



2026:UHC:1517-DB

Reserved Judgment

**IN THE HIGH COURT OF UTTARAKHAND**  
**AT NAINITAL**

THE HON'BLE THE CHIEF JUSTICE SRI MANOJ KUMAR GUPTA  
AND  
THE HON'BLE SRI JUSTICE SUBHASH UPADHYAY

Reserved on : 25.02.2026

Delivered on : 10.03.2026

**WRIT PETITION (S/B) NO. 62 OF 2026**

Rajveer Singh and others ..... Petitioners

Versus

State of Uttarakhand & another ..... Respondents

WITH

**WRIT PETITION (S/B) NO. 66 OF 2026**

Ranveer Singh Tomar and others ..... Petitioners

Versus

State of Uttarakhand & another ..... Respondents

WITH

**WRIT PETITION (S/B) NO. 82 OF 2026**

Ruchi Rana and others ..... Petitioners

Versus

State of Uttarakhand & another ..... Respondents

Counsel for the petitioners : Mr. T.A. Khan, learned Senior  
Counsel assisted by Mr. Vinay Bhatt,  
learned counsel

Counsel for the respondents : Mr. S.N. Babulkar, learned Advocate  
General assisted by Mr. Sachin



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Mohan Singh Mehta, learned Brief Holder for the State

: Mr. Pankaj Miglani and Mr. B.D. Kandpal, learned counsel for respondent No. 2

### **The Court made the following:**

**JUDGMENT:** (per Hon'ble The Chief Justice Sri Manoj Kumar Gupta)

1) The petitioners have approached this Court under Article 226 of the Constitution of India challenging the result of the shorthand examination declared on 03.02.2026 pursuant to advertisement dated 18.07.2024 issued for recruitment to the post of Additional Personal Secretary in the Government Secretariat, Dehradun and in the Uttarakhand Public Service Commission, Haridwar. The petitioners have further prayed for quashing Footnote No. 4 to the result dated 03.02.2026 and for striking down Rule 45 and 71(7) of the Uttarakhand Public Service Commission (Procedure and Conduct of Business) Rules, 2013 insofar as the same restricts inspection of answer sheets until completion of the entire selection process.

2) As common questions of facts and law are involved in all the petitions, the same are being decided by this common order.



3) We have heard Mr. T.A. Khan, learned Senior Counsel assisted by Mr. Vinay Bhatt, learned counsel for the petitioners; Mr. S.N. Babulkar, learned Advocate General for the State of Uttarakhand; and Mr. Pankaj Miglani, learned counsel appearing for the Uttarakhand Public Service Commission.

4) Mr. S.N. Babulkar, learned Advocate General made a statement on 23.02.2026 that since *vires* of Uttarakhand Public Service Commission (Procedure and Conduct of Business) Rules, 2013 is under challenge and the Uttarakhand Public Service Commission is a separate entity under the Constitution, therefore, the State has nothing to say in respect of the Rules under challenge. Mr. Pankaj Miglani, learned counsel appearing for the Uttarakhand Public Service Commission has made submissions in support of the Rules and has opposed the prayers made in the writ petitions.

5) The Uttarakhand Public Service Commission (for short 'Commission') issued an advertisement bearing No. 1/E-3/DR (APS)/2024 dated 18.07.2024 inviting application for recruitment to the post of Additional Personal Secretary in the Government Secretariat, Dehradun and in the Uttarakhand Public Service



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Commission, Haridwar. As per the advertisement, 96 posts in the Government Secretariat and 03 posts in the Uttarakhand Public Service Commission were to be filled. Subsequently, a corrigendum dated 12.08.2024 was issued. The petitioners applied for the said posts and were issued admit cards to participate in the recruitment process. The selection process consisted of two stages. The first stage comprised of skill based examinations in Hindi typing, English typing, Computer knowledge test, Hindi shorthand, and English shorthand as a preferential qualification.

6) Only candidates qualifying the first stage were eligible to participate in the second stage, which consisted of written examinations in General Studies and Essay / Drafting. The petitioners successfully cleared the typing tests conducted between 25.11.2024 and 23.12.2024, the results of which were declared on 16.01.2025. Thereafter the petitioners qualified the computer knowledge examination conducted between 27.01.2025 and 13.02.2025, the result of which was declared on 02.08.2025. Having qualified the aforesaid examinations, the petitioners appeared in the shorthand examination conducted between 22.09.2025 and 16.10.2025. In the shorthand test a passage was dictated to candidates



which was required to be recorded in shorthand within five minutes and thereafter transcribed through computer typing within thirty-five minutes.

