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Whether only operative part
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or whether full judgment is
pronounced : FULL.

APHC010825012017 [3584]

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

WRIT PETITION NO: 35108 of 2017

Nagesh Marrimekala ...Petitioner

Vs.

The Registrar (Recruitment), High Court of A.P. and Others ...Respondent(s)

****

CORAM : THE CHIEF JUSTICE LISA GILL
SRI JUSTICE CHALLA GUNARANJAN

DATE : 16th October 2026

Present:

Advocate for Petitioner: MR.N ASWARTHA NARAYANA

Advocate for Respondent: MR.G. VIVEKANAND

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ORDER: (per Hon'ble Sri Justice Challa Gunaranjan)

Prayer in the present writ petition is as under:

"…. to issue a writ, order or direction, especially one in the nature of writ of mandamus, (a) directing the Registrar (Recruitment) to produce the answer sheets of the petitioner (Hall Ticket No. 16016) in the written examination held in pursuance of notification No.36/16-RC, dated 16.08.2016; (b) declare that petitioner was awarded 2 marks for Q.6(b) in Part-A and further declare that petitioner secured total 38 marks in the

written examination; (c) consequently, declare the selection of the petitioner for the post of Civil Judge (Junior Division) in A. P. State Judicial Service in recruitment by transfer category in preference to respondent No.2 and 3, consequently, direct the appointment of the petitioner as Civil Judge (Junior Division), and (d) to pass…."

2. **(**a) Petitioner was working as Assistant Public Prosecutor in Judicial Magistrate of First Class Court, Penukonda, Anantapur District. 1st respondent issued Notification, dated 16.08.2016, for appointment to the posts of Civil Judge (Junior Division). As per the said Notification, 43 posts were to be filled up by direct recruitment, and 10 posts by recruitment by transfer. Further, the notification also provided breakup of vacancies vis-a-vis the reservation.

(b) Petitioner applied to the post being filled up through recruitment by transfer. Clause 5 of the Notification envisaged that candidates would be first subjected to a screening test, which was objective type, those who qualify shall be shortlisted in the ratio of 1:10 of available vacancies in each category, and, thereafter, shall be allowed to take written examination. Written examination shall carry 80 marks and viva-voce will carry 20 marks. Further, it also envisaged minimum qualifying marks in written examination as 40% for OCs and BCs, and 30% for SCs/STs.

(c) Petitioner, upon clearing screening test, became eligible to take written examination, held on 19.02.2017, which he attempted. Petitioner was called to attend oral interview scheduled on 17.04.2017. Thereafter,

Notification, dated 29.04.2017, was issued, publishing provisional selection list with list of candidates in which petitioner's name did not figure.

(d) Petitioner made application, dated 01.05.2017, under the provisions of RTI Act for supply of copy of answer sheets of written examination, and the same was accordingly furnished. On verification of answer sheet, it is stated that petitioner was awarded 42 marks, whereas immediate next candidates were awarded 43.33 and 43.48, who belong to OC or BC. Further, petitioner also stated to have noticed that, zero marks were awarded for Question 6 (b), though right answer was given. That apart, there was clear overwriting, raising any amount of doubt on the marks awarded. Had full two marks been awarded to the answer to Question 6(b), petitioner could have secured 16 out of 40 marks in Part-A, thus, marching ahead of immediate two candidates above him. In those circumstances, present writ petition came to be filed.

3. 1st respondent filed detailed counter-affidavit by specifically pleading that answer to Question No.6(b) since was found to be not relevant and on point, the examiner rightly awarded zero marks. Further, it is also denied that there was any correction or interpolation of marks awarded, and evaluation of answer sheet was rightly done by the examiner, which cannot be subjected to judicial review.

4. Heard Mr.N.Aswartha Narayana, learned counsel for petitioner and Mr.G. Vivekanand, learned counsel for 1st respondent.

5. Learned counsel for petitioner strenuously contended that evaluation of answer sheet, in particular, answer reflecting against Question 6(b), was done in erroneous manner. Learned counsel contended that firstly, there is a clear overwriting of marks awarded to aforesaid question, the examiner apparently had awarded two marks initially, however, the same was made zero later for obvious reasons; secondly, even otherwise, when the answer given to aforesaid question was appropriate and on point, there is no reason for awarding zero marks, thus, present case is one of such exceptional cases, warranting re-evaluation. In support of aforesaid submission, learned counsel relied on the judgment of Hon'ble Apex Court in **Ran Vijay Singh v. State of U.P**[1].

