



2024 : DHC : 1194



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

% Judgment reserved on: 12.02.2024  
Judgment pronounced on: 16.02.2024

+ W.P.(C) 16593/2023 & CM APPL. 66822/2023,  
CM APPL. 66823/2023, CM APPL. 67529/2023, CM APPL.  
1389/2024, CM APPL. 3666/2024, CM APPL. 4190/2024, CM  
APPL. 7523/2024

SHUBHAM PAL AND ORS.

..... Petitioner

versus

STAFF SELECTION COMMISSION AND ANR.

.... Respondent

**Advocates who appeared in this case:**

For the Petitioner : Ms. Priya Hingorani, Senior Advocate  
with Mr. Rohit Pandey, Mr. Shivam  
Kumar, Mr. Himanshu Yadav, Ms.  
Munisha Anand, Mr. Adhyayan Gupta,  
Mr. Naseem, Ms. Jyoti Dedha and Ms.  
Mudita Arora, Advocates.

For the Respondent : Ms. Pratima N. Lakra, CGSC with Ms.  
Ritu Reniwal (SPC), Ms. Vrinda Baheti  
and Ms. Kashish Baweja, Advocates.  
Mr. Mohan Lal Hirwal – Controller of  
Exams, SSC, Mr. Manish Mukherjee –  
RD SSC and Mr. P.B. Sahu, Deputy  
Secretary, DoPT.  
Mr. Sujeet Kumar, Advocate for  
applicant in CM APPL. 3666/2024.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**



## **JUDGMENT**

**TUSHAR RAO GEDELA, J.**

**[ The proceeding has been conducted through Hybrid mode ]**

1. The present petition has been filed seeking declaration that the Combined Graduate Level Examination Tier-II, 2023 (in short “CGLE 2023”), conducted by Respondent No.1/Staff Selection Commission (hereafter referred as “SSC”) is erroneous, faulty, defective and discriminatory alongwith several other prayers which are as follows:-

*“a. ISSUE an appropriate Writ, Order or Direction in the Nature of MANDAMUS or any other Writ to the Respondents thereby declaring that SSC CGL Examination-2023 is erroneous, faulty, defective & discriminatory and violative of Article 14, 19 and 21 of the Constitution of India;*

*b. ISSUE an appropriate Writ Order or Direction in the Nature of MANDAMUS or any other Writ to the Respondents thereby directing the Respondent No. 1 to re-evaluate/rechecking/re-totalling the Question ID: 264330172912, Question ID: 264330164754 and Question ID: 264330162641, Question ID: 264330164417, Question ID: 264330172352, Question ID: 264330173697, and Question ID: 264330171997 and its corresponding questions asked in SSC CGL Examination-2023 and release a fresh result dated 15.12.2023 for one Hours;*

*c. The petitioner respectfully requests that this Hon'ble court, in its wisdom, may constitute an expert committee for the purpose of rechecking the answer key pertaining to the questions raised by the petitioner in the present petition.*

*d. Issue a Writ of Mandamus Or Any Other Appropriate Writ, Order or Direction Under Article 226 of the Constitution directing the Respondent No.1 to permit reevaluation of answer scripts of candidates who appeared in Examination conducted on 26.10.2023.*

*e. Pass appropriate writ, order or direction(s) to the Respondent No.1 to re-evaluate/re-checking/retotalling the Petitioners papers.*



*f. Stay on ongoing joining procedure until the answer key is re-evaluated or link the joining procedures final outcome to the courts final decision in this petition case.*

*h. PASS any such other and further order(s) and or directions (s) as may be deemed fit in the facts and circumstances of the case.”*

2. The CGLE Mains Examination was conducted on 26.10.2023 in which the Petitioners appeared in all the stages. The Tentative Answer key was released by Respondent No.1/SSC on 30.10.2023 in which the Petitioners checked their correct answers and scored higher marks than the cut-off marks for qualification. Thereafter, the candidates submitted their post Option-cum-Preference Form online.

