



**112 IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

CWP-38698-2025

Date of decision: 21.01.2026

Akashdeep Kaur and others

....Petitioners

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

**Present:** Dr. Rau P.S. Girwar, Advocate,  
Ms. Archana Rau, Advocate and  
Ms. K.T. Rau, Advocate  
for the petitioners.

Mr. Vikas Arora, DAG, Punjab.

**HARPREET SINGH BRAR, J. (ORAL)**

1. The present civil writ petition has been filed under Articles 226 and 227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the entire recruitment process conducted pursuant to Advertisement No.6 of 2023 (Annexure P-1), including the written examination held on 28.01.2024, the result declared on 12.08.2024, and the subsequent typing test conducted from 01.12.2025 to 02.12.2025. The petitioner further seeks issuance of a writ in the nature of *mandamus* directing respondent No.2 to conduct a fresh, fair, and transparent recruitment examination for all posts advertised under Advertisement No.6 of 2023; directing respondents No.1 to 3 to publish the Judicial Inquiry Report; directing respondent No.5 or any other independent investigating agency to register an FIR and conduct a thorough investigation into the recruitment scam, including allegations of paper leakage, mass copying, and the involvement of officials and private individuals; and



directing respondent No.2 to initiate appropriate disciplinary as well as criminal proceedings against the tainted candidates and officials involved in the said malpractices.

2. Learned State counsel has produced the inquiry report dated 24.06.2025 prepared by a retired Judge of this Court, in the original, in a sealed cover before this Court today. The sealed cover is opened in Court and the report is taken on record. The Registry is directed to tag the same at the appropriate place in the case file.

### **CONTENTIONS**

3. Learned counsel for the petitioners, *inter alia*, contends that the petitioners participated in the selection process initiated for recruitment to 184 posts of Senior Assistant-cum-Inspector pursuant to Advertisement No.06 of 2023 (Annexure P-1). The result of the said selection process was declared on 12.08.2024 (Annexure P-2). Shortly thereafter, the petitioners, along with other candidates, noticed that the OMR answer sheets of the top 44 rank-holders were circulating on Telegram and other social media platforms (Annexures P-3 to P-6), disclosing striking similarities in the answer patterns. On 11.11.2024, some of the petitioners submitted representations to the authorities and also participated in large-scale protests, alleging serious irregularities in the conduct of the examination. Subsequently, the respondent-Board decided to initiate a judicial inquiry to ascertain the fairness and transparency of the selection process. In furtherance thereof, on 16.06.2025, as discernible from Annexure P-8, the petitioners were directed to appear before the Inquiry Officer for a personal hearing. Thereafter, a legal representation dated 02.09.2025 (Annexure P-9) was also submitted, seeking a fair, independent, and impartial probe into the recruitment process.



4. Despite the representations submitted by the petitioners, the respondents proceeded to conduct the typing test on 01.12.2025 and 02.12.2025 with a view to finalising the recruitment process. Learned counsel for the petitioners further draws the attention of this Court to the comparative chart (Annexure P-20) and submits that the petitioners have compiled the data pertaining to the top 43 candidates and a striking similarity in the incorrect answers to the questions attempted by them is evident. It is contended that although the same questions were placed at different serial numbers across the four sets of question papers, an unusual and conspicuous uniformity in the incorrect responses is apparent, which raises serious doubts regarding the sanctity of the examination. Further, the petitioners claim that the answer sheets were initially left blank and were subsequently filled in a coordinated manner. This is further buttressed by the fact that out of the said 43 candidates, as many as 17 belong to the same district. Further, learned counsel further refers to the inquiry report prepared by a retired Judge of this Court and submits that the conclusions drawn therein are factually erroneous and unsustainable in light of the material on record.

5.1. In support of his contentions, learned counsel for the petitioners places reliance upon the judgment rendered by the Hon'ble Supreme Court in '*Tanvi Sarwal Vs. Central Board of Secondary Education and others*' **2015(6) SCC 573**, which reads as under:

*"20. As would be available from the status reports, out of 123 solved answers of a particular code and retrieved from the mobile set of one of the persons arrested i.e. Dr Bhupender, 102 answers were found correct on a comparison with the answer key provided by CBGE. AS referred to hereinabove, 358 mobile numbers had been pressed into service and at least 300 vests fitted with electronic devices have been used. Having regard to*



