

News



The high court is not authorized to re-examine the answer keys, Even in Judicial Service Examinations : Supreme Court

"High Court cannot assume the role of super-examiner/subject expert, and such an exercise should ordinarily be left to the domain experts."

The Jharkhand High Court was ordered by the Supreme Court on Monday to form an expert committee to reevaluate the accuracy of three questions from the State Civil Judges (Junior Division) Exams. The contested High Court order, which determined that some of the questions' responses were incorrect, was partially overturned by the Court. A Jharkhand Public Services Commission (JPSC) case was being heard by the bench of Justices Joymalya Bagchi, NV Anjaria, and CJI Surya Kant.

The JPSC has appealed the High Court's decision to grant a writ petition contesting the accuracy of three test questions used to select Civil Judges (Junior Division).

The petitioners' main complaint concerned three questions (Nos. 8, 74, and 96 in Series A), which they claimed the JPSC either answered improperly or changed at random.

At the beginning, the bench stated that rather than getting involved, the High Court ought to have remitted the case to the Commission and asked it to reexamine the answer key if it had determined that the updated answers required reconsideration.

The primary argument made by the JPSC was that the High Court lacked the authority to participate in on the examination of the controversial questions and answers.

The bench agreed, pointing out that even while the High Court judges may possess sufficient legal expertise, they are not permitted to take on the position of super-examinor or expert. The pertinent section of the order read as follows:

"The Hon'ble Judges of the High Court, with their extensive experience on the Bar and Bench, are expected to have a better understanding and appreciation of the questions that were put to the candidates in the examination, even though it may be true that the subject examination relates to recruitment to judicial services." But even if it is acknowledged as an undeniable fact, it is still unclear if the judicial review power would be applied consistently, regardless of the type of test, in the case of re-evaluation, re-appreciation, or re-consideration of the answer key. In this respect, we believe that the High Court cannot act as a super-examiner or subject expert; instead, domain experts should typically handle such tasks."

The High Court's ruling regarding the accuracy of the answer key was partially overturned by the Court. What it noticed:

"The position adopted by the Public Service Commission makes it abundantly evident that the High Court properly reviewed the answer key from an administrative standpoint. If so, the High Court must have, in the exercise of its judicial authority, referred the matter to the appropriate High Court Committee and the Public Service Commission in order to form an additional Committee with subject matter experts, including distinguished law professors as domain field experts, and one member who is an English professor, in order to offer support and direction. This would allow these experts to reevaluate the answer key for problems 8, 74, and 96. In using its judicial review authority, the High Court shouldn't have taken on this duty.

The bench further ordered that the three questions be referred to an administrative committee that the High Court would form, and that committee return its opinion to JPSC for any appropriate action within two weeks of the questions being reexamined.

What the High Court held

The petitioners claimed that Option (A): "More than one boy was absent from the class" was the grammatically correct response to Question 8, which asked the applicants to select the appropriate English sentence. Nevertheless, Option (B): "More than one boy were absent from the class" was marked as correct by the JPSC in its updated key. The Court agreed with the petitioners' argument and declared that "option (A) is the correct answer without a doubt and Option (B) given by JPSC cannot be said to be correct."

Based on the Supreme Court's decision in *Ashwini Kumar Upadhyay v. Union of India*, W.P. (C) No. 943/2021, Question 74, the second contentious question, inquired as to which IPC crimes the court had referenced in the aforementioned order.

Sections 153A, 153B, 295A, and 506 (Option (D)) were indicated as the right response by JPSC. The petitioners argued that while Section 505 of the IPC was addressed in the Supreme Court's ruling, Section 506 was not. The Court concurred with the petitioners after reviewing the initial ruling.

Additionally, the Court dismissed the JPSC's claim that Section 506 might be interpreted as being included in the word "etc." used in the Supreme Court's order. It stated that "if such an interpretation is given, the word 'etc.' would cover every Section in the Indian Penal Code, and that could not have been the Supreme Court's intention in the above judgment,"

Going on to Question 96, which dealt with the Indian Contract Act's law of agency, the petitioners contended that JPSC had originally designated Option (C) as the right response but then modified it to Option (A). In addition, the petitioners contended that Option (A) was a legitimate legal statement and shouldn't have been marked as such. They argued that both (B) and (C) should have been permitted but were legally incorrect. The Court concurred and declared that "Option (A) provided by the JPSC is incorrect."

The Court also supported the petitioners' contention that, in violation of Sections 184 and 186 of the Indian Contract Act, respectively, Option (B), which falsely claimed that only individuals of majority could serve as agents, and Option (C), which falsely asserted that an agent's authority had to be documented in writing, were both incorrect.

"Petitioners are correct in arguing that both options (B) and (C) would be the correct answers to Question No.96," the court declared.

The High Court determined that the responses provided by JPSC in the updated answer key were obviously incorrect and needed to be corrected after reviewing each of the three questions.

The High Court granted the writ petitions in relation to these three questions and instructed JPSC to "give one mark to the persons who answered to Option (A) in Question No.8 in Booklet A and delete Question No.74 and Question No.96 in Booklet A from consideration."

Details of the case: Jharkhand Public Service Commission vs. The State of Jharkhand | C.A. No. 001455 / 2026