3. The Respondent no.1/SSC published the final result dated 04.12.2023 on the basis of the revised answer key dated 30.11.2023. The Names and Roll Numbers of the Petitioners were not reflected in the list of shortlisted candidates.

4. It is the case of the petitioners that the tentative answer key contained 2 questions which were evaluated incorrectly as per NCERT textbooks. By following the SSC's guidelines regarding challenging of wrong questions/answers, many candidates challenged those questions at the expense of Rs.100 per question. But instead of correcting the wrong questions and their answers, the Respondent No. 1 incorrectly altered the answers of 5 already correct questions in the Answer Key dated 30.10.2023. This incorrect alteration of the answers of 5 already correct questions in the Answer Key dated 30.10.2023 has resulted in a final result in which there is a variation upto 20 marks.

5. The Petitioners thereby had challenged the final Answer Key and question paper of the CGL Examination-2023 and prayed for re-



evaluation of the answer script of the Petitioners and also prayed for stay on the pre-appointment procedure until the final outcome of the present petition.

6. This Court *vide* its Order dated 21.12.2023 had, while issuing notice on the present petition, also granted an order of no prejudice against the petitioners, which is extracted hereunder:-

*“21.12.2023*

*1. This matter is received on transfer.*

*2. Heard.*

*3. Issue notice.*

*4. Learned counsel appearing on behalf of the respondents accepts notice.*

*5. Learned counsel appearing on behalf of the petitioners submits that on the basis of the result declared by respondent no.1, the appointment on respective posts are likely to be made under directions of respondent no.2 by various departments.*

*6. Needless to state that in case the petitioners succeed in the instant petition, appropriate directions would be issued to ensure that no prejudice is caused to them.*

*7. List on 30.01.2024 before Roster Bench.”*

This Order continued to be in operation till today.

### **CONTENTIONS OF PETITIONER**

7. Ms. Priya Hingorani, learned senior counsel appearing for the petitioners submits that the petitioners who had attempted the CGLE 2023 have assailed the results as declared by the respondents on the basis that the seven questions which are subject matter of the present controversy, if found by this Court to be correct, in that, the final answer



key in respect of those is incorrect, the petitioners would score as much as 21 additional marks depending upon the questions attempted by each of the petitioners.

8. Ms. Hingorani, learned senior counsel refers to each question of the seven questions to submit that atleast two questions in the said questions are admittedly wrong and *qua* one of such questions, the respondents themselves have already awarded bonus marks to all the participants. Learned senior counsel refers to seven questions in the subject matters of English, Tax and Mathematics. According to her, the following questions and the Tentative Answer Key in relation to the Final Answer Key need to be considered by this Court for assessing whether the petitioners would be entitled to bonus marks or additional marks.

9. The question wise arguments rendered by Ms. Hingorani, learned senior counsel are enumerated below.

10. Ms. Hingorani starts her arguments by pointing out the question pertaining to *General Awareness* bearing Question ID 264330172912, which is:-

**QUESTION ID – 264330172912 (General Awareness)**

*Which of the following options represents the total income earned by individuals from all the sources before deductions of personal income taxes?*

- 1. National income*
- 2. Disposable income*
- 3. Gross income*
- 4. Personal income*

**TENTATIVE ANSWER KEY**

*Answer – Personal Income*

**FINAL ANSWER KEY**

*Answer – Gross Income*



With regard to this question pertaining to General Awareness/Economics, the learned senior counsel submits that the tentative answer to question no.1 put up on the website by the respondent before inviting objections contained out of four answers, the preference being answer No.1, which is “*Personal Income*”. After having received the objections, the final answer key referred to answer No.3 “*Gross Income*” as the final answer. Ms. Hingorani asserts that according to the NCERT Text Book “*Macroeconomics Class 12<sup>th</sup>*” in Chapter 2 – *National Income Accounting*, the answer should be “*Personal Income*”. As such, the final answer sheet of the respondent is incorrect and contrary to the standardized text book on the subject.