6. Conversely, learned counsel for 1st respondent contended that, in the absence of any specific allegations of *mala fides* or fraud attributable to the examiner, the wisdom of examiner in awarding marks to a particular question, that too, if answer is on subjective consideration, cannot be called in question. It is further submitted that the answer provided to Question 6(b) is not relevant to the question, therefore, examiner rightly awarded zero marks. Further, it is also denied that the examiner initially awarded two marks and later overwrote the same as zero, thus pleaded for dismissal of the writ petition. In support of aforesaid submissions, reliance is placed on the very same judgment of Hon’ble Apex Court in

[1] (2018) 2 SCC 357

Ran Vijay Singh[1], and judgment of Division Bench of Delhi High Court in **Prerna Gupta v. Registrar General of Delhi High Court**[2], appeal against which has been dismissed by Hon'ble Apex Court in Petition for Special Leave to Appeal (C) No.12677 of 2026, dated 08.05.2026.

7. We have given our anxious consideration to the submissions made by learned counsels and perused the record.

8. The question and answer, which are subject matter of present writ petition read as under:

> "Q.6(b) How is Easement by Prescription acquired?"
>
> "Ans: Sec.15 of easement Act deals with the Easement by prescription.
>
> This kind of easement can be acquired by adverse possession which create a title.
>
> 20 years for private property.
>
> 30 years for Government property.
>
> It is enjoyed as matter of right without permission of owner.
>
> Peacefully, openly without any interruption."

9. While evaluating aforesaid answer, petitioner was awarded zero marks. Two contentions are raised - one, that there is rewriting of marks awarded from two as zero, and the other, that examiner has awarded zero marks despite answer being opt and on point.

10. In order to appreciate aforesaid contentions, the scope of judicial intervention in matters like this needs to be kept in mind. In **Ran Vijay**

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[2] Judgment, dt.06.02.2026, in W.P.(C) No.10517 of 2025 of Delhi High Court.

Singh[1], Hon'ble Apex Court, after noticing the exposition of various pronouncements on the subject, has summarised as under:

> "**30.** The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:
>
> **30.1.** If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;
>
> **30.2.** If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed;
>
> **30.3.** The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;
>
> **30.4.** The court should presume the correctness of the key answers and proceed on that assumption; and
>
> **30.5.** In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

11. Applying aforesaid principles, at the outset, we find that nowhere in the pleadings or even, for that matter, arguments advanced by learned counsel for writ petitioner, there are any specific allegations of fraud, bias or *mala fides*, attributable to the examiner. The principal grievance is that examiner, having awarded two marks initially, later rewrote the same as zero, and in support of the same, much pains were taken in drawing our

attention to the relevant part of answer sheet. The follow-up grievance being, though, answer given was apt and correct, examiner incorrectly awarded zero marks. In our considered opinion, while exercising jurisdiction under Article 226 of the Constitution of India, the grievances raised above cannot be gone into and determined. It is a settled principle of law that Courts must exercise restraint in academic matters and refrain from substituting their own assessment for that of expert examiners.

12. Further, the scope of judicial review, even with regard to re-evaluation or scrutiny of answer sheet, is very restrictive, subject to relevant rules governing the field. In rest of the cases, unless it is demonstrated very clearly, without any inferential process of reasoning or by a process of rationalization, and only in rare or exceptional cases that a material error has been committed, then alone, such course of action is permissible.

13. Division Bench of Delhi High Court, in **Prerna Gupta**[2], had an occasion to consider a similar case dealing with allegations of unlawful interpolation leading to reduction of marks at final stage of evaluation. By following the principles laid down in **Ran Vijay Singh**[1], contentions were repelled; and appeal against said judgment stood dismissed vide Petition for Special Leave to Appeal (C) No.12677 of 2026.

14. We also notice that in the writ petition, there is no prayer made for re-evaluation of the marks, rather, direction was sought for awarding two

marks to Question No.6(b). This Court is not an expert to evaluate answers and award marks, which is essentially function of academician.

15. In view of above observations, this Court finds no justification to award marks, having regard to autonomy of examiner, besides limitations of judicial review. Further, as there is no provision for re-evaluation, no direction for re-evaluation of answer sheet can be granted.

16. Thus, writ petition is devoid of merit, and accordingly, it is dismissed. No order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

LISA GILL, CJ **CHALLA GUNARANJAN, J**

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