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2026:AHC:225670

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT – A No. - 16959 of 2026

Vijay Sonkar & 3 Ors. .....Petitioner(s)

Versus

State of U.P. & 2 Ors. .....Respondent(s)

Counsel for Petitioner(s) : Ankita Singh, Taniya Pandey
Counsel for Respondent(s) : C.S.C. Shiv Kumar Singh, Udayan Nandan

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Court No. – 6

AFR

HON'BLE VINOD DIWAKAR, J.

1. Heard Ms. Taniya Pandey, learned counsel for the petitioners, Shri Udayan Nandan, learned counsel for the respondent no.2, learned Standing Counsel for the State, and perused the record.

2. The present writ petition has been preferred seeking a direction to the respondents to award consequential marks to the petitioners in respect of two questions in the final answer key of the Uttar Pradesh Teacher Eligibility Test, 2026 (hereinafter referred to as "UPTET-2026"), which, according to the petitioners, have been found to admit of two correct options. The petitioners seek the following reliefs:

(i) Award of one mark to petitioner no. 1 in respect of Question No. 37 of the Master Set, corresponding to Question No. 52 in his Question Booklet;

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(ii) Award of one mark to petitioner no. 2 in respect of Question No. 36 of the Master Set, corresponding to Question No. 35 in her Question Booklet;

(iii) Award of two marks to petitioner no. 3 in respect of Question Nos. 37 and 36 of the Master Set, corresponding to Question Nos. 49 and 59, respectively, in her Question Booklet; and

(iv) Award of one mark to petitioner no. 4 in respect of Question No. 36 of the Master Set, corresponding to Question No. 60 in his Question Booklet, to the extent that such marks have not already been credited to the respective petitioners.

3. In the light of the judgment[1] of the Supreme Court, learned counsel for the petitioners forgoes the prayers made in the petition, confining her arguments to the submission that Question Nos. 36 and 37 ought to be treated as deleted, being defective questions which the expert Committee has found to admit of two correct answers, contrary to the scheme of the question paper, or equal marks should have been given to all the candidate, irrespective of the fact whether the candidates have chosen either of the two admittedly correct options or not.

4. The brief facts of the case are that the petitioner no.1, 3 & 4 are candidates possessing Basic Teacher Certificate (BTC)/Diploma in Elementary Education (D.El.Ed.), and petitioner no.2 is a student currently pursuing third semester of D.El.Ed. All the petitioners belong to the Other Backward Class category and claimed to have eligible to participate in the Teacher Eligibility Test as may be conducted by Central and State Governments.

5. The petitioners are aggrieved by the action of the respondents for not awarding the marks to the petitioners in respect of Question Nos.36 & 37 of the Master Set (and the corresponding questions in the Booklet Series allotted to them), for each of which the Commissions on final answer key accepts two options as correct, and consequently declaring

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1 **Rajesh Kumar v. State of Bihar, (2013) 4 SCC 690**

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afresh result of UP TET-2026 declared on 26.08.2026, on the scores computed without giving due effect to the said marks.

6. The National Council for Teacher Education issued guidelines on 11.02.2011 for conducting the Teacher Eligibility Test under the Right of Children to Free and Compulsory Education Act, 2009. Point No. 9 of the said guidelines prescribes the qualifying marks as 60% or more in the TET examination, while leaving it open to the school managements, including Government, Local Bodies, Government-Aided and Unaided institutions, to grant concessions to candidates belonging to the Scheduled Castes, Scheduled Tribes, Other Backward Classes, persons with disabilities, etc., in accordance with their respective extant reservation policies.

7. For conducting UPTET-2026, respondent no. 2 issued Advertisement No. 01/UPTET/2026 dated 20.03.2026, which was published on the website of the U.P. Education Service Selection Commission, Prayagraj (hereinafter referred to as "UPESSC"). The accompanying Information Booklet prescribed the modalities governing the conduct of the examination, including the eligibility criteria for the lower primary and upper primary levels, the manner of setting the question papers, the prescribed syllabi, and other related matters.

8. The petitioners, claiming to fulfil the prescribed eligibility criteria, applied for participation in the primary-level UPTET-2026 examination and were accordingly issued admit cards. All four petitioners appeared in the examination conducted on 03.07.2026 in the second shift.

