



2026:AHC:53469

AFR
Reserved on 11.03.2026
Delivered on 17.03.2026

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 1760 of 2026

Km. Lakshmi And 10 Others

.....Petitioner(s)

Versus

State of U.P. and others

.....Respondent(s)

Counsel for Petitioner(s) : Dinesh Kumar Pandey, Siddharth
Khare, Sr. Advocate
Counsel for Respondent(s) : C.S.C., Gagan Mehta

Along with :

1. **Writ - A No. 1837 of 2026:**
Mohd Faisal Ziadi and 4 others
Versus
State of U.P. and 2 others
2. **Writ - A No. 1839 of 2026:**
Swati Mishra and 41 others
Versus
State of Uttar Pradesh and 2 others
3. **Writ - A No. 2679 of 2026:**
Dr Digvijay Nath Chaurasiya and 2 others
Versus
State of U.P. and 2 others
4. **Writ - A No. 1836 of 2026:**
Tabassum Jahan and 9 others
Versus
State of U.P. and 2 others
5. **Writ - A No. 1848 of 2026:**
Tarun Krishna and 5 others
Versus

HON'BLE SAURABH SHYAM SHAMSHERY, J.

1. Petitioners, in present bunch of writ petitions, have participated in a recruitment process initiated in pursuance of Advertisement No. 51 of year 2022 to fill up 910 posts of Assistant Professors in different aided non-Government Post Graduate Colleges.
2. U.P. Education Service Selection Commission issued a schedule for written examination which was held on 16th / 17th April, 2025 in two shifts at 52 different Examination Centers in six Districts for 33 different Subjects.
3. Immediately after the written examinations, two First Information Reports, being FIR No. 0144 dated 20.04.2025 and FIR No. 0181 dated 21.04.2025, were lodged at Police Stations Vibhuti Khand, Lucknow East and Chinhat, Lucknow East, against four persons, alleging that accused were involved in providing question papers of written examination to the participants after taking huge money.
4. In pursuance of above First Information Reports, investigation was commenced and at highest level of State such irregularities were taken note of, as to whether continue with examination process or not. A decision was taken to commence evaluation process vide a notification dated 24.07.2025. It appears that the decision was taken in pursuance of a Three Members Committee's report.
5. Sri Ashok Khare, learned Senior Advocate assisted by Sri Mohd. Yasin, learned counsel for petitioners, submitted that in pursuance of aforesaid decision the Commission issued result of written examination and according to petitioners they stood in merit in the result and were awaiting for interview schedule.
6. Learned Senior Advocate further submitted that a notice dated 20.01.2026 was issued by Secretary, U.P. Education Services Selection

Commission, Prayagraj, whereby it was communicated that result issued on 04.09.2025 was cancelled and a fresh schedule for written examination was published.

7. Learned Senior Advocate submitted that State has no substantial material to cancel the entire result of written examination since there was no evidence of systematic irregularities so much as that purity of entire selection was compromised. He also referred documents placed alongwith counter affidavit, specifically a report dated 02.01.2026 submitted by Additional Director General of Police, Law and Order/ S.T.F., Uttar Pradesh, Lucknow and for reference the same, in its entirety, is reproduced hereinafter:

"सेवा में,

दिनांक- जनवरी 02, 2026

प्रमुख सचिव (गृह),
उत्तर प्रदेश, शासन।

कृपया वरिष्ठ पुलिस अधीक्षक, एस 0 टी 0 एफ 0, उ 0 प्र 0 के माध्यम से प्राप्त श्री दीपक कुमार सिंह, पुलिस उपाधीक्षक, एसटीएफ मुख्यालय, लखनऊ के पत्र दि 0-29.12.2025 के द्वारा अवगत कराया गया है कि उत्तर प्रदेश शिक्षा सेवा चयन आयोग के विज्ञापन संख्या-51 द्वारा सहायक आचार्य के पद हेतु आयोजित की गयी परीक्षा के संबंध में थाना विभूतिखंड लखनऊ में पंजीकृत मु 0 अ 0 सं 0-144/2025 धारा 112, 308(5), 318(4) बीएनएस 2023 में अभियुक्तगण महबूब अली, बैजनाथ पाल व विनय पाल को परीक्षा में धांधली, पेपर आउट कराने तथा अभ्यर्थियों से भारी मात्रा में पैसे का लेन-देन करने के आरोप में गिरफ्तार किया गया था। गिरफ्तार अभियुक्तों के मोबाइल नम्बरों- 8896480786, 9450170055, 9450218155 को एसटीएफ में उपलब्ध तकनीकी संसाधनों का विश्लेषण करने एवं मुखबिर तंत्र से प्राप्त अभिसूचना को विकसित करते हुए प्रथम दृष्टया 21 संदिग्ध मोबाइल नंबरों को चिन्हित किया गया, जिनका परीक्षा संबंधी डाटा से मिलान किये जाने हेतु परीक्षा नियंत्रक उत्तर प्रदेश शिक्षा सेवा चयन आयोग, प्रयागराज को आख्या प्रेषित की गयी थी, जिसके प्रत्युत्तर में 19 अभ्यर्थियों के रोल नंबर व अन्य