*the uncompromising essentiality of a blemishless process of examination involving public participation, we have no alternative but to hold that the examination involved, suffers from an infraction of its expected requirement of authenticity and credence. We are conscious of the fact that every examination being conducted by a human agency is likely to suffer from some shortcomings, but deliberate inroads into its framework of the magnitude and the nature, as exhibited, in the present case, demonstrate a deep-seated and pervasive impact, which ought not to be disregarded or glassed over, lest it may amount to travesty of a proclaimed mechanism to impartially judge the comparative merit of the candidates partaking therein. If such an examination is saved, merit would be a casualty generating a sense of frustration in the genuine students, with aversion to the concept of examination. The possibility of leaning towards unfair means may also be the ultimate fallout. Even if, one undeserving candidate, a beneficiary of such illegal machination, though undetected is retained in the process it would be in denial of the claim of more deserving candidates. At present, the examination stands denuded of its sanctity as it is not possible to be cleansed of all the participating beneficiary candidates with certainty. We are thus, on an overall assessment of the materials on record, left unpersuaded to sustain the examination. We must observe that till this stage of the Investigation, no conscious lapse or omission on the part of the Board, contributing to the otherwise appalling mischief has surfaced.”*

5.2. Learned counsel for the petitioners further relies upon the judgment of the Hon’ble Supreme Court in ‘**Sachin Kumar and others Vs. Delhi Subordinate Services Selection Board (DSSSB) and others**’ (2021) 4 SCC 631, wherein the following was observed:

*“35. In deciding this batch of SLPs, we need not reinvent the wheel. Over the last five decades, several decisions of this Court have dealt with the fundamental issue of when the process of an examination can stand vitiated. Essentially, the answer to the issue turns upon whether the irregularities in the process have taken place at a systemic level so as to vitiate the sanctity of the process. There are cases which border upon or cross over into the domain of fraud as a result of which the credibility and legitimacy of the process is denuded. This constitutes one end of*



*the spectrum where the authority conducting the examination or convening the selection process comes to the conclusion that as a result of supervening event or circumstances, the process has lost its legitimacy, leaving no option but to cancel it in its entirety. Where a decision along those lines is taken, it does not turn upon a fact -finding exercise into individual acts involving the use of malpractices or unfair means. Where a recourse to unfair means has taken place on a systemic scale, it may be difficult to segregate the tainted from the untainted participants in the process. Large-scale irregularities including those which have the effect of denying equal access to similarly circumstanced candidates are suggestive of a malaise which has eroded the credibility of the process. At the other end of the spectrum are cases where some of the participants in the process who appear at the examination or selection test are guilty of irregularities. In such a case, it may well be possible to segregate persons who are guilty of wrongdoing from others who have adhered to the rules and to exclude the former from the process. In such a case, those who are innocent of wrongdoing should not pay a price for those who are actually found to be involved in irregularities. By segregating the wrongdoers, the selection of the untainted candidates can be allowed to pass muster by taking the selection process to its logical conclusion. This is not a mere matter of administrative procedure but as a principle of service jurisprudence it finds embodiment in the constitutional duty by which public bodies have to act fairly and reasonably. A fair and reasonable process of selection to posts subject to the norm of equality of opportunity under Article 16(1) is a constitutional requirement. A fair and reasonable process is a fundamental requirement of Article 14 as well. Where the recruitment to public employment stands vitiated as a consequence of systemic fraud or irregularities, the entire process becomes illegitimate. On the other hand, where it is possible to segregate persons who have indulged in malpractices and to penalise them for their wrongdoing, it would be unfair to impose the burden of their wrongdoing on those who are free from taint. To treat the innocent and the wrongdoers equally by subjecting the former to the consequence of the cancellation of the entire process would be contrary to Article 14 because unequals would then be treated equally. The requirement that a public body must act in fair and reasonable terms animates the entire process of selection. The decisions of the recruiting body are hence subject to judicial control subject to the settled principle that the*



*recruiting authority must have a measure of discretion to take decisions in accordance with law which are best suited to preserve the sanctity of the process. Now it is in the backdrop of these principles, that it becomes appropriate to advert to the precedents of this Court which hold the field.”*

5.3. Finally, reliance is also placed upon the judgment rendered by the Hon’ble Supreme Court in ***Vanshika Yadav Vs. Union of India and others***’ W.P. (C) No. 335 of 2024., wherein the following was held:

*“11. We proceed to record the essential conclusions in the following terms:*

*(i) The fact that a leak of the NEET (UG) 2024 paper took place at Hazaribagh in the State of Jharkhand and at Patna in the State of Bihar is not in dispute;*

*(ii) Following the transfer of the investigation to it, the CBI has filed its status reports dated 10 July 2024, 17 July 2024 and 21 July 2024. The disclosures by the CBI indicate that the investigation is continuing. The CBI has indicated that at the present stage, the material which has emerged during the course of the investigation would indicate that about 155 students drawn from the examination centres at Hazaribagh and Patna appear to be the beneficiaries of the fraud;*