9. The provisional answer key containing the answers to all 150 questions was uploaded on the website of UPESSC. On the basis of the provisional answer key and the carbon copies of their respective OMR answer sheets, the petitioners calculated their expected scores. Petitioner no.1 calculated his expected score as 85 marks, petitioner no.2 as 86 marks, petitioner no.3 as 82 marks, and petitioner no.4 as 84 marks.

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10. Following publication of the provisional answer key, several candidates raised objections to certain questions. Upon consideration of the objections received, certain answers were modified, and the final answer key, also referred to as the 'Master Set', was thereafter published on the website of UPESSC. Upon comparing the provisional answer key with the final answer key, the petitioners found that the answers to Question Nos. 36 and 37 had been modified.

11. In the provisional answer key, option (D) was indicated as the correct answer to Question No. 36. However, in the final answer key, both option (D), and option (B) were accepted as correct answers. Similarly, in respect of Question No. 37, option (D) was indicated as the correct answer in the provisional answer key, whereas the final answer key accepted both option (A), and option (D) as correct answers.

12. The final result of UPTET-2026 was declared on 26.08.2026, wherein all four petitioners were declared not qualified. Their respective result/scorecards reflected the following normalized scores: **(i)** Petitioner no. 1 scored 81.39740 marks; **(ii)** Petitioner no. 2 scored 81.32196 marks, **(iii)** Petitioner no. 3 scored 80.40104 marks; and **(iv)** Petitioner no. 4 scored 80.94471 marks. All the petitioners obtained less than minimum qualifying marks i.e. 82.

13. Since the scores so declared were lower than those calculated by the petitioners on the basis of their respective OMR answer sheets and the provisional answer key, they made inquiries with the Commission and were informed that their scores have been normalized as the exam was conducted in different shifts by UPESSC. They were further informed that their raw scores, had been computed on the basis of the answers marked in their respective OMR answer sheets, whereas merit has been drawn on normalized scores by awarding marks even to those candidates who had attempted any of two admitted correct options against Question Nos.36 & 37.

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14. For clarity, candidates who happened to mark either of the two correct options, subsequently accepted as correct in the Master Set, have been awarded marks in respect to Question Nos.36 & 37, and the candidates, who had marked an option other than admittedly two correct options had received no marks for either of the two questions.

15. Ms. Taniya Pandey, learned counsel for the petitioners submits that the legal consequence flowing from the final answer key assumes significance. As an identical controversy had arisen in relation to the UPTET-2018 and was considered by this Court in *Smt. Shimla Singh v. State of U.P.*[2], along with other connected petitions, decided by a common judgment and order dated 19.12.2018. It is contended that the examining authority had itself found, upon consideration of the objections received, that two options as correct answers against single question. The examining authority had also treated the defective question as deleted and awarded one mark in each respect thereof to every candidate without exception.

16. It is further argued that the present petition is squarely covered by *Smt. Shimla Singh case (supra)*. That case concerned UPTET-2018 with the same qualifying marks (90/82). The authority had found two correct options in two questions and had credited only candidates who chose either of them. This Court held that such questions deserve to be deleted. It held that, UPTET being merely a qualifying examination with no *inter-se* competition, equity requires one mark to be allotted where more than one option is correct, to all candidates, including those who opted wrong answers. It directed to award one mark to every candidate, and thereafter re-declare the result. The extension of the last date under the pending recruitment advertisement may also be given to the affected candidates.

17. Further, the ratio and operative principle laid down in ***Smt. Shimla Singh (supra)*** squarely apply to the case of the present petitioners. The material features are substantially identical, inasmuch as: **(i)** both matters

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2 **2019 (3) ADJ 777, passed in Writ-A No. 25791 of 2018, and decided on 19.12.2018**

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concern UPTET; **(ii)** UPTET is a qualifying examination and does not determine *inter-se* merit amongst candidates; **(iii)** the examining authority itself has accepted more than one option as correct in respect of the questions in issue; and **(iv)** the petitioners herein stand marginally below the prescribed qualifying threshold. Denial of the same treatment to the present petitioners would result in similarly situated UPTET candidates being treated differently without any rational basis.

