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

Judgment reserved on: 21.01.2026
Judgment pronounced on: 06.02.2026

\+ W.P.(C) 10517/2025

PRERNA GUPTA .....Petitioner
Through: Petitioner-in-person

versus

REGISTRAR GENERAL OF
DELHI HIGH COURT & ORS. .....Respondents
Through: Ms. Kanika Agnihotri, Mr. Vidit Pratap Singh and Ms. Khushi Anand, Advs. for DHC.
Mr. Sanjai Kumar Pathak, Ms. Shashi Pathak, Mr. Arvind Kumar Tripathi, Mr. Robin Kumar, Ms. Shweta Jayshankar Dwivedi and Ms. Smriti Singh, Advs. for R-2 & R-3
Mr. Naveen Nagarjuna, Adv. for R-5
Mr. Abhin Narula, Adv. for R-6

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT

% 06.02.2026

OM PRAKASH SHUKLA, J.

1. The present writ petition raises a grievance arising out of the Delhi Judicial Services Examination[1] of 2023, wherein the petitioner alleges unlawful interpolation and reduction of her marks at the final stage of evaluation. It is the petitioner's case that a reduction of twenty

[1] "DJSE" hereinafter

marks in Paper-I of DJSE (Mains) (Written), 2023[2] examination was effected after the initial evaluation, resulting in her candidature being declared unsuccessful. The petitioner seeks restoration of the marks originally awarded and consequential revision of the Final Result of DJSE in accordance therewith.

FACTS

2. The facts of the present case fall within a limited scope. It is borne from the record that Respondent No. 1 issued a notification dated 06.11.2023 inviting applications for appointment to the Delhi Judicial Services[3] notifying 53 vacancies (44 existing and 9 anticipated) with category-wise distribution of 34 General/Unreserved, 05 Scheduled Castes, and 14 Scheduled Tribes vacancies. The notification clarified that the number of vacancies was subject to variation and that admission at all stages of the examination was provisional. The following is the break-up of vacancies for DJS for 2023:

The category wise break up of vacancies to be filled is as under:-

Category	Break up of Vacancies		Total No. of vacancies
	Existing	Anticipated (till 31.10.2024)	
General	28	06	34
SC	02	03	05
ST	14	00	14
TOTAL	44	09	53

3. In terms of the Delhi Judicial Services Rules, 1970[4], the selection process comprises three stages: Preliminary Examination, Mains

[2] "Mains examination" hereinafter
[3] "DJS" hereinafter
[4] "Rules" hereinafter

examination, and viva voce. To qualify the Mains examination, which comprises of four Papers, a candidate must secure a minimum of 35% marks in each paper and 45% in aggregate.

4. The Mains examination was conducted on 13.04.2024 and 14.04.2024. The results were declared on 07.01.2025, pursuant to which 153 candidates, including the petitioner, were shortlisted for the viva-voce. Thereafter, by notification dated 13.08.2025, 53 candidates were recommended for appointment. The final result was declared on 04.03.2025, wherein the petitioner was placed at Serial No. 12 of the wating list (Rank No. 45 overall) with a total of 605 marks. The last selected candidate in the same category, i.e., Respondent No. 2 herein, secured 615 marks, while Respondent No. 3, placed first on the waiting list, secured 612 marks.

5. Upon being declared unsuccessful, the petitioner sought copies of her answer scripts under the Right to Information Act, 2005[5] *vide* application dated 10.04.2025. The same were furnished to her in May 2025.

6. On examining her answer script for Paper-I (Legal Knowledge and Language[6]), the petitioner noticed certain apparent alterations in the marks awarded for Question Nos. 5 and 8, as well as corresponding changes in the tabulation of marks on the front page of the answer booklet.