*(iii) Since the investigation by the CBI has not attained finality at the present point of time, this Court had in its previous order required the Union Government to indicate whether trends in regard to the existence of abnormalities can be deduced through data analytics on the basis of the results emanating from 4,750 centres situated in 571 cities. Pursuant to the directions of the Court, the Union Government has produced a report of Indian Institute of Technology, Madras. The objection of the petitioners to the report of IIT, Madras on the grounds of alleged bias would be considered in the course of the reasoned judgment which will follow. At this stage, in order to obviate any controversy, the Court has independently scrutinized the data which has been placed on the record by the NTA:*

*(iv) At the present stage, there is an absence of material on the record to lead to the conclusion that the entire result of the examination stands vitiated or that there was a systemic breach*



*in the sanctity of the examination;*

*(v) Added to the absence of conclusive material on the record at the present stage, the data which has been produced on the record city-wise and centre-wise and the comparison of data for the years 2022, 2023 and 2024 are not indicative of a systemic leak of the question paper impacting the sanctity of the examination;*

*(vi) In arriving at the ultimate conclusion, the Court is guided by the well-settled test of whether it is possible to segregate tainted students from those whose candidature does not suffer from any taint. If the investigation reveals the involvement of an increased number of beneficiaries over and above those who are suspects at the present stage, action shall be pursued against every student found to be involved in wrong doing at any stage, notwithstanding the completion of the counselling process. No student who is revealed to have engaged in acts of fraud or to have been the beneficiary of malpractice would be entitled to claim a vested right or interest in the continuation of the admission in the future by virtue of the findings in this judgment; and*

*(vii) Directing a fresh NEET (UG) to be conducted for the present year would be replete with serious consequences for over two million students who have appeared in the examination. Adopting such a course of action would, in particular, (i) lead to a disruption of the admission schedule for the commencement of medical courses, setting back the entire process by several months; (ii) lead to cascading effects on the course of medical education; (iii) impact the availability of qualified medical professionals in the future; and (iv) cause a serious element of disadvantage to students belonging to marginalized communities and weaker sections for whom reservation has been made in the allocation of seats.”*

6. *Per contra*, learned State counsel submits that the claims of the petitioners pertain to disputed questions of fact, which have already been thoroughly examined pursuant to a detailed inquiry conducted by a retired Judge of this Court. Moreover, the inquiry report dated 24.06.2025 upheld the



sanctity of the recruitment process and categorically concluded that no instance of malpractice has been established. Learned State counsel further submits that the petitioners' contention regarding similarity in the incorrect answers allegedly indicating a statistically improbable pattern, suggestive of external coordination or a common source of preparation, was specifically considered during the inquiry. The Inquiry Officer, while dealing with the said contention, observed that out of a total of 27,764 candidates who appeared in the said examination, the alleged pattern was only observed with respect to 45 candidates. The factum of 45 candidates incorrectly answering certain questions, albeit in a similar manner, could reasonably be attributed to a similarity in mindset, intelligence, and aptitude. In the absence of any cogent material, such similarity by itself could not lead to an inference of malpractice.

7. Furthermore, petitioner-Akashdeep Kaur never raised any complaint regarding the examination while it was being held or immediately after declaration of the result. Neither did the petitioner-Akashdeep Kaur appear before the Inquiry Officer nor did she submit any evidence in support of the allegations now sought to be raised. In fact, she secured only 46 marks in EWS category and was not even within the zone of consideration for the typing test. The other petitioners, who had joined the proceedings later, also have identical backgrounds and have not scored well in the said examination. Thus, it is evident that the petitioners are raising baseless allegations, without any cogent material to support the same as a post-result attempt to unsettle a lawful recruitment process after failure on merit.

8. Learned State counsel further submits that this Court, while deciding CWP No. 27993 of 2025, had directed the respondent-Board to





complete the selection process expeditiously. In compliance with the said directions, the Inquiry Report was accepted, the typing tests were conducted, and recommendations were made only in respect of those candidates who successfully qualified all stages of the selection process. It is submitted that several candidates either failed to qualify or remained absent during the typing test, which, according to learned counsel, reinforces the transparency, integrity, and rigour of the selection process. It is pointed out that, out of the initial 44 candidates who had secured high merit in the written examination, 03 remained absent for the mandatory typing test while another 03 candidates either failed to clear the same or were declared unqualified at the stage of document verification.