18. Aggrieved by the order passed by the learned Single Judge, in a batch of petitions with a leading case titled *Smt. Shimla Singh case (supra)*, some of the candidates preferred Special Appeal before this Court. The same came to be rejected vide order dated 04.01.2019. Thus, the judgment[3] passed in an appeal against *Smt. Shimla Singh case (supra)* has attained finality for all purposes.

19. It is next contended that once the examining authority itself has recognized more than one correct option in respect of a question requiring the candidate to select a single answer, the entire scheme of evaluation of answer-sheets become defective, and she relies on **(i)** *Uttar Pradesh Subordinate Service Selection Commission v. Ashok Yadav and Others*[4]; **(ii)** *Ran Vijay Singh v. State of U.P.*[5], **(iii)** *Rishal and Others v. Rajasthan Public Service Commission*[6].

20. The relevant para of *Ashok Yadav (supra),* are extracted herein below:

> *"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*

3 **Himanshu Gangwar v. State of U.P., Special Appeal Defective No.3 of 2019, decided on 04.01.2019**
4 **2026 SCC OnLine SC 1893**
5 **(2018) 2 SCC 357**
6 **(2018) 8 SCC 81**

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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. 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)

21. Likewise, in *Ran Vijay Singh (supra)*, the Supreme Court recorded few significant conclusions with respect to the courses available with the examining authority where re-evaluation or correctness of the answer key has been challenged. In the case of a disputed questions, the benefit should go to the examining authority rather than the candidates, however, also observed to exclude the offending questions from scheme of evaluation. Entire examination process cannot be derailed for grievances of few candidates. The Court should presume correctness of key answers and proceed on that assumption. The relevant para is extracted herein below:

*"**31.** On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible.*

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This Court has shown one way out of an impasse - exclude the suspect or offending question."

(emphasis supplied)

22. Similarly, in *Rishal (supra)*, the Supreme Court examined the correctness of final key answers uploaded by the Commission and held that objections to key answers are to be examined by experts and thereafter corrective measures, if required, to be taken by examining body. If the fault lies with the Commission, not the candidates, the benefit should extend to all, including those who did not object or approach the Court. The Supreme Court, *inter-alia*, held:

> ***"16.*** *Following the above judgment in Kanpur University [Kanpur University v. Samir Gupta, (1983) 4 SCC 309] this Court in Manish Ujwal v. Maharishi Dayanand Saraswati University [Manish Ujwal v. Maharishi Dayanand Saraswati University, (2005) 13 SCC 744] , reiterated the principle in the following words in paras 9 and 10: (SCC p. 748)*
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> *"9. In Kanpur University v. Samir Gupta [Kanpur University v. Samir Gupta, (1983) 4 SCC 309] considering a similar problem, this Court held that there is an assumption about the key answers being correct and in case of doubt, the Court would unquestionably prefer the key answers. It is for this reason that we have not referred to those key answers in respect whereof there is a doubt as a result of difference of opinion between the experts. Regarding the key answers in respect whereof the matter is beyond the realm of doubt, this Court has held that it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong. There is no dispute about the aforesaid six key answers being demonstrably wrong and this fact has rightly not been questioned by the learned counsel for the University. In this view, students cannot be made to suffer for the fault and negligence of the University.*
>
> *10. The High Court has committed a serious illegality in coming to the conclusion that "it cannot be said with certainty that answers to the six questions given in the key answers were erroneous and incorrect". As already noticed, the key answers are palpably and demonstrably*

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erroneous. In that view of the matter, the student community, whether the appellants or intervenors or even those who did not approach the High Court or this Court, cannot be made to suffer on account of errors committed by the University. For the present, we say no more because there is nothing on record as to how this error crept up in giving the erroneous key answers and who was negligent. At the same time, however, it is necessary to note that the University and those who prepare the key answers have to be very careful and abundant caution is necessary in these matters for more than one reason. We mention few of those; first and paramount reason being the welfare of the student as a wrong key answer can result in the merit being made a casualty. One can well understand the predicament of a young student at the threshold of his or her career if despite giving correct answer, the student suffers as a result of wrong and demonstrably erroneous key answers; the second reason is that the courts are slow in interfering in educational matters which, in turn, casts a higher responsibility on the University while preparing the key answers; and thirdly, in cases of doubt, the benefit goes in favour of the University and not in favour of the students. If this attitude of casual approach in providing key answers is adopted by the persons concerned, directions may have to be issued for taking appropriate action, including disciplinary action, against those responsible for wrong and demonstrably erroneous key answers, but we refrain from issuing such directions in the present case."

