



2025:DHC:5189-DB



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

*Reserved on: 19 February 2025*

*Pronounced on: 3 July 2025*

+ W.P.(C) 10887/2024 & CM APPL. 44872/2024

PRANAV PANDEY

.....Petitioner

Through: Mr. Sandeep S. Tiwari and  
Mr. Nikhil Joshi, Advs.

versus

UNION PUBLIC SERVICE COMMISSION .....Respondent

Through: Mr. Ravinder Agarwal and  
Mr. Manish Kumar Singh, Advs. for R-1

**CORAM:**

**HON'BLE MR. JUSTICE C. HARI SHANKAR**

**HON'BLE MR. JUSTICE AJAY DIGPAUL**

**JUDGMENT**

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**03.07.2025**

**C. HARI SHANKAR, J.**

1. Pranav Pandey, the Applicant in OA 799/2024, preferred before the Central Administrative Tribunal<sup>1</sup> has approached this Court under Article 226 of the Constitution of India, challenging judgment dated 21 March 2024, whereby the Tribunal has dismissed the OA.

**The OA**

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<sup>1</sup> "the Tribunal" hereinafter



2. The Civil Services Examination<sup>2</sup>, conducted by the Union Public Service Commission<sup>3</sup> for entrance into various civil services under the Government of India, consists of written examinations followed by a Personality Test/Interview. The preliminary examination consists of two papers, i.e. Paper I and Paper II. Each Paper carries 200 marks. Paper I relates to General Studies. Paper II is supposed to test the aptitude of the candidate and is, therefore, also referred to as the Civil Services Aptitude Test<sup>4</sup>. The CSAT is qualifying in nature. In order to qualify for further consideration for selection, a candidate is required to score at least 33% marks in the CSAT.

3. The petitioner was an aspirant for the Civil Services and, therefore, underwent the CSE 2023. He was not successful in getting selected for recruitment to the Civil Services. He, thereupon, instituted OA 799/2024, challenging the question papers for both Paper I and Paper II (CSAT). He prayed, in the OA, that the UPSC be directed to conduct a re-examination or allow a compensatory attempt to all candidates, and also to have the questions in Paper I and Paper II, with which he was aggrieved, examined by an expert.

4. By judgment dated 21 March 2024, the Tribunal has dismissed the OA. In doing so, the Tribunal has followed its own earlier decision in *Siddharth Mishra v UPSC*<sup>5</sup>.

### **The impugned judgment**

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<sup>2</sup> "CSE" hereinafter

<sup>3</sup> UPSC

<sup>4</sup> "CSAT" hereinafter

<sup>5</sup> Judgment dated 3 August 2023 in OA 1782/2023



5. A reading of the impugned judgment reveals that exception was taken, by the petitioner, during arguments before the Tribunal, only to Paper II, i.e., the CSAT. It was submitted that, for arithmetic/mathematics, the paper was, as per syllabus, required to be of Class X level, whereas questions had been asked with respect to permutations and combinations, which were not taught in Class X and which were generally asked for evaluating the calibre of candidates for admission to higher engineering institutions. The petitioner, therefore, suggested before the Tribunal, that the respondent be directed to conduct re-exam or allow compensatory attempt.

6. As against this, the respondent reiterated the contentions made in *Siddharth Mishra* before the Tribunal, that the question paper had been set up by a committee of experts, whose wisdom and knowledge could not be questioned in judicial review. It was further pointed out that, though the CSE 2023 had been undertaken by more than six lakh candidates, only 14 candidates had a grievance regarding the questions in Paper II. Moreover, it was submitted that, having participated in the selection process, and failed to make the grade, the petitioner was estopped from challenging the questions. Of course, the request for reducing the cut-off marks from 33% to 23% was categorically refuted by submitting that the cut-off marks could not be reduced just to suit the petitioner.

7. The Tribunal noted that most of the judicial authorities, cited by the petitioner, involved cases in which the Court found glaring errors in the question paper, *vis-a-vis* the answers suggested by the paper



setter. This, notes the Tribunal, is not one such case. The Tribunal has also noted that, having consciously participated in the selection process and undertaken the CSE, the petitioner, having failed to qualify, could not challenge the examination process. It was emphasized that there was no violation of any statutory or binding rules or instructions in the question papers or the questions contained therein.

8. The Tribunal has further observed that it was not possessed either of the wherewithal or the authority to examine whether the questions in Paper II were within, or outside, the syllabus. For all these reasons, the Tribunal has dismissed the OA as devoid of merit.

9. Aggrieved thereby, the petitioner has instituted the present writ petition before us.

### **Submissions and Analysis**

10. We have heard Mr. Sandeep S. Tiwari, learned Counsel for the petitioner and Mr. Ravinder Agrawal, learned Counsel for the UPSC, at length.

