



2026:UHC:3531-DB

Judgment Reserved on:04.05.2026

Judgment Delivered on :08.05.2026

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

THE HON'BLE CHIEF JUSTICE MR. MANOJ KUMAR GUPTA

AND

THE HON'BLE JUSTICE MR. SUBHASH UPADHYAY

Writ Petition (S/B) No.105 of 2026

Anshuka Bhandari and Another -----Petitioners

Versus

State of Uttarakhand and Others -----Respondents

Presence:-

Mr. Abhijay Negi, learned counsel for the petitioners

Mr. Gajendra Tripathi, learned Standing Counsel along with Mr. M.S. Bisht, learned Brief Holder for the State of Uttarakhand/ respondent nos.1 and 3.

Mr. Pankaj Miglani, learned counsel for respondent no.2/ UKPSC.

JUDGMENT : (per Mr. Subhash Upadhyay J.)

1. The petitioners have filed this petition with the following prayers:

"I. Issue a writ, order or direction in the nature of Certiorari to quash the revised cut off list dated 22.01.2026 along with the revised marks list (Annexure-07) qua the Petitioners inasmuch as, due to the same the present Petitioners who were already declared as selected for the next stage, are not unable to participate in the Mains Examination, as being contrary to the judgement of the Hon'ble Apex Court in Ran Vijay Singh vs State Of U.P. 2018 (2) SCC 357;

II. Issue a writ, order or direction in the nature of Mandamus, directing the Respondent No. 02 to allow and consider the candidature of the Petitioners, for



participation in the Mains Examination."

2. An advertisement was issued on 15.05.2025 by the Uttarakhand Public Service Commission inviting applications from eligible candidates for the Uttarakhand Judicial Services (Civil Judge Junior Division) Examinations. The preliminary examination was held on 31.08.2025 and the cut-off list was published on 31.10.2025. The cut-off marks for various categories were as follows:

Table 01: Original Cut-off marks

S.No.	Category/Sub Category	Cut-off marks
1.	Unreserved	162.1218
2.	Unreserved / Unreserved Female	148.4856
3.	Other Backward Classes	154.7984
4.	Schedule Tribes	113.1329

3. The petitioners who appeared under the category of UR/UF obtained the following marks and were declared successful:

Table 02: Marks and Category of the Petitioners

S.No.	Petitioner Name	Sr. of the Original Mark List	Roll Number and Marks	Category
1.	Anshuka Bhandari	3046	Roll Number 606918 Marks 149.7479	UR/UF



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2.	Anushree Khatri	3369	Roll Number 607699 Marks 148.9904	UR/UF
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4. It is case of the petitioners that vide notice dated 07.11.2025 successful candidates were asked to pay the further examination fees for the main examination and the name of the petitioners were included in the said list.

5. It appears that WPSB No.498 of 2025 and WPSB No.499 of 2025, "Suryansh Tiwari Vs. State of Uttarakhand and Another" and "Shashank Pant Vs. State of Uttarakhand and Another" were filed before the Court challenging the answer keys and the aforesaid writ petitions were decided on 18.12.2025 whereby directions were issued to the selecting body to recompute the results of the preliminary examination and in pursuance thereof the revised cut-off list was published on 22.01.2026, which has been put to challenge in the present writ petition.

6. Learned counsel for the petitioners submits that a faulty and incorrect compliance has been undertaken by the selecting body of the final judgment and order passed by the writ court as there was no direction to oust the selected candidates.



7. He further submits that no opportunity of hearing was provided to the petitioners and the said action of the respondents is contrary to the judgment passed by the Hon'ble Apex Court in the case of **Ran Vijay Singh Vs. State of U.P. 2018(2) SCC 357.**

8. Learned counsel for the petitioner submits that the selecting body ought to have retained the candidates who were declared successful in the preliminary examination as the said process was adopted by the commission in the selection held earlier. He also places reliance on the judgment and order passed by the Rajasthan High Court in the case of Girraj Prasad and order passed by the Hon'ble Apex Court in the case of Hari Kishan Vs. Rajasthan High Court (enclosed as Annexure-4 to the rejoinder affidavit).