11. Ms. Hingorani next points out to questions pertaining to *English Language and Comprehension* bearing Question ID 264330164754 & Question ID 264330162641, which are:-

<b><u>QUESTION ID – 264330164754</u></b> <b><u>(English Language and Comprehension)</u></b>	
Select the option that rectifies the underlined part of the given sentence. In case no correction is needed, select ‘No correction required’.	
<b>Cinema provides <u>the most universal</u> entertainment.</b>	
1. a universal 2. an universal 3. more universal 4. No correction required	
<b><u>TENTATIVE ANSWER KEY</u></b>	<b><u>FINAL ANSWER KEY</u></b>
<b><i>Answer – a universal</i></b>	<b><i>Answer – No correction required</i></b>



**QUESTION ID – 264330162641**  
**(English Language and Comprehension)**

*The given sentence has an error. Choose the option that corrects the error*

***Throw a rounder stone to create ripples in the water.***

- 1. Throw a more round stone to create ripples in the water.*
- 2. Throw a more rounder stone to create ripples in the water.*
- 3. Throw the roundest stone to create ripples in the water.*
- 4. Throw a round stone to create ripples in the water.*

<b><u>TENTATIVE ANSWER KEY</u></b>	<b><u>FINAL ANSWER KEY</u></b>
<b><i>Answer – Throw a round stone to create ripples in the water</i></b>	<b><i>Answer – For this question, discrepancy is found in question/answer. Full Marks is being awarded to all candidates.</i></b>

With regard to above mentioned questions, in the English subject contained in Section II of the Answer Key, Ms. Hingorani while referring to High School English Grammar and Composition by Wren and Martin Chapter 10, which, according to her are standard benchmark English Grammar Books, submits that the Tentative Answer Key in respect of Question ID – 264330164754, originally gave the tentative answer as answer no.1 “*a universal*” whereas in the Final Answer Key, the respondent referred to answer no.4 “*No correction required*” as the final answer. Ms. Hingorani, submits that the Adjectives expressing qualities which do not admit of different degrees cannot strictly speaking, be compared. As an example, she submits words like Square, Round, Perfect, Eternal, Universal and Unique cannot have the word “*more*” before it. As such, according to her the final answer no.4 i.e. “*no correction required*” is not correct. The utilization of the word “*most*” before Universal is not permissible and as such, the question



itself is wrong. In any case, Ms. Hingorani submits that the answer no.1, which is “*a universal*” to the said question as given in the Tentative Answer Key, would be the correct answer.

So far as Question ID - 264330162641, where the Tentative Answer Key referred to answer no.4 “*Throw a round stone to create ripples in the water*”, Ms. Hingorani submits that the respondent admitted the discrepancy found in the question/answer and therefore, bonus marks were given to all the candidates.

12. Next, Ms. Hingorani points out to another question in the *English Language and Comprehension* subject bearing Question ID- 264330164417, which is:-

<b><u>QUESTION ID – 264330164417</u></b> <b><u>(English Language and Comprehension)</u></b>	
<i>Select the option that expresses the given sentence in passive voice.</i> <b><i>Access denied.</i></b>	
1. <i>Let it be known that the access will be denied.</i> 2. <i>Access has been denied.</i> 3. <i>Access is being denied.</i> 4. <i>Let the access be denied.</i>	
<b><u>TENTATIVE ANSWER KEY</u></b>	<b><u>FINAL ANSWER KEY</u></b>
<b><i>Answer</i></b> – <i>Let the access be denied.</i>	<b><i>Answer</i></b> – <i>Let the access be denied.</i>

In so far as Question ID - 264330164417 in English subject is concerned, the Tentative Answer Key and the Final Answer Key depicted answer no.4 “*let the access be denied*” as the correct answer. Ms. Hingorani submits that the question itself being in passive voice, did not call for any answer and since no option to that effect was provided, the question be considered to be either incorrect or erroneous. Either way, the petitioners are entitled for bonus marks.