9. Learned counsel further argues that it is settled law that courts ought not to interfere with recruitment processes merely on suspicion or dissatisfaction of unsuccessful candidates. Allegations of mass copying or paper leak must be proved by clear, cogent and convincing evidence, not conjectures. A reasoned inquiry conducted by a former Judge of this Court deserves due deference unless any perversity or *mala fide* is demonstrated, which are conspicuously absent. He submits that every allegation raised by the petitioners has been dealt with in the Inquiry Report dated 24.06.2025 in an exhaustive, reasoned and evidence-based manner, and it was concluded that they are fabricated, speculative and rooted in post-result dissatisfaction. Thus, they fail to meet the legal threshold for judicial interference in a recruitment process. As such, learned State counsel prays that the present writ petition be dismissed as it is devoid of any merit.



## **OBSERVATION & ANALYSIS**

10. Having heard the learned counsel for the parties and after perusing the record with their able assistance, it transpires that the allegations raised by the petitioners, questioning the sanctity of the examination conducted in pursuance of Advertisement No.6 of 2023 (Annexure P-1), are based on disputed questions of fact. Consequently, a detailed fact-finding inquiry was conducted by a retired judge of this Court wherein the following allegations were considered:

*“A. All the toppers are from the Ghaggar belt, a region where the cheating mafia has been firmly entrenched for long time (Mansa, Sangrur, Jind, Fatehabad etc.); and*

*B. The results of these toppers were disappointing in earlier exams (Very few candidates manage to improve their preparation significantly in a short time so that they top in the next exam); and*

*C. Some candidates are between 40 and 45 years of age and they did not appear in any other exam and now they become toppers in this exam; and*

*D. The toppers are either relatives or belong to the same family; and*

*E. Many toppers scored very low in easier exams like Patwari, yet they are ranked first in this exam; and*

*F. All the toppers answered the same questions incorrectly, the questions that the first-ranked candidate got wrong were also answered incorrectly by all the other 43 candidates; and*

*G. Across all these instances, all the candidates chose identical incorrect answers for the questions they answered wrong; and*

*H. The questions which these toppers collectively answered incorrectly were so simple that even candidates with only half the total marks answered them correctly (For eg. they all marked plural of "ਜਿਹੜਾ" word incorrect).”*

11. The findings of the Inquiry Officer, as mentioned in the report dated 24.06.2025, are summarised as under:



- a. **Alleged Regional Concentration:** The Inquiry Officer conducted a detailed district-wise, centre-wise and roll-number-wise analysis of the top 50 candidates and the data revealed that 45 of them were from 08 districts of Punjab and 05 were from 03 districts of Haryana. These candidates had appeared for the examination at different centres, with no clustering in seating or roll numbers. Thus, the Inquiry Officer held that geographical concentration alone, without evidence of collusion or malpractice, cannot be a ground to vitiate the selection process. The relevant part of the Inquiry Report is reproduced below:

*“Prima Facie, it is found that significantly 23 candidates of District Mansa are in top 50 candidates. But this fact by itself is not sufficient to condemn their right to contest and defeat. This may be attributed to a growing focus on education, increasing access to learning resources, and a competitive academic environment of that area... The consistent performance of candidates from a particular area should not automatically be seen as suspicious but rather as an opportunity to study and understand and the will of the candidate are the factors contributing to academic improvement in that region.”*

- b. **Poor performance in earlier examinations:** The report emphasized that each competitive examination is an independent test of merit and that improvement through focused preparation, experience and effort is neither implausible nor unprecedented. The Inquiry Officer concluded as follows in this regard:

*“Improvement in performance in a competitive examinations is neither unprecedented nor implausible. Candidates often engage in intensive, focused preparation following previous attempts, benefiting from experience, targeted study plans, and enhanced understanding of the examination pattern. The capacity for significant academic or competitive improvement is well recognized in educational jurisprudence and competitive examination practices. It is neither legally justifiable nor procedurally sound to discredit a candidate’s success solely on*



*the basis of past performance and without any cogent evidence that the candidate used unfair means. The examination system is designed to assess current merit and competence, and each attempt is treated as an independent exercise. To impugn the validity of a candidate's success on the grounds of prior results would amount to an arbitrary restriction that is inconsistent with principles of fairness and equality.”*

- c. **Age of candidates:** The Inquiry Report records that only two candidates among the top 50 were above 40 years of age and their candidature was fully protected by statutory age relaxation. It was emphasised therein that merit in a competitive examination is age-neutral and any presumption otherwise would be violative of Article 14 of the Constitution.
- d. **Familial relationship:** The inquiry also revealed that only 02 candidates among the top 50 belonged to the same family, however, both possessed verifiable academic credentials. It was observed that there is no legal prohibition against relatives appearing in the same examination or qualifying it. Mere existence of a filial relationship alone cannot raise an inference of favouritism in absence of any evidence to that effect.
- e. **Identical wrong answers:** The allegation regarding identical wrong answers was thoroughly analysed and the original OMR sheets were sent for forensic examination. The forensic expert categorically ruled out common authorship of any two OMR sheets and found no evidence of impersonation or mass fabrication. The Inquiry Officer explained that the similarity in wrong answers can naturally arise due to common preparation material, elimination strategies or exam stress, and does not, by itself, establish collusion or cheating. In absence of proof of tampering, usage of communication devices, or access to answer keys, the allegation was found to be speculative and legally unsustainable.