9. Per contra, learned counsel for the Uttarakhand Public Service Commission submits that the entire exercise was carried out by the selecting body in compliance of the directions issued by the court in WPSB No.498/2025 and WPSB No.499/2025 and the said order has attained finality.

10. He submits that the direction issued by the Court was to the effect that the recomputation of the



results of the preliminary examination was to be done by deleting question no.158 of Set 'A', to consider and treat Option (c) as the correct answer for Question No. 145 and also treat option (d) as the correct answer for Question No.120.

11. He submits that though the petitioners have stated in the writ petition that a faulty and incorrect compliance has been undertaken by the selecting body of the aforesaid order but no material has been placed on record to demonstrate as to how the said compliance was faulty.

12. He further submits that WPSB No.124 of 2026 was filed wherein a similar stand was taken that the selecting body had adopted a faulty and inappropriate procedure and initially the present writ petition was connected with the aforesaid writ petition but later on WPSB No.124 of 2026 was withdrawn. Thus, as there is no challenge to the judgment and order passed in WPSB No.498/2025 and WPSB No.499/2025, as such, the action taken by the selecting body towards the compliance of the said order, cannot be said to be arbitrary or illegal.

13. We have heard learned counsel for the parties and the issue which is to be considered by this Court in



the present writ petition is that as to whether the revised cut-off list published on 22.01.2026 by the selecting body is in accordance with the directions issued by the Co-ordinate Bench in WPSB No.498/2025 and WPSB No.499/2025 or the procedure adopted by the selecting body in preparation of revised cut-off list is arbitrary.

14. Learned counsel for the petitioner has contended that the procedure adopted by the selecting body was faulty, however, there is no material to demonstrate that the said process was faulty, illegal or arbitrary. We have examined the select list published by the commission and the directions issued by the Court and we are of the view that the directions issued by the Court have been complied by the commission in totality.

15. The contention of the learned counsel for the petitioner that there was no direction to oust the already selected candidates like petitioners is bereft of merit as the directions issued were to recompute the result while re-evaluating the response of all candidates and to publish the merit list as per the procedure prescribed under the Uttarakhand Public Service Commission's Regulation 2022.

16. Learned counsel for the petitioners has placed



reliance on the judgment of the Hon'ble Apex Court in the case of **Ran Vijay Singh** (*supra*). However, in the said case the Hon'ble Apex Court has held that the Court should not re-evaluate or scrutinize the answer sheet of a candidate as it has no expertise in the matter and the academic matters are to be left to the academicians.

17. In the present case, the Co-ordinate Bench of the Court in WPSB No.498/2025 and WPSB No.499/2025, however, taking into consideration the regulations framed by the commission held in paragraph no.15 to 19 as follows:

"15. Hon'ble Apex Court in the case of Uttar Pradesh Public Service Commission, through its Chairman and another Vs. Rahul Singh and another, reported in (2018) 7 SCC 254, has observed that the Constitution Courts must exercise great restraint in matters regarding public examination and should be reluctant to entertain the plea challenging the correctness of the key answers.

16. In the case in hand, the Regulations of 2022 clearly states that where the question is structurally defective, such a question shall be excluded from the question paper and the marks for remaining questions shall then be increased proportionately so that the total maximum marks remain unchanged.

17. Learned counsel for the Commission fairly conceded that the option provided by the Subject Experts with regard to Question No. 145 of Set 'A' is apparently incorrect. This Court is of the view that since question no.145 pertains to house breaking and its



definition is specifically explained in Illustration (a) appended to Section 445 of the Indian Penal Code, therefore, the correct answer would be Option 'c'. Illustration (a) appended to Section 445 of the Indian Penal Code is reproduced below:

“(a) A commits house-trespass by making a hole through the wall of Z’s house, and putting his hand through the aperture. This is house-breaking.”

18. In view of the above factual and legal position, this Court is constrained to hold that there were two correct answers to Question No. 158 of Set 'A' of the Uttarakhand Judicial Services Civil Judge (Junior Division) Examination-2023. The Commission ought to have deleted this question as provided under Regulation 9(iv) of the Regulations of 2022. Furthermore, the learned counsel for the Commission has himself admitted that there were two correct answers to Question No. 158 of Set 'A', therefore, the said question ought to have been deleted by the Commission.