13. So far as the question pertaining to the subject category of *Mathematical Abilities* bearing Question ID - 264330172352 is concerned, which is :-

**QUESTION ID – 264330172352 (Mathematical Abilities)**

If  $P(A \cup B) = \frac{5}{9}$ ,  $P(\bar{A} \cup \bar{B}) = \frac{13}{27}$ ,  $P(A) = \frac{11}{18}$ , then the odds against the event B are:

1. 7/57
2. 38/17
3. 29/25
4. 47/7

**TENTATIVE ANSWER KEY**

***Answer– 29/25***

**FINAL ANSWER KEY**

***Answer – 29/25***

Learned senior counsel submits that the answer in the Tentative Answer Key as also the Final Answer Key being answer no.3 “29/25”. She submits that the petitioners have applied the formula, conducted the mathematical calculation as per the authorities on the subject and concluded that, the answer in Tentative and Final Answer Key in regard to the present question are incorrect. As such, she submits that the question be sent up for re-evaluation and bonus marks be awarded to the petitioners, if found correct.

14. To the question bearing Question ID - 264330171997, from the subject *Reasoning and General Intelligence*, to which, the attention of this Court is drawn by Ms Hingorani, is:-

**QUESTION ID – 264330171997**  
**(Reasoning and General Intelligence)**

*How many meaningful English words can be formed with the second, fourth, fifth and sixth letters of the word HOCKEY (when counted from left to right) using each letter only once in each word ?*



<ol style="list-style-type: none"><li>1. <i>Two.</i></li><li>2. <i>One.</i></li><li>3. <i>Zero.</i></li><li>4. <i>Three.</i></li></ol>	
<u>TENTATIVE ANSWER KEY</u>	<u>FINAL ANSWER KEY</u>
<i>Answer– One</i>	<i>Answer – Two</i>

In this regard, as to how many meaningful English words can be formed with the 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> letters of the word “*HOCKEY*” when counted from left to right, the Tentative Answer Key gave “*one*” as the answer. However, in the Final Answer Key, the answer was “*two*”. Learned senior counsel submits that the tentative answer “*one*” is the correct answer, as only the word “*YOKE*” can be formed from the combination of required letters O, K, E, Y. According to her, using the various combinations of the four letters as many as 24 words could be formed. However, only one word, that is “*YOKE*” could be the only meaningful English word. She relies upon the Dictionary of English language published by Oxford, to submit that, it is only the word “*YOKE*”, that is possible. She further submits that no other word can be formed by using the 2<sup>nd</sup>, 4<sup>th</sup>, 5<sup>th</sup> and 6<sup>th</sup> letters of the word “*HOCKEY*”. She submits that in case this Court agrees with the petitioners, the petitioners would be entitled to additional marks.

15. Ms. Hingorani relies upon the Para 18, 30.1 & 30.2 of judgment of the Supreme Court in *Ranvijay Singh vs. State of U.P.* reported in *AIR 2018 SC 52* to submit that, even if there is no Rule or Regulation permitting re-evaluation, the Court may permit such re-evaluation if demonstrated clearly that there are errors. It was also further submitted by learned senior counsel relying on the aforesaid judgment that it is not



as if the High Court under Article 226 is precluded from considering such issues and directing re-evaluation or scrutiny of the answer sheet by an independent expert body.

16. Learned senior counsel submits that the evaluation done by the Subject Expert of the respondent would not surpass the test of impartiality and the dispute raised by the petitioners above ought to be referred to an independent expert committee for evaluation. She submits that in case the Court would agree with the petitioners, an independent impartial committee may be directed to be constituted and the aforesaid questions may be referred for evaluation/re-evaluation, by taking strength from the orders of this Court passed in W.P.(C) 4913/2019 titled as *Vishal Chillar & Others vs. Union of India and Another*.

17. With the aforesaid contentions, learned senior counsel for the petitioners beseeched this Court to consider their set of explanations provided for the discrepancies in the questions and their answers, and sought either a separate expert body be setup to look in to such discrepancies or in the alternative, answers sheets of the petitioners be re-evaluated again, in the light of the such discrepancies in the questions and their answers.

### **CONTENTIONS OF RESPONDENT/SSC**

18. Ms. Pratima N. Lakra, learned CGSC appearing for the respondents submits that pursuant to the orders passed by this Court, the respondent had referred these questions raised in the present petition to independent subject experts. She submits that the said Subject Matter Experts have given their opinion after considering the relevant material.