सूचनाएं प्राप्त हुयी थी। उक्त डाटा का उत्तर प्रदेश शिक्षा सेवा चयन आयोग, प्रयागराज की वेबसाइट पर घोषित परिणाम से मिलान करने पर सभी 19 अभ्यर्थियों को अपने-अपने विषय में उत्तीर्ण होना पाया गया है, जो दि० 16.04.2025 एवं दि० 17.04.2025 को सम्पन्न परीक्षा में अनियमितता को दर्शाता है। गिरफ्तार अभियुक्त महबूब अली ने पूछताछ करने पर बताया था कि तत्कालीन समय में आयोग के अध्यक्ष के गोपनीय सहायक के रूप में तैनात था एवं पेपर मॉडरेशन एवं निर्माण की प्रक्रिया के दौरान इन पेपरों का रखरखाव करता था। ऐसे में इस पूरी परीक्षा की शुचिता भंग करने में महबूब अली की भूमिका रही है। गिरफ्तार अभियुक्त महबूब अली ने पैसा लेकर जो पेपर उपलब्ध कराए थे, वे फर्जी न होकर मूल पेपर के प्रश्नों से ही तैयार किये गये थे। आयोग द्वारा उपलब्ध कराए गये 21 मोबाइल नंबरों से संबंधित डाटा में से 19 अभ्यर्थी परीक्षा में सफल दिख रहे हैं, जिससे स्पष्ट है कि दोनों दिवसों में संपन्न प्रश्नगत परीक्षा की शुचिता भंग है। उपरोक्त के दृष्टिगत उत्तर प्रदेश शिक्षा सेवा चयन आयोग के विज्ञापन संख्या-51 द्वारा सहायक आचार्य के पद हेतु आयोजित की गयी परीक्षा को निरस्त कराये जाने हेतु अनुरोध किया गया है।

अतएव अनुरोध है कि उत्तर प्रदेश शिक्षा सेवा चयन आयोग के विज्ञापन संख्या-51 द्वारा सहायक आचार्य के पद हेतु आयोजित की गयी परीक्षा को निरस्त कराये जाने हेतु अग्रेतर कार्यवाही कराये जाने का कष्ट करें।

संलग्नक-यथोपरि

(अमिताभ यश)
अपर पुलिस महानिदेशक
कानून-व्यवस्था/एस०टी०एफ,
उत्तर प्रदेश"

8. Learned Senior Advocate, by referring the above report, submitted that aforesaid report does not come to a specific conclusion that 19 selected students were benefited by accused persons by providing question papers, in advance. In the report there was only a reference of phone numbers of said 19 candidates having connection with accused which would not be sufficient to quash entire result of written

examination and, at best, result of said 19 selected candidates could be cancelled.

9. Learned Senior Advocate also referred contents of First Information Reports that it would not be sufficient to quash the entire result of written examination. In support of above submission learned Senior Advocate placed reliance on a judgment passed by Supreme Court in the case of **Vanshika Yadav vs. Union of India and others, (2024)2 SCC 743** and for reference relevant paragraphs thereof are reproduced hereinafter:

“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 14 In this regard, see our analysis of Anamica Mishra (supra) at paragraph 62 of this judgment as well as the observations of the Court in Rajesh PU (supra) at paragraph 69 of this judgment. 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.

69. In Union of India v. Rajesh P.U., 2003:ISC:343 the Court was concerned with a case where it was possible to separate the beneficiaries of malpractice from the candidates who conducted themselves in an upright manner. It held that there was no justification to cancel the entire selection and emphasized the importance of the information available to the Court as well as that of concrete and relevant material, in the following terms:

“In the light of the above and in the absence of any specific or categorical finding supported by any concrete and relevant material that widespread infirmities of an all-pervasive nature, which could be really said to have undermined the very process itself in its entirety or as a whole and it was impossible to weed out the beneficiaries of one or the other irregularities, or illegalities, if any, there was hardly any justification in law to deny appointment to the other selected candidates whose selections were not found to be, in any manner, vitiated for any one or the other reasons. Applying a unilaterally rigid and arbitrary standard to cancel the entirety of the selections despite the firm and positive information that except 31 of such selected candidates, no infirmity could be found with reference to others, is nothing but total disregard of relevancies and allowing to be carried away by irrelevancies, giving a complete go-by to contextual considerations throwing to the winds the principle of proportionality in going farther than what was strictly and reasonably to meet the situation.”

