



**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Writ Petition No. 12461/2024

Khushbu Choudhary

-----Petitioner

Versus

Rajasthan High Court, Jodhpur Through The Registrar General
(Examination)

-----Respondent

For Petitioner(s) : Ms. Khushbu Choudhary (in person)
For Respondent(s) : Ms. Vaishnav Nikita
Mr. ChayanBothra

**HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE SUNIL BENIWAL**

Order(Oral)

Reportable

12/03/2026

Per: Arun Monga, J.

1. The petitioner, an aspirant to be a Judicial Officer, unsuccessfully competed for her selection in Rajasthan Judicial Services. She is before this Court, appearing in person, seeking issuance of an appropriate writ, order or direction commanding the respondents to quash and set aside the result and final answer key dated 15.07.2024 pertaining to the Preliminary Examination for Recruitment to the Civil Judge Cadre, 2024, and to prepare a revised result of the preliminary examination held on 23.06.2024.

1.1. She further seeks issuance of mandamus commanding the respondents to declare a revised category-wise list of selected candidates, and to prepare a fresh answer key after duly





considering objections raised with regard to disputed questions and answers, correcting erroneous answers on the basis of authentic sources, and removing ambiguities in the questions and answers before finalizing the result.

2. Briefly stated, the relevant facts leading to the filing of the present writ petition are that the petitioner, being eligible and possessing the requisite qualifications, applied for the post of Civil Judge pursuant to the advertisement issued by the respondent on 09.04.2024. She submitted her online application under her respective category along with the requisite examination fee.

2.1 The petitioner appeared in the preliminary examination conducted on 23.06.2024. Subsequently, the respondent published the model answer key on 25.06.2024 and invited objections from candidates regarding disputed questions and answers. The petitioner, along with several other candidates, submitted objections pointing out certain allegedly incorrect questions and answers in the model answer key.

2.2 On 15.07.2024, the respondent declared the result of the preliminary examination along with a revised answer key and called candidates up to fifteen times the number of vacancies to participate in the next stage of the selection process. However, the petitioner's name did not figure in the list of successful candidates, as she did not secure marks above the prescribed cut-off in her category.

2.3 The petitioner asserts that several objections raised by candidates were not duly considered and that certain answers were altered in the revised answer key contrary to the model answer key. Aggrieved thereby, the petitioner submitted a





representation seeking appropriate marks in respect of allegedly erroneous or disputed questions and answers, but to no avail.

2.4 Hence, the present writ petition.

3. We have heard the petitioner, as well as the learned counsel appearing on behalf of the respondent/Rajasthan High Court.

While petitioner advanced her arguments broadly in line with the stand taken in her petition, per contra, learned counsel for High Court opposes the petition, *inter alia*, on the ground that Expert Committee was constituted and all objections were dealt with and nothing survives for adjudication of this Court.

4. In this backdrop, we have perused the case file and shall proceed to examine the issues raised by the petitioner.

5. Having heard the petitioner, who has argued the matter in person, we deem it appropriate to observe at the outset that petition is bereft of merit for the reasons recorded hereinafter. Though, we must say that the petitioner advanced her submissions with considerable diligence in support of the objections raised by her with respect to four questions (discussed hereinafter). However, yet she remained unsuccessful in persuading us on the merits of the same.

6. For ready reference, the relevant four multiple choice questions and the options to choose the answer therefrom are reproduced hereinbelow:

“Question No. 11

“When specific words are followed by general words, the meaning of those general words should be taken in the context of those specific words and the general words should be construed as limited as the specific words.”

The above rule is -

- (1) Rule of harmonious interpretation*
- (2) Golden Rule of interpretation*
- (3) Rule of homogenous interpretation*
- (4) Rule of Association”*





“Question No. 51

Ramswaroop is charged and convicted for the theft of the golden chain of Savita. Which of the following statement is correct regarding above illustration?