According to Ms. Lakra, the Subject Experts have agreed with the Final Answer Key on the basis of certain notes and worksheets handed over to the bench in a sealed cover.

19. She submits that all the questions have been satisfactorily answered by the Subject Experts giving details as to how and on what basis they have arrived at their conclusions. She submits that the said result and the notes/analysis be kept in a sealed cover so as to maintain the confidentiality not only of the analysis and results but also the identity of the Subject Matter Experts. However, on instructions, she submits that the said notes/analysis may be referred to while considering the dispute. That apart, she relies upon the following judgments:

- (i) ***Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission, Patna and Others*** reported in (2004) 6 SCC 714 ;
- (ii) ***H.P. Public Service Commission vs. Mukesh Thakur & Anr.*** reported in (2010) 6 SCC 759 ;
- (iii) ***Ranvijay Singh vs. State of U.P. : AIR 2018 SC 52 ;***
- (iv) ***U.P. Public Service Commission vs. Rahul Singh & Anr.*** reported in (2018) 7 SCC 254 ;
- (v) ***Ashish Singh v. Union of India***, passed by this Court on 19.01.2023 in ***W.P.(C) 17060/2022*** having Neutral Citation Number **2023/DHC/000778** reported in **2023 SCC OnLine Del 782**

20. Ms. Lakra, learned CGSC relied upon the aforesaid judgments to buttress her arguments that the Courts should ordinarily not interfere in the examination process, particularly in respect of the final answer keys which are formulated after the invitation of objections and compiled



after the respective Subject Matter Experts have considered those.

21. To the submission that re-evaluation can be ordered by Court as urged by Ms. Hingorani, Ms. Lakra draws attention of this Court to the Scheme of Examination of the CGLE 2023 to submit that, there is no rule of re-evaluation of the answer sheets and as such, unless the petitioners show by correct demonstration that there is some apparent mistake or error in the questions or in the final answer key, no direction for re-evaluation can at all be passed. She too relies upon the judgment of *Ran Vijay (supra)* to submit that even the Supreme Court has laid down the said proposition.

22. On that basis, learned CGSC submits that, once the respondents have subjected the said questions to the scrutiny of the Subject Matter Experts for further re-consideration, nothing further remains for this Court's consideration and the petition be dismissed with costs since the same has interfered with the recruitment process.

### **CONCLUSION AND ANALYSIS**

23. This Court has considered the detailed arguments addressed by Ms. Hingorani, learned Senior Counsel for the petitioners as also Ms. Lakra, learned CGSC for respondents, carefully scrutinized the questions, answers and the rationale given by the Subject Matters Experts in reaching conclusions that they have. This Court has also considered the judgments relied upon by the respective parties.

24. It is beyond cavil that a Court under Article 226 of the Constitution is limited and circumscribed in the exercise of its jurisdiction in respect of examinations and its results for the reason that



the Court is neither the subject matter expert nor does it have any wherewithal to, subjectively or objectively, evaluate or assess the correctness or otherwise of the answers. The Court is also denuded of the expertise to comment upon or make any independent assessment of whether the analysis and conclusions reached by Subject Matter Experts are correct or not, on a case to case basis.

25. Though, there are catena of judgments passed by the Supreme Court as well the learned Division Benches & Coordinate Benches of this Court, the law as evolved has been concluded into certain propositions, duly summarized by the Supreme Court in ***Ran Vijay Singh v. State of U.P.***, reported in **(2018) 2 SCC 357**, which are as under:-

*“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 scrutinise 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.*

*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.”*

26. That apart, a number of judgments have held that only when the Court is convinced that the answer key is “*demonstrably wrong*” that the Court may exercise its power of judicial review. In case, there is any doubt or there is a possibility of two answers, the doubt has to be resolved in favour of the Examination Authority alone. If the Subject



Matter Expert is able to give an analysis which appears to be reasonably intertwined with the subject itself, the Courts would be loath in interfering with such conclusion. Though there is no absolute bar for such proposition and may depend on the facts of each case.