11. Though a reading of the impugned judgment passed by the Tribunal indicates that the case was argued by the petitioner, before the Tribunal, only with respect to Paper II, on the ground that some of the questions in Paper II were out of syllabus, Mr. Tiwari has, before us, raised grievances with respect to Paper I as well. Though there is



actually no reason why we should entertain any challenge to Paper I, when no such ground was argued before the Tribunal, we have, nonetheless, done so, as it is the future of a candidate which hangs in the balance.

**12.** With respect to Paper I, the basis of challenge, as raised in the present writ petition and as argued before us by Mr. Sandeep S. Tiwari, is truly surprising.

**13.** Ordinarily, challenges to question papers, or to model answer keys, fall into two categories.

**14.** One category is of those cases in which the suggested answer is challenged as being incorrect. A sub-category of this first category, is of cases in which it is argued that there are more than one correct answer to a question. In the case of either of these challenges, the task that falls on the Court is to peruse the question and the suggested correct answers and satisfy itself that the answer which is regarded by the respondent as correct is in fact the correct answer. Of course, the Court has to deal with such cases with some degree of circumspection. Where the candidate has raised the grievance before the paper setting authorities, prior to approaching the Court, and the matter has been referred to experts or to the person, who set the question paper, who has justified the suggested answer, the Court must read with caution. It is only where the suggested answer is palpably not the correct one, or where there are, equally palpably, more than one correct answer to a question, that the Court has the jurisdiction to interfere. Even in such



cases, the Court must be satisfied beyond any doubt, that the question and the suggested answers are unacceptable, as the suggested answer as either incorrect, or it is not the only correct answer. If a clear case in that regard is made out, the Court has to grant relief, and cannot then hide behind the cloak of circumspection. Where there is some degree of ambiguity, or whether it is not possible to say with certainty that the suggested correct answer is not the actual correct answer, the Court would not substitute its subjective view for the view of the examiners or the persons who had set question paper. In that event, the Court must defer to their wisdom as the wisdom of experts.

15. The second category of cases, which come before the Court, are those in which it is argued that the questions are out of syllabus. In the present case, this challenge has also been raised by the petitioner, but with respect to Paper II. We will deal with that challenge at the appropriate stage.

#### Re. challenge to Paper I

16. Insofar as the challenge to the questions in Paper I are concerned, however, the challenge is *sui generis*. We have never come across any other case in which such a challenge has been raised.

17. An example of one of the questions with respect to which the petitioner has challenged Paper I may, for ready reference, be provided thus, as extracted from the synopsis filed with the present writ petition, so as to understand the challenge:



“For instance, Q. 35 of Paper I UPSC CSE 2023 as given in the paper is as follows.

“Consider the following organizations/bodies in India:

1. The National Commission for Backward Classes.
2. The National Human Rights Commission.
3. The National Law Commission.
4. The National Consumer Disputes Redressal Commission.

How many of the above are constitutional bodies?

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All four.

In this question, 4 statements are given, out of which statement 1 is correct, but in the answer options, they have asked how many of the above are constitutional bodies?  
Answer options are:

- (a) Only one
- (b) Only two
- (c) Only three.
- (d) All four.

*The problem in this pattern is that neither the knowledge of the aspirants is being properly tested (as they have not asked specifically which statement is correct) nor it is providing level playing field to the aspirants. Example in this question one who finds statement 2 correct will also mark option A as correct, which is factually wrong and one who actually knows the correct answer (Which is statement 1), he will also get 2 marks by marking answer as option A. In this way the person who marked the answer through guesswork also scored equal to the candidate, who actually had the correct information.”*

(Emphasis supplied)



18. Other such similar examples have also been cited by the petitioner, but the aforesaid example would suffice.

19. Thus, the petitioner's contention with respect to the questions in Paper I, are that they have not been so formulated as to effectively challenge the aptitude of the students. Alternatively, Mr. Tiwari, argues that as the question stands framed, it is quite possible that a student who does not know the correct answer and a student who knows the correct answer would both be marked for the question. For example, with respect to Question 35 *supra*, the only constitutional body among the four bodies named in the question is the National Commission for Backward Classes<sup>6</sup>, i.e. Option 1. As, of the four bodies named in the question, only one is a constitutional body, the correct option to be ticked amongst the suggested answers, would be option (a), which envisages only one of the four bodies named being a constitutional body.