- (1) *Ramswaroop can subsequently be charged with and tried for robbery on the same facts.*
- (2) *Ramswaroop can neither subsequently be charged nor tried for robbery on the same facts.*
- (3) *However, Ramswaroop can subsequently be charged with for robbery on the same facts but shall be acquitted without trial as per the provisions prescribed under Section 300 of the Code of Criminal Procedure, 1973*
- (4) *After getting prior permission in writing from the District & Sessions Judge concerned, only thereafter, Ramswaroop can subsequently be charged with and tried for robbery on the same facts”*

“Question No. 91 (Deleted)

Fill in the blank with correct form of verb.

He..... in his father’s firm till his father died.

- (1) *stay*
- (2) *had stayed*
- (3) *will stay*
- (4) *stayed”*

“Question No. 92 (Deleted)

Complete the sentence with the correct phrasal verb/Idiom from the option given below. My plans to go to Germany because the journey turned out to be very exorbitant.

- (1) *fell in*
- (2) *fell through*
- (3) *fall behind*
- (4) *fall out”*

7. Adverting to the above in reverse order, the petitioner has drawn our attention to Question Nos. 91 and 92, contending that she had correctly answered both questions. However, since these questions were subsequently deleted, she claims to have been placed at a disadvantage as no marks were awarded for them.

8. We are unable to accept the aforesaid contention. The Expert Committee, upon considering objections received from multiple candidates regarding these questions, formed the opinion that the questions required to be deleted owing to ambiguity in the options provided for selecting the correct answer.





9. Since the said questions have been deleted uniformly for all candidates, we find that the approach adopted by the Expert Committee cannot be termed either arbitrary or discriminatory. All candidates have been treated alike, including the petitioner. Accepting the petitioner's contention merely on the ground that she claims to have been disadvantaged would, in effect, result in reverse discrimination by creating a separate category for those candidates who assert that they had chosen the correct answers.

10. In view of the fact that the deletion of the two questions applies uniformly to all candidates, we do not deem it necessary to examine the merits of the options selected by the petitioner in response to these questions.

11. Coming now to Question No. 51, the petitioner has drawn our attention to Illustration (e) of Section 300 of the Code of Criminal Procedure and submits that in light thereof she had correctly chosen Option No. 1, whereas the Expert Committee, even after considering her objection, retained Option No. 2 as the correct answer.

12. Section 300 of the Code of Criminal Procedure, 1973 embodies the rule against double jeopardy, ensuring that no person is tried twice for the same offence. However, Section 300(4) Cr.P.C. carves out an exception where a subsequent trial is permissible under specific circumstances. This assumes importance in offences like robbery under Section 392 I.P.C., which may arise from the same set of facts as lesser offences like theft or hurt. Section 300(4) Cr.P.C., therefore, functions as a limited exception to the rule against double jeopardy. In relation to Section 392 I.P.C., it permits a subsequent trial for robbery only





where the earlier court lacked the competency to try that offence. Thus, the provision strikes a balance between protecting the accused from repeated prosecution, and at the same time ensuring that serious offences like robbery do not go unpunished due to technical limitations of competency/jurisdiction. Per illustration (e) of section 300, *ibid*, relied upon by the petitioner, the accused is convicted by a Magistrate of Second class, not competent to charge or try for robbery, which is not the case here as per question no.51, and thus correct answer would be option 2.

13. Even assuming that the answer to Question No. 51 were to be accepted as the one opted by the petitioner, she would at best be entitled to one additional mark, thereby increasing her score from 65 to 66 marks.

14. It is evident that the cut-off for the Preliminary Examination was 68 marks. Even with the additional mark claimed by the petitioner, she would still fall short of the minimum benchmark required to qualify for the next stage of the recruitment process.

15. With regard to Question No. 11, the petitioner contends that the correct answer ought to have been "Rule of Eiusdem Generis", rather than "Rule of Homogenous Interpretation" (Option No. 3). We find no merit in this submission. The difference pointed out by the petitioner is merely one of expression. The phrase Homogenous Interpretation conveys substantially the same meaning as the Latin maxim *Eiusdem Generis*, except that the option in the question paper was expressed in English rather than Latin. Both expressions essentially refer to the same interpretative principle.