“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.”

10. Per contra, Sri Sanjeev Singh, learned Additional Advocate General assisted by Sri Saurabh, learned Standing Counsel, appearing for State-Respondents, has opposed the aforesaid submissions and supported the decision of State to cancel result of written examination and for that he placed reliance on judgments passed by Supreme Court in **Lila Dhar vs. State of Rajasthan and others (1981)4 SCC 159**; **Tanvi Sarwal vs. Central Board of Secondary Education and others (2015)6 SCC 573**; and, **State of Himachal Pradesh and others vs. Raj Kumar and others (2023)3 SCC 773**.

11. Learned Additional Advocate General has also referred the report dated 02.01.2026 and exercise conducted by Special Task Force to correlate the data of mobile numbers available with accused with corresponding roll numbers and name of candidates benefited.

12. Learned Additional Advocate General has further submitted that after investigation two charge sheets have already been filed on 08.06.2025, i.e., before impugned decision was taken. According to him decision is a reasoned decision and to ensure fairness in examination, entire result of written examination was cancelled since fairness was compromised.

13. It is also pointed out that about 19 beneficiaries were detected but it is possible that paper was leaked to other candidates also. In all, examination was for 910 posts and in case out of them atleast 19 candidates were found benefited, it would be sufficient to hold that entire process become unfair.

14. Learned Additional Advocate General has also submitted that the judgment relied on by learned Senior Advocate for petitioners in the case of **Vanshika Yadav (supra)** is distinguishable since in that case the Supreme Court was considering examination of NEET, i.e., a Pan India Examination, wherein lacs of students have participated, therefore, a localize unfairness was not considered sufficient to cancel entire selection

process, whereas present examination is extended to Uttar Pradesh only for only 910 seats and that it was not yet concluded as after written examination, selected candidates were required to face interview.

15. Sri Gagan Mehta, learned counsel appearing for Respondent-3, i.e., U.P. Education Service Selection Commission, Prayagraj, has adopted above submission made by learned Additional Advocate General and further submitted that Commission is bound to carry out selection process in utmost sincerity and fairness.

16. Heard learned counsel for parties and perused material available on record.

17. Before Court proceed to consider rival submissions on given facts, with regard to legal position on the issue involved, i.e., when entire selection process could be struck down in case of systematic unfairness and irregularities, few paragraphs of a recent judgment passed by Supreme Court in **State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) and others, 2025 INSC 437**, being relevant, are reproduced hereinafter:

“7. This Court in several cases has examined the question when the entire selection process should be struck down in case of irregularities. It will be apposite to refer to some of the decisions as the ratio and reasoning, in our opinion, is clear and does not suffer from contradictions. In Sachin Kumar and Others v. Delhi Subordinate Service Selection Board (DSSSB) and Others, (2021) 4 SCC 631 this Court observed that determining when the examination process is vitiated by irregularities requires an in-depth fact-finding inquiry. The answer lies in examining whether the irregularities were systemic enough to undermine the sanctity of the process. In some cases, the irregularities may border on or even constitute fraud, which severely damages the credibility and legitimacy of the process. In such cases, the only option is to cancel the result entirely. These are situations where it is difficult to separate the tainted from the untainted participants, and the irregularities are widespread, indicating a malaise or fraud that has corrupted the process. On the other hand, there are cases where only

some participants have committed irregularities. In such cases, it may be possible to segregate the wrongdoers from those who adhered to the rules. The innocent should not suffer for the actions of the wrongdoers. By segregating the guilty, the selection process for the untainted candidates can proceed to its logical conclusion. This aligns with the principle of equality of opportunity under Article 16(1) of the Constitution of India, as well as the fundamental requirement of Article 14 of the Constitution, which mandates a fair, equitable, and reasonable process. Care must be taken to ensure that the innocent are not unfairly penalized alongside the wrongdoers by cancelling the entire process. To treat the innocent and the wrongdoers equally would violate Article 14 of the Constitution, as it would involve treating unequals equally. The innocent should not be punished for faults they did not commit. Finally, while the decision of the recruiting body is subject to judicial control, the body must retain a measure of discretion.

8. Sachin Kumar (supra) refers to an earlier decision of three Judges of this Court in Bihar School Examination Board v. Subhas Chandra Sinha and Others, (1970) 1 SCC 648 where it was held that when the conduct of all examinees, or at least the vast majority, at a particular examination centre reveals the use of unfair means, it may not be necessary for the board to give individual opportunities of hearing to the candidates if the entire examination is being cancelled. This is not a case where anyone is charged with unfair means and would need to defend themselves. An examination vitiated by widespread unfair means falls into a separate category, so giving notice in individual cases is not required.