20. Mr. Tiwari's submission is that a candidate who knows, correctly, that NCBC is the only constitutional body of the four provided constitutional bodies, and one who incorrectly believes that one of the other three bodies is a Constitutional Body, like for example, the NHRC, would both tick option (a) as, in each case, the candidate believes only one of the four bodies named to be a constitutional body. Both candidates would, therefore, be awarded full marks for the question, though the first candidate is aware that the NCBC is the only constitutional body of the four bodies named, and

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<sup>6</sup> Under Article 338B of the Constitution of India



2025:DHC:5189-DB



the second candidate is not. Thus, a candidate who does not know the correct answer and the candidate who knows the correct answer would get the same marks. According to Mr. Tiwari, this is incongruous and illegal.

**21.** If Mr. Tiwari's submission is to be accepted, it would mean that no question could ever be set, in any paper, providing for alternate options and asking the candidate to identify the number of correct options, among those provided. In each case, the question must require the candidate to identify the *actual correct option/options*, rather than the *number of options* which are correct.

**22.** It is neither the province of the counsel, nor the province of the Court, to suggest how questions should be framed in a question paper.

**23.** Mr. Tiwari's submission, with respect to Question 35 in Paper I *supra*, is that the authorities who framed the question paper should, instead of asking the question as it was asked, have queried as to which of the four of the suggestion options was correct and, thereafter, given a choice between Option (a), Option (b), Option (c) and Option (d). In that event, it is only the candidate who knew that Option (a) i.e. NCBC was the correct answer, who would obtain marks for the question.

**24.** It was wrong, therefore, of the paper-setter to have required the candidate to identify the *number of correct options*, among the options provided. The candidate ought to have been asked to identify the



*actual correct option or options.* This would have clearly satisfied the petitioner.

**25.** That, however, cannot be a ground for the Court to hold that the person who set the question paper must necessarily, in every case where choice of options is provided, ask the answering candidate to identify the correct option. It is equally open to the paper setter, instead, to require the candidate to identify the *number* of correct options among the options provided, as in the present case. The mere fact that, in the latter case, all candidates who answer by stating that only one of the suggested options is correct, would be equal marked, irrespective of whether they knew which the correct option was, is no ground for the Court to strike down the question.

**26.** The question is unambiguous. It has only one correct answer, i.e. answer (a). There is, therefore, no possibility of two suggested answers being correct, so as to create any confusion.

**27.** If the petitioner's argument is accepted, it would mean that exam setters would forever be proscribed from providing options and calling upon the candidate to answer as to the number of correct options which have been provided.

**28.** The challenge with respect to all the questions in Paper I are identical.



29. We, therefore, find no substance in the challenge raised by the petitioner in so far as Paper I is concerned. A Court cannot even suggest, much less interfere with, *the manner in which questions are framed in a question paper*, so long as there is no ambiguity in the question or the answers provided.

### Re. Challenge to Paper II

30. The challenge to the questions in Paper II, is different. Here the petitioner seeks to contend that Question numbers 19 and 26 were out of the syllabus.

31. The syllabus for Paper II in the CSE 2023 reads thus:

“Part B- *Preliminary Examination Paper II-(200 marks)*

- Comprehension.
- Interpersonal skills including communication skills.
- Logical reasoning and analytical ability.
- Decision making and problem solving.
- General mental ability.
- Basic numeracy (numbers and their relations, orders of magnitude etc.) (Class X level). Data interpretation (charts, graphs, tables, data sufficiency etc.) (Class X level).”

32. Mr. Tiwari contends that Question Nos 19 and 26 as contained in Paper II of the CSE 2023 are out of syllabus. Though it was averred that ten questions were out of syllabus, the details of the ten questions are not forthcoming in the writ petition, which reproduces only two



questions. These questions may, for ready reference, be reproduced thus:

“19. How many distinct 8- digit numbers can be formed by rearranging the digits of the number 11223344 such that odd digits occupy odd positions and even digits occupy even positions?

- (a) 12
- (b) 18
- (c) 36
- (d) 72”

26. There are four letters and four envelopes and exactly one letter is to be put in exactly one envelope with the correct address. If the letters are randomly inserted into the envelopes, then consider the following statements:

- 1. It is possible that exactly one letter goes into an incorrect envelope.
- 2. There are only six ways in which only two letters can go into the correct envelopes.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2.”