Furthermore, the NIELIT conducted its own internal scrutiny and categorically stated that multiple question paper sets were used and the printing thereof was done at a confidential location. No anomaly was detected at any stage and thus, there is no probability of paper leak. In light of the aforementioned findings, the Inquiry Officer concluded as follows:

*“12. After a comprehensive review of the complaints, relevant records, examination materials, and the forensic expert's report, it is found that neither the complainants have submitted nor the undersigned has come across any concrete or verifiable evidence which may substantiate the allegations levelled by the complainants, in accordance with the law. The material available does not indicate any procedural irregularities, misconduct, or even remote involvement of any external or unauthorized factor in the examination process. The similarity in certain answer patterns can reasonably be attributed to common preparation sources and does not, in itself, establish wrongdoing. The complaints appear to be biased largely on conjectures and surmises, rather than on demonstrable facts or substantiated irregularities.”*

12. It is a settled position of law that mere suspicion, surmise, or conjecture is not sufficient to warrant interference with or setting aside a selection or examination process. A petitioner seeking cancellation of an examination bears a heavy onus to establish that the process stood vitiated by fraud and that there exists credible and cogent material demonstrating a systemic taint or illegality going to the very root of the selection process. In this regard, a two-Judge Bench of the Hon'ble Supreme Court in ***Joginder Pal Vs. State of Punjab*** 2014 (3) SCT 431, succinctly summarised the governing legal principles in this regard as previously laid down by the Hon'ble Apex Court in ***Inderpreet Singh Kahlon Vs. State of Punjab*** (2006) 11 SCC 356. Speaking through A.K. Sikri, the following was opined:



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*From the reading of the judgment, one can discern the following principles:*

*(a) An appointment made in violation of Articles 14 and 16 of the Constitution of India would be void. It would be a nullity. Since the services of the appellants were terminated not in terms of the rules but in view of the commission of illegality in the selection process involved, the applicability of the relevant provisions of the statutes as also the effect of the provisions of Article 311 of the Constitution need not be considered.*

***(b) Before a finding that an appointment has been made in violation of Articles 14 and 16 of the Constitution can be arrived at, the appointing authority must take into consideration the foundational facts. Only when such foundational facts are established, can the legal principles be applied. When the services of employees are terminated inter alia on the ground that they might have aided and abetted corruption and, thus, either for the sake of probity in governance or in public interest their services should be terminated, the court must satisfy itself that conditions therefor exist. The court while setting aside a selection may require the State to establish that the process was so tainted that the entire selection process is liable to be cancelled.*** In a case of this nature, thus, the question which requires serious consideration is as to whether due to the misdeed of some candidates, honest and meritorious candidates should also suffer.

***(c) A distinction exists between a prove case of mass cheating for a board examination and an unproven imputed charge of corruption where the appointment of a civil servant is involved. Only in the event it is found to be impossible or highly improbable that the tainted cases can be separated from the non-tainted cases could en masse orders of termination be issued.*** Both the State Government as also the High Court in that view of the matter should have made all endeavours to segregate the tainted from the non-tainted candidates.

*(d) Cases which may arise where the selection process is perceived to be tainted may be categorised in the following manner:*

*(i) Cases where the "event" has been investigated.*

*(ii) Cases where CBI inquiry took place and was completed or a preliminary investigation was concluded.*

*(iii) Cases where the selection was made but appointment was not made.*

*(iv) Cases where the candidates were also ineligible and the appointments were found to be contrary to law or rules.*



*If the services of appointees who had put in a few years of service were terminated, compliance with three principles at the hands of the State was imperative viz.: (1) to establish satisfaction in regard to the sufficiency of the materials collected so as to enable the State to arrive at its satisfaction that the selection process was tainted; (2) to determine the question that the illegalities committed went to the root of the matter, which vitiated the entire selection process. Such satisfaction as also the sufficiency of materials were required to be gathered by reason of a thorough investigation in a fair and transparent manner; (3) whether the sufficient material present enabled the State to arrive at a satisfaction that the officers in majority had been found to be part of the fraudulent purpose or the system itself was corrupt.*