9. In Board of High School and Intermediate Education, U.P., Allahabad v. Ghanshyam Das Gupta and Others, AIR 1962 SC 1110 a Constitution Bench of this Court held that when there is a discovery of widespread unfair practices, such as the leakage of question papers or destruction of answer books, it may not be necessary to give each examinee an opportunity to be heard. While it may not be appropriate to completely whittle down the requirement of natural justice and fair play, a straitjacket formula cannot be applied when the examination was not properly conducted or when the majority of the examinees did not act as they should have. Therefore, insisting that the Board should hold a detailed inquiry into each individual case was considered incorrect. It was also observed that such an approach would delay the functioning of an autonomous body like the Board of High School and Intermediate Education.

10. In line with the above ratio, this Court in *Anamica Mishra and Others v. U.P. Public Service Commission, Allahabad and Others*, (1990) Supp SCC 692 has held that the cancellation of the entire recruitment process was not justified as there was no systemic flaw in the entire recruitment process, and the issue was only with regard to calling the candidates for interview. However, in *Madhyamic Shiksha Mandal, M.P. v. Abhilash Shiksha Prasar Samiti and Others*, (1998) 9 SCC 236 the entire examination was cancelled in view of the report of mass copying and leakage of the question paper. In *Madhyamic Shiksha Mandal, M.P. (supra)*, the teachers did not object to the students entering the examination hall with books, indicating their complicity. It was held that the fact that some innocent students may have suffered in the given facts was inconsequential.

11. Similarly, in *Union of India and Others v. Rajesh P.U., Puthuvalnikathu and Another*, (2003) 7 SCC 285 this Court examined a case where a Special Committee scrutinized the answer sheets of 134 successful and 184 unsuccessful candidates, identifying only 31 as involved in unfair practices. Based on this, the Court struck down the decision of the competent authority to cancel the entire recruitment process, deeming it extreme, unreasonable, and unnecessary given the circumstances. The Court applied the test of whether there were widespread, pervasive issues that had undermined the entire process and whether it was impossible to weed out those benefiting from the irregularities or illegalities.

12. In yet another decision in *Inderpreet Singh Kahlon and Others v. State of Punjab and Others*, (2006) 11 SCC 356 this Court elucidated three principles which must be adhered to when cancelling appointments. First, there must be satisfaction regarding the sufficiency of the material collected so as to enable the State to conclude that the selection process was tainted. Second, to determine whether the illegalities committed go to the root of the matter and vitiate the entire selection process, such satisfaction should be based on a reasoned and thorough investigation conducted in a fair and transparent manner. Third, there must be sufficient material to support the conclusion that the majority of the appointments were part of the fraudulent purpose or that the system itself was corrupt. This three-pronged test, as outlined by Sinha J., is appropriate and should be adhered to.

13. The precursor to *Inderpreet Singh Kahlon (supra)* involved raids that led to the recovery of large sums of cash from the house of the

Chairman of the Punjab Public Service Commission. The allegations suggested that the Chairman – who served from 1996 to 2002 – had made several appointments between 1998 and 2001 for extraneous considerations, including monetary ones. The affected appellants before this Court, whose services were terminated, comprised four categories of officers selected through four recruitment examinations held between 1997 and 2001. Two FIRs came to be registered against the Chairman and other officers of the Public Service Commission. However, among the selectees, an FIR was filed only against one. In this factual background, Sinha J. drew a distinction between a proven case of mass cheating in a Board Exam and an unproven charge of corruption in the context of appointment of a civil servant. The en masse termination order setting aside several selections spread over 3-4 years was reversed. This was an unprecedented case of mass termination, with a walloping impact and consequences. Applying the threefold factual and legal test, en masse termination was set aside. In this context, it was observed that termination orders should only be issued in cases where it is found to be impossible or highly improbable to separate the tainted cases from the non-tainted ones.

14. In our considered view, the opinion expressed by Dalveer Bhandari J. in Inderpreet Singh Kahlon (supra) regarding the strict compliance with the principles of natural justice is not in line with the ratio of the earlier three Judge Bench decision in Bihar School Examination Board (supra). We would like to observe that the en masse termination in Inderpreet Singh Kahlon (supra) was based on the charge of corruption against the former Chairman, leading to the cancellation of the entire selection process and appointments, even though the charges against him had not yet been proven in a court of law.

15. Similarly, in another two Judge Bench decision in Joginder Pal and Others v. State of Punjab and Others, (2014) 6 SCC 644 this Court observed that every effort should be made to separate tainted from untainted candidates, and if it is found that segregating the tainted from untainted is possible, cancellation of the entire selection process would be incompatible with law.

16. In Chairman, All India Railways Recruitment Board and Another