



2026:DHC:8928-DB



\$~43

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% **Date of decision: 08.10.2026**# **CNR No. DLHC010450792026**+ **W.P.(C) 13889/2026 & CM APPL. 64938/2026****RAVI KUMAR BHASKAR**PetitionerThrough: **Dr. Mithlesh Kumar, Mr.
Prakash Kumar Singh and Mr.
Gulab Chandra Yadav, Advs.**

versus

HIGH COURT OF DELHI AND ANRRespondentsThrough: **Dr. Amit George, Mr. Arnav
Bhansali and Mr. Vaibhav
Gandhi, Advs.****CORAM:****HON'BLE MR. JUSTICE AVNEESH JHINGAN****HON'BLE MR. JUSTICE ARUN BHARDWAJ****AVNEESH JHINGAN, J. (ORAL)**

1. This petition is filed challenging the question nos. 8 and 51 of question paper series 'D' of Delhi Higher Judicial Service preliminary exam, 2026 (for short 'DHJS exam') held on 26.07.2026. Further prayer is for recalculation/re-computation of marks of the petitioner after deletion of the question nos. 8 and 51.

2. The brief facts are that on 01.07.2026, a notification for DHJS exam was issued inviting applications for the post of District Judge (Entry Level). The petitioner applied and appeared in the preliminary examination held on 26.07.2026. The model answer key was made public on 28.07.2026 and the affected parties were given time of three



2026:DHC:8928-DB



days to raise objections.

2.1 The petitioner chose not to raise objections but the two questions in issue were objected to by other candidates. An expert committee was constituted to consider the objections and submitted the recommendations which were accepted by the committee of this court in a meeting held on 12.08.2026. Consequent to the recommendations of the expert committee, eleven questions were deleted and the objections to the two questions involved in the present petition were rejected.

2.2 The result was declared on 14.08.2026 and the mains examination (Written) for the eligible candidates was fixed for 12.09.2026/13.09.2026 but was deferred to 10.10.2026/11.10.2026 due to the ongoing BRICS Summit.

3. Learned counsel for the petitioner contends that the answers to the two questions in challenge are contrary to the settled law. The contention is that *vis-à-vis* question no. 8, the word used in Section 59 of the Indian Succession Act, 1925 is 'unsound mind' but the level of intoxication would be a matter to be considered to determine the soundness of mind. With regard to question no. 51, the grievance is that the effect of postal rules was considered while framing the options to the question and for determining the correct option.

4. *Per contra*, a preliminary issue of maintainability of the petition was raised. It is contended that the petitioner chose not to raise objections and there was no request made for extending the time for filing the objections. The petitioner waited for the result to be declared and on being unsuccessful filed the present petition. Reliance is on the



2026:DHC:8928-DB



decision of the Supreme Court in *Uttar Pradesh Subordinate Service Selection Commission v. Ashok Yadav & Ors.* 2026 SCC OnLine SC 1893 to contend that the challenge be rejected for failure of the petitioner to follow the procedure prescribed to raise objections to the answers within the stipulated time.

4.1 Reliance is upon the decision by the Division Bench of this Court in *Salil Maheshwari v. High Court of Delhi & Anr.* 2014 SCC OnLine Del 4563. The relevant para is reproduced below:

“7. This Court is of the opinion that the petitioner cannot be heard to challenge the answer key to a particular question, after having discovered that he was awarded no marks for his response, it being at variance with the answer key. Here, the last date for communicating objections was 23-6-2014, and the respondent released its response to the objections on 2-7-2014. The results were only published on 8-7-2014. It appears that the petitioner did not think it necessary to object to this question before the deadline for objections, but only sought to object after the results were published on 8-7-2014 by way of this petition filed on 1-8-2014. This Court finds that the petitioner was therefore estopped from raising a challenge at this belated stage, since a challenge cannot be advanced against a selection process only after the candidate has discovered his or her unsuccessful performance in the process. See Dhananjay Malik v. State of Uttaranchal, (2008) 4 SCC 171 and Madan Lal v. State of J&K, (1995) 3 SCC 486. Consequently, no findings will be recorded in regard to this question.”

(emphasis supplied)

4.2 However, with utmost fairness learned counsel for the respondent submits that the decision in *Salil Maheshwari* (supra) was distinguished by another decision of the Division Bench of this Court in *Shruti Katiyar v. Registrar General, Delhi High Court*



2024:DHC:1437-DB. The relevant para is reproduced below:

“7. As indicated above, although it is not in dispute that the petitioner had not preferred objection concerning the question in issue i.e., question no. 54 in 'Booklet A', there were other candidates who had lodged an objection qua the same with the respondent. Therefore, in our view, the preliminary objection taken by Dr. George loses its efficacy as a relief given to any candidate would inure ordinarily in favour of all the candidates.

The objections, in a sense, attain universality, once taken by any candidate. The purpose of affording candidates the opportunity to lodge objections is salutary as it allows the respondent to take corrective measures in the larger interest of candidates and move away from a possible unfair result.”

4.3 The contention is that the principle laid down in *Salil Maheshwari* (supra) is in consonance with the latest decision of the Supreme Court in *Uttar Pradesh Subordinate Service Selection Commission v. Ashok Yadav & Ors.* (supra).