16. Even the dictionary meaning of *Ejusdem Generis* (“of the same kind, class, or nature”), as defined in Black’s Law Dictionary, states:

“In the construction of laws, wills, and other instruments, the ‘ejusdem generis rule’ is that where general words follow an enumeration of persons or things by words of a particular and specific meaning, such general words are not to be construed in their widest sense but are to be held as applying only to persons or things of the same general kind or class as those specifically mentioned.”

17. Thus, the concept of ‘Homogenous Interpretation’ conveys the same idea, namely that interpretation must be consistent and cognate with the class or nature of the specific words that precede or succeed it, rather than extending it to a meaning entirely outside that category.

18. It is, however, appreciated that the petitioner did demonstrate a clear understanding of the underlying legal principle involved in Question No. 11. The answer suggested by the petitioner, namely the Rule of *Ejusdem Generis*, reflects a correct grasp of the interpretative doctrine being tested. This indicates that while the petitioner comprehended the substance of the question, the divergence in terminology i.e. specifically the non-availability of the Latin maxim led to the selection of an answer by her that was incorrect.

19. Be that as it may, it is well-settled that where an Expert Committee constituted to examine objections to the model answer key has considered the objections and finalized the answer key, the Court should not ordinarily interfere with such determination unless it is shown to be manifestly arbitrary or perverse. The Committee consists of persons possessing specialized knowledge in the relevant field, and their academic opinion deserves due deference.





20. In matters relating to academic evaluation or determination of correct answers in a competitive examination, the Court does not sit as an appellate authority over the decision of the Expert Committee. Even assuming that the interpretation suggested by the petitioner is plausible, the existence of an alternative view cannot by itself justify interference. Where two reasonable views are possible in an academic matter, the view adopted by the Expert Committee must ordinarily prevail.

21. The petitioner also participated in the selection process with full knowledge of the prescribed procedure, including the mechanism for inviting objections to the model answer key and its subsequent finalization. Having taken part in the process and taken a chance of success, the petitioner cannot challenge the outcome merely because her result is unfavourable.

22. Competitive examinations involving large numbers of candidates require finality and certainty. Entertaining individual grievances regarding interpretation of answers, particularly after completion of the selection process, would unsettle the recruitment and adversely affect candidates who have already been selected and appointed.

23. The Court must not only apply the law, but also balance the equities. The successful candidates, who number 222, are not even parties before us. In their absence, passing any order that may operate adversely against them would rather amount to a travesty of justice. Moreover, such an exercise would not yield any tangible benefit to the petitioner. Competitive examinations involve evaluation of thousands of candidates on a uniform standard. Any direction altering the evaluation of particular





questions after declaration of results would disturb the inter se merit of numerous candidates who are not before the Court and introduce uncertainty in the recruitment process. Judicial interference is, therefore, warranted only in exceptional cases where a clear and indisputable error is established.

24. In totality of circumstances, we find no grounds to interfere.

25. The writ petition is dismissed.

26. Any pending application(s) also stands disposed of.

27. Before we part, we place on record our sincere appreciation for the earnest and commendable manner in which the petitioner has pursued her grievance and assisted the Court while arguing the matter in person. Despite the fact that the entire selection process has, in the meantime, attained finality, with the interviews having been conducted and the successful candidates having already been issued appointment letters and presently serving as Judicial Officers, the petitioner did not give up her pursuit and has through the instant *lis*, displayed notable diligence, clarity of thought, and perseverance in advancing her submissions. Such dedication and commitment are indeed praiseworthy. While the petitioner has not succeeded in the present proceedings, we extend our best wishes to her in her future endeavours and trust that she will continue to pursue her aspirations in the field of law with the same sincerity and determination.

(SUNIL BENIWAL),J

196-KP Singh Dewasi/-

(ARUN MONGA),J