26. *The questions having been deleted from the answers, the question paper has to be treated as containing the question less the deleted questions. Redistribution of marks with regard to deleted questions cannot be said to be arbitrary or irrational. The Commission has adopted a uniform method to deal with all the candidates looking to the number of the candidates. We are of the view that all the candidates have been benefited by the redistribution of marks in accordance with the number of correct answers which have been given by them. We, thus, do not find any fault with redistribution of marks of the deleted marks (sic questions). The High Court has rightly approved the said methodology.*

27. *In the affidavit filed by the Commission it is mentioned that the result has been revised of only 311 appellants who are before this Court. We are of the view that key answers having been corrected,*

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> *merit of all the candidates except those who have already been selected needs to be redetermined. In our order dated 16-1-2018 [Richal v. Rajasthan Public Service Commission, 2018 SCC OnLine SC 749] it is mentioned that this exercise shall not affect those who have already been selected. We, thus, are of the view that the Commission should revise the entire result of all the candidates except those who have been selected on the basis of the report of the Expert Committee and publish revised result of all the candidates. When the key answers are correct of the candidates who appeared in the examination, they are entitled for revision of their result, since, fault does not lie with the candidates but lies with the examination body. It shall not be equitable to not extend the benefit to those candidates who have not come to the Court being satisfied with the steps taken by the Commission and its earlier Expert Committee which was given the task of revising the key answers."*
>
> ***(emphasis supplied)***

23. It is next argued that the petitioners are not seeking a judicial determination of the correctness of an answer contrary to the opinion of the examining authority. Their grievance arises from the UPESSC own acceptance of two correct options against a question and the chilling effect on the candidates who did not select either of the accepted options, or accepted one as the correct answers.

24. Learned counsel further submits that the UPESSC itself dropped Question No. 38 of the same question paper, thereby demonstrating that exclusion of a defective question from evaluation was a course of action adopted in the very same examination. It is argued that Question Nos. 36 and 37 ought likewise to be excluded from evaluation or otherwise treated as deleted. The petitioners contend that there is no point in giving a benefit of one mark in respect of each disputed question for choosing either of the correct answers. Irrespective of the options selected by the candidates, the defective questions shall be treated as deleted for all purposes.

25. Learned counsel for the petitioners further submits that failure to raise objections to the provisional answer key does not dis-entitle the

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petitioners to approach this Court. The Information Booklet prescribes a procedure for raising objections but does not stipulate that failure to object would operate as a bar to claiming relief against an error subsequently reflected in the final answer key. It is contended that the defect in question became apparent only upon publication of the final answer key, which was released along with the result on 26.08.2026. Once an error in the answer key is acknowledged and corrected pursuant to objections raised by certain candidates, the consequential benefit of such correction cannot be confined exclusively to those who raised the objections. Reliance is placed upon *Shruti Katiyar v. Registrar General, Delhi High Court*[7], in support of the proposition that the benefit of a correction should extend to all similarly situated candidates. The relevant para-7 is extracted herein 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."*

26. ***Per contra***, Shri Udayan Nandan, learned counsel appearing for respondent nos. 2 and 3- Selection Commission- submits that none of the petitioners selected any of the options subsequently accepted as correct in respect of Question Nos. 36 and 37 of the Master Set. It is contended that, upon revision of the result, the Commission awarded full marks to all candidates who had selected the either of the options out of the two correct options in respect of the aforesaid questions. Since the petitioners did not select any of the accepted options, they cannot claim the benefit of marks in respect of those questions.