7) The petitioners assert that they possess substantial experience and proficiency in shorthand and typing and had prepared extensively for the recruitment examination. According to them, they had successfully cleared the earlier stages of the selection process, namely the Hindi typing test, English typing test and computer knowledge examination, and therefore had every expectation of qualifying the shorthand examination as well.

8) It is stated that during the shorthand examination the dictated passage was recorded by the petitioners in shorthand without difficulty and the subsequent transcription through computer typing was completed well within the prescribed time. According to the petitioners, most candidates in the examination hall were able to complete the transcription within 15 to 20 minutes, whereas the time allowed for the transcription was substantially longer. The remaining time, according to the petitioners, was utilised by them to recheck the typed material.



9) The petitioners therefore assert that they were satisfied with their performance in the shorthand examination and were confident of qualifying the said test. However, when the result was declared on 03.02.2026, the petitioners were surprised to find that their roll numbers were not included in the list of successful candidates.

10) The petitioners state that in view of their performance in the examination, the result gave rise to a reasonable apprehension that either the shorthand notebooks or the typed answer sheets of the petitioners had not been properly evaluated or that some error had occurred during the evaluation process.

11) The petitioners sought inspection of their shorthand notebooks and answer sheets but were denied such inspection on the basis of Footnote No. 4 to the notice of declaration of result dated 03.02.2026, which provides as follows :

**“With regard to the answer books relating to the shorthand examination of the candidates, inspection shall be permitted only after the declaration of the final result. Therefore candidates are requested not to submit applications under the Right to Information Act, 2005 seeking such information.”**



It is this restriction that is primarily under challenge.

12) According to the petitioners, unless they are permitted to inspect their shorthand notebooks and typed answer sheets, it would not be possible for them to ascertain whether the evaluation has been carried out correctly. The petitioners contend that refusal on part of the respondents to permit inspection of answer sheets, on the strength of Footnote No. 4 to the notice of declaration of result dated 03.02.2026, effectively deprives them of an opportunity to verify the correctness of the evaluation and to seek timely redressal of any error that may have occurred.

13) It is also contended that the restriction imposed through the said clause amounts to an unjustified curtailment of the rights available to the petitioners under the Right to Information Act, 2005, which confers a statutory right upon citizens to obtain information from public authorities.

14) The petitioners further submit that postponing the inspection of answer sheets until completion of the entire selection process would cause serious prejudice to



them. By the time the final result of the recruitment process is declared, the second stage examination would have been conducted and the selection process would have substantially progressed. In such circumstances, even if it is later discovered that the petitioners had been wrongly declared unsuccessful due to an error in evaluation, the petitioners would already have been excluded from further participation in the selection process and the prejudice caused to them would become practically irreversible.

15) The petitioners therefore contend that transparency in the evaluation process is essential to maintain fairness in public recruitment and that denial of inspection of answer sheets, particularly to candidates who have already been declared unsuccessful, cannot be justified on the ground that the recruitment process is still continuing.

16) According to the respondents the recruitment process has been conducted strictly in accordance with the advertisement and the applicable rules governing the conduct of examinations by the Commission. It is stated that the shorthand examination was conducted in a fair and transparent manner and the answer sheets of the



candidates were evaluated by duly appointed examiners in accordance with the prescribed procedure. The respondents deny that there has been any irregularity in the evaluation of shorthand notebooks or typed answer sheets of the petitioners.

17) It is further stated that the petitioners were declared unsuccessful on the basis of their performance in the shorthand examination and no error has occurred in the evaluation process.

18) The respondents have further justified their refusal to permit inspection of answer sheets by relying upon Footnote No. 4 to the notice dated 03.02.2026. According to the respondents, the said restriction has been imposed in order to ensure the smooth and orderly conduct of the recruitment process and to prevent unnecessary interference during the pendency of the selection process.

19) The respondents have also relied upon the provisions of the Uttarakhand Public Service Commission (Procedure and Conduct of Business) Rules, 2013, particularly Rule 45 and Rule 71(7).



20) In support of their contention, the respondents have placed reliance upon the judgment of the Supreme Court in ***Institute of Chartered Accountants of India Vs Shaunak H. Satya***<sup>1</sup> and the Rajasthan High Court in ***Ravindra Sharma Vs Registrar General, Rajasthan High Court***<sup>2</sup>. The respondents therefore contend that the embargo imposed through Note 4 to the notice dated 03.02.2026 is reasonable and is intended to protect the integrity of the ongoing recruitment process.

