

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

WRIT PETITION (CIVIL) NO(s). 118 OF 2024

HIMANSHU KUMAR & ORS.

Petitioner(s)

VERSUS

THE UNION OF INDIA & ANR.

Respondent(s)

With

**WRIT PETITION (CIVIL) NO(s). _____ OF 2025
[DIARY NO(S) 16761/2024]**

With

TRANSFER PETITION (CIVIL) NO(s). 1539 OF 2024

With

WRIT PETITION (CIVIL) NO(s). 763 OF 2025

J U D G M E N T

1. The applications for impleadment/intervention are allowed.
2. Delay condoned in Diary No. 16761/2024.
3. Through the prayers in the three Writ Petitions under Article 32 of the Constitution of India, coupled with the prayer in the Writ Petition before the High Court, from which the Transfer Petition arises, the Petitioners seek individual reliefs with respect to the preliminary examinations conducted by UPSC. However, taken together, these petitions give rise to two public law concerns, first of which relates to transparency in the conduct of the examinations by UPSC, and the second relates to crystallisation of a grievance for appropriate redressal.
4. We have heard Ms. Aishwarya Bhati, Ld. ASG for the Union, Mr. Kapil Sibal, Sr. Counsel assisted by Mr. Rajeev Kumar Dubey, Advocate for the petitioners, Mr.

Naresh Kaushik, Sr. Counsel for the Union Public Service Commission. Mr. Jaideep Gupta, Sr. Counsel assisted by Mr. Pranjal Kishore to assist us as *Amici Curiae*.

5. We are happy to dispose of these Writ Petitions in view of the affidavit filed by the Public Service Commission accepting the reformative suggestions of the learned *Amici Curiae*.

6. The short and necessary facts leading to the order that we are going to pass on the basis of the affidavit filed by the Public Service Commission are as follows:-

7. The Petitioners have contended that the answer-key, cut-off marks and marksheet of the preliminary examination should be published immediately after the examination is conducted. They would also contend that publication of this information at the end of the examination process is against principles of transparency and fairness.

8. In the written submission, the learned *Amici* Mr. Jaideep Gupta and Mr. Pranjal Kishore have suggested the following reform;

“35. The current practice of providing the answer key to the preliminary examination after the final examination is completed does provide a modicum of transparency in as much as if it is found that egregious errors have crept in at the stage of the preliminary examination, the Court is not powerless to give appropriate directions. If, however, it is felt greater transparency is needed to be given, the following suggestions are made:

a. A provisional answer key to the preliminary examination should be published a day after the examination is held.

b. Examinees should be allowed to file objections to the questions as well as to the answers in the provisional answer key on the Prep portal, within a week.

c. Each objection should be supported by three authoritative sources. Objections which are not so supported should be rejected at the threshold.

d. In cases where objections are received, UPSC should refer the same to a committee of experts, who shall re-examine the same. This can be done by the same committee that already exists to decide objections to the questions. The final answer key can then be decided for the evaluation of the answer-sheets.

Alternatively, the disputed question and answer can be excluded for evaluation for all candidates. Such a course was suggested by this Hon'ble Court in Kanpur University (supra) at Paragraph 18; and Ran Vijay Singh (supra) at Paragraphs 19 and 31.

e. The final answer key (post-consideration of the objections) need not be disclosed at this stage and can be disclosed at the end of the examination process, as is the case now.

f. In case a particular answer in the final answer key that is published after the results is found to be incorrect by a Court, the Court should mould relief in a manner that the entire process is not disturbed. This can be done for instance, by allowing the successful petitioner a chance to directly answer the mains examination in the next year."

9. Mr. Naresh Kaushik, Sr. Counsel appearing on behalf of the Public Service Commission has submitted that the Commission has deliberated upon various factors, including suggestions of the learned Amici. Considering the enormity of the examination that it conducts year after year, balancing the value of transparency with efficiency, practicality and integrity, a conscious and a balanced decision has been taken by the Commission. This decision is reflected in the affidavit filed before us, which we are extracting hereinbelow in its entirety;

"AFFIDAVIT ON BEHALF OF RESPONDENT NO. 2- UPSC

I, Himanshu Kumar, Joint Secretary (Exam), Union Public Service Commission, presently at New Delhi, do hereby solemnly affirm and declare as under:-

1. That the aforesaid Writ Petition has been filed by the Petitioner wherein UPSC has been impleaded as Respondent. The said Writ Petition is pending consideration and final hearing by this Hon'ble Court.

2. That during the pendency of Writ Petition UPSC has deliberated upon various factors including the suggestion of Ld' Amicus appointed by this Hon'ble Court to assist in the matter. That as a consequence of comprehensive deliberation and considering the pious role assigned to the UPSC as a constitutional body, the Commission has arrived at a conscious and well considered decision as under:

a) Publishing the Provisional Answer key, after the Preliminary Examination is conducted.

b) Representations/objections will be sought from the candidates who appeared in the examination. Each such representation/objection should be supported by three authoritative sources. Objections which are not so supported should be rejected at the threshold. However, the Commission will decide whether the sources produced are authoritative or not.

c) The Provisional Answer Key and objections/representations received

from candidates on question paper as well as answer keys shall be placed before set/team of experts of the concerned discipline/subject, who shall undertake an in-depth consideration of all the aspects and will finalise the answer keys.

d) Such finalized answer key by the aforesaid team of subject/discipline experts shall constitute the basis of the declaration of the results of Preliminary Examination.

e) The final answer key shall be published after declaration of the final results.

