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

Date of decision: 27.11.2025

+ W.P.(C) 17945/2025
UNION OF INDIA AND ANOTHERPetitioners
Through: Mr.Ruchir Mishra, SPC with
Mr.Sanjiv Kumar Saxena,
Mr.Mukesh Kumar Tiwari,
Ms.Poonam Shukla and
Ms.Reba Jena Mishra, Advs.

versus

NEERAJ SETHRespondent
Through: Mr.T. D. Yadav, Adv.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE MADHU JAIN

NAVIN CHAWLA, J. (ORAL)

CM APPL. 74198/2025 & CM APPL. 74200/2025 (Exemptions)

1. Allowed, subject to all just exceptions.

CM APPL. 74199/2025

2. This application seeks permission to file a lengthy synopsis and a list of dates.

3. Having considered the contents of the application, the same is allowed.

W.P.(C) 17945/2025 & CM APPL. 74197/2025, CM APPL. 74201/2025

4. This petition has been filed by the petitioners, challenging the



Order dated 27.02.2025 passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi (hereinafter referred to as the, 'Tribunal') in O.A. No. 2862/2023, titled **Shri Vinod Kumar v. Union of India & Anr.**, whereby the learned Tribunal allowed the O.A. filed by the respondent herein with the following direction:

"10. In the light of the above, we are of the considered opinion that the examiner ought to have used his robust common sense and abundant human intelligence to award 6.5 marks to the applicant and not cancelled the same later. Thus, the balance of convenience in this case clearly lies with the applicant. The instant OA has merit; deserves to be allowed and is accordingly allowed. We, therefore, direct the respondents to consider the answers given by the Applicant to question no. 1(c), (d), (e), (f), (g), (h) and (i) in paper III of the Limited Departmental Competitive Examination 2022 for Assistant Accounts Officer (AAO) cadre of IP&TAFS Group B by overlooking his minor discrepancy indicating the answers as 2 (c), (d), (e), (f), (g), (h) and (i). We further direct the competent authority amongst respondents to consider the applicant for promotion to the post of Assistant Accounts Officer for the panel year 2022 cadre of IP&TAFS Group B. Needless to mention that the applicant would get all the notional benefits like seniority and fixation of pay and allowances. However, there will be no payment of any arrears on the principle of 'No work for pay'. This exercise shall be completed within a period of two months from the date of receipt of a certified copy of this order.

There will be no order as to costs. "

5. The brief facts giving rise to the present petition are that the respondent has been serving as a Postal Assistant under the petitioners and participated in the Limited Departmental Competitive



Examination (LDCE) for recruitment to the post of Assistant Accounts Officer (AAO), Cadre of IP & TAFS Group 'B', for the Department of Telecommunication and the Department of Posts, for the vacancy year 2018, 2019, 2020, 2021, and 2022, issued *vide* Examination Notification No. 3-37/2022-PACE/LDCE AAO/10869-10956 dated 15.02.2022.

6. The questions in Paper-III were divided into the following three parts:

“Part A: Question 1 (a to j).

Part B: Question 2 (a to d), 3 (a to d) and 4.

Part C: Question 5 (a to d), 6 (a to d) and 7.”

7. Part A was compulsory to answer, whereas in Parts B and C, the candidate could answer any two questions from each part. In all, the candidate was required to answer five questions in this paper.

8. The respondent, as is evident from his answer booklet, while answering Question No. 1 (c) to 1 (i), wrongly marked these answers as 2 (c) to 2 (i). The answer sheet further reflects that the Examiner initially marked these answers by treating them as responses to Question No. 1 (c) to 1 (i), but upon later realizing that this was impermissible, changed the marking to zero.

9. Question No. 2, which fell under Part B, was not attempted by the respondent at all.

10. The respondent filed the above O.A. seeking the following reliefs:

“8.a) Call for records of the case ;

b) Direct the Respondent to consider the answers given by the Applicant to question no.



1(c), (d), (e), (f), (g), (h) and (i) in paper III of the Limited Departmental Competitive Examination 2022 for AAO (Assistant Accounts Officer) cadre of IP&TAFS Group B by overlooking the minor discrepancy of the Applicant indicating the answers as 2 (c), (d), (e), (f), (g), (h) and (i);

c) To direct the Respondents to award the Applicant total 6.5 marks against question no. 1(c), (d), (e), (n (g), (h) and (i) which marks were originally awarded and arbitrarily struck off;

d) Direct the Respondents to consider the Applicant for promotion to the post of Assistant Account Officers for the panel year 2022 against the Limited Departmental Competitive Examination 2022 for AAO (Assistant Accounts Officer) cadre of IP&TAFS Group B;

e) To grant the Applicant all consequential as on the back date;

f) Pass any such further order(s) as deemed fit and proper in the facts and circumstances of the present case.”

11. The learned Tribunal, by its Impugned Order, has observed that the mistake committed by the respondent was trivial in nature and *bona fide*. The learned Tribunal, therefore, directed that the petitioners shall consider the answers given by the applicant to Question No. 1 (c) to 1 (i), overlooking this minor discrepancy.

12. The learned counsel for the petitioners submits that the learned Tribunal has failed to appreciate that Clause 5 of the Instructions to Examinees, under the heading “Do’s”, had clearly warned the candidates to write the correct number of the question in the margin at the beginning of each answer. He submits that, in spite of this



warning, the respondent admittedly wrote the wrong question number while attempting Question No. 1.

13. He further submits that it was not the function of the Examiner to match the answers with the questions and thereafter determine whether an answer corresponded to a question other than the one indicated by the candidate.

14. He submits that in such a scenario, even though the Examiner had initially awarded marks to the respondent by treating his answers as responses to Question No. 1, the Examiner later realized his own limitation and accordingly awarded “zero” marks for these answers, as they were admittedly incorrect for the question numbers indicated by the respondent.

15. On the other hand, the learned counsel for the respondent, who appears on advance notice of this petition, reiterates that the mistake committed by the respondent was merely trivial in nature and, therefore, once the Examiner had evaluated these answers and awarded appropriate marks, the learned Tribunal committed no error in directing the petitioners to consider those marks.

16. We have considered the submissions made by the learned counsels for the parties.

17. Admittedly, while answering Question Nos. 1 (c) to 1 (i), the respondent marked these in his answer sheet as 2 (c) to 2 (i). In the question paper, Question No. 2 contained only sub-parts up to clause (d). Even otherwise, from a bare reading of the answers, it was apparent that these answers pertained to Question Nos. 1 (c) to 1 (i).



The Examiner also realized this and, accordingly, awarded marks to the respondent against each answer.

18. The mistake committed by the respondent was therefore trivial in nature, as also observed by the learned Tribunal, and was not intended to cause any prejudice or gain any undue advantage. This mistake was noticed by the Examiner himself, and it is not the case that the Examiner refused to evaluate the answers solely due to the wrong numbering assigned by the respondent.

19. Once the answers had already been duly evaluated, we are of the view that interference with the Impugned Order passed by the learned Tribunal is not warranted.

20. While we do appreciate that re-evaluation is not permissible in the examination process, in the present case, as the respondent's answers had already been checked and marked, no re-evaluation by the petitioners would be required.

21. In view of the above, we find no merit in the present petition. The same, along with the pending application, is accordingly dismissed. However, we make it clear that this Judgment is being passed in its peculiar facts and shall not be treated as a precedent.

22. There shall be no order as to costs.

NAVIN CHAWLA, J

MADHU JAIN, J

NOVEMBER 27, 2025/sg/DG