21) Recruitment to public posts must conform to the constitutional guarantees of fairness and equality embodied in Article 14 and 16 of the Constitution of India.

22) In the present recruitment scheme the shorthand examination constitutes a decisive stage of the recruitment process. Once a candidate is declared unsuccessful at this stage, he stands eliminated from the recruitment process. The law regarding access to answer sheets has been settled by the Supreme Court in ***CBSE Vs Aditya Bandopadhyay***<sup>3</sup>, wherein it was held that an evaluated answer script constitutes information accessible to the examinee. Similarly, in ***Institute of Chartered Accountants of India Vs Shaunak H. Satya*** (*supra*), the

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<sup>1</sup> (2011) 8 SCC 781

<sup>2</sup> (2013) 3 WLN 486

<sup>3</sup> (2011) 8 SCC 497



Supreme Court reiterated the importance of transparency in evaluation. These principles are also consistent with the object of the Right to Information Act, 2005, which seeks to promote transparency in the functioning of public authorities. Even the respondents do not dispute these legal propositions. Their only case is that the answer sheets would be supplied after the recruitment is over, otherwise it would affect third parties and delay the conclusion of the recruitment process.

23) Footnote No. 4 to the notice dated 03.02.2026 provides that inspection of answer sheets shall be permitted only after declaration of the final result.

24) The effect of this stipulation is that candidates who have already been declared unsuccessful cannot verify at this stage whether their answer sheets were properly evaluated. By the time the final result is declared, the second stage examination would already have been conducted and appointments may have been made. In such circumstances any error in evaluation would become practically incapable of correction.



25) Rule 45 of the Uttarakhand Public Service Commission (Procedure and Conduct of Business) Rules, 2013 provides :

**“The marks of all the candidates (after final results are declared) shall be displayed on the Commission’s website.”**

This provision merely regulates publication of marks after declaration of the final results. It does not create any prohibition against permitting inspection of answer sheets of candidates who have already been eliminated from the selection process. Therefore Rule 45 cannot be invoked to justify denial of inspection in the present case.

26) Similarly, reliance has been placed upon Rule 71(7) which provides :

**“After the selection process of an examination is over, if a candidate under the Right to Information Act, 2005 demands photocopies of his / her answer books / OMR answer sheets or wants to see them, the procedure framed by the Commission for this purpose will be followed.”**

The purpose of this rule is to regulate the procedure for supply of answer sheets after completion of the selection process. However, the rule cannot be interpreted in a manner that defeats the statutory right of a candidate to obtain access to his own answer sheet.



27) The legal position in this regard stands authoritatively settled by the Supreme Court in ***CBSE Vs Aditya Bandopadhyay*** (*supra*). In the said judgment, the Supreme Court held that evaluated answer scripts constitute “information” under the Right to Information Act, 2005 and that an examinee has the right to inspect or obtain certified copies thereof. The Supreme Court observed:

*“The RTI Act enables students to have access to the answer-books as ‘information’ and inspect them and take certified copies thereof. Section 22 of the RTI Act provides that the provisions of the said Act will have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force. Therefore the provisions of the RTI Act will prevail over the provisions of the bye-laws or rules of the examining bodies in regard to examinations.”*

The Court further held:

*“Unless the examining body is able to demonstrate that the answer-books fall under any of the exempted categories of information described in Section 8(1) of the RTI Act, the examining body will be bound to provide access to an examinee to inspect and take copies of his evaluated answer books, even if such inspection is barred under the rules or bye-laws governing the examinations.”*

The Supreme Court also clarified that the exemption contained in Section 8(1)(e) relating to fiduciary relationships does not ordinarily apply to evaluated answer scripts.



28) The principle emerging from the aforesaid judgment is that statutory rules or examination bye-laws cannot override the rights conferred by the RTI Act, particularly in view of Section 22 of the RTI Act, which provides that the Act shall have overriding effect notwithstanding anything inconsistent contained in any other law.

29) Under the present recruitment scheme, the first stage examination was of a qualifying nature only. Its purpose is to eliminate those who fail to achieve a prescribed benchmark. Once the petitioners have already been declared unsuccessful in the screening test (shorthand examination), delaying access to them to their answer sheets serves no legitimate purpose.