*(e) Once the necessary factual findings as enumerated above are arrived at, or it is found impossible or highly improbable to separate tainted from untainted cases, all appointments traceable to the officers concerned could be cancelled. But admittedly, in the present case, although there had been serious imputations against Ravinderpal Singh Sidhu being at the helm of the affairs of the State Public Service Commission, all decisions made by the Commission during his tenure are yet to be set aside.”*

(Emphasis added)

13. Furthermore, after an exhaustive review of the earlier precedents on the subject, in ‘*Vanshika Yadav Vs. Union of India*’ 2024 INSC 568, a three-Judge Bench of the Hon’ble Supreme Court, speaking through Dr. Justice D.Y. Chandrachud, has conclusively settled the legal position in the following terms:

*“61. The facts of this case and the resultant issue before this Court do not call for the development of new legal principles. It is settled law that the cancellation of an examination, either for the purposes of gaining admission into professional and other courses or for the purpose of recruitment to a government post, is justified only in cases where the sanctity of the exam is found to be compromised at a systemic level. Courts may direct the cancellation of an examination or approve such cancellation by the competent authority only if it is not possible to separate the tainted candidates from the untainted ones.*

*62. In *Anamica Mishra v. U.P. Public Service Commission*, (1990) Supp SCC 692 the recruitment process concerning appointment to*



various educational services posts in Uttar Pradesh was cancelled. The process consisted of two stages - a preliminary written examination and an interview. Only those candidates who scored high marks in the former were invited to participate in the latter. In that case, mistakes in data entry resulted in some candidates who scored high marks being left out of the interview process even as other candidates who scored low marks were interviewed and even selected. Upon realising this error, the State Public Service Commission cancelled the entire recruitment process. The High Court of Allahabad upheld this decision. The appeal against the decision of the High Court was allowed by this Court. **This Court found that there was no justification for cancelling the written examination, considering that the errors were confined to the interview process. It found that a more appropriate course of action would have been to set aside the selection of candidates and conduct a fresh set of interviews on the basis of the written exam which had already taken place. Hence, in that case, the Court was of the opinion that it was not a suitable course of action to cancel an examination when no systemic issues persisted. Although not expressly stated by the Court, a proper appreciation of the decision leads to the conclusion that it considered whether a fresh examination was proportionate to the nature of grievance and the extent to which the integrity of the exam was vitiated.**

63. From the observations of this Court in ***Bihar School Examination Board v. Subhas Chandra Sinha, (1970) 1 SCC 648*** it can be seen that the number or proportion of students who can be believed to have indulged in malpractice is a relevant factor in deciding cases such as the present one. The relevant observations are extracted below:

"13. This is not a case of any particular individual who is being charged with adoption of unfair means but of the conduct of all the examinees or at least a vast majority of them at a particular centre. If it is not a question of charging any one individually with unfair means but to condemn the examination as ineffective for the purpose it was held ..."

64. In ***Madhyamic Shiksha Mandal, M.P. v. Abhilash Shiksha Prasar Samiti, (1998) 9 SCC 236*** **the Board concerned with the exam in that case cancelled the exam upon receiving a report from a Naib Tehsildar who had visited the exam centre. He found that the students were copying even before the question paper was distributed and that they were permitted to enter the exam hall with their books and other material. The report also stated that the invigilators and supervisors did nothing to prevent the students from copying. This Court found that the Board was left with no alternative but to cancel the exam and that it was exceedingly difficult to identify the students who were**





**committing malpractice and those who were not.**

65. In *Sachin Kumar v. Delhi Subordinate Service Selection Board*, (2021) 4 SCC 631 the Court analysed multiple judgments related to the issue before us and made the following pertinent observations on the scope of judicial review in such proceedings:

"56. The decisions in *Railway Recruitment Board [All India Railway Recruitment Board v. K. Shyam Kumar, (2010) 6 SCC 614 : (2010) 2 SCC (L&S) 293]*, *Gohil [Gohil Vishvaraj Hanubhai v. State of Gujarat, (2017) 13 SCC 621 : (2018) 1 SCC (L&S) 80]* and *Kalaimani [State of T.N. v. A Kalaimani, (2021) 16 SCC 217 : 2019 SCC OnLine SC 1002]* all go to emphasise that a recruiting authority is entitled to take a bona fide view, based on the material before it, that the entire process stands vitiated as a result of which a fresh selection process should be initiated. The integrity of the selection process cannot be lightly disregarded by the High Court substituting its own subjective opinion on the sufficiency of the material which has been taken into account by the decision making authority. Undoubtedly, fairness to candidates who participate in the process is an important consideration. There may be situations where candidates who have indulged in irregularities can be identified and it is then possible for the authority to segregate the tainted from the untainted candidates. On the other hand, there may be situations where the nature of the irregularities may be manifold and the number of candidates involved is of such a magnitude that it is impossible to precisely delineate or segregate the tainted from the untainted. A considered decision of the authority based on the material before it taken bona fide should not lightly be interfered in the exercise of the powers of judicial review unless it stands vitiated on grounds of unreasonableness or proportionality."

