

Sonal Gupta & Ors.
v.
Registrar General, Rajasthan High Court Jodhpur & Anr.
(Writ Petition (C) No. 708 of 2024)

24 October 2024

**[Dr Dhananjaya Y Chandrachud,* CJI,
J.B. Pardiwala and Manoj Misra, JJ.]**

Issue for Consideration

Whether there is any arbitrary variation in marks obtained by candidates in the language examination for the Rajasthan Civil Judge Cadre 2024 which may affect the integrity of the overall results of the examination.

Headnotes[†]

Rajasthan Judicial Services Rules, 2010 – Petitioners qualified for main examination of the Rajasthan Civil Judge Cadre 2024 – Did not meet the cut-off marks for the interview – Writ petitions under Article 32 for quashing of results of main examination and re-evaluation by expert committee – No marked difference in the strictness of evaluation undergone by candidates who qualified for the interview – Absent any significant variation, the process of marking not suspect – Answer sheets duly perused by the Court – Marking of the essay does not suffer from an infirmity that would cast doubt on the overall assessment of the English Essay answer sheets – Petitions dismissed:

Held: 1. Petitioners qualified for the main examination for the Rajasthan Civil Judge Cadre 2024 – Rule 20 of the Rajasthan Judicial Services Rules 2010 (RJS Rules) stipulates the scheme of the selection process – Main examination divided into four parts: (i) Law Paper – I (Civil); (ii) Law Paper – II (Criminal); (iii) Language Paper – I (Hindi Essay); and (iv) Language Paper – II (English Essay) – Language papers to be marked out of fifty each – Three questions were required to be answered in the English Essay – For all candidates, the first question was assessed by a District Judge

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level officer – The second and the third questions respectively assessed by distinct sets of English Professors working in a Government College to ensure fairness of the process – Minimum aggregate of 40% (35% for SC/ST candidates) for candidates to be eligible for the interview – No minimum marks for language paper – Petitioners aggrieved by fatally low marks in the English Essay that ranged between zero and fifteen out of fifty – Writ Petitions filed under Article 32 for quashing of results of main examination and for re-evaluation of answer papers by an expert committee – Petitions dismissed [Paras 3-5]

2. Note placed on record indicated 95.76% of the candidates secured between zero and fifteen marks – Tabulated statement filed by High Court of Rajasthan indicating marks secured in the Law Paper-I (Civil) and Law Paper-II (Criminal) by those candidates who secured between zero and fifteen marks in the English Essay and who did not qualify for the interview stage – Petitioners have not demonstrated any marked difference in the strictness of evaluation undergone by candidates who have qualified for the interview – Absent any significant variation, the process of marking itself is not suspect. [Paras 8-12]

3. Answer sheets perused by Court – No substance in the allegations that there was deliberate low marking in the English Essay paper – No statistical discrepancy that would warrant intervention – Marking of the essay does not suffer from an infirmity that would cast doubt on the overall assessment of the English Essay answer sheets – Petitions dismissed – Liberty given to candidates having individual grievances, except for issue concluded by this order, to move the High Court under Article 226. [Paras 13-15]

Case Law Cited

Sanjay Singh v. UP Public Services Commission [2007] 1 SCR 235 : [2007] 3 SCC 720; *Pranav Verma v. High Court of P&H* [2019] 15 SCR 43 : [2020] 15 SCC 377; *Prashant Ramesh Chakkarwar v. UPSC* [2013] 12 SCC 489; *Sujasha Mukherji v. High Court of Calcutta* [2015] 2 SCR 480 : [2015] 11 SCC 395; *CPIL v. High Court of Delhi* [2017] 11 SCC 456 – relied on.

List of Acts

Rajasthan Judicial Services Rules, 2010.

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Examination process; Marking; Arbitrary variation; Wide variation; Likelihood of discrepancy; Uniform evaluation process; Interference in examination process.

Case Arising From

CIVIL ORIGINAL JURISDICTION : Writ Petition (C) No. 708 of 2024
(Under Article 32 of The Constitution of India)

With

W.P.(C) Nos. 706 and 711 of 2024, Diary Nos. 48927 and 48993
of 2024 and W.P.(C) No. 709 of 2024

Appearances for Parties

Jaideep Gupta, Gaurav Agarwal, Sr. Advs., Saket Sikri, Ms. Ekta K Sikri, Vikalp Mudgal, Ajaypal Singh Kullar, Kshitij Mudgal, Ms. Anshul Rajora, Ms. Sakshi Gaur, Ms. A. Sumathi, Ms. Ila Shikhar Sheel, Ms. Sampriti Baksi, Siddharth Banerjee, Saurabh Sharma, Mayank Barua, Ms. Puja Shaw, Mrs. Arpana Soni, Mohit Yadav, Mrs. Aarti Pal, Keshav Dev, Vijay Kumar, Chand Qureshi, B. Shravanth Shanker, Siddharth Bapna, Rahul Jajoo, Gaurav Kumar, Naman Sherstra, Rajat Kumar, Devesh Kumar, Saurabh Poonia, Vinod Sharma, Apoorv Shukla, Puneet Chahar, Ms. Prabhleen A. Shukla, Ayush Acharjee, Advs. for the Petitioners.

