roll Number at the end of the UPSC. He submits that the omission of the first digit '0' had occurred only in the medical examination communication issued by the DoPT dated 23.01.2023. He submits that the same inadvertent error had occurred in the medical examination letters of all 362 candidates who finally qualified in the Civil Services Examination, 2022, and had no bearing whatsoever on the evaluation or recording of marks, which was undertaken by the UPSC with due care and confidentiality.

14. The petitioner essentially seeks directions to the respondents to supply the certified copies of her answer booklet of all the papers of the Civil Services (Mains) Examination. The law in this regard is no longer *res integra*, the Hon'ble Apex Court in the judgment in ***UPSC v. Angesh Kumar*** **: (2018) 4 SCC 530** has emphasised the importance of balancing the need for transparency and accountability with considerations such as the optimal use of fiscal resources and maintaining the confidentiality of sensitive information. It has been explicitly observed that information regarding marks in the Civil Services Examination cannot be mandated for disclosure in a routinely manner. The Hon'ble Apex Court upon noting the problems which would arise in showing evaluated answer sheets in the UPSC Civil Services Examination observed that furnishing raw marks to candidates would not be in public interest. It was however, also noted that if a case is made out where the Court finds that public interest requires furnishing of information, the Court is certainly entitled to do so in such circumstances. The relevant observations are reproduced hereinbelow:

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"6. Thus, it is clear that in interpreting the scheme of the Act, this Court has, while adopting purposive interpretation, read inherent limitation in Sections 3 and 6 based on the third recital in the Preamble to the Act. While balancing the right to information, public interest including efficient working of the Government, optimum use of fiscal resources and preservation of confidentiality of sensitive information has to be balanced and can be a guiding factor to deal with a given situation dehors Sections 8, 9 and 11. The High Court has not applied the said parameters.

7. The problems in showing evaluated answer sheets in the UPSC Civil Services Examination are recorded in Prashant Ramesh Chakkarwar v. UPSC . From the counter-affidavit in the said case, the following extract was referred to: (SCC pp. 497-98, para 12)

> *"12 . ... '6 . ... (B) Problems in showing evaluated answer books to candidates.-(i) Final awards subsume earlier stages of evaluation. Disclosing answer books would reveal intermediate stages too, including the so-called "raw marks" which would have negative implications for the integrity of the examination system, as detailed in Section (C) below.*
> *(ii) The evaluation process involves several stages. Awards assigned initially by an examiner can be struck out and revised due to (a) totalling mistakes, portions unevaluated, extra attempts (beyond prescribed number) being later corrected as a result of clerical scrutiny, (b) The examiner changing his own awards during the course of evaluation either because he/ she marked it differently initially due to an inadvertent error or because he/ she corrected himself/herself to be more in conformity with the accepted standards, after discussion with Head Examiner/colleague examiners, (c) Initial awards of the Additional Examiner being revised by the Head Examiner during the latter's check of the former's work, (d) the Additional Examiner's work having been found erratic by the Head Examiner, been rechecked entirely by another examiner, with or without the Head Examiner again rechecking this work.*
> *(iii) The corrections made in the answer book would likely arouse doubt and perhaps even suspicion in the candidate's mind. Where such corrections lead to a lowering of earlier awards, this would not only breed representations/grievances, but would likely lead to litigation. In the only evaluated answer book that has so far been shown to a candidate (Shri Gaurav Gupta in Gaurav Gupta v. UPSC5 dated 6-7-2012) on the orders of the High Court, Delhi and that too, with the marks assigned masked; the candidate has nevertheless filed a fresh WP alleging improper evaluation.*

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(iv) As relative merit and not absolute merit is the criterion here (unlike academic examinations), a feeling of the initial marks/revision made being considered harsh when looking at the particular answer script in isolation could arise without appreciating that similar standards have been applied to all others in the field. Non-appreciation of this would lead to erosion of faith and credibility in the system and challenges to the integrity of the system, including through litigation.

(v) With the disclosure of evaluated answer books, the danger of coaching institutes collecting copies of these from candidates (after perhaps encouraging/inducing them to apply for copies of their answer books under the RTI Act) is real, with all its attendant implications.

(vi) With disclosure of answer books to candidates, it is likely that at least some of the relevant examiners also get access to these. Their possible resentment at their initial awards (that they would probably recognise from the fictitious code numbers and/or their markings, especially for lowcandidature subjects) having been superseded (either due to inter-examiner or inter-subject moderation) would lead to bad blood between Additional Examiners and the Head Examiner on the one hand, and between examiners and the Commission, on the other hand. The free and frank manner in which Head Examiners, for instance, review the work of their colleague Additional Examiners, would likely be impacted. Quality of assessment standards would suffer.

(vii) Some of the optional papers have very]ow candidature (sometimes only one), especially the literature papers. Even if all examiners' initials are masked (which too is difficult logistically, as each answer book has several pages, and examiners often record their initials and comments on several pages with revisions/corrections, where done, adding to the size of the problem), the way marks are awarded could itself be a give-away in revealing the examiner's identity. If the masking falters at any stage, then the examiner's identity is pitilessly exposed. The "catchment area" of candidates and examiners in some of these low-candidature papers is known to be limited. Any such possibility of the examiner's identity getting revealed in such a high-stakes examination would have serious implications, both for the integrity and fairness of the examination system and for the security and safety of the examiner. The matter is compounded by the fact that we have publicly stated in different contexts earlier that the paper-setter is also generally the Head Examiner.