66. The purpose of testing whether the integrity of the exam has been compromised at a systemic level is to ensure that the cancellation of the exam which has already taken place and the conduct of a fresh examination is a proportionate response. This is also why courts are required to assess the extent of the use of unfair means and separately, consider whether it is possible to separate tainted and untainted candidates. A holistic view must be taken.

67. **In arriving at a conclusion as to whether an examination suffers from widespread issues, courts must ensure that allegations of malpractice are substantiated and that the material on record, including investigative reports, point to that conclusion. There must be at least some evidence to allow the Court to reach that conclusion. This**



standard need not be unduly strict. To elaborate, it is not necessary for the material on record to point to one and only conclusion which is that malpractice has taken place at a systemic level. However, there must be a real possibility of systemic malaise as borne out by the material before the Court. In Bihar School Examination Board (supra), this Court recognised that "sufficient material" must be present to justify a decision to cancel examinations:

"14. ... If at a centre the whole body of students receive assistance and are managed to secure success in the neighbourhood of 100% when others at other centres are successful only at an average of 50%, it is obvious that the University or the Board must do something in the matter. It cannot hold a detailed quasi- judicial inquiry with a right to its alumni to plead and lead evidence etc., before the results are withheld or the examinations cancelled. If there is sufficient material on which it can be demonstrated that the university was right in its conclusion that the examinations ought to be cancelled then academic standards require that the university's appreciation of the problem must be respected."

68. In Madhyamic Shiksha Mandal, M.P. (supra), too, the Court placed great reliance on the report of the Naib Tehsildar, which indicated that the students in question were copying unchecked and that it was not possible to separate them from the ones who were not copying.

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#### **b. The present case**

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84. Hence, sufficient material is not on record at present which indicates a systemic leak or systemic malpractice of other forms. The material on record does not, at present, substantiate the allegation that there has been a widespread malpractice which compromised the integrity of the exam. To the contrary, an assessment of the data indicates that there are no deviations which indicate that systemic cheating has taken place. The information before us at this stage does not show that the question paper was disseminated widely using social media or the internet, or that the answers were being communicated to students using sophisticated electronic means which may prove difficult to trace. The students who were beneficiaries of the leak at Hazaribagh and Patna are capable of being identified. The CBI investigation reveals the number of students who are the beneficiaries of the malpractice at Hazaribagh and Patna at this stage. This leads us to conclude that it is possible to separate the beneficiaries of malpractice



or fraud from the honest students. **This being the case, the Court cannot direct a re-exam.**”

(Emphasis added)

14. Significantly, the Hon’ble Supreme Court in *Vanshika Yadav (supra)* expressly distinguished the decisions in *Tanvi Sarwal (supra)* and *Sachin Kumar (supra)* in the following manner:

“89. *Tanvi Sarwal's case (supra)* is distinguishable from the case before us on many counts. First and foremost, the unscrupulous candidates in that case used sophisticated technology including vests fitted with micro SIMs to cheat. No such technology has come to light at present, in this case. Second, the question paper was found to have been shared on WhatsApp before the date of the exam. Once shared through social media, it is exceedingly difficult to trace the journey of a post or message or document. Here, the record at present does not indicate that the question paper was shared on social media before the date of the exam. Third, In *Tanvi Sarwal's case (supra)*, the assistance of a gang with a nationwide network was stated to have been taken and calls were made by the accused to persons living in numerous states in the country. No such nationwide ring is seen at present in this case. Fourth, the Court found that it was not possible to separate the beneficiaries of the leak from the honest candidates. Here, the Court has concluded that the fraudulent candidates may be identified by the investigating agency. For these reasons, the decision in *Tanvi Sarwal (supra)* does not support the case of the petitioners. The allegations in this case are not substantiated by the material on record.

90. In *Sachin Kumar's case (supra)*, the two-Judge Bench of this Court (of which one of us, D Y Chandrachud, J., was a part) was concerned with the recruitment process for the post of Head Clerk. The Government of the National Capital Territory of Delhi cancelled the process on the basis of certain irregularities in the conduct of the examination. The Central Administrative Tribunal annulled this decision of the Government. In proceedings under Article 226 of the Constitution



before a Division Bench of the Delhi High Court, the decision of the Central Administrative Tribunal was partly affirmed. The appeals arising from the decision of the High Court resulted in the case before this Court.