Tushar Mehta, Solicitor General, Digvijay Dam, Vishal Meghwal, Mukul Kumar, Kedar Nath Tripathy, Aditya Narayan Tripathy, Anurag Yadav, Advs. for the Respondents.

Judgment / Order of the Supreme Court**Judgment****Dr Dhananjaya Y Chandrachud, J**

1. A hundred and nine Petitioners have invoked the jurisdiction of this Court under Article 32 of the Constitution. The Petitioners are candidates who appeared for the main examination of the Rajasthan Civil Judge Cadre 2024 which was conducted on 31 August 2024 and 1 September 2024. Their grievance is that they have been awarded

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marks arbitrarily in the subjective exam paper, namely, the Language Paper – II (English Essay) which has led to them falling below the cut off marks for the interview round. A petition for special leave is also preferred against an order of the High Court of Rajasthan dated 19 October 2024 dismissing a Writ Petition under Article 226 of the Constitution on identical issues in light of these proceedings having commenced before this Court. The Petitioners seek the quashing of the results of the main exams and re-evaluation of the answer sheets by an expert committee. Since the issues are identical, the petitions are being disposed of together.

Factual Background

2. The Rajasthan Judicial Services Rules 2010¹ stipulate that recruitment to the posts of Civil Judges shall be made directly on the basis of a competitive examination.² The scheme of the selection process takes place in three stages, namely, (i) the preliminary examination; (ii) the main examination; and (iii) the interview round.³ The scheme of the written examination is provided in Schedule IV of the RJS Rules. The High Court of Rajasthan issued an Advertisement numbered RHC/Exam Cell/RJS/CJC/2024/783 which notified the Civil Judge Cadre 2024 examination to fill two hundred and twenty-two vacancies.
3. The Petitioners qualified at the preliminary examination which was conducted on 23 June 2024. The main examination was divided into four parts, namely, (i) Law Paper – I (Civil); (ii) Law Paper – II (Criminal); (iii) Language Paper – I (Hindi Essay); and (iv) Language Paper – II (English Essay). The law papers were to be marked out of one hundred each and the language papers were to be marked out of fifty each. Three questions were required to be answered in the English Essay. For all candidates, the first question was assessed by a District Judge level officer while the second question and the third question respectively were directed to be assessed by distinct sets of English Professors working in a Government College to ensure the fairness of the process.

1 'RJS Rules'.

2 Rule 16, RJS Rules.

3 Rule 20, RJS Rules.

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4. The RJS Rules stipulate that the minimum cut off marks in law papers for qualifying for the viva voce shall be 35% for the unreserved category and 30% for the Scheduled Caste and Scheduled Tribe categories. Candidates must have an aggregate of 40% (35% for SC/ST candidates) to be eligible for the interview. No minimum marks are stipulated for language papers.
5. The Petitioners appeared for the examination on 31 August 2024 and 1 September 2024. The results were declared on 1 October 2024. Six hundred and thirty-eight candidates qualified for the interview stage of the recruitment process. When the Petitioners received their score cards on 4 October 2024, they noticed that their marks in the Language Paper-II (English Essay) were fatally low – ranging between zero and fifteen out of fifty marks. Aggrieved by the award of low marks in the English Essay, the Petitioners moved this Court for re-evaluation of the answer papers by an expert committee and setting aside of the results which were notified on 4 October 2024.
6. The question which arises for consideration is whether there is any arbitrary variation in the marks obtained by candidates in the language examination which may affect the integrity of the overall results of the examination.
7. The Petitioners argued that there are serious discrepancies in the marks awarded to candidates for the English Essay examination. They submit as follows:
 - a. In the absence of minimum qualifying marks for the language papers, the marking has been skewed. Candidates who have otherwise qualified in the law papers have been awarded unreasonably low marks in the English essay paper;
 - b. Candidates who have attempted the paper have also been awarded zero marks. Since the paper is subjective in nature, the award of no marks is inexplicable;
 - c. The limited space in the Question Paper-cum-Answer Booklet hindered the ability of candidates to answer appropriately; and
 - d. Over fourteen thousand answer sheets were checked by a limited number of examiners within a span of one month between the date of examination and the declaration of results.