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7 **W.P.(C) 2344 of 2024 & CM APPL. 9705 of 2024**

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27. Learned counsel for the respondents further submits that the petitioners, having failed to raise objections to the provisional answer key, cannot subsequently seek relief before this Court. In support of this contention, reliance has been placed upon the judgment dated 17.11.2022 passed in Writ-A No. 3010 of 2022 and the judgment dated 06.10.2020 passed in Special Appeal No. 492 of 2020. It is further contended that the judgment of the learned Single Judge in *Smt. Shimla Singh case (supra)* did not take into consideration the earlier Division Bench judgment of this Court in *Sunil Kumar Singh and Others v. State of U.P. and Others*[8], therefore, *Smt. Shimla Singh (supra)* judgment does not hold good law. The learned counsel for the Commission has drawn the attention of the Court to paragraphs 64, 66 and 69 of the *Sunil Kumar Singh (supra)*. The relevant paragraphs are extracted herein below:

> *"**64.** The Expert appointed by the Court agreed with the petitioners that the costliest metal on earth discovered so far is 'Endohedral Fullerence', but did not accept it as a correct answer to the question posed as it is a non-metal. According to the Expert, the costliest metal on earth discovered so far is Californium 252 as suggested by the Commission. For convenience of reference, the opinion of the expert is extracted below:-*
>
> *"1. The modern Periodic Table of the Elements (Long Form) is a collection of elements discovered so far and contains 118 elements classified as metals, non-metals, metalloid and noble gases.*
>
> *Annexure "A"*
>
> *2. In the above-mentioned Periodic Table, Californium (atomic number 98 : Californium 252 being an isotope of Californium) and Rhodium (atomic number 45) have been marked as metals. It is also clear that Endohedral Fullerences and Tritium do not fall under die category of metals.*
>
> *Annexure "A"*
>
> *3. Californium 252 was discovered in 1950 and costs US $. 27 million per gram whereas Rhodium was discovered in 1803 and costs US $. 58 per gram.*
>
> *Annexure "B"*
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> *4. Endohedral fullerences, also called endofullerenes, are fullerenes that have additional atoms, ions, or clusters enclosed within their inner spheres. The first lanthanum C60 complex was synthesized in 1985 and called La@C60 The @ (at sign) in the name reflects the notion of a small molecule trapped inside a shell. Two types of endohedral*

8 **2016 SCC OnLine All 4351**

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> *complexes exist : endohedral metallofullerenes (if metal atom is inside the fullerene cage) and non-metal doped fullerenes (if atom/luster is other man metal atom inside the fullerene cage). It is worth mentioning here that the main case or sphere of fullerenes is composed of "Carbon" atoms only and "Carbon" is marked as non-metal in the Periodic Table."*
>
> ***66.*** *We now proceed to examine the alternate submission that the question as framed was misleading, wrongly structured and should have been deleted.*
>
> ***69.*** *A candidate had to answer 150 questions in two hours and thus got 48 seconds on an average for each question. A candidate with higher intelligent quotient will obviously make an effort to answer the question and in the process will loose valuable time, so crucial for optimum output. Thus in the opinion of the Court a question containing a wrong clue works seriously to the prejudice of a bright student. The very object of identifying the best talent stands defeated. The Court is, thus, of the opinion that the question, as it contains a wrong and misleading clue, should have been deleted."*

28. The respondents also seek to distinguish *Rishal (supra)*, on the ground that the said case concerned questions that were demonstrably incorrect and were consequently deleted. According to the respondents, no question in the present case is so palpably erroneous as to warrant deletion. It is further contended that the petitioners have not specifically prayed for deletion of Question Nos. 36 and 37 and, therefore, cannot derive any benefit from the aforesaid judgment.

29. With regard to *Ashok Yadav (supra)* learned counsel for the respondents submits that paragraph 22 *(supra)* of the said judgment indicates that where a question admits of two correct answers although only one option is required to be selected, the Court may direct deletion of the question. It is contended that the petitioners have not sought deletion of the disputed questions. The respondents further submit that the appeal in *Ashok Yadav (supra)* was allowed by the Supreme Court after holding that neither the question nor the answer was patently incorrect and that the High Court had, therefore, erred in granting relief to the candidate.

