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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 1251/2024 CAV 639/2024

CONSORTIUM OF NATIONAL LAW UNIVERSITIES

.....Appellant

Through: Mr. Sandeep Sethi, Sr. Adv with Mr.
Arun Srikumar, Mr., Shubhasnh
Thakur and Ms. Riya Kumar, Adv.

versus

ADITYA SINGH (MINOR) THROUGH HIS FATHER

.....Respondent

Through: Mr. Dhanesh Relan, Mr. Arjeet Gaur,
Ms. Brinda Batra, Mr. Naveen Malik,
Mr. Suryansh Jamwal, Mr. Harsh
Kumar Singh and Mr. Sachin
Sharma, Adv.

CORAM:

HON'BLE THE ACTING CHIEF JUSTICE

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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24.12.2024

CM APPL. 76413/2024

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CAV 639/2024

3. Learned counsel for the respondent/ caveator appears. Accordingly,
the caveat stands discharged.

CM APPL. 76412/2024



4. For the reasons stated in the application, the same is allowed.

LPA 1251/2024 & CM APPL. 76410/2024, CM APPL. 76411/2024,

5. The appellant (a Consortium of National Law Universities) has filed the present appeal impugning a judgment dated 20.12.2024 (hereafter *the impugned judgment*) passed by the learned Single Judge of this Court in ***Aditya Singh (Minor) v. Consortium of National Law Universities: Neutral Citation No.2024:DHC:9846***. The respondent had filed the said writ petition [being W.P.(C) No.17138/2024], *inter alia*, praying as under:

- (i) Issue a writ of certiorari or any other similar writ, order or direction thereby quashing the impugned final answer key (Annexure P-8) dated 07.12.2024 declared by the respondent for Common Law Admission Test-2025 (CLAT-2025) for admission to 5 year LL.B. courses conducted by National Law Universities in the 2025-26 session; and
- (ii) issue a writ of mandamus or any other similar writ, order or direction thereby commanding the respondent to constitute an expert committee for consideration and evaluation of the objections filed by the petitioner on 03.12.2024 vide Annexure P-7 and 09.12.2024 vide Annexure P-9 and direct to the respondent to declare the correct answers w.r.t. question nos. 14, 37, 67,68 and 100 of Question paper Set-A out of four sets of question papers of Common Law Admission Test-2025(CLAT-2025); and
- (iii) issue a writ of mandamus or any other similar writ, order or direction thereby commanding the respondent to upload and publish the revised % & corrected answer key qua question no. 14, 37, 67, 68 and 100 in respect of Common Law Admission Test-2025 (CLAT-2025) held on 01-12-2024 and thereafter issue further process of Admission Counseling for CLAT UG examination; and
- (iv) consequently issue a writ of mandamus or any other similar writ, order or direction thereby commanding



the respondent to recalculate the marks of the Petitioner in accordance with the revised and corrected answer key so to be prepared; and place the petitioner at the appropriate rank in the merit list prepared after such review; and”

6. The respondent had challenged the answer key in respect of a number of questions as manifestly erroneous. Whilst, the learned Single Judge declined to interfere with the answer key in respect of several questions, the learned Single Judge found that the answers key in respect of two questions are demonstrably wrong and accordingly, directed that the result of the respondent as well as other candidates in respect of the said two questions be revised. The operative part of the impugned judgment is set out below:

“40. Therefore, in my view, this is not a case where the Court should adopt a complete hands-off approach. The errors in Question Nos.14 and 100 are demonstrably clear and shutting a blind eye to the same would be injustice to the Petitioner *albeit* this Court is conscious of the fact that it may impact the result of other candidates. Accordingly, it is directed that the result of the Petitioner will be revised to award marks to him for Question No.14 in accordance with the scheme of marking. Since Court has upheld option ‘C’ as the correct answer, which was also the view of the Expert Committee, benefit cannot be restricted only to the Petitioner and will extend to all Digitally Signed candidates who have opted for option ‘C’. Question No.100 will be excluded as correctly advised by the Expert Committee and the result will be accordingly revised.

7. Opening arguments of the appellant have been heard.



8. *Prima facie*, we find no error in the decision of the learned Single Judge in finding that the answers to the two questions are demonstrably wrong. The learned Single Judge has examined the two questions carefully and has found that a different view is not a plausible one. The learned Single Judge had also noted that the Expert Committee had also found the answers to be incorrect.