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*94. That case, too, is distinct from the one before us. In Sachin Kumar (supra), the material before the Court was sufficient to lead to the conclusion that there was mass malpractice, which attacked the integrity of the exam at a systemic level. This is indicated by the fact that a large number of candidates in the zone of selection were from the same concentrated geographical region and that candidates from the same family were sitting in consecutive spots during the exam. There was also impersonation and the coordinated dilution of security protocols in that case. There was an abundance of material before the Court in that case. The same cannot be said to be true in the instant case. Hence, the ruling in that case cannot influence the outcome in this case. Moreover, in cases such as these, courts must take a holistic view of the facts before them and reach an independent conclusion. Different courses of action are appropriate in different circumstances.”*

(Emphasis added)

15. Adverting to the facts of the present case, this Court is of the considered opinion that the petitioners have failed to place sufficient, cogent, or verifiable material on the record to substantiate the grave allegations of systemic fraud, paper leakage, or mass copying. The entire case of the petitioners rests upon similarities in answer patterns and geographical concentration of successful candidates. However, as per the settled principles of service jurisprudence, mere suspicion or a post-result dissatisfaction of unsuccessful candidates cannot be elevated to the status of proof. To warrant the extreme step of quashing a recruitment process, there must be evidence of a



systemic taint that goes to the very root of the selection, rendering it impossible to separate the tainted from the untainted. In the instant case, the petitioners have provided only conjectures and surmises which do not meet the heavy legal onus required for judicial interference.

16. This Court has carefully perused the original Inquiry Report dated 24.06.2025, which provides a methodical and exhaustive rebuttal to each allegation raised by the petitioners. The Inquiry Officer has conducted a detailed district-wise and center-wise analysis, concluding that geographical concentration, such as the 23 candidates hailing from District Mansa, is not indicative of any foul play but may be attributed to local academic focus and coaching environments. Furthermore, the allegation regarding identical wrong answers was clinically examined through forensic experts using advanced scientific instruments, which categorically ruled out common authorship of OMR sheets. The report correctly notes that in objective-type examinations, convergence in responses often arises from common preparation materials or shared reasoning patterns and does not, by itself, establish collusion. Moreover, it must be pointed out that as per the details provided in the Inquiry Report, the top-ranking candidates did not appear at the same examination center. Instead, the examination centers of these candidates were located in different cities. The inquiry specifically noted that out of the 23 candidates from District Mansa, 22 appeared for the examination at different centers in Chandigarh while 01 wrote the examination in SAS Nagar. Similarly, the candidates from District Sangrur appeared at different centers, and those from Districts Fatehabad, Jind, and Kaithal were also distributed across various locations. This lack of regional clustering or common seating arrangements further reinforces the conclusion

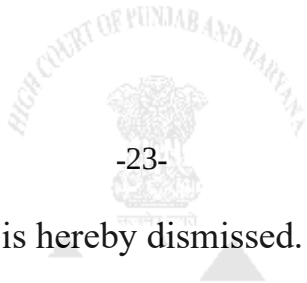


that the selection was not marred by mass copying or coordinated malpractice.

17. The legal position as enunciated by the three-Judge Bench of the Hon'ble Supreme Court in *Vanshika Yadav (supra)* is squarely applicable here. The Hon'ble Apex Court has clarified that the cancellation of an examination would be a disproportionate response unless the sanctity thereof is compromised at a systemic level. Furthermore, this Court is of the considered view that the reliance placed by the learned counsel for the petitioners on the judgments in *Tanvi Sarwal (supra)* and *Sachin Kumar (supra)* is entirely misplaced, as the factual matrices of those cases are clearly distinguishable from the present matter. In *Tanvi Sarwal (supra)*, the recruitment process was compromised by a nationwide network using sophisticated technology, such as vests fitted with micro-SIMs, and the widespread sharing of question papers on WhatsApp prior to the examination, none of which has surfaced in the present case. Similarly, in *Sachin Kumar (supra)*, there was an abundance of material proving mass malpractice, including impersonation, the coordinated dilution of security protocols, and candidates from the same family sitting in consecutive spots during the exam. In stark contrast, the present case lacks any such credible evidence of a systemic breach.

## **CONCLUSION**

18. In view of the discussion above, this Court finds that the recruitment process does not suffer from any systemic malaise that would justify its cancellation. The allegations raised by the petitioners have already been thoroughly investigated and rejected by the Inquiry Officer being devoid of any merit. Consequently, no ground for interference is made out and thus,



the present writ petition is hereby dismissed.

19. Pending miscellaneous application(s), if any, shall also stand disposed of.

20. The original inquiry report 24.06.2025 is directed to be returned to the learned State counsel.

21. Needless to say, the interim relief granted by this Court vide order dated 22.12.2025, is hereby vacated.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**21.01.2026**

*Neha*

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No

