

(2025) 07 DEL CK 0863
In the Delhi High Court
Case No : Writ Petition (C) No. 8389 Of 2025

Vidya Rai

APPELLANT

Vs

National Testing Agency & Anr

RESPONDENT

Date of Decision : 11-07-2025

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2025) 07 DEL CK 0863

Hon'ble Judges : Vikas Mahajan, J

Bench : Single Bench

Advocate : Sanjay Khanna, Pragma Bhushan, Tarandeep Singh, Vilakshana Dayma, Devashish Bhadauria, Mohinder J.S. Rupal, Hardik Rupal, Aishwarya Malhotra

Final Decision : Dismissed

Judgement

Vikas Mahajan, J

1. The controversy in the present writ petition revolves around challenge to four questions and their answer key(s), in LL.M. Entrance Exam.
2. The case set out by the petitioner in the present petition is that she is a law graduate from Faculty of Law, B.H.U. (Varanasi) and had applied for Post-Graduate Entrance Examination conducted by respondent no.1/NTA namely, Common University Entrance Test (CUET-PG) 2025 for LL.M with subject code COQP-14.
3. The petitioner applied for LL.M. (COQP-14) on 19.01.2025 and appeared in the entrance examination that was held on 26.03.2025. As per the petitioner, out of the total 75 questions, there were approximately three questions in the entrance examination that contains incorrect options i.e. none of the options provided were correct and besides that, there was other question for which answer provided in the provisional answer key was incorrect.

4. On 22.04.2025, the respondent no.1/NTA released the provisional answer keys for the code COQP-14 and invited objections from the candidates. As per the provisional answer keys, petitioner got 182 marks.

5. During the window period made available to the candidates for raising objection, the petitioner raised objection and contested two answers by duly submitting the requisite fee of Rs.200/- per question. The two questions IDs objected by the petitioner are:

(i) Question ID No. 1780705849

Which of the following are not correct as per the Constitution of India?

- (A) President of India is not a de jure executive
- (B) Prime Minister and Council of Ministers are de facto executive
- (C) Council of Ministers are responsible to the Lok Sabha
- (D) Council of Ministers is not subject to judicial review.

Choose the correct answer from the options given below:

- 1. (A) and (B) only
- 2. (A) and (D) only
- 3. (B) and (C) only
- 4. (8) and (D) only

(ii) Question ID No. 1780705872

Arrange in descending order the following Acts from the year of their coming into being:

- (A) Hindu Marriage Act
- (B) Hindu Succession Act
- (C) Family Court Act
- (D) Prohibition of Child Marriage Act

Choose the correct answer from the options given below:

- 1. (A) (B) (C) (D)
- 2. (A) (B) (D) (C)
- 3. (B) (A). (D), (C)
- 4. (C) (B) (D) (A)

6. Apart from the aforesaid two questions with regard to which specific objection was raised by petitioner during the window period, the petitioner has also raised

objection to two more questions for the first time in the present petition, which alongwith their question IDs, read as under:

(i) Question ID No. 1780705902

Which among the following cases are connected to Volunti Non Fit Injuria?

- (A) Vidyawanti v. State of Rajasthan
- (8) Padmawati v. Dugganaika
- (C) Ushaben v. Bhagya Laxmi Chitra Mandir
- (D) Balton v. Stone

Choose the correct answer from the options given below:

1. (A) (B) and (D) only
2. (A) (B) and (C) only
3. (A) (B) (C) and (D)
4. (B) (C) and (D) only

(ii) Question ID No. 1780705865

Identify in descending order the following Conventions from their year of coming into being:

- (A) Universal Declaration of Human Rights
- (B) International Covenant on Civil and Political Rights
- (C) European Convention for the Protection of Human Rights and Fundamental Freedoms
- (D) World Conference on Human Rights, Vienna

Choose the correct answer from the options given below:

1. (A) (C) (B) (D)
- 2 (A) (B) (C) (D)
3. (B) (A) (D) (C)
4. (C) (B) (D) (A)

7. Petitioner appearing in person submits that her objection with regard to single question i.e. Question ID No. 1780705849 was accepted and rectified by the respondent no.1/NTA. However, objection with regard to second question was not addressed.

8. She further submits that two other questions which have now been objected to in the present petition were not considered by the respondent no.1/NTA

despite the same being demonstrably incorrect. She further submits that the questions challenged in the writ petition for the first time can be examined by this Court despite such questions not having been challenged during the window period made available for the said purpose. To buttress her contention the petitioner places reliance on the decision of the Division Bench of this Court in *Anam Khan v. Consortium of National Law Universities*, 2025 SCC OnLine Del 4256.

