



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 15536 of 2025

Sunil Kumar Mishra and 10 others

.....Petitioner(s)

Versus

State of U.P. and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Ashish Kumar Mishra, Sanjay Kumar Dwivedi
Counsel for Respondent(s)	: Fuzail Ahmad Ansari, C.S.C., M.n. Singh

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Ashish Kumar Mishra, learned Counsel for the writ petitioners, Sri Pramod Kumar Srivastava, learned Additional Chief Standing Counsel for the State and Sri Fuzail Ahmad Ansari, learned Counsel for the Commission.
2. Since, pleadings have been exchanged between the parties and the Counsel for the rival parties do not propose to file any further affidavit, thus, with the consent of the parties, the present writ petition is being decided forthwith.
3. The case of the writ petitioners is that the Secretary, Uttar Pradesh Public Service Commission, Prayagraj, third respondent, published an advertisement dated 14.06.2023, Advertisement No. D-3/E-1/2023 for the appointment of Scientific Officer (Specialist). As many as 41 posts of Scientific Officers for different disciplines, namely Biology, Chemistry, Physics, Computer Forensic and Behavioural Science came to be notified. The last date for

submission of online application was 14.07.2023 and the last date for submission of hard copy was 28.07.2023.

4. As per the writ petitioners, the advertisement dated 14.06.2023 earmarked 22 posts of Scientific Officer (Specialist) Biology Section/Domain, 9 posts of Scientific Officer (Specialist) Computer Forensic Section/Domain, 6 posts of Scientific Officer (Specialist) Physics Section/Domain, 3 posts of Scientific Officer (Specialist) Chemistry Section/Domain and 1 post of Scientific Officer (Specialist) Behavioural Science Section/Domain. The academic qualifications are being quoted herein under:

"Academic Qualifications Essential: (a) (i) Biology Section/Domain- M.Sc./M.Tech. in Zoology/Botany/Forensic Science. **(ii)** Computer Forensic Section/ Domain- B.Tech. in Computer Science/I.T./Electronics and Communication or M.Sc. in Computer Science or M.C.A. **(III)** Physics Section/ Domaon-M.Sc./ M.Tech. in Physics/ Forensic Science/ Mathematics. **(iv)** Chemistry Section/ Domain- M.Sc./M.Tech. inChemisty/ Forensic Science. **(v)** Behavioral Science Section/ Domain- Post Graduate in Psychology/ Forensic Psychology or M.D. in Psychiatry. **(b)** At least three years analytical or Research experience in the relevant subjects in recognized Laboratory or Institute."

5. It is the case of the writ petitioners that they had applied for recruitment on the post of Scientific Officer (Specialist) in Biology Section/Domain, Computer Forensic Section/Domain, Physics Section/Domain, Chemistry Section/Domain and Behavioural Science Section/Domain on 30.11.2024. A notice came to be issued by the Commission wherein examination scheme and syllabus of screening examination for the said posts came to be published.

6. The fourth respondent, Controller of Examination, Uttar Pradesh Public Service Commission, Prayagraj, issued a provisional admit card in favor of the writ petitioners for appearing in screening examination for the said posts. The screening examination for the post of Scientific Officer was conducted on 18.05.2023 in which the writ petitioners appeared and subjected themselves.

7. As per the writ petitioners, the Controller of Examination, Uttar Pradesh Public Service Commission, Prayagraj issued an answer key for the said screening examination which was conducted on 18.05.2025 and, subsequently, a notice came to be issued on 20.05.2025 mentioning therein that the answer key is available on the Commission's website and the last date for access to answer key was 25.05.2025.

8. In the said notice, the Commission had offered the applicants that they can match the answer key released by the Commission with their own and, if any discrepancy is found in the answer key of the Commission, the objection, in support of the answer key, along with the relevant evidence, be submitted to the Controller of Examination on or before 26.05.2025.

9. On 26.08.2025, a notice came to be published pertaining to the screening examination for the post of Scientific Officer (Specialist) (2023), wherein it was provided that the minimum cut-off marks was 40 in General/OBC and 35 in SC/ST category.