5. The questions in challenge in Question Paper Series ‘D’ are reproduced below:

“8. A Will executed by a person while in a state of intoxication, as per the provisions of the Indian Succession Act, 1925, is:

- (1) Valid if attested by two witnesses.
- (2) Voidable at the option of the testator upon recovery from intoxication.
- (3) Void ab initio.
- (4) Valid if subsequently ratified by the testator when in an unintoxicated state.”



2026:DHC:8928-DB



“51. A posted an offer to B on January 1. B received it on January 2 and immediately posted his acceptance. A received the acceptance on January 5. However, A sent a revocation letter on January 3, which B received on January 4. Whether the contract was formed? And if yes, when?”

(1) The contract was never formed because revocation reached B before B posted acceptance.

(2) The contract was formed on January 2, when B received the offer.

(3) The contract was formed on January 5, when A received the acceptance.

(4) The contract was formed on January 2, when B decided to accept (before revocation).”

6. The scope of interference in an examination matter is limited and well defined. The mistake should be so glaring that it should need no inferences to be drawn or support of reasoning to reveal a mistake. It is trite law that there is a presumption attached to the correctness of the question and answer and in case of a doubt, the benefit goes to the examining body.

7. The challenge posed to the questions and the contentions raised to fortify it are based upon analysis and inferences. For illustration, the argument raised *vis-à-vis* question no. 8 is that it would be a matter of evidence to establish the level of intoxication to determine whether the testator was of sound mind or not.

8. Be that as it may, even assuming this court is in agreement with the petitioner on correct option of answer but shall not substitute its



2026:DHC:8928-DB



opinion for the decision taken by the expert committee constituted for dealing with the objections raised *vis-à-vis* question no. 8 and 51 of series 'D'.

9. The record produced by the counsel for the respondent has been perused for satisfying that the procedure as prescribed was duly followed for inviting the objections and dealing with them. Not only this, the recommendations were put before the committee constituted by this court which after deliberation accepted the recommendations of the committee and gave the consequential effects.

10. The matter needs to be considered from another angle. The contention of the learned counsel for the respondent that the petitioner was a fence-sitter and filed this writ petition at a belated stage deserves acceptance and is a good ground for this court not to exercise the extraordinary writ jurisdiction.

11. The timeline is significant considering the preparations required at each stage for conducting such examinations. The preliminary examination was held on 26.07.2026 and without any delay on 28.07.2026, the model answer key was made public. The candidates were given time to raise objections and the objections received were considered by the expert committee.

12. The committee of this court in a meeting held on 12.08.2026 accepted the recommendations of the committee and deleted eleven questions. Till that day, the petitioner had no grievance against these two questions. On declaration of result on 14.08.2026, having failed to meet the cut off percentage by 0.25% the petitioner took another twenty-five days for filing this writ petition and that too knowing that



2026:DHC:8928-DB



the mains examination was fixed for 12.09.2026/13.09.2026.

13. The petitioner not only failed to raise objections as per the prescribed procedure within the specified time and even filed this petition at a belated stage near to the earlier date fixed for the mains examination.

14. It would be apposite to quote the relevant paragraph from ***Uttar Pradesh Subordinate Service Selection Commission v. Ashok Yadav & Ors.*** (supra):

“22. The legal position that emerges from the aforesaid decision(s) is that a challenge to the correctness of answer key must be entertained only where the mistake is so glaring and apparent that no inferential process or reasoning is required to show that the mistake exists.

Besides, while considering a challenge to the correctness of a question or an answer, the court must bear in mind that there is a presumption about the correctness of the question/answer, and the onus is on the candidate to demonstrate that it is incorrect. Further, in the event of a mere doubt about the correctness of the question or the answer, the benefit should go to the examining body and not to the candidate.

However, where it is demonstrated that the question itself is incorrect, or there could be two correct answers to the question when only one is to be chosen from the options provided, the Court may interfere and order exclusion of the suspect or offending question from evaluation. In a situation where the question is correct and is admissible to only one answer and that answer is amongst the options provided but is not the one chosen by the examining body, the Court may direct the examining body to award marks only for the correct answer and revise the result accordingly. While entertaining a petition in such matters, courts must be strict in condoning laches, if any, having regard to the ensuing consequences.



2026:DHC:8928-DB



Besides, the court may reject a challenge if the procedure prescribed to raise objection(s) to the question/answer, within a specified time frame, is not followed.”

(emphasis supplied)

15. The decision of the Division Bench of this court in *Salil Maheshwari* (supra) though distinguished in *Shruti Katiyar* (supra) would still be applicable in all four corners to the facts of this case. In that case the petitioner had not raised the objections within the stipulated time and the challenge was made after the petitioner was unsuccessful in qualifying. It was held that the challenge at the belated stage cannot be entertained. Similar are the facts in the present case.

16. No case is made out for interference in writ jurisdiction. The petition is dismissed.

17. Pending application stands disposed of.

AVNEESH JHINGAN, J

ARUN BHARDWAJ, J

OCTOBER 8, 2026/PT/Ch

Reportable: Yes