Fairness and transparency are integral components of public recruitment. Denial of access to a candidate's own answer sheet after he has been declared unsuccessful deprives him of the opportunity to verify the correctness of the evaluation. Permitting inspection of answer sheets of candidates already eliminated from the recruitment process does not compromise the integrity of the examination system. On the contrary, such transparency strengthens public confidence in the recruitment process. If after the conclusion of the



recruitment it transpires that the petitioners were wrongly excluded due to any error in evaluation, the prejudice caused to the petitioners would become practically irreversible. Third party interests would come into existence and it would become extremely difficult both for the Commission and this Court to remedy the situation. Therefore, it would both be in the interest of the petitioners and the successful candidates that the petitioners are permitted to have access to the answer sheets at this stage only. The Court is therefore of the considered opinion that Rule 71(7) of the 2013 Rules must be read down so as not to deny inspection of answer sheets to candidates who stand eliminated from the recruitment process at an earlier stage.

30) The respondents have placed reliance upon the decision of the Supreme Court in ***Institute of Chartered Accountants of India Vs Shaunak H. Satya*** (*supra*), particularly paragraphs 15 to 17 which read as follows:

*"15. Information can be sought under the RTI Act at different stages or different points of time. What is exempted from disclosure at one point of time may cease to be exempt at a later point of time, depending upon the nature of exemption. For example, any information which is exempted from disclosure under Section 8 is liable to be disclosed if the application is made in regard to the occurrence or event which took place or happened twenty years prior to the date of the request, vide Section 8(3) of the RTI Act. In other words, information which was exempted from disclosure, if an*



*application is made within twenty years of the occurrence, may not be exempted if the application is made after twenty years.*

*16. Similarly, if information relating to the intellectual property, that is, the question papers, solutions/model answers and instruction in regard to any particular examination conducted by the appellant cannot be disclosed before the examination is held, as it would harm the competitive position of innumerable third parties who are taking the said examination. Therefore it is obvious that the appellant examining body is not liable to give to any citizen any information relating to question papers, solutions/model answers and instructions relating to particular examination before the date of such examination. But the position will be different once the examination is held. Disclosure of the question papers, model answers and instructions in regard to any particular examination would not harm the competitive position of any third party once the examination is held.*

*17. In fact, the question papers are disclosed to everyone at the time of examination. The appellant voluntarily publishes the 'suggested answers' in regard to the question papers in the form of a book for sale every year after the examination. Therefore Section 8(1)(d) of the RTI Act does not bar or prohibit the disclosure of question papers, model answers (solutions to questions) and instructions, if any, given to the examiners and moderators after the examination and after evaluation of answer scripts is completed, as at that stage they will not harm the competitive position of any third party. We therefore reject the contention of the appellant that if an information is exempt at any given point of time, it continues to be exempt for all times to come."*

31) A careful reading of the aforesaid paragraphs shows that the Supreme Court was dealing with question papers, model answers, solutions and instructions issued to examiners and moderators. The Court treated such material as intellectual property of the examining body, the



premature disclosure of which could harm the competitive position of third parties taking the examination.

32) The present case stands on an entirely different footing. The petitioners are not seeking disclosure of question papers, model answers, solutions or instructions issued to examiners. What the petitioners seek is only inspection of their own shorthand notebooks and answer sheets after they have been declared unsuccessful in the shorthand examination. Such information cannot be equated with confidential intellectual material belonging to the examining body. Nor have the respondents demonstrated how permitting the petitioners to inspect their own answer sheets would prejudice the competitive position of any third party. Therefore, the reliance placed by the respondents upon ***Institute of Chartered Accountants of India Vs Shaunak H. Satya*** (supra) is misplaced.

33) The respondents have also relied upon the judgment of the Rajasthan High Court in ***Ravindra Sharma Vs Registrar General-cum-Appellate Authority, Rajasthan High Court & others*** (supra), where a request made under the Right to Information Act, 2005 for inspection and certified copies of an evaluated answer book was declined on the ground that the recruitment process had not yet concluded. A perusal of the said judgment shows that the



Rajasthan High Court placed reliance upon the decisions of the Supreme Court in ***Institute of Chartered Accountants of India Vs Shaunak H. Satya*** (*supra*) and ***CBSE Vs Aditya Bandopadhyay*** (*supra*), and upheld the rejection of the request on the premise that the selection process was still in progress. However, the reasoning adopted in the said judgment does not elaborate as to how the principle laid down in the said judgments would apply to the facts before that Court.