10. According to the Writ petitioners, though they had represented their cause before the respondent for making available the marks secured by them in screening test, but, according to the writ petitioners, a notification came to be issued on 26.08.2025 that the marks of those candidates, who did not possess the cut-off marks, their result will be declared only post selection.

11. Aggrieved against the modality, so set up by the Commission in conducting the selection, while providing for cut-off marks being 40 for General/OBC category and 35 for SC/ST as well as non-declaration of the marks, so obtained by the relevant candidates in the screening test, the present writ petition came to be preferred seeking following reliefs:

"i. issue, a writ, order or direction, in the nature of **mandamus** direct the respondent authorities do not take any further steps with regard to appointment of candidates on the post of Scientific Officer of Biology Domain,

Physics/Domain and Chemistry/Domain, Computer Forensic Domain in pursuance of advertisement dated 14.06.2023 bearing advertisement No.D-3/E-1/2023 advertisement as well as 26.08.2025 bearing No.84(3)/01/DR/S2/2023-24 (T.C.), during pendency of present writ petition.

ii. issue, a writ, order or direction, in the nature of **mandamus** direct the respondent authorities do not proceed further in pursuance of 26.08.2025 bearing advertisement No.84(3)/01/DR/S2/2023-24 (T.C.) before declaring the result of screening examination for post of Scientific Officer of Biology Domain, Physics/Domain and Chemistry/Domain, Computer Forensic Domain in pursuance of advertisement dated 14.06.2023 bearing advertisement No.D-3/F-1/2023

iii. issue any other order or direction as the Hon'ble Court may deem fit and proper in the circumstances of the case.

iv. Award cost of the petition in favour of the petitioners."

12. This Court entertained the writ petition and proceeded to pass an order on 18.12.2025, which reads as under:

"1. Contention of the learned counsel for the writ petitioners is that the writ petitioners applied for the post of Scientific Officer (Specialist) Biology Section/Domain, Physical Section/Domain, Chemistry Section/Domain and Computer Forensic Section/Domain and submitted their application forms by the last date i.e. 14.07.2023.

2. According to the petitioners, they appeared in the screening test. However, without declaring the results, a notice was published on 26.08.2025, stating that those who cleared the screening test and obtained the minimum cut-off marks would be called for the interview.

3. Learned counsel for the petitioners submits that it is incumbent upon the Commission to declare the results of the screening test first, relying upon the provisions contained in Rule 33(2) of the U.P. Public Service Commission (Procedure and Conduct of Business) Rules, 2011. According to the learned counsel, the entire procedure resorted to smacks of arbitrariness.

4. On the other hand, Shri Ansari, learned counsel appearing for the Commission, submits that a decision was taken by the Commission on 30.08.2013, providing that the results of candidates who do not obtain the minimum cut-off marks, which in this case is 35% for SC/ST and 40% for OBC/General, will be declared only after the final selection. Although reference was made to the said decision in paragraph No. 14 of the counter affidavit, the document itself is not on record, though a copy has been provided to the Court.

5. Let a supplementary counter affidavit be filed by Shri Ansari bringing on record the said circular. Also, advance copy of the same shall be served upon the counsel for the petitioners to enable him to respond or challenge the same.

6. Put up as fresh on 13.01.2026."

13. A counter affidavit has been filed on behalf of respondent nos. 2, 3 and 4 dated 27.11.2025, sworn by the Deputy Secretary, Uttar Pradesh Public Service Commission, Allahabad along with a supplementary counter affidavit dated 12.01.2026, also sworn by the Deputy Secretary, Uttar Pradesh Public Service Commission, Allahabad.

14. Learned Counsel for the writ petitioners sought to argue that the entire procedure, so adopted by the respondents, cannot be allowed to continue particularly when the present case is a classic case of favoritism, nepotism and illegality.

15. Submission is that once the writ petitioners participated in the selection, post submission of the application form and being subjected to screening test, then the Commission was under a legal obligation to have disclosed the marks obtained by the respective candidates in screening and the said act could not have been deferred to a stage post selection of the deserving candidates.

16. Further submission is that each and every candidate, who applies in pursuance of a selection, is entitled to know the marks obtained by him and that he may be clear on the said aspect, particularly when the answer key was already provided in that regard.