[5] "RTI Act" hereinafter
[6] "Paper I" hereinafter

7. Specifically, Question No. 5, marks initially awarded as 25 were overwritten and reduced to 15. Similarly, in Question No. 8, marks initially awarded as 30 were overwritten and altered to 20. These changes were mirrored in the tabulated total on the front sheet, where:

(i) The total was altered from 191 to 171;

(ii) 171 has thereafter been corrected to 169; and

(iii) The total marks in words was overwritten to read "One Hundred Sixty Nine only"

8. According to the petitioner, the correction from 171 to 169 is attributable to a minor arithmetical error. However, the deduction of twenty marks from 191 to 171 is arbitrary, unexplained, and unsupported by any recorded reasons or procedural safeguards. The petitioner's challenge is confined solely to this reduction of twenty marks, which, if restored, would materially affect her position in the merit list.

SUBMISSIONS

9. The petitioner, appearing in-person, advanced cogent submissions alleging interpolation and reduction of twenty marks in Paper I of the Mains examination, which resulted in her being placed at Rank No. 45 instead of Rank No. 13. It was contended that the alteration was not a *bona fide* correction but an afterthought with no underlying rationale.

10. It was submitted that the Mains result declared almost one year after the examination, leaving the petitioner with no means of

discovering the alterations until copies of her answer scripts were obtained under the RTI Act.

11. The petitioner asserted that the unexplained alteration of her marks, without disclosure as to whether similar changes were effected in respect of other candidates, had no intelligible differentia for "singling out" her answer script.

12. It was contended that no statutory provision or rule authorises an examiner to review, or revise marks after the aggregate has been computed and recorded on the front page of the answer booklet. Since the total of 191 marks has been recorded both in figures and in words, any subsequent alteration could only have been made *after* finalisation.

13. The petitioner submitted that Respondent No. 1 failed to disclose any material justifying such revision, rendering the action arbitrary and procedurally unfair. Reliance was placed on the decision of the Allahabad High Court in ***K.K. Wadhwani v. Sunita Singh & Ors.***[7], wherein interpolation of marks was held to vitiate the evaluation process and restoration of original marks was directed.

14. It was further urged that notwithstanding the prohibition on re-evaluation under the DJS Rules, a writ court under Article 226 of the Constitution of India retains the power to intervene where manifest arbitrariness or procedural impropriety is demonstrated. The maxim *fiat justitia ruat caelum* was invoked to submit that justice cannot be

[7] **2005 (23) LCD 548**

subordinated to administrative convenience.

15. *Per contra*, the learned Counsel for Respondent No. 1 contended that the petitioner's grievance pertains to the assessment of subjective answers, which lies within the exclusive domain of the examiner. In the absence of any allegation of *mala fide*, judicial review under Article 226 of the Constitution of India is impermissible.

16. It was argued that no rule prohibits revision of marks after totalling, provided the answer scripts have not been handed over to the examining authority. Reliance was placed on ***Nirmala Singh v. High Court of Delhi***[8] to submit that the examiner retains authority to revise marks before final submission. It was emphasised that the alterations, in the present case, were duly initialled by the examiner and were made prior to communicating them to Respondent No. 1.

17. Respondent No. 1 denied any interpolation, submitting that the term 'interpolation' itself implies *mala fide*, which is absent in the present case. It was emphasized that evaluation was anonymous and that examiner details were deliberately blurred in the RTI copies furnished to the petitioner in order to preserve confidentiality.

18. Learned Counsel submitted that out of 53 selected candidates, 51 have already joined service, including Respondent No. 3, the first wait-listed candidate. Any interference at this stage would disrupt settled appointments.

[8] **2023 SCC OnLine Del 4143**

19. The learned Counsel further submitted that in several cases, corrections to numerical totals and marks in words were carried out to the benefit of candidates. In this regard, the original answer scripts of certain candidates were produced for the Court's perusal.

20. Reliance was placed on ***Hardeep v. University of Delhi & Ors.***[9] to contend that courts should not substitute their judgment for that of the examiner in matters of subjective evaluation.