30. Ms. Taniya Pandey, in rejoinder, submits that the objection concerning the applicability of *Sunil Kumar Singh (supra)* is misconceived. It is contended that the Division Bench judgment in *Sunil*

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Kumar Singh, relied upon by the respondents, has subsequently been set aside in its entirety by the Supreme Court[9].

31. According to Ms. Taniya Pandey, the direction contained in paragraph 69 of the judgment in *Sunil Kumar Singh (supra)*, upon which the respondents place reliance, corresponds to the direction recorded in paragraph 3(a) of the judgment of the Supreme Court, which was set aside in the Civil Appeal (supra). It is further submitted that the operation of the relevant direction had remained stayed since 07.04.2017, as recorded in paragraph 6 of the judgment. Thus learned counsel for the petitioners contends that the effect and operation of *Sunil Kumar Singh (supra)* judgment was stayed by Supreme Court on 07.04.2017 and finally the Civil Appeal was dismissed on 05.08.2026. However, *Smt. Shimla Singh (supra)* was passed on 19.12.2018, during the relevant period when the effect of stay was in operation, therefore, there is no substance in the argument of the learned counsel for the UPESSC to the effect of non reliance of *Sunil Kumar Singh (supra)*.

32. Learned counsel for the petitioners further submits that, in any event, *Smt. Shimla Singh* proceeds on the specific consideration that UPTET is a qualifying examination and does not involve *inter-se* competition amongst candidates. The reasoning adopted therein, is founded upon the distinct nature and purpose of the TET examination and is, therefore, directly relevant to the controversy involved in the present case.

33. As regards the objection concerning the absence of a specific prayer for deletion, learned counsel for the petitioners submits that paragraphs 27 to 29 of the petition specifically raise the issue of questions admitting of two correct options be excluded from evaluation. Further, prayer clauses (i) to (iv) seeks the award of consequential marks in respect of the disputed questions.

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9 **In U.P.P.S.C. v. Sunil Kumar Singh, 2026 SCC OnLine SC 1571 (Civil Appeal No. 4970 of 2017, decided on 05.08.2026).**

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34. It is submitted that the relief claimed must be considered in the context of the pleadings read as a whole and that this Court may grant the relief in accordance with the facts and circumstances of the case and the applicable law. Reliance is placed upon *Rajesh Kumar (supra)*. The relevant paragraphs are reproduced herein below:

> ***"15.*** *There is, in our view, no merit in that contention of Mr Rao. The reasons are not far to seek. It is true that the writ petitioners had not impleaded the selected candidates as party-respondents to the case. But it is wholly incorrect to say that the relief prayed for by the petitioners could not be granted to them simply because there was no prayer for the same. The writ petitioners, it is evident, on a plain reading of the writ petition questioned not only the process of evaluation of the answer scripts by the Commission but specifically averred that the "model answer key" which formed the basis for such evaluation was erroneous. One of the questions that, therefore, fell for consideration by the High Court directly was whether the "model answer key" was correct. The High Court had aptly referred that question to experts in the field who, as already noticed above, found the "model answer key" to be erroneous in regard to as many as 45 questions out of a total of 100 questions contained in 'A' series question paper. Other errors were also found to which we have referred earlier. If the key which was used for evaluating the answer sheets was itself defective the result prepared on the basis of the same could be no different. The Division Bench of the High Court was, therefore, perfectly justified in holding that the result of the examination insofar as the same pertained to 'A' series question paper was vitiated. This was bound to affect the result of the entire examination qua every candidate whether or not he was a party to the proceedings. It also goes without saying that if the result was vitiated by the application of a wrong key, any appointment made on the basis thereof would also be rendered unsustainable. The High Court was, in that view, entitled to mould the relief prayed for in the writ petition and issue directions considered necessary not only to maintain the purity of the selection process but also to ensure that no candidate earned an undeserved advantage over others by application of an erroneous key.*
>
> ***16.*** *The decisions of this Court in Bharat Amratlal Kothari v. Dosukhan Samadkhan Sindhi [(2010) 1 SCC 234 : (2010) 1 SCC (Cri) 757] and State of Orissa v. Mamata Mohanty [(2011) 3 SCC 436 : (2011) 2 SCC*

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(L&S) 83] , relied upon by Mr Rao are clearly distinguishable. The power of the court to mould the relief, according to the demands of the situation, was never the subject-matter of dispute in those cases. That power is well recognised and is available to a writ court to do complete justice between the parties. The first limb of the argument advanced by Mr Rao fails and is accordingly rejected."