17. Further submission is with regard to the criteria, so devised and deployed by the respondents, pertaining to 40 marks being the cut-off marks for General/OBC and 35 for SC/ST category, which has no basis or rationale.

18. Countering the submissions, so made by the learned Counsel for the petitioners, Shi Ansari, who appears for the Commission, has submitted that none of the contentions raised on behalf of the writ petitioners have any legs to stand.

19. Submission is that there happens to be a decision taken by the Commission in the conduct of the business according to which, the

result of those candidates, who did not obtain cut-off marks and who have not been called for written examination, their marks is to be disclosed post selection. He seeks to rely upon a decision of the Commission dated 30.08.2013.

20. Further submission is that a press communication has been issued on 16.02.2026 according to which, the marks obtained by the candidates in the screening test are available on the website of the Commission and the respective candidates, who seek to know the marks so obtained by them, may fill up the OTR and relevant details to get the marks in that regard.

21. Further submission is that the writ petitioners have no legal right to dictate the terms while insisting that the cut-off marks should be according to their own choice, particularly when there happens to be the decisions of the Commission dated 06.02.1995 and 25.07.2019 providing for cut-off marks of 40% for General/OBC and 35% for SC/ST. He also relies on and refers to a Division Bench judgment of this Court in **Special Appeal No. 142 of 2019, U.P Public Service Commission v. Sangeeta and 81 others**, decided on 05.03.2019, wherein the prescription of the cut-off marks, in pursuance to the decision of the Commission, was upheld.

22. I have heard these submissions so made across the Bar and perused the material on record carefully. It is not in issue, that an advertisement came to be published for the post of Scientific Officer in different disciplines. Parties are in agreement that the writ petitioners applied in pursuance of the said advertisement and complied with the criteria for selection, screening and written examination etc. The writ petitioners claim to have applied for said recruitment.

23. Grievance of the writ petitioners is that, first of all, the marks, so obtained by them in the screening test, has not been disclosed

and, secondly, the criteria so adopted, while fixing the cut-off marks, is arbitrary and without any basis. In order to test the said submission, what is relevant would be the applicability of the rules. There happens to be the rule by the name and nomenclature of the Uttar Pradesh Public Services Commission (Procedure and Conduct of Business) Rules, 2011. Rules 33(ii) and 33(iii) read as under:

33.....

(ii). Preliminary examination shall mean screening test to be conducted by the Commission with the purpose of finding out suitable candidates in required proportion as fixed by the Commission in each category, reserved and unreserved for admission to the main examination or interview, as the case may be;

(iii). Preliminary examination shall be conducted in the manner prescribed by the Uttar Pradesh Direct Recruitment through Public Service Commission Preliminary Examination Rule, 1986 as amended from time to time. The marks obtained by the candidates in the preliminary examination/screening test shall not be counted for determining final order of merit.

24. A perusal of the said rules reveals that preliminary examination shall mean screening test to be conducted by the Commission with the purpose of finding out suitable candidates in required proportion as fixed by the Commission for admission to main examination or interview, as the case may be, and, further, preliminary examination shall be conducted in a manner prescribed by the Uttar Pradesh Direct Recruitment through Public Service Commission Preliminary Examination Rule, 1986 and the marks obtained by the candidate in preliminary examination/screening test shall not be counted for determining the final order of merit. Thus, it is apparent that screening test is provided under the rules itself.

25. As a matter of fact the writ petitioners have no objection to the conduction of screening test. However, the objection is two fold, firstly that the results of the screening test ought to have been disclosed irrespective of the fact that a candidate obtained marks less than the cut-off marks or not and, secondly, the declaration of the result cannot be deferred to stage when the final results are

published. Most importantly, in the present case, there happens to be a decision of the Commission dated 30.08.2013, which reads as follows:

“माननीय आयोग की साधारण बैठक दिनांक 30/08/2013 में निम्न निर्णय लिया गया-

पत्रावली संख्या-01/डीआर/एस-3/2012-13 टीसी-1 में प्रस्तुत इतिवृत्त में वर्णित तथ्यों के आधार पर निर्णय लिया गया कि मा० आयोग के निर्णय दिनांक 31.12.2012 को इस सीमा तक संशोधित समझा जाय कि पदों के सापेक्ष श्रेणीवार 8 गुना अभ्यर्थियों के अनुक्रमांक वेबसाइट पर/विज्ञप्ति के साथ जारी करते हुए आवेदन पत्र/शैक्षिक अभिलेख की माँग 21 दिन के अन्दर की जाय तथा 8 गुना के अंतर्गत न आने वाले अभ्यर्थियों को यह अवगत करा दिया जाय कि समस्त अभ्यर्थियों के स्क्रीनिंग परीक्षा के प्राप्तांक अंतिम चयन परिणाम घोषित होने के बाद दिये जा सकेंगे।”

26. The aforesaid decision provides that the results of the candidates, who have not obtained the cut-off marks in the screening test, would be declared along with final results. The decision dated 30.08.2013 has been filed along with a supplementary counter affidavit, but it has not been questioned. In the absence of any challenge, so raised to the said decision, this Court is not bound to accept the arguments of the learned Counsel for the writ petitioners that the said decision is illegal.

27. So far as the second objection is concerned, regarding the cut-off marks so devised and deployed for General/OBC being 40 and for SC/ST 35, there happens to be a decision of the Commission dated 06.02.1995, which is quoted herein below:

“मामात्य तथा अनुसूचित जातीय अभ्यर्थियों के निम्न स्तर निर्धारित करने के सम्बन्ध में आयोग के आदेश:-

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281/47-48 Discussed on Deo. 85. The Commission agreed to the observations of the Government that a minimum standard of efficiency must be insisted upon from the sheduled caste candidates, which minimum standard should not be different from the general candidates. The Commission, therefore, decided to adopt this principle for future recruitment. The Commission also decided that the minimum limit may be different for different posts and that generally speaking posts it should not be less than 40% of marks that may be secured in the aggregate of marks secured of at the interview and for in written papers.

Sd. Ram Dhar
24.12.1966

लोक सेवा आयोग, उत्तर प्रदेश
संख्या-449/65/मिस/एस-10/81-82
दिनांक: इलाहाबाद: 06 फरवरी, 1995"

28. There is also a decision of the Commission dated 25.07.2019, with regard to the aforesaid fact, which is also quoted herein below:

"मा० आयोग की असाधारण बैठक दि०-25/07/2019 में लिए गए निर्णय:-

पत्रावली सं०-65/मिस/एस-10/81-82 (टी.सी) में पृष्ठ सं० 31 पर प्रस्तुत प्रस्ताव पर विचार किया गया। मा० आयोग के पूर्व निर्णय दिनांक 05 फरवरी, 2011 को अवक्रमित करते हुए यह निर्णय लिया गया कि इसके पश्चात् जारी होने वाले विज्ञापनों के सम्बन्ध में आयोग के समस्त चयनो (लिखित परीक्षा स्क्रीनिंग एवं साक्षात्कार के माध्यम से में दक्षता प्राप्तांक न्यूनतम ३५ प्रतिशत अनुसूचित जाती एवं अनुसूचित जनजाति के अभ्यर्थियों के लिए निर्धारित किया जाता है।

ह० प्रेम कुमार सिंह सदस्य	ह० आलोक प्रसाद सदस्य	ह० सुशीला सिंह सदस्य
ह० दिनेश चंद्र सिंह सदस्य	ह० डा० राम जी मौर्य सदस्य	ह० डा० जयराम प्रसाद वैद्य सदस्य
	ह० डा० प्रभात कुमार अध्यक्ष	

कृपया उपर्युक्त के सम्बन्ध में अग्रतर कार्यवाही करके अवगत कराएं ।

sd/-
(जगदीश)
सचिव

25.07.2019

28. Furthermore, the exercise so undertaken, with reference to providing for the cut-off marks at the screening level, is concerned, the said action of the Commission was not doubted in Special Appellate Bench judgment in **Sangeeta** (*supra*), wherein it was observed as under:

"52. Unless that criteria had been adopted, it may not have been possible for the appellant-Commission to recommend any eligible candidate as 'fit for appointment', in an objective, transparent and/or fair manner. Also, by adopting such merit consideration, that too at a minimal level of 40% and 30% of the aggregate marks, the appellant-Commission applied a well recognized prevalent norm in academics being the commonly accepted minimum pass percentage. Any student, at any levels of school and higher education would be aware and conscious of existence of such a norm and practice. In any case, it is not the case of petitioner-respondents that the measure so adopted was in any way arbitrary or unreasonable so as to exclude the otherwise meritorious candidates. Therefore, that issue does not arise in the present case.