21. It was further submitted that Rule 15 of the DJS Rules expressly prohibits re-evaluation, limiting the scope of interference to re-totalling alone, as held in ***CBSE and Anr. v. Aditya Bandopadhyay and Ors.***[10]. Further reliance was placed on ***Registrar General, High Court of Delhi v. Ravinder Singh***[11], to submit that where re-evaluation is prohibited by the applicable rules, courts should intervene only if some material error exists.

22. The learned Counsel argued that the petitioner's reliance on ***K.K. Wadhwani (supra)*** was misplaced and distinguishable on facts since the identity of the examiner therein was known and the examiner had admitted an error, unlike the present case.

23. On behalf of Respondent Nos. 2 and 3, it was argued that judicial review in examination matters is narrow and does not extend to

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[9] 2024 SCC OnLine Del 3382
[10] (2011) 8 SCC 497
[11] SLP (C) No. 3144/2023

reassessment of marks in the absence of *mala fide* or bias. Appointments made in accordance with law ought not to be unsettled, particularly where appointees have altered their positions irreversibly.

24. The learned Counsel highlighted that the petitioner neither challenged the selection process nor the appointment notification dated 13.08.2025, whereby 53 judicial officers were appointed. It was further contended that having participated in the selection process without demur, the petitioner is estopped from challenging the result in the absence of demonstrable illegality.

25. It was further submitted that Respondent No. 2 joined service on 21.08.2025, while Respondent No. 3 resigned from Haryana Civil Service (Judicial Branch) to join DJS w.e.f. 22.09.2025, pursuant to the appointment notification dated 13.08.2025. It was further submitted that the petitioner did not challenge the appointment notification of Respondent Nos. 2 and 3 and therefore, cannot seek relief to the detriment of third parties. Any interference at this stage would therefore be inequitable and contrary to the settled principles governing service jurisprudence and would precipitate a ripple effect.

26. It was submitted that only four candidates secured 170 marks or above in Paper-I, while the petitioner secured 169 marks, rendering her claim of 191 marks implausible. It was also argued that her marks could have been reduced further in view of linguistic errors in her impugned answer No. 5.

27. The respondents, relying on ***Ran Vijay Singh & Ors. v. State of Uttar Pradesh & Ors.***[12], contended that where the rules prohibit re-evaluation, courts ought not to interfere and the benefit of doubt must lie with the examining authority. Placing reliance on ***Anmol Kumar Tiwari & Ors. v. State of Jharkhand & Ors.***[13] and ***Rajesh Kumar v. State of Jharkhand & Ors.***[14], it was urged that, in the absence of any allegation of fraud or *mala fides*, the appointments of Respondent Nos. 2 and 3, being innocent appointees who have altered their position, ought not to be disturbed, as they cannot be prejudiced for any error of the recruiting authority. Reliance was placed on ***Ramniklal N. Bhutta and Anr. v. State of Maharashtra and Ors.***[15] to submit that courts must balance competing equities.

28. In rebuttal, the petitioner submitted that any deficiencies in her answers ought to have been accounted for at the initial evaluation stage. No justification was offered for reduction of marks in Question No. 8. It was emphasized that successive alterations, first in individual questions, then in the aggregate, and finally in the marks written in words, cannot be characterized as correction made "at the first blush".

29. The petitioner further relied on the interim order dated 17.09.2025, whereby the appointment of Respondent No. 3 was made subject to the outcome of the present petition and contended that no vested rights had accrued when the petition was instituted.

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[12] **(2018) 2 SCC 357**
[13] **(2021) 5 SCC 424**
[14] **2025 INSC 1146; SLP(C) No. 21752 of 2024**
[15] **(1997) 1 SCC 134**

30. It was lastly submitted that the petitioner's challenge is directed not at a re-evaluation but at the decision-making process leading to the alteration of marks. The writ court, it was argued, is duty bound to scrutinize such process for arbitrariness, procedural impropriety, or irrationality, even while refraining from substituting its own assessment on merits.

FINDINGS AND ANALYSIS

31. We have heard the petitioner-in-person and the learned Counsel for the Respondents at length and carefully considered the rival submissions. For the reasons that follow, we are unable to grant relief to the petitioner.