9. We are inclined to concur with the said decision.

10. The learned Single Judge has interfered with the answer key to two questions. The said questions and answer to the same are set out below:

"QUESTION NO. 14

III. Punctually at midday, he opened his bag and spread out his professional equipment. which consisted of a dozen cowrie shells. a square piece of cloth with obscure mystic charts on it, a notebook, and a bundle of palmyra writing. His forehead was dazzling with sacred ash and vermilion, and his eyes sparkled with a sharp. abnormal gleam which was really an outcome of a continual searching look for customers, but which his simple clients took to be a prophetic light and felt comforted. The power of his eyes was considerably enhanced by their position-placed as they were between the painted forehead and the dark whiskers which streamed down his cheeks: even a half-wit's eyes would sparkle in such a setting. People were attracted to him as bees are attracted to cosmos or dahlia stalks. He sat under the boughs of a spreading tamarind tree which fanked a path running through the town hall park. It was a remarkable place in many ways: a surging crowd was always moving up and down this narrow road morning till night. A variety of trades and occupations was represented all along its way: medicine sellers, sellers of stolen hardware and junk, magicians, and, above all, an auctioneer of cheap cloth, who created enough din all day to attract the whole town. Next to him in vociferousness came a vendor of fried groundnut, who gave his ware a fancy name each day. calling it "Bombay Ice Cream" one day, and on the next "Delhi Almond." and on the third "Raja's Delicacy." and so on and so forth, and people flocked to him.

A considerable portion of this crowd dallied before the astrologer too. The astrologer transacted his business by the light of a flare which crackled and smoked up above the groundnut heap nearby.



(Extracted with edits from "An Astrologer's Day" by R.K. Narayan)

14. Which among the following is not a trade or occupation represented in the pathway running through the town hall park?

- (A) Magicians (B) Medicine sellers
(C) Auctioneers of cheap Bags (D) Sellers of Stolen Hardware

I. Answer as per provisional key:-D

II. Answer as per Final Answer Key:- (Sellers of Stolen Hardware)

III. Answer of the Petitioner:- C (Auctioneers of cheap Bags)

“QUESTION No. 100

XVIII. Read the information carefully and answer the questions based on the seating arrangement:

"Ram, Shyam, Rohit, Mohit, Rohan, Sohan, Mohan, Rakesh and Suresh are sitting around a circle facing the centre. Rohit is third to the left of Ram. Rohan is fourth to the right of Ram. Mohit is fourth to the left of Suresh who is second to the right of Ram. Sohan is third to the right of Shyam. Mohan is not an immediate neighbour of Ram."

100. Who is second to the left of Rakesh?

- (A) Ram
(B) Mohan
(C) Mohit
(D) Data inadequate

I. Answer as per provisional key - B

II. Answer as per Final Key -: D (Data inadequate)

II. Answer of the Petitioner:- B."

11. In respect of the first question (Question No.14), Mr. Sethi, the learned Senior counsel appearing for the appellant contends that the ‘*Sellers of Stolen Hardware*’ is not a trade, and, therefore, option D is the correct answer. He contends that the decision of the learned Single Judge to hold otherwise is erroneous. He submitted that since dealing in Stolen Hardware is not a legitimate trade, it cannot be considered as a trade at all. This is notwithstanding that the passage which was set out for testing a student’s comprehension of English, expressly referred to it as trade. The passage is authored by well known author R.K. Narayan. Undisputedly, the question related to the comprehension of English language and is not a question as to



whether trade in stolen hardware would be considered as illegal.

12. Insofar as the second question (Question No. 100) is concerned, it is admitted that all the four options are incorrect. Although this is conceded, Mr. Sethi argues that Option D should be the correct answer. He submits that although that is wrong, it would be the closest answer. He is unable to provide any reason why one wrong answer should be preferred over other wrong answers. However, he submits that the opinion of the examination authority should prevail.

13. *Prima facie*, we are not able to accept this reasoning, as well. If all options in an objective type question paper are incorrect, preferring one over the others would render the examination process manifestly arbitrary. In view of the above, we are unable to accept that any interim order is required to be passed in this case.

14. List on 07.01.2025.

VIBHU BAKHRU, ACJ

TUSHAR RAO GEDELA, J

DECEMBER 24, 2024

N.Khanna