19. Accordingly, the writ petition stands allowed. This Court, upon due consideration of the submissions advanced and the material placed on record, holds that Question No.129 does not specifically indicate as to whether it relates to Shia Law or Sunni Law, therefore, the Commission has rightly deleted this question. Further, the answer furnished by the Uttarakhand Public Service Commission in respect of Question No. 132 of Set 'A' of the aforesaid Preliminary Examination is correct in law and does not warrant any interference by this Court. However, it is further held that the answer provided by the Commission in relation to Question No. 145 of Set 'A' is erroneous, as the correct answer ought to have been Option (c), in view of the statutory position and the illustration appended to Section 445 of the Indian Penal Code. This Court further declares that answer to Question No. 120 of Set 'A' to be option (d). This Court further declares that since there were two correct answers to Question No. 158 of Set 'A', rendering it incapable for the



candidates to give a definite or legally sustainable answer, therefore, the said question shall stand deleted from the process of evaluation."

18. The Co-ordinate Bench in paragraph no.20 of the order concluded as hereunder:

"20. The Uttarakhand Public Service Commission is, therefore, directed to re-compute the result of the aforesaid Preliminary Examination by deleting Question No.158 of Set 'A' and also consider and treat Option (c) as the correct answer for Question No. 145 and also treat option (d) as the correct answer for Question No.120, while re-evaluating the responses of all candidates and publish the merit list as per the provisions contained in the Uttarakhand Public Service Commission Regulations, 2022."

19. It is an admitted fact that the directions issued in paragraph no.20 of the aforesaid judgment has not been put to challenge and has become final and thus, the exercise conducted by the selecting body of computation of result of the preliminary examination while re-evaluating the response of all candidates cannot be said to be an illegal or arbitrary exercise. We are of the view that this Court cannot sit in appeal and re-examine the correctness of the directions issued by the Co-ordinate Bench.

20. Learned counsel for the petitioners has placed reliance on the judgment and order passed by the Rajasthan High Court on 18.05.2012 in the case of



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Giriraj Prasad Sharma and the order dated 30.01.2013 passed by the Hon'ble Supreme Court in Hari Krishan Vs. Rajasthan High Court in Civil Appeal No.943/2013 (copy enclosed as Annexure No.4 to the Rejoinder Affidavit), to contend that the petitioners who were initially declared successful in the preliminary examination had acquired a right to sit in the main examination even after the revision of the select list. We are not inclined to accept the said submission as the facts of the aforesaid case are different and inapplicable in the present case. Moreover, no preposition of law has been propounded in the aforesaid judgments to the effect that once a name of a candidate is included in the select list then any indefeasible right is accrued in favour of such candidate. A Constitution Bench of the Hon'ble Apex Court in the case of Shankarsan Dash Vs. Union of India (1991) 3 SCC 47 has held that mere inclusion of a name of a candidate even in the final select list does not confer any right of appointment in its favour. The only caveat is that the decision should not be arbitrary.

21. In the present case, the name of the petitioners were included in the select list of candidates, who were declared successful in the preliminary examination, however, their name were excluded in the



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revised cut-off list issued on 22.01.2026 on recomputation of the result as per the directions of the writ court. The action of the selecting body cannot be said to be arbitrary as the entire select list was revised and it is not a case that the petitioner alone were singled out. Thus, it cannot be said that by mere inclusion of the name of the petitioners in the initial select list they had acquired any indefeasible right in their favour.

22. In view of the above discussion, we are of the considered view that the action of the Uttarakhand Public Service Commission in issuance of the revised cut-off list on 22.01.2026 of the Preliminary Examination of the Uttarakhand Judicial Services (Civil Judge Junior Division) Examination is neither arbitrary nor illegal and the same is in accordance with law. The writ petition lacks merits and the same is, accordingly, dismissed.

23. Pending application, if any, also stands disposed of.

(MANOJ KUMAR GUPTA, C. J.)

(SUBHASH UPADHYAY, J.)

Dated:08.05.2026

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