32. The petitioner's principal grievance is the alleged arbitrary reduction of twenty marks in Paper-I, which, according to her, adversely impacted her merit position. Her contention rests on the premise that once the aggregate marks are totalled and recorded in figures and words on the front page of the answer booklet, the examiner is *functus officio* and lacks authority to alter the same. The respondents, on the other hand, submit that the allegation is speculative, that the revision of marks lies within the examiner's discretion so long as it occurs prior to submission of the answer scripts to the examining authority, and that judicial review is impermissible in the absence of *mala fide*, bias, or fraud. It was further contended that re-valuation is expressly barred under the DJS Rules and interference would unsettle concluded appointments.

33. The core issue that thus arises is whether the change of marks in the petitioner's answer script constitutes impermissible arbitrariness warranting interference under Article 226 of the Constitution of India. Ancillary to this is the question regarding the effect of any such interference on the appointments already made.

34. At the outset, we find merit in the submission of Respondent No. 1 that the expression "interpolation" carries an imputation of *mala fide*. In the present case, the petitioner has neither pleaded nor established *mala fide*, bias, or extraneous considerations against the examiner. In the absence thereof, the use of such terminology is unwarranted.

35. It is a settled principle of law that courts must exercise restraint in academic matters and refrain from substituting their own assessment for that of expert examiners. This position has been consistently affirmed by the Supreme Court, *inter alia*, in ***Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth***[16] and ***CBSE v. Khushboo Shrivastava***[17].

36. Applying the aforesaid principles, we are of the considered view that the prayer for restoration of the original marks cannot be acceded to for two fundamental reasons. First, in the absence of any allegations of *mala fide*, bias, or fraud, the examiner's discretion in the evaluative process cannot be questioned. Secondly, the answers in Question Nos. 5 and 8 are admittedly subjective. Evaluation of such answers necessarily involves academic judgment, and there exists no objective

[16] **(1984) 4 SCC 27**
[17] **(2014) 14 SCC 523**

or infallible standard by which the Court can determine whether the initial or revised marks were correct. Any attempt by the Court to do so would amount to substituting its own opinion for that of the examiner, which is impermissible.

37. The petitioner contended that while errors were circled by the examiner in Question No. 5, no such markings appear in Question No. 8 to justify the reduction in marks. This submission is untenable. The questions in issue are purely subjective, requiring qualitative assessment based on the examiner's academic judgment. There exists no objective or uniform benchmark by which the correctness of the original or revised marks can be judicially ascertained. Any attempt at re-evaluation would necessarily substitute one subjective opinion with another, a course of action impermissible in law. The Court itself cannot undertake such an exercise, nor can it legitimately appoint another examiner in the absence of statutory sanction.

38. The petitioner's reliance on ***K.K. Wadhwani (supra)*** is misplaced since the said decision was rendered in a factual matrix involving established tampering, admitted oversight, and lack of anonymity of the examiner, thereby enabling allegations of bias and *mala fide*. No such circumstances exist in the present case.

39. Notwithstanding the above, a writ court, being a court of equity, is empowered to mould relief in appropriate cases. Therefore, even while declining the prayer for restoration of marks, it becomes necessary to examine whether a direction for re-evaluation of the impugned answers can be issued.

40. The Appendix to Rule 15 of the DJS Rules, which prescribes the scheme of examination, expressly prohibits re-evaluation, as follows:

> *"**D. GENERAL***
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> ***
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> *3. There shall be no re-evaluation of answer sheets in respect of Preliminary Examination and Mains Examination (Written). No request for re-evaluation of answer sheets shall be entertained and the same shall be liable to be rejected without any notice to the candidates."*

41. The scope of judicial review in such circumstances has been authoritatively delineated by the Supreme Court in ***Ran Vijay Singh (supra)*** as follows:

> *"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;*
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> ***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**;*
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> ***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*
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> ***30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.**"*
>
> *(emphasis supplied)*