53. We are further of the considered opinion the said notification was necessary to declare and make known to all concerned the objective criteria adopted by the appellant-Commission to make its recommendation from amongst the

eligible candidates, for grant of appointment. Such fair conduct of the appellant Commission did not and it cannot be doubted either as a fresh eligibility condition enforced by it, of its own or as an unreasonable condition.
54. Consequently, the present intra-Court appeal must succeed and it is **allowed**. The writ petition giving rise to the present special appeal is accordingly dismissed. No order as to costs."

29. In the opinion of this Court, since the decisions of the Commission providing either for cut-off marks for SC/ST category and non-disclosure of the marks obtained in the screening test of the candidates, who have obtained less marks and differing the same at the time of final selection, has not been challenged, thus this Court does not find it appropriate to further deal with this issue. Moreover, a press communication has been issued on 16.02.2026 by the Deputy Secretary of the Commission which reads as follows:

लोक सेवा आयोग, उत्तर प्रदेश
संख्या-01/84 (1) /डी०आर०/एस-2/2023-24
प्रयागराज:दिनांक: 16 फरवरी, 2026
प्रेस विज्ञप्ति
सीधी भर्ती से संबंधित विज्ञापनों के अंतर्गत विज्ञापित पद जिनका विवरण निम्नवत् है ।

S r.	Advt. No.	Deptt.Name	Post Name	Deptt. No.
1	D-3/E-1/2023	Uttar Pradesh Laboratories, (Biology Section/Domain, [S-01/01]	Forensic Scientific Officer	Science Officer
2	D-3/E-1/2023	Uttar Pradesh Laboratories, (Computer Forensic Section/Domain, [S-01/02]	Forensic Scientific Officer	Science Officer
3	D-3/E-1/2023	Uttar Pradesh Laboratories, (Physics Section/Domain, [S-01/03]	Forensic Scientific Officer	Science Officer
4	D-3/E-1/2023	Uttar Pradesh Laboratories, (Chemistry Section/Domain, [S-01/04]	Forensic Scientific Officer	Science Officer
5	D-3/E-1/2023	Uttar Pradesh Laboratories, (Behavioral Science Section/Domain, [S-01/05]	Forensic Scientific Officer	Science Officer

उक्त पदों हेतु आयोजित स्क्रीनिंग परीक्षा एवं साक्षात्कार में उपस्थित अभ्यर्थियों के प्राप्तांक एवं कट-ऑफ अंक आयोग की वेबसाइट <https://uppsc.up.nic.in> पर दिनांक 16.02.2026 से 23.02.2026 तक उपलब्ध रहेंगे। अतः अभ्यर्थीगण अपने ओ०टी०आर० (O.T.R.) एवं जन्मतिथि के आधार पर प्राप्तांक एवं कट-ऑफ अंक अवलोकित/प्राप्त कर सकते हैं। इस संबंध में यह भी सूचित किया जाता है कि उक्त सीधी भर्तियों के परिणाम के संबंध में सूचना का अधिकार अधिनियम-2005 के अंतर्गत प्रार्थना-पत्र स्वीकार नहीं किये जायेंगे और न ही उन पर विचार किया जायेगा।

(कमलेश चन्द्र)
उप सचिव।

30. In view of the said press communication, now it is always open for the writ petitioners to know about the cut-off marks so obtained by them. Since, in the entire petition there is nothing on record, even to remotely suggest that the action of the respondents is violative of Article 14 or 16 of the Constitution of India and the Commission is conducting the examinations as per their own notifications, which has even not been challenged, this Court does not find the present case to be a fit case for interference. Accordingly, interference is declined. The petition is **disposed of**, leaving it open for the writ petitioners to take adequate remedies in the final selection.

(Vikas Budhwar,J.)

February 19, 2026

Prashant D.