27. Ms. Lakra had handed over to this Court the Notes/ Analysis of the Subject Matter Experts in regard to the questions in controversy.

28. In order to do complete justice, so that the petitioners do not feel that the Court has not examined the grievances, the following paragraphs shall refer to the analysis given by the Subject Matter Experts on the disputed questions.

29. The relevant portion of the analysis of the Subject Matter Experts on the questions regarding which Ms. Hingorani had pointedly argued, are extracted hereunder :-

<b><u>QUESTION ID – 264330172912 (General Awareness)</u></b>	
<i>Which of the following options represents the total income earned by individuals from all the sources before deductions of personal income taxes?</i>	
<i>1. National income 2. Disposable income 3. Gross income 4. Personal income</i>	
<b><u>TENTATIVE ANSWER KEY</u></b>	<b><u>FINAL ANSWER KEY</u></b>
<i><b>Answer – Personal Income</b></i>	<i><b>Answer – Gross Income</b></i>
<b><u>Note/Analysis of the Subject Matter Experts</u></b>	
<i>Personal Income (PI) = NI – Undistributed profits – Net interest payments made by households – Corporate tax + Transfer payments to the households from the government and firms.</i>	
<i>Gross Income is the broadest measure of income, encompassing all earning before any adjustments or deductions, making it the most inclusive option among the given choices. A) (PI) and Personal Disposable Income (PDI) from the broader concept</i>	





of National Income (NI)

Personal Income (PI) here is deducted from national income on a macro-economic level scale as mentioned in the excerpt of the NCERT talks about the personal income of ALL THE INDIVIDUAL HOUSEHOLDS of a country and not individual person.

In the page provided as evidence in support from the NCERT book mentions neither ALL INDIVIDUALS nor INDIVIDUAL personal income but states the HOUSEHOLDS personal income calculation.

It is imperative that deduction of corporate tax and interest payments by HOSEHOLDS when deducted from national income cannot provide the personal income of an individual before taxes.

The question specifically asked for total income from all sources of INDIVIDUALS on a personal level as single natural person not units of individual or households.

**QUESTION ID – 264330164754**  
**(English Language and Comprehension)**

Select the option that rectifies the underlined part of the given sentence. In case no correction is needed, select 'No correction required'.

**Cinema provides the most universal entertainment.**

1. a universal
2. an universal
3. more universal
4. No correction required

**TENTATIVE ANSWER KEY**

**FINAL ANSWER KEY**

***Answer – a universal***

***Answer – No correction required***

**Note/Analysis of the Subject Matter Experts**

The statement “Cinema is the most universal entertainment” is grammatically correct and can be analyzed using the rules of grammar:

1. Subject and Verb Agreement : “Cinema (subject) agrees with the singular verb “is”.
2. Definite Article: “The” is used before “most universal”, indicating specificity and singularity.
3. Superlative Construction: “Most” is used to form the superlative, indicating that



among all forms of entertainment, cinema holds the highest degree of universality.  
4. Adjective Use: “Universal” is an adjective modifying the noun “entertainment”, describing the quality of entertainment being discussed.  
5. Correct Noun Form: “Entertainment” functions as the object of the verb “is”.  
“Universal” is a two-syllable adjective. The superlative form is correctly used with “most” to convey the highest degree of universality. Therefore, the sentence is grammatically correct within the context of forming comparatives and superlatives for two-syllable adjectives.

However, language is dynamic and common usage sometimes deviates from strict grammatical rules. In everyday language, you may encounter “most universal” to convey a heightened sense of universality, even if it might be considered nonstandard in more formal or prescriptive grammatical context.

OXFORD website itself allows the use of “most universal” on their official website as a valid usage of English in accordance to the rules of grammar. It is grammatically sound as well as acceptable form of speech.

90. Adjectives expressing qualities that do not admit of different degrees cannot, strictly speaking, be compared; as, square, round, perfect, eternal, universal, unique.