3. The Commission desires to start following the modalities explained in the aforesaid decision as expeditiously as possible. The decision taken by the UPSC is considered to be an effective and adequate redressal of the grievances raised in the petition and to enhance the level of transparency in the functioning of the UPSC and also to further the cause of public interest. The matter being sub-judice before this Hon'ble Court, it is considered appropriate to place the aforesaid decision for kind consideration by the Hon'ble Court and for disposing of the Writ Petition in the light of the decision.

4. It is humbly submitted that this Hon'ble Court be pleased to pass the appropriate orders and dispose of the petition in the light of the decision extracted herein above."

10. The affidavit explains that the Commission seeks to implement the above decision as expeditiously as possible.

11. In this view of the matter, we can dispose of these Writ Petitions and Transfer Petition in terms of decision as indicated in the affidavit filed by the Commission. The Commission may formulate the necessary guidelines for implementing the decision.

12. So far as the individual grievances of the petitioners are concerned, they may approach the High Court by invoking its jurisdiction under Article 226 of the Constitution, if so advised. If the Writ Petitions are filed, the High Court may consider and dispose them of expeditiously.

13. Before parting, we place on record the valuable assistance rendered by Mr. Jaideep Gupta, Sr. counsel as assisted by Mr. Pranjal Kishore as *Amici Curiae*. We must also appreciate the stand take by the Public Service Commission and the positive assistance rendered to the Court by Mr. Naresh Kaushik, Sr. Counsel of

this Court.

14. With these observations, the Writ Petitions and the Transfer Petition are disposed of.

15. Pending interlocutory application(s), if any, stands disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

**NEW DELHI;
OCTOBER 14, 2025.**

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s). 118/2024

HIMANSHU KUMAR & ORS.

Petitioner(s)

VERSUS

THE UNION OF INDIA & ANR.

Respondent (s)

IA No. 174280/2025 - CLARIFICATION/DIRECTION
IA No. 174502/2025 - INTERVENTION APPLICATION
IA No. 76128/2025 - INTERVENTION/IMPLEADMENT
IA No. 50767/2024 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

WITH

Diary No(s). 16761/2024 (XIV)
 IA No. 138478/2024 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS
 IA No. 138479/2024 - EX-PARTE STAY

T.P.(C) No. 1539/2024 (XIV)
IA No. 127893/2024 - EX-PARTE STAY

W.P.(C) No. 763/2025 (X)
IA No. 191613/2025 - APPROPRIATE ORDERS/DIRECTIONS

Date : 14-10-2025 These matters were called on for hearing today.

**CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR**

Amicus Curiae

Mr. Jaideep Gupta, Sr. Adv.
Assisted by :
Mr.Nagarjun Sahu, Adv.
Mr. Pranjal Kishore, AOR

For Petitioner(s) : Mr. Kapil Sibal, Sr. Adv.
Mr. Rajeev Kumar Dubey, AOR
Ms. Subham Bahuguna, Adv.
Mr. Eshan Kumar Saxena, Adv.

Mr. Rajesh Gulab Inamdar, AOR

Ms. Saroj Tripathi, AOR

For Respondent(s) : Ms. Aishwarya Bhati, A.S.G.
 Ms. Ruchi Kohli, Sr. Adv.
 Ms. Riddhi Jad, Adv.
 Mr. Abhinav, Adv.
 Ms. Chitrangda Rastravara, Adv.
 Mr. R Rakesh Sharma, Adv.
 Mr. Santosh Kumar, Adv.
 Mr. Pratyush Shrivastava, Adv.
 Mr. Shreekant Neelappa Terdal, AOR
 Mr. Santosh Ramdurg, Adv.

Mr. Naresh Kaushik, Sr. Adv.
 Mr. Vardhman Kaushik, AOR
 Mr. Anand Singh, Adv.
 Mr. Manoj Joshi, Adv.
 Mrs. P S Vijayadharni, Adv.
 Mr. Arindam Sarin, Adv.
 Mr. Dhruv Joshi, Adv.
 Mr. Nishant Gautam, Adv.

Mr. Manish Tiwari , AOR
 Mr. Manish Tiwari, Adv.
 Mr. Sagar Devgan, Adv.
 Ms. Alankrita Sharma, Adv.
 Mr. Prabhu Singh, Adv.
 Mr. Himanshu Singh, Adv.
 Mr. Rk Tanwar, Adv.

Ms. Vivya Nagpal, AOR

UPON hearing the counsel the Court made the following
 O R D E R

1. The Writ Petitions and the Transfer Petition are disposed of in terms of the signed order.
2. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
 ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
 ASSISTANT REGISTRAR

(Signed order is placed on the file)