IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

CWP No. 3485 of 2019
Decided on: 03.07.2026

Saurabh Kumar …….. petitioner

Versus

State of H.P. and others

…….respondents

Coram:
Hon'ble Mr. Justice Bipin Chander Negi, Judge
Whether approved for reporting? [1]

For the petitioner	**:**	Mr. Vikrant Thakur and Mr. Shubham Singh Guleria, Advocates.
For the respondents	**:**	Mr. Pranay Pratap Singh, Additional Advocate General, for respondents No. 1 to 3.

Bipin Chander Negi, Judge (oral)

Vide advertisement (Annexure P-2) dated 03.03.2019, posts of Constables and Constable Drivers had been advertised. In pursuance whereof, the present petitioner had applied for the post of Constable in the month of April, 2019. The petitioner had been allocated Roll No. 052084. In pursuance thereto, the petitioner appeared in the written test (objective type test) held on 8th September, 2019.

2. At the written test so held, the petitioner had secured 38 marks. According to the petitioner, Questions No. 24, 30, 39, 43, 44, 46, 59 and 60 in the written test/objective-type test held on

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[1] *Whether the reporters of the local papers may be allowed to see the judgment?*

8th September, 2019, in the answer key provided (Annexure P-4), had been answered correctly by the petitioner. However, the answers so encircled in the OMR sheet by the petitioner had been wrongly held to be incorrect and, therefore, no marks for the said questions had been awarded to the petitioner. In order to demonstrate the correctness of the answers given to the aforesaid questions by the petitioner in the written test/objective-type test held on 8th September, 2019, relevant extracts of the text have been placed on record as Annexure P-6 qua Questions No. 59 and 30 only. It is in the aforesaid backdrop that the petitioner has prayed for the grant of eight additional marks with respect to the aforesaid questions.

3. In the response filed by the official respondents, i.e. respondents No. 1 to 3, it has been contended that the matter had been got examined by expert question paper setters, who, after considering the contentions of the petitioner, are of the view that the contentions raised by the petitioner qua the eight questions are not acceptable. Based on the aforesaid, it is contended that, on checking the OMR sheet of the petitioner (Annexure P-4), the petitioner has been correctly awarded marks.

4. Heard learned counsel for the parties and perused the pleadings.

5. It is a well-settled position of law that the Court should presume the correctness of the answer key and proceed

on that presumption and, in the event of any doubt, the benefit should go to the examination authority rather than to the candidate. Sympathy or compassion has no role to play in the case at hand. Further, the Court should not, in such matters, direct re-evaluation of the answer sheet in this regard. Reference in this regard can be made to the Apex Court judgments in **Ran Vijay Singh and others vs. State of Uttar Pradesh and others**, reported in **(2018) 2 SCC 357**, and ***Civil Appeals @ SLP (C) Nos. 21999/2024, 22002/2024 & 1590-1591/2025, titled Shubham Pal and others vs. Staff Selection Commission and another***, decided on 03.02.2026.

6. In view thereof, the present writ petition, being devoid of any merit, is dismissed, so also the pending miscellaneous application(s), if any.

(Bipin Chander Negi)
Judge

3rd July, 2026
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