(viii) UPSC is now able to get some of the best teachers and scholars in the country to be associated in its evaluation work.

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An important reason for this is no doubt the assurance of their anonymity, for which the Commission goes to great lengths. Once disclosure of answer books starts and the inevitable challenges (including litigation) from disappointed candidates starts, it is only a matter of time before these examiners who would be called upon to explain their assessment/award, decline to accept further assignments from the Commission. A resultant corollary would be that examiners who then accept this assignment would be sorely tempted to play safe in their marking, neither awarding outstanding marks nor very low marks, even where these are deserved. Mediocrity would reign supreme and not only the prestige, but the very integrity of the system would be compromised markedly.' "

8. This Court thereafter approved the method of moderation adopted by the UPSC relying upon the earlier judgment in Sanjay Singh v. U.P. Public Service Commission6 and U.P. Public Service Commission v. Subhash Chandra Dixit7.

9. Weighing the need for transparency and accountability on the one hand and requirement of optimum use of fiscal resources and confidentiality of sensitive information on the other, we are of the view that information sought with regard to marks in Civil Services Exam cannot be directed to be furnished mechanically. Situation of exams of other academic bodies may stand on different footing. Furnishing raw marks will cause problems as pleaded by the UPSC as quoted above which will not be in public interest. However, if a case is made out where the Court finds that public interest requires furnishing of information, the Court is certainly entitled to so require in a given fact situation. If rules or practice so require, certainly such rule or practice can be enforced. In the present case, direction has been issued without considering these parameters.

10. In view of the above, the impugned order(s) is set aside and the writ petitions filed by the writ petitioners are dismissed. This order will not debar the respondents from making out a case on the above parameters and approach the appropriate forum, if so advised."

15. Division Bench of this Court in ***Nitish Shankar*** (supra), while examining whether answer sheets of the UPSC Civil Services Mains Examination can be provided to candidates, while relying upon the

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aforesaid judgment in ***Angesh Kumar*** has also observed that the same can only be disclosed if public interest warrants such disclosure. A similar view has been adopted by Co-ordinate benches of this Court in ***Vijay Pal Singh*** (supra) and ***UPSC v. Siddhartha Bishnoi*** **: W.P.(C). 388/2016**.

16. In the present case, the only ground urged by the petitioner to justify disclosure of her evaluated answer sheets is the apprehension that the omission of the first digit of her roll number in certain communications may have resulted in a similar error in the recording of her marks. The respondents have adequately explained that the omission was a mere clerical error in the communications issued by the DoPT in respect of all 362 candidates who qualified for the Personality Test, and had no bearing whatsoever on the evaluation of the answer sheets or the recording of marks. Additionally the UPSC *vide* reply dated 22.06.2023 while denying the petitioner's request informed her that the conventional answer booklet of her Essay Paper in respect of the Civil Services (Main) Examination, 2022 was re-scrutinized and it was found as follows:

> *"I. No part of any answer has been left unvalued.*
>
> *II. The answer book used is intact.*
>
> *III. There is no totaling error.*
>
> *IV. There is no clerical error of any other kind."*

17. In the opinion of this Court, the aforesaid apprehension of the petitioner, by itself, does not make out a case of public interest warranting disclosure under the exception recognised in ***Angesh Kumar*** (supra).

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18. The petitioner has also placed reliance upon the judgment of the Hon'ble Apex Court in ***CBSE v. Aditya Bandopadhyay*** **: (2011) 8 SCC 497**. However, the same is not applicable to the facts of the present case. The aforesaid judgment is in the context of CBSE examinations, which do not stand upon the same footing as UPSC Civil Services examinations. It has also been clarified by the Hon'ble Apex Court in ***Angesh Kumar*** (supra) that the situation of exams of other academic bodies may stand on a different footing to Civil Services Examinations, where disclosure of such information is not in public interest.

19. Further, reliance has also been placed by the petitioner upon the judgment in ***Mradul Mishra v. Chairman, U.P. Public Service Commission*** (supra). The aforesaid judgment is also not applicable to the facts of the present case. Although the Hon'ble Supreme Court in ***Mradul Mishra*** has held that permitting a candidate to inspect the answer sheet does not involve any public interest nor does it affect the efficient operation of the Government, it is not clear from the facts of the aforesaid case that the observations have been made in regard to UPSC Civil Services Examinations. As stated above, the Hon'ble Apex Court in ***Angesh Kumar*** had specified that though other examinations may stand on a different footing, disclosure of raw marks of the UPSC Civil Services Examination would not be in public interest.

20. Considering that the petitioner's claim is premised purely on personal rights and lacks a demonstrated 'public interest' element that would justify disclosure of the answer sheets of the petitioner for

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UPSC Civil Services examinations, this Court finds no reason to exercise its extraordinary and discretionary jurisdiction in the present case.

21. Accordingly, the present petition is dismissed.

22. Pending applications also stand disposed of.

AMIT MAHAJAN, J

NOVEMBER 19, 2026
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