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Procedural history

8. To address the issues which have arisen in this case, the Court issued notice on 18 October 2024 and directed the answer sheets in the English essay of those candidates who have been awarded below fifteen marks to be produced before the Court. Mr Tushar Mehta, Solicitor General placed a note on record indicating that of the 3534 candidates who appeared in the English Essay examination, 3384 or 95.76% of the candidates have secured between zero and fifteen marks. We found it necessary to scan and analyse the data to inspect whether arbitrary variations are discernible.
9. Accordingly, on 21 October 2024 this Court directed that a tabulated statement be placed before the Court indicating the marks which were secured in the Law Paper-I (Civil) and Law Paper-II (Criminal) respectively by those candidates who appeared in the English medium, who secured between zero and fifteen marks in the English Essay and who have not qualified for the interview stage. The trunks containing the record were directed to be kept in the custody of the Secretary General of this Court. Pursuant to our directions, the High Court of Rajasthan has produced a tabulated sheet running into seventy-three pages.

Analysis

10. In **Sanjay Singh v. UP Public Services Commission**⁴ this court opined that a degree of variation may occur when a large number of candidates are evaluated through an examination by a number of evaluators. However, the likelihood of discrepancy arises when a wide variation can be made out from the results. In **Pranav Verma v. High Court of P&H**,⁵ this Court has held that the likelihood of discrepancy is reduced where the evaluation process is uniform. The Court held as follows:

“14. ... We are of the view that evaluation done by multiple evaluators i.e. one evaluator examining and marking one question in all the marksheets, ensures uniformity and prevents chance grading. Every candidate’s answers

4 (2007) 3 SCC 720

5 (2020) 15 SCC 377

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are marked on same parameters by the same examiner. There can possibly be no other better method to ensure uniformity in evaluation. ...

15. The marking criteria and evaluation method was strict but it was so for everyone. This was maybe for the reason that one evaluator checked one answer in each script and in this manner the entire lot of scripts were marked. The Evaluators failed to keep a pragmatic view that source of recruitment was likely to be the same in a fresh attempt also and that candidates had only 8.5 minutes to answer each question and time constraint did not allow them to give their best of performance. Even those candidates who covered all aspects briefly were not awarded proper marks. Unlike the hypothetical illustration given in *Sanjay Singh case*, it was not a case where some candidates were subjected to strict marking and others had an advantage of lenient marking, so as to draw an inference that the evaluation method was discriminatory or arbitrary.”

11. In **Prashant Ramesh Chakkarwar v. UPSC**,⁶ this Court has held that in the absence of any evidence that meritorious candidates have been deprived of their marks deliberately, the Court cannot interfere. This Court held that merely because candidates who cleared the preliminary exam did not further clear the main exam is no ground to infer fault on part of the examining authority.
12. In the present case the first question was assessed by a District Judge level officer while the second question and the third question respectively were directed to be assessed by distinct sets of English teachers working in a Government College to ensure the fairness of the process. The Petitioners have not demonstrated any marked difference in the strictness of evaluation which was undergone by the candidates who have qualified for the interview. Absent any significant variation, the process of marking itself is not suspect. The question which remains is whether lower marks were deliberately awarded in the English essay exam.

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13. In the interest of justice and fairness, we have perused the answer sheets which have been placed for the scrutiny of the Court by officers of the High Court of Rajasthan who were present before this Court on 25 October 2024. Based on the nature of the answers in the English Essay, we have no doubt that there is no substance, even *prima facie*, in the allegations that there was a deliberate low marking in the English Essay paper. The records of the answer sheet were directed to be placed before this Court. The answer sheets were duly perused and remained in the safe keeping of the Secretary General of this Court.
14. Based on the tabulated position which has been disclosed before the Court, we find no statistical discrepancy that would warrant the intervention of this Court under Article 32 of the Constitution. The marking of the essay does not suffer from an infirmity that would cast doubt on the overall assessment of the English Essay answer sheets. The petitions, therefore, fail to qualify the parameters followed by this Court in a consistent line of precedent.⁷

Conclusion

15. We, therefore, decline to entertain these petitions. The Petitions shall accordingly stand dismissed. If any candidate has an individual grievance, save and except for the issue which has been concluded by this order, liberty is granted to move the High Court of Rajasthan in the exercise of its jurisdiction under Article 226 of the Constitution.
16. The Secretary General may now hand over the trunks containing the graded answer sheets of the English Essay to the team from the High Court of Rajasthan who has produced the files.
17. Pending applications, if any, stand disposed of.

Result of the case: Petitions dismissed.

[†]Headnotes prepared by: Aandrita Deb, Hony. Associate Editor
(*Verified by:* Shibani Ghosh, Adv.)

⁷ Sanjay Singh v. UP Public Services Commission (2007) 3 SCC 720; Prashant R Chakrawar v. UPSC (2013) 12 SCC 489; Sujasha Mukherji v. High Court of Calcutta (2015) 11 SCC 395; CPIL v. High Court of Delhi (2017) 11 SCC 456; and Pavan Verma v. High Court of P&H (2020) 15 SCC 377.