9. Per contra, Mr. Sanjay Khanna, learned counsel appearing on behalf of respondent no.1/NTA submits that as per the scheme of examination, the questions paper and recorded responses are displayed on the website of the NTA for verification by examinee and an opportunity is provided to the candidates to challenge the answer key(s) to the questions. He submits that the provisional answer key(s) along with the question paper with recorded responses were uploaded by the NTA on its website on 22.04.2025, and by way of a public notice dated 22.04.2025, an opportunity was given to the candidates to challenge the answer key(s) by paying Rs.200/- per question during the window available from 22.04.2025 to 24.04.2025 (up to 11 PM).

10. He submits that the petitioner had raised objections to two questions, with Question ID No. 1780705849 and Question ID No 1780705872. He submits that insofar as objection raised against Question ID No. 1780705849 is concerned, petitioner herself has admitted that the said objection was accepted by the NTA and the rectification was carried out.

11. With regard to Question ID No. 1780705872, Mr. Khanna submits that petitioner has answered the said question correctly as per the final answer key notified by the respondent/NTA. To support his contention, he draws attention of the Court to the said question which is Question no. 33 in the recorded response of the petitioner attached to the counter-affidavit as Annexure R1/4, which shows that petitioner has opted Option No.1 i.e. Option ID No. 17807023277 as her answer.

12. Thus, he contends that insofar as the two questions with regard to which objection was raised by the petitioner within the window period available in terms of public notice dated 22.04.2025, the petitioner has got benefit of the same.

13. He further contends that the other two questions, in respect of which the objection has been raised for the first time before this Court in the present writ petition, the same cannot be considered by this Court in view of the decision of the Division Bench of this Court in *Shivraj Sharma v. Consortium of National Law Universities and Ors.*, 2025 SCC OnLine Del 2589.

14. Having heard the learned counsel for the parties, the first question which needs to be dilated upon is whether or not the objection to two questions which were not objected to by the petitioner within the window period available to petitioner, can be considered by this Court.

15. At the outset, it may be noted that Information Bulletin for CUET (PG)-2025 provides a procedure for displaying the provisional answer key for challenge. It further provides the manner and the time within which such challenge can be made. The relevant extract from the Information Bulletin reads thus:

“10.1 DISPLAY OF ANSWER KEY FOR CHALLENGES

1.The NTA will display the Provisional Answer Key of the questions on the NTA website: <https://exams.nta.ac.in/CUET-PG/>, with a Public Notice, issued to this effect on the said website, to provide an opportunity for the candidates to challenge the Provisional Answer Keys with a non-refundable online payment of ₹ 200/- per question challenged as processing charges. The provisional Answer Keys are likely to be displayed for two to three days.

2.Only paid challenges made during the stipulated time through the key challenge link will be considered. Challenges without justification/evidence and those filed on any other medium other than the prescribed link will not be considered.

3.The decision of NTA on the challenges shall be final and no further communication will be entertained. NTA will not inform the Candidates individually about the outcome of the challenges made.

4.The subject experts will examine all the challenges received and then a final answer key will be displayed and declared.

5.The result will be compiled based on the final answer key declared. No grievance with regard to answer key(s) after the declaration of the result/NTA Score of CUET (PG) - 2025 will be entertained.

xxx xxx xxx

11.2. RE-EVALUATION / RE-CHECKING OF RESULT

a) The result for CUET (PG) - 2025 will be processed based on the Final Answer Keys verified by the experts after the challenges. No grievance with regard to Final Answer Key(s) after the Declaration of Result of CUET (PG) - 2025 will be entertained.

b) The marks obtained by a candidate will be considered further for computation of the result of CUET (PG) - 2025.

c) There shall be no re-evaluation/re-checking of the result. No correspondence in this regard shall be entertained.

d) No Score Card will be dispatched to the candidates and the candidates are advised to download their Score Cards for CUET (PG) - 2025 from the website: <https://exams.nta.ac.in/CUET-PG/>

(emphasis supplied)

16. Clearly, the information bulletin provides that the NTA will display the provisional answer key of the questions on the NTA website with a public notice issued to the said effect, to provide an opportunity for the candidates to challenge the provisional answer keys with a non-refundable online payment of Rs.200/- per question. It is only paid challenges made during the stipulated time, which are to be considered by the subject experts. The result is then processed based on the final answer keys after experts have examined all the challenges, and no grievance with regard to final answer key(s) after the declaration of result of CUET (PG)-2025 is to be entertained. In other words, only the challenges made during the window period notified by the NTA in the public notice, are to be considered.

