

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL No. 4970 OF 2017

**U.P. PUBLIC SERVICE COMMISSION THROUGH
ITS CHAIRMAN & ANR.**

APPELLANTS

VERSUS

SUNIL KUMAR SINGH & ORS.

RESPONDENTS

ORDER

1. None appears for the respondents.
2. We have heard Ms. Himanshi Girdhar, learned counsel for the appellants.
3. Ms. Giridhar has drawn our attention to the judgment and order dated 9th December, 2016 of the High Court of Judicature at Allahabad¹ under challenge in this appeal², whereby a writ petition³ instituted by the respondents came to be allowed, *inter alia*. *Vide* the impugned order, the High Court had issued the following directions, summarized for ease of reference:

1 High Court

2 impugned order

3 Writ – A No. 28971 of 2016

- a. The Uttar Pradesh Public Service Commission⁴ was required to re-evaluate the answer scripts of the preliminary examination of all the candidates by deleting certain questions (i.e., questions 25, 66 and 92) and giving full marks for question no.44 to candidates who had exercised option (b) or (c).
- b. The candidates who were found to have qualified the preliminary examination as a result of re-evaluation would become entitled to appear in the main examination and in respect of such candidates, the Commission was to hold the main written examination at the earliest.
- c. The result of the main written examination which was already held, if it had not been declared thus far, would not be declared till such time the main written examination of the candidates who had qualified as a result of re-evaluation were declared. In case the results of the main written examination were already declared, no further exercise would take place in respect of such candidates, till such time the main examination was held for the candidates who had qualified as a result of re-evaluation.
- d. The Commission was required to hold an interview from the merit list drawn on the basis of the result of both the main written examinations (i.e., the one held previously and the one which would be conducted pursuant to the direction of the High Court in respect of re-evaluation).
- e. Certain candidates who appeared in the first main written examination could fail to qualify for the preliminary examination as a result of the High Court's direction in respect of re-evaluation. For such candidates,

their candidature would be cancelled, and they would not be entitled to participate in the selection process further.

The High Court also took note of the statutory scheme of the Uttar Pradesh State Public Service Commission (Regulation of Procedure) Act, 1985, as well as the procedure adopted by the Commission in setting the provisional answer key and in dealing with objections. After noting the statutory scheme, the High Court observed that despite the detailed procedure involving experts at every step of recruitment, a large number of discrepancies had crept into the design of the question paper and the answer key. The High Court was not pleased with the conduct of the Commission, however, expressed the hope that the Commission would come alive to the responsibilities conferred on it by the Constitution and recommended that the Commission enhance the remuneration of the experts so that the 'mistakes' in respect of the question paper and answer key are not repeated in the future.

4. According to Ms. Girdhar, the directions issued by the High Court are in the teeth of a catena of decisions of this Court and cannot be sustained in law. One of the decisions relied on by her in support of her contentions is

Ran Vijay Singh vs. State of Uttar Pradesh⁵. This Court held that:

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.

5. Having perused the impugned order, particularly in the light of the law laid down by this Court in ***Ran Vijay Singh*** (supra) where various decisions of the High Court are found to have been disapproved, the High Court in our considered view exceeded the jurisdiction of a judicial review court in its interference with the decision of experts in the academic field. The manner of examination of the so-called dubious questions pertaining to different topics by the High Court, as if it were an expert of experts, and in making the directions it did are clearly indefensible.

6. We have found from the records that operation of the impugned order was stayed by this Court while granting leave on 7th April, 2017. Consequently, the directions were not implemented.

7. The writ petition was presented before the High Court by the respondents questioning the results of the combined State/Upper Subordinate Services (General Recruitment) Examination, 2016 and combined State/Upper Subordinate Services (Special Recruitment) Examination, 2016, conducted by the appellants. Much water has flown under the bridge since then. Fresh examinations must have been held during the last 9 (nine) years by the appellants. We, therefore, presume that the respondents having lost interest in the matter are not represented before us.

8. Be that as it may, we set aside the impugned order. The civil appeal, accordingly, stands allowed.

9. Pending interlocutory application(s), if any, shall stand disposed of.

.....J.
[DIPANKAR DATTA]

.....J.
[SHEEL NAGU]

**New Delhi;
August 05, 2026.**

ITEM NO.101

COURT NO.7

SECTION III-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Civil Appeal No(s). 4970/2017

**U.P. PUBLIC SERVICE COMMISSION THROUGH
 ITS CHAIRMAN & ANR.**

Appellant(s)

VERSUS

SUNIL KUMAR SINGH & ORS.

Respondent(s)

Date : 05-08-2026 This matter was called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
 HON'BLE MR. JUSTICE SHEEL NAGU**

**For Appellant(s) : Mr. Siddharth, AOR
 Ms. Himanshi Girdhar, Adv.
 Mr. Deepanshu Grover, Adv.**

**For Respondent(s) :Mr. Satyajeet Kumar, AOR (N/P)
 Mr. Rajnish Kumar Jha, AOR (N/P)
 Mr. Satyajeet Kumar, AOR (N/P)**

**UPON hearing the counsel the Court made the following
 O R D E R**

1. None appears for the respondents.
2. The civil appeal stands allowed in terms of the signed order placed on the file.

**(JATINDER KAUR)
 P.S. to REGISTRAR**

**(SUDHIR KUMAR SHARMA)
 COURT MASTER (NSH)**