Strictly speaking, a thing cannot be more square, more round, more perfect. But we say, for instance,

This is the most perfect specimen I have seen.....

Here it is clearly seen within the reference given by petitioner that even though ideally most is an adjective not used in front of already superlative objective like perfect. But the book itself quotes “But we say, for instance, this is the most perfect specimen I have seen.”

**QUESTION ID – 264330164417**  
**(English Language and Comprehension)**

Select the option that expresses the given sentence in passive voice.

**Access denied.**

1. Let it be known that the access will be denied.
2. Access has been denied.
3. Access is being denied.
4. Let the access be denied.

<b><u>TENTATIVE ANSWER KEY</u></b>	<b><u>FINAL ANSWER KEY</u></b>
<b><i>Answer</i></b> –Let the access be denied.	<b><i>Answer</i></b> – Let the access be denied.
<b><u>Note/ Analysis of the Subject Matter Experts</u></b>	



*To constitute active voice a VERB does an action on the subject. DENIED is a valid verb that creates an action on the subject of access by denying/stopping it.*

*Similarly, the subject is also access. A phrase can be considered in the active voice with only a subject and a verb, and it doesn't necessarily require an object. In an active voice sentence, the subject performs the action expressed by the verb. While many complete sentence include both are subject and an object, it's not a strict requirement for a sentence to be considered in the active voice.*

*Whilst the general structure does include sub+verb+obj it is only a general guideline and by implied inference denied phrase can only be used in an active manner without any object.*

**QUESTION ID – 264330172352 (Mathematical Abilities)**

If  $P(A \cup B) = \frac{5}{9}$ ,  $P(\bar{A} \cup B) = \frac{13}{27}$ ,  $P(A) = \frac{11}{18}$ , then the odds against the event B are:

1. 7/57
2. 38/17
3. 29/25
4. 47/7

**TENTATIVE ANSWER KEY**

**FINAL ANSWER KEY**

**Answer– 29/25**

**Answer – 29/25**

**Note/Analysis of the Subject Matter Experts**

<https://www.youtube.com/watch?v=2RwT3B0IGNk> explanation of the answer in between time stamps 02:11 – 09:53

**QUESTION ID – 264330171997**  
**(Reasoning and General Intelligence)**

*How many meaningful English words can be formed with the second, fourth, fifth and sixth letters of the word HOCKEY (when counted from left to right) using each letter only once in each word ?*

1. Two.
2. One.
3. Zero.
4. Three.



<u>TENTATIVE ANSWER KEY</u>	<u>FINAL ANSWER KEY</u>
<i>Answer– One</i>	<i>Answer – Two</i>
<b><u>Note/Analysis of the Subject Matter Experts</u></b>	
<p><i>Two words can be formed from the letters o, k, e, y –</i></p> <p><i>Yoke – A yoke is a wooden beam sometimes used between a pair of oxen or other animals to enable them to pull together on a load when working in pairs, as oxen usually do; some yokes are fitted to individual animals.</i></p> <p><i>Okey-key (Turkish Pronunciation : [okej]) is a tile based game<sup>[1]</sup>. The aim of the game is to score points against the opposing players by collecting certain groups of tiles. Okey is usually played with four players, but can also be played with only two or three players. It bears resemblance to the game Rummikub, as it is played with same set of boards and tiles, but under a different set of rules.</i></p>	
<b><u>Explanation provided in the SME Confidential Report:-</u></b>	
<p><i>While “okay” is more commonly used, variations like “okey” may be informal or specific to certain contexts. “Okey” is a less common variant of the word “Okay”, which is used to express agreement, approval, or acknowledgement. It’s an informal term that signifies acceptance or understanding in a casual context. It is used as an adjective as another form of Ok. Please check the sentence in Oxford Dictionary page “everything is okey dokey now”. This signifies that Okey is a word used as informal term that signifies acceptance or understanding in a casual context.</i></p>	

30. On an overall conspectus of having considered the analysis given by the Subject Matter Experts of three different subjects, the rationale appears to be plausible. The analysis and the reasoning given by the Subject Matter Experts in respect of each of the doubted questions appears to be well researched. This Court is limited in its test of judicial review only to the extent of observing as to whether the experts have indeed applied their mind to the doubted questions and have rendered an analysis and the conclusion on material which is tangible and clear. The concerned Subject Matter Experts in the subjects of *General Awareness*,



*English Language and Comprehension and Mathematical Abilities* have, in their analysis referred to the manner in which the questions were formulated and the projected answers in respect of those questions.