42. The right of an examinee to seek re-evaluation is not inherent; it is governed by the applicable statutory rules. Where the rules expressly

prohibit re-evaluation, courts may interfere only in rare and exceptional cases involving demonstrable material error or manifest arbitrariness, as reiterated in ***Paritosh Bhupeshkumar Sheth (supra)***, ***Ran Vijay Singh (supra), Monika v. High Court of Delhi***[18], ***Mayank Garg v. High Court of Delhi***[19]**,** and ***Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission***[20]. Although the latter decision pertains to a situation where the applicable rules are silent, the pragmatic considerations therein squarely apply in the present petition. While setting aside the decision of the Single Judge directing re-evaluation, the Court observed as follows:

> *"8. Adopting such a course as was done by the learned Single Judge will give rise to practical problems. Many candidates may like to take a chance and pray for re-evaluation of their answer-books. Naturally, the Court will pass orders on different dates as and when writ petitions are filed. The Commission will have to then send the copies of individual candidates to examiners for re-evaluation which is bound to take time. The examination conducted by the Commission being a competitive examination, the declaration of final result will thus be unduly delayed and the vacancies will remain unfilled for a long time. What will happen if a candidate secures lesser marks in re-evaluation? He may come forward with a plea that the marks as originally awarded to him may be taken into consideration. The absence of clear rules on the subject may throw many problems and in the larger interest, they must be avoided."*

43. A co-ordinate Bench of this Court in ***Nirmala Singh (supra)***, further clarified that an examiner is entitled to correct or re-evaluate marks "at the first blush". The co-ordinate Bench of this Court, while dismissing the petition, held as follows:

> *"18. In any event, it is open to the examiner to change and/or modify the marks awarded at* ***first blush to an examinee****. In the present*

[18] **2024 SCC OnLine Del 994**
[19] **(2022) 5 HCC (Del) 483**
[20] **(2004) 6 SCC 714**

*instance, **the revision in the marks had been done by the examiner before furnishing of the answer sheet to the examination body**."*
(emphasis supplied)

44. It was opined that if alterations are made before the answer scripts are submitted to the examining authority, the same would not give rise to any cause of action in favour of the examinee. The expression "first blush", as employed in ***Nirmala Singh (supra)***, cannot be construed narrowly so as to denude the examiner of the authority to correct or revisit marks while the evaluation process is still ongoing. To hold that marks become immutable merely upon being tabulated on the front page would impose an artificial and impractical constraint on academic evaluation, contrary to ground realities and settled law. Such an interpretation would unduly intrude upon the examiner's discretion and expertise and is expressly cautioned against in ***Paritosh Bhupeshkumar Sheth (supra)***. Thus, since the revisions in the present case were made while the answer scripts remained within the exclusive domain of the examiner, i.e., before communicating the results to Respondent No. 1, the same are legally permissible.

45. Further, since the Appendix to Rule 15 of the DJS Rules unequivocally proscribes re-evaluation, the sole question that survives is whether the present case discloses any material error or exceptional circumstance warranting departure from this statutory embargo.

46. We find that the marks initially awarded to individual answers and reflected in the aggregate were subsequently changed, does not, by itself, establish arbitrariness or illegality, particularly where such revisions were made prior to finalization of results and in the absence

of any allegation of *mala fide* or bias. The petitioner's assertion that the reduction was effected only to lower her aggregate remains conjectural and unsupported by material evidence.

47. The abovementioned position is also strengthened by the fact that petitioner has failed to establish any material error, illegality, or extraneous circumstance warranting re-evaluation despite the express prohibition.

48. The petitioner is also precluded by the doctrine of estoppel. The Supreme Court has consistently held that a candidate who voluntarily participates in a selection process with full knowledge of the applicable rules cannot, upon being declared unsuccessful, turn around to challenge the procedure or outcome. This principle has been reiterated in ***Ashok Kumar v. State of Bihar***[21], ***Chandra Prakash Tiwari v. Shakuntala Shukla***[22], ***Union of India v. S. Vinodh Kumar***[23], ***Munindra Kumar v. Rajiv Govil***[24], ***Rashmi Mishra v. M.P. Public Service Commission***[25], ***Madan Lal v. State of J&K***[26] and ***Monika v. High Court of Delhi***[27].