(emphasis supplied)

35. Learned counsel for the petitioners further submit that the judgments *Priti Singh v. State of U.P.*[10], and *Uday Bhan Yadav v. State of U.P.*[11], are distinguishable on their facts.

36. It is contended that *Priti Singh (supra)* is distinguishable as it concerned a challenge to the correctness of an answer which had remained unchanged from the provisional answer key to the final answer key, and the challenge was raised only after the interview stage of a competitive selection process got over. In the present case, by contrast, the petitioners' grievance concerns the Commission's acceptance of two correct options in the final answer key, which was published along with the result, and the examination in question is a qualifying examination. The ratio of *Priti Singh (supra)* therefore does not apply to the facts of the present case.

37. Similarly, in *Uday Bhan Yadav (supra)*, the appellant sought correction of the answer key, and raised challenge beyond the last date prescribed for raising objections. The appellant had also not challenged the final result, and the proposed alteration had the potential to affect candidates who had already been selected. According to the petitioners, these circumstances do not arise in the present case.

38. Having heard learned counsel for the parties, and upon perusal of the record, its observed that the controversy in the present case arises from the final answer key published by the UPESSC, wherein two options have been accepted as correct in respect of each of Question Nos. 36 and 37 of the Master Set. The petitioners' grievance is not founded upon their disagreement with the answer key. Rather, it is

10 *Writ-A No. 3010 of 2022, decided on 17.11.2022*
11 *Special Appeal No. 492 of 2020, decided on 06.10.2020*

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founded upon the Commission's own determination that more than one option i.e. two options are correct in respect of each of the disputed questions. The central issue, therefore, concerns the appropriate method of evaluation in such circumstances and whether the treatment adopted by the Commission ensures fairness and uniformity amongst candidates.

39. It is a settled principle that the process of evaluation in a public examination must be fair, transparent and consistent with the applicable rules. At the same time, the scope of judicial review in matters concerning examination questions and answer keys is circumscribed, and courts ordinarily exercise restraint in substituting their own views for those of the examining authority, particularly where the correctness of a question or answer involves academic expertise.

40. The principles governing judicial interference in examination matters have been considered by the Supreme Court in *Ran Vijay Singh (supra)*. The Court emphasized the need for judicial restraint in matters concerning answer keys, while recognizing that appropriate intervention may be warranted in exceptional circumstances in accordance with the governing legal principles. The present case, however, raises a question distinct from a mere disagreement with the examining authority's assessment.

41. The judgment in *Smt. Shimla Singh case (supra)* assumes particular significance in the context of the present controversy. The said case concerned UPTET-2018, wherein the examining authority had accepted more than one option as correct in respect of certain questions. This Court considered the nature of the TET examination and observed that it is a qualifying examination rather than a competitive examination involving *inter-se* ranking amongst candidates. The Court proceeded to examine the appropriate treatment of questions admitting of more than one correct answer and directed the award of marks to all candidates in respect of the disputed questions, followed by consequential directions concerning the declaration of results. It is admitted that the factual and legal circumstances of the present case are materially similar, since

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UPTET-2026 is also a qualifying examination and the Commission has itself accepted two options as correct in respect of each disputed question.

42. It is an admitted position that the UP Public Service Commission through its Chairman, assailed the order passed by the Division Bench of this Court in *Sunil Kumar Singh (supra)* before the Supreme Court, and the Supreme Court vide its order dated 05.08.2026, in Civil Appeal (supra), set aside the order passed by this Court in *Sunil Kumar Singh (supra)* in the light of *Ran Vijay Singh (supra).*

43. The effect of the Supreme Court's decision, is that the High Court's direction to give full marks to the candidates for attempting either of the correct answers out of the two correct options has been set aside. Nevertheless, the petitioners' case fall consideration of the applicability of *Smt. Shimla Singh case (supra),* which has attained finality for as of now.