17. As noted above, the public notice in terms of the Information Bulletin was issued by the respondent/NTA on 22.04.2025 providing a window for challenging the provisional answer key(s) from 22.04.2025 to 24.04.2025 on paying a fee of Rs.200/- per question.

18. Admittedly, petitioner challenged only two questions with Question ID No. 1780705849 and Question ID No. 1780705872 during the said window period against payment of Rs.200/- per question.

19. Apart from the said two questions, petitioner for the first time has challenged two more questions with Question ID No. 1780705902 and Question ID No. 1780705865 in the present petition. The issue that whether the examinee is precluded from raising objection to the questions before Court for the first time without having submitted such an objection during the window period available for the said purpose, is no more res integra.

20. A Division Bench of this Court in Shivraj Sharma (supra), under similar circumstances had observed that no question which has not been challenged at the appropriate stage, can or should be permitted to be objected to before a Court under Article 226 of the Constitution of India. It was further observed that in the case the Courts were to entertain such highly belated objections, it would open pandora's box resulting in there being no finality to the examination process or to the final result. Relevant excerpts from the decision reads thus:

"10. We find from the record that the submission of learned senior counsel is factually correct. The petitioner in W.P.(C) 2363/2025 did not ever file any objection within the window period provided by the respondent/Consortium and only after declaration of the final results, has petitioned this Court to consider her objection for Question no.14 of the Master Booklet. In case this Court were to entertain such highly belated objections, it would open a pandora's box. We can take note of the fact that sympathy in the above context would entail an unending multitude of litigations, what with any and every individual filing writ petition at any time on their whims and fancies resulting in there being no finality to the examination process or to the final result. This is clearly impermissible. Additionally, there is no averment in the pleadings with respect to this question.

In our considered opinion, no such question, which has not been challenged at the appropriate stage, can or should be permitted to be objected to before a Court under Article 226 of the Constitution of India. It would also be relevant to note that Courts are not sitting as expert bodies or subject matter experts over the questions formulated by the examination conducting authority; nor can a Court assert expertise over multifarious subjects. It is trite that the Hon'ble Supreme Court in *Ran Vijay Singh* (supra) and this Court in *Shubham Pal* (supra), reiterated the principle that if two views are possible, then the view taken by the examination conducting authority should be preferred and upheld. We concur with the view taken in *Salil Maheshwari* (supra) that an individual cannot be permitted to challenge the answer key in relation to a particular question after discovery that no marks have been awarded, particularly when such individual did not think it necessary to object to the question before the deadline for submission of objection. Ergo, since in the present matter, the petitioner had admittedly not submitted her objection within the window period provided, it would preclude her from raising the objection before this Court for the first time. On that score, we refrain from rendering any opinion one way or the other."

(emphasis supplied)

21. The above enunciation of law would leave no manner of doubt that the petitioner cannot be permitted to challenge two questions with Question ID No. 1780705902 and Question ID No. 1780705865 for the first time in the present petition.

22. Even the information bulletin which has the sanctity of law does not permit of such challenge after the expiration of window period. It is trite law that no mandamus can be issued by the Court contrary to the information bulletin.

23. Insofar as question with Question ID No. 1780705849 is concerned, it is to be noted that it is the case of the petitioner herself that objection raised by her against Question ID No. 1780705849 was accepted by the NTA and the rectification was carried out in the final answer key.

24. Likewise, with regard to Question ID No. 1780705872, Mr. Khanna has pointed out from the recorded responses of the petitioner that she has correctly answered the said question as per the final answer key notified by the NTA. On being queried by the Court in this regard, petitioner also fairly affirms the said position.

25. Thus, it appears that the grievance of the petitioner with regard to the aforesaid two questions which were challenged during the window period has been redressed, and the cause of action predicated on the said two questions does not survive.

26. Insofar as reliance placed by petitioner on *Anam Khan* (supra) is concerned, the same is misplaced. In the said case, the Court proceeded to examine the

questions which were objected for the first time in the writ petition only for the reason that the petitioners therein had contended that on account of excessive fee to the extent of Rs.1,000/- per question prescribed for challenging a question they were prevented from challenging the same, and further the challenge itself was made to the fee on the ground of being highly disproportionate and excessive, which is not the position in the present case.

27. In that view of the matter, there is no merit in the petition. The petition is accordingly dismissed.