**33.** Having heard Mr. Tiwari and perused the aforesaid questions, we find no reason to entertain the petitioner’s challenge. There is no real empirical comparison made by the petitioner between the questions under challenge and the scope of the syllabus prescribed for Paper II. The only contention urged before us by Mr. Tiwari is that these questions are also to be found in text books on the basis of which examinations such as the Joint Entrance Examination (JEE) for entrance into the Indian Institutes of Technology and other such examinations were conducted, or in other specialized text books for studies at higher level. It is submitted that persons who attempts the



CSE 2023 and who are not possessed of all relevant resources, would not be in a position to answer the question paper. To understand the nature of challenge raised by the petitioner, we may reproduce the following paragraphs from the synopsis filed with the writ petition:

“If we bring our attention to Q. no. 26 of CSAT Paper - 2, which is as under:

“There are four letters and four envelopes and exactly one letter is to be put in exactly one envelope with the correct address. If the letters are randomly inserted into the envelopes, then consider the following statements:

1. It is possible that exactly one letter goes into an incorrect envelope.
2. There are only six ways in which only two letters can go into the correct envelopes.

Which of the statements given above is/are correct?

- (a) 1 only
- (b) 2 only
- (c) Both 1 and 2
- (d) Neither 1 nor 2.”

This question is of graduation level (B.Sc. third year) not of class X level as mentioned in the notification of UPSC civil services exam 2023(Page 31).

*The question from the book, "Statistical Methods", Publisher Shree Shiksha Sahitya Prakashan, first edition, 2019-20, B. Sc. Third year, Example - 11, Page no. - 191, is given as under: -*

*Example 11. A person writes 4 letters and addresses 4 envelopes. If the letters are placed in the envelopes at random, what is the probability that all letters are not placed in the right envelopes?*

*So, it is a clear violation of the syllabus given by the commission.”  
(Emphasis supplied)*



**34.** We have seen the questions under challenge *vis-à-vis* the syllabus prescribed. We do not find ourselves in a position to categorically hold that the questions are out of syllabus. The mere fact that some questions may also figure in text books for higher classes or at higher level study text books, or be asked in other competitive examinations, does not definitely indicate that the questions are out of syllabus.

**35.** The exercise that a petitioner who desires to successfully plead that questions in a question paper are out of syllabus, is required to undertake, is formidable. If, of course, there are questions which are grossly out of the prescribed syllabus, the task may be easier. One may, for example, consider a situation in which questions on calculus are asked in a case where the prescribed syllabus is of Class V or Class VI standard. Short of gross cases, however, the petitioner would have to precisely identify the exact scope of the syllabus, if that is possible at all. If it is not possible to do so, the challenge must normally fail.

**36.** If a precise delineation of the contours of the prescribed syllabus is possible, or provided in the notification of advertisement notifying the examination or selection, the position may be different. In a case such as the present, however, where the syllabus merely says that the subject would be of “Class X level”, it would be very difficult for a Court to pronounce on whether a particular question does, or does not, conform to the syllabus. There are syllabi and syllabi. No



hard and fast rule, regarding the nature or level of questions which would conform to the “Class X level” could be postulated.

**37.** Besides, apart from submitting that two of the questions in Paper II figure in other competitive examinations in which, according to Mr Tripathi, the level of questions is higher, there is really no substantial effort to precisely identify the nature and scope of the questions which could be regarded as of “Class X level”.

**38.** It is a well known fact that the CSE involves lakhs of students. In the CSE 2023, it is averred that over six lakhs students appeared. When setting a paper for over six lakhs students, it cannot be presumed that all students would be of the same standard or would have a common syllabus. Besides, the level of difficulty of the paper may also be higher, in view of the number of candidates attempting it. Some degree of play in the joints has, therefore, to be granted to the authorities who set the paper.

**39.** We are unable to hold, from the pleadings or the submissions advanced at the Bar, that a case is made out to set aside the Part II question paper with respect to any of the questions on the ground that they are out of syllabus. In fact we are of the opinion that a finding by the Court that a question is out of syllabus, can hardly be returned, save and except in the most exceptional cases. The question must be glaringly out of syllabus. So long as it is broadly within the syllabus prescribed, even if it is a question which is unusually difficult or one which no one except a student of extraordinary ability would be able



2025:DHC:5189-DB



to attempt, that cannot be a factor for the Court to declare the inclusion of the question as illegal, or meriting judicial interference.

40. We, therefore, are in agreement with the Tribunal that it is not possible to interfere on grounds contained in the petition.

41. We have also to note, before concluding, that we are not exercising appellate jurisdiction over the decision of the Tribunal. Our jurisdiction is essentially of certiorari, and, within the limited parameters of such jurisdiction, no case of interference with the impugned judgment is, in our view, made out.

### **Conclusion**

42. For the aforesaid reasons, we are of the view that no case for issuing notice in this writ petition has been made out.

43. The writ petition is, therefore, dismissed in *limine* with no orders as to costs.

**C. HARI SHANKAR, J.**

**AJAY DIGPAUL, J.**

**JULY 3, 2025**

*Aky/yg*

*Click here to check corrigendum, if any*