44. The petitioners principal grievance is that the Commission has has itself erroneously accepted two of the four options as correct against the scheme of the examination. Thus has committed palpable error. Therefore, such a questions either must have been treated as deleted or, on the principle of equity, equal marks must be awarded to all candidates irrespective of the fact weather the same have been attempted by the candidates or not.

45. Once a question is found to admit of more than one correct answer, the appropriate method of evaluation must be determined in accordance with *Smt. Shimla Singh case (supra),* either the benefit of one mark per defective question should be extended to all candidates, irrespective of the options selected by them or the questions shall be treated as deleted.

46. The question is not merely whether the petitioners selected an accepted option or not. It is whether the evaluation method adopted by the Commission in respect of questions admitting of multiple correct

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answers is legally sustainable and consistent with the principle of equal treatment in view of the consistent view of the Supreme Court in the aforesaid judgments.

47. This Court is of the view that the acceptance of two options as correct in respect of Question Nos. 36 and 37 of the Master Set warrants their exclusion from evaluation. A multiple-choice question in which the candidate is required to select a single correct answer from four options ceases to serve any evaluative purpose once the examining authority itself accepts two of those options as correct, for the question is then no longer capable of discriminating between a candidate who knows the answer and one who does not. That is precisely the situation in which the Supreme Court, in *Ashok Yadav (supra)*, held in paragraph 22 that *"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"*; and in *Ran Vijay Singh (supra)*, in paragraph 31, described exclusion of the offending question as the way out of such an impasse. It bears notice that exclusion is also the course the Commission itself adopted in this very examination in respect of Question No. 38. There is no intelligible basis upon which two questions found to admit of two correct answers each should be treated differently from a third question dropped from the same paper. Question Nos. 36 and 37 are accordingly directed to be excluded from evaluation.

48. Once a question is excluded from evaluation, no marks fall to be awarded to any candidate in respect of it, and the option to award a mark to the candidate becomes immaterial. The methodology adopted by the Commission- of crediting full marks to those candidates alone who happened to select one of the two options later accepted as correct- cannot be sustained. It rests upon the fortuity of a choice made in respect of a question that was incapable of a single correct answer, and it is the very course which the Supreme Court set aside by its order dated

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05.08.2026 in the appeal against ***Sunil Kumar Singh (supra)*****, read in the light of *Ran Vijay Singh* (supra).** Exclusion, by contrast, treats every candidate alike: it neither rewards nor penalizes the choice made upon a defective question. Accordingly, the two questions having been excluded, the question paper shall be treated as comprising 148 questions, and the qualifying standard shall be computed at the prescribed percentages, in accordance with the principle recognized in *Rishal (supra)* that "the question paper has to be treated as containing the question less the deleted questions.

49. The nature of the relief must be determined by examining the substantive pleadings and the reliefs sought, rather than by isolating the wording of an individual prayer clause. The power to grant relief, however, must be exercised in accordance with law and within the framework of the controversy raised before the Court. In this regard, the principles relied upon from *Rajesh Kumar (supra)*, require consideration alongside the specific nature of the relief sought in the present petition.

50. Based upon foregoing paragraphs, this Court concludes that the principle laid down in *Smt. Shimla Singh* governs the present controversy, the appropriate relief be granted to the petitioners in terms of the following directions:

(i) Question Nos. 36 and 37 of the Master Set shall be excluded from evaluation, or dealt with in such manner as is consistent with the binding judicial precedent discussed hereinabove.

(ii) The consequential benefit in respect of the aforesaid questions shall be extended uniformly to all similarly situated candidates in accordance with *Ashok Yadav, Ran Vijay Singh, and Smt. Shimla Singh cases (supra),* without restricting such benefit solely to candidates who selected either of the options accepted as correct.

(iii) The respondents shall recompute the scores of the petitioners in accordance with the aforesaid directions and correct their respective results and scorecards, to the extent necessary.

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51. It is clarified that the relief granted to the petitioners shall not, by itself, confer any right to appointment or selection in any subsequent recruitment process. Their entitlement shall remain confined to the correction of their UPTET-2026 results and the consequential eligibility status, subject to the applicable rules.

52. With the aforesaid directions and observations, the writ petition is disposed of.

October 28, 2026

Anil K. Sharma

(Vinod Diwakar,J.)