34) As noticed earlier, in ***Institute of Chartered Accountants of India Vs Shaunak H. Satya*** (*supra*), the Supreme Court was dealing with disclosure of question papers, model answers, solutions and instructions issued to examiners, which were treated as intellectual property of the examining body and whose disclosure could affect the competitive position of third parties appearing in the examination. It was in that context that the Court recognised that disclosure of such material could be deferred at certain stages. The Rajasthan High Court judgment, while referring to the aforesaid decision, does not undertake any analysis as to whether the evaluated answer book of a candidate falls within the same category of confidential intellectual material or how its disclosure would prejudice the competitive position of other candidates. Nor does the



judgment explain in what manner inspection of an examinee's own answer book would be contrary to public interest or would compromise the confidentiality of the examination system.

35) The reasoning of the Supreme Court in ***CBSE Vs Aditya Bandopadhyay*** (*supra*) makes a clear distinction between confidential evaluation material such as model answers or examiner instructions, on the one hand, and the evaluated answer script of the examinee himself, on the other. The latter was held to constitute "information" accessible to the examinee under the RTI Act unless it falls within one of the specific statutory exemptions.

36) In the absence of any analysis demonstrating that disclosure of an examinee's answer book would attract any of the exemptions contained in Section 8 of the RTI Act or would otherwise harm the competitive position of third parties, the mere pendency of a recruitment process cannot by itself justify denial of access.

37) Therefore, the reliance placed by the respondents upon the judgment of the ***Rajasthan High Court in Ravindra Sharma Vs Registrar General*** (*supra*) does not advance their case. The said judgment does not lay down a binding principle that inspection of answer books must invariably be



denied until completion of the entire selection process; nor does it examine the issue in the light of the distinction drawn by the Supreme Court between confidential evaluation material and an examinee's own answer script. Consequently, the respondents cannot derive support from the said judgment to sustain the embargo contained in Footnote No. 4 to the notice dated 03.02.2026.

38) The respondents have further placed reliance upon a judgment of this Court in Writ Petition (S/S) No. 1555 of 2025, wherein a writ petition seeking disclosure of marks during the pendency of the selection process was dismissed. A careful reading of the said judgment shows that the issues involved therein were different from those arising in the present case.

39(A) Firstly, in that case the petitioner had sought disclosure of marks under the Right to Information Act, 2005 during the pendency of the recruitment process. The request was declined by the Commission and the petitioner approached the Court. However, as recorded by the Court itself in paragraph 5 of the judgment, the petitioner had not challenged the communication by which his request for disclosure of marks was rejected. The Court therefore proceeded on the limited question whether disclosure of marks during the subsistence of the selection process was



warranted. In the present case, however, the petitioners have specifically challenged the decision embodied in Footnote No. 4 to the notice dated 03.02.2026, which categorically prohibits inspection of answer books until the completion of the entire selection process.

39(B) Secondly, in the case relied upon by the respondents, no challenge was laid to any statutory provision or rule governing the recruitment process. The Court merely referred to Rules 45 and 71(7) of the Uttarakhand Public Service Commission (Procedure and Conduct of Business) Rules, 2013, as relied upon by the Commission, but the validity or interpretation of those provisions was not in issue.

39(C) The present case raises a broader issue, namely, the legality of a blanket prohibition on inspection of answer books imposed through Footnote No. 4 to the notice dated 03.02.2026 and its compatibility with the principles governing access to evaluated answer script. For these reasons, the judgment relied upon by the respondents cannot govern the present controversy and is clearly distinguishable.

40) For the reasons stated above, this Court holds that the restriction imposed through Footnote No. 4 to the



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notice dated 03.02.2026 cannot be sustained insofar as it denies inspection of answer sheets to candidates already declared unsuccessful.

41) All the writ petitions are allowed with the following directions:

- (a) Footnote No. 4 to the notice dated 03.02.2026 is quashed to the extent it denies inspection of answer sheets of candidates declared unsuccessful in the shorthand examination.
- (b) Rule 71(7) of the Uttarakhand Public Service Commission (Procedure and Conduct of Business) Rules, 2013 is read down to permit inspection of answer sheets of candidates who have been eliminated from the recruitment process in the initial stage.
- (c) The petitioners shall be permitted to inspect and obtain copies of their shorthand notebooks and answer sheets.

42) All the writ petitions are accordingly allowed.

43) No order as to costs.

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**MANOJ KUMAR GUPTA, C.J.**

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**SUBHASH UPADHYAY, J.**

Dt: 10<sup>th</sup> MARCH, 2026  
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