49. Further, Respondent Nos. 2 and 3 were impleaded in the present writ petition in view of the potential impact of any relief granted to the petitioner. Respondent No. 2 was the last selected candidate in the General category, while Respondent No. 3 was placed at Serial No. 1

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[21] **(2017) 4 SCC 357**
[22] **(2002) 6 SCC 127**
[23] **(2007) 8 SCC 100**
[24] **(1991) 3 SCC 368**
[25] **(2006) 12 SCC 724**
[26] **(1995) 3 SCC 486**
[27] **(2024) SCC OnLine Del 994**

of the waiting list; the petitioner stood at Serial No. 12 in the waiting list. Both respondents were recommended for appointment pursuant to the notification dated 13.08.2025 issued under Rule 18 of the DJS Rules. Significantly, the said appointment notification was never challenged by the petitioner.

50. The Supreme Court, in ***Anmol Kumar Tiwari (supra), Rajesh Kumar (supra)*** and ***Vikas Pratap Singh v. State of Chhattisgarh***[28], has adopted a pragmatic and equitable approach, holding that where appointments are made without any fraud or misrepresentation on the part of the appointees, such appointments ought not to be disturbed merely due to errors attributable to the examining authority. This Court itself is in respectful agreement with the aforesaid line of reasoning.

51. In the present case, there are no allegations of fraud, misrepresentation, bias, or procedural illegality against these respondents, nor is any infirmity discernible in their appointments.

52. It was brought to the notice of this Court that similar changes were carried out in other answer scripts, including revisions beneficial to the candidates. Any direction for re-evaluation would necessarily require extending such exercise to all similarly placed candidates to maintain parity, thereby disturbing concluded selections and disrupting *inter se* seniority. Such uncertainty in public appointments is antithetical to the principles of fairness, administrative stability and predictability. Judicial interference in such circumstances would open

[28] **(2013) 14 SCC 494**

floodgates, leading to cascading consequences and rendering the process unworkable. Courts must therefore exercise restraint and accord due latitude to examining authorities in the regulation of academic and evaluating matters.

53. The guiding principle articulated in ***Ran Vijay Singh (supra)*** merits reiteration, sympathy cannot govern the examination process. While individual grievances may arise, redressal must be balanced against the larger imperative of preserving fairness, stability, and integrity of the selection system.

54. The petitioner's grievance, though genuine, pertains to alteration of marks in subjective answers. Any re-evaluation could result in an increase, decrease, or retention of marks. However, in view of the express bar on re-evaluation, the subjective nature of the assessment, and the absence of any material error or exceptional circumstance, judicial interference is unwarranted.

55. Thus, tested on the anvil of the aforesaid precedents, the petitioner's case does not meet the threshold required to warrant judicial interference. The petitioner has not challenged the validity of the rule prohibiting re-evaluation. Her grievance is confined to the reduction of marks from 191 to 171 in Paper-I, while accepting the subsequent correction from 171 to 169 as an arithmetical adjustment.

56. According to us, directing re-evaluation in the absence of any substantiated allegation of *mala fide* or material illegality would risk causing manifest injustice to other candidates who have been duly

selected. The petitioner has, therefore, failed to meet the threshold required for judicial intervention.

57. Consequently, this Court finds no justification to restore the alleged original marks or to direct re-evaluation of the impugned answers, having due regard to the autonomy of the examiner and the settled limits of judicial review.

58. As a sequel to the aforesaid, the present writ petition as being without any merits, is dismissed accordingly. Pending applications, if any, stand disposed of.

59. There shall be no order as to costs.

OM PRAKASH SHUKLA, J

C.HARI SHANKAR, J

FEBRUARY 06, 2026/*AT*