31. This Court has not found any reason to doubt the conclusions reached by the Subject Matter Experts except Question ID – 264330171997 with which this Court would deal in the subsequent paragraph. In any case, the law on the issue guides this Court to conclude that there is no unreasonable analysis which would require judicial intervention under the power of judicial review envisaged under Article 226 of the Constitution of India, 1950.

32. However, with respect to Question ID – 264330171997 regarding how many meaningful English words can be formed from the specified 4 letters of the word “*HOCKEY*”, the Tentative Answer Key referred to “*One*” as the answer. However, the Final Answer Key referred to “*Two*” as the answer. The Subject Matter Expert has reasoned that “*Yoke*” is one word and the other “*okey-dokey*” and also referred to a Turkish card game called “*Okey*”. This Court is unable to agree with the Experts on this question. What was asked was “*meaningful English words*” as per the question. The word “*okey-dokey*” appears in the Shorter Oxford English Dictionary (Sixth Edition), Volume – 2: N-Z, published by Oxford University Press, of the year 2007 and appears to be synonymous to the word “*okay*”, but surely does not consist only of 4 letters of the word *HOCKEY* and the word “*okey*” read alone does not appear to be “*meaningful*”. So far as the word “*okey*” stated to be a Turkish game is concerned, by no stretch of imagination, can the same be called a “*meaningful word*” of “*English*” language. Surely, the name



of a game cannot be said to be a meaningful English word, particularly a Turkish game. The game originally may be pronounced in such manner but has no relevance to the doubted question. Thus, it is clear that the Final Answer Key in respect of this question, is incorrect. This Court has ventured to examine this question as the alternate word appeared to be, on the face of it, incorrect.

33. Apart from the above, there is another doubted question which needs to be addressed by this Court, which is Question ID – 264330172352. In regard to Question ID - 264330172352, the material in the form of mathematical calculation formula sheet, provided by the Ms. Hingorani, learned senior counsel for the petitioners does not show its working to conclude that the result of such working is anything other than the answer “29/25”. As such, it is difficult to conclude that there could be an answer other than “29/25”. In contrast to this, Ms. Lakra, also relied upon a Youtube Video Link, of an expert solving the said question and concluding the answer as “29/25”. Since this Court is not a subject matter expert, following the ratio laid down by the Supreme Court in *Ran Vijay (supra)*, the benefit of doubt is ruled in favour of the examination authority.

34. Resultantly, all the candidates who filled “one” (denoting one word) as the answer to Question ID – 264330171997 become eligible for additional marks and the respondents are directed accordingly and consequently, to publish the altered results.

35. In view of the aforesaid conclusion, the interim order dated 21.12.2023 would stand vacated once the aforesaid directions are implemented.



36. The Report and the Note/Analysis of the Subject Matter Experts, which was handed over the Bench in a sealed cover, is re-sealed in Court, to maintain confidentiality of its contents as also the identities of the Subject Matter Experts. The sealed cover be preserved in the safe custody of Deputy Registrar (Writ) of this Court along with the records of the case.

**CM Appl. 1389/2024, 3666/2024 and 4190/2024**  
**(all for Impleadment of applicants as Petitioners)**

37. That so far as the above applications seeking impleadment in the present writ petition is concerned, in view of the above conclusions, no separate orders need be passed in that regard. The benefit of the aforesaid direction regarding Question ID – 264330171997 shall enure to the benefit of all candidates who filled the correct answer as analysed above.

38. The petition along with all the pending applications is disposed of with no order as to costs.

**TUSHAR RAO GEDELA, J.**

**FEBRUARY 16<sup>th</sup>, 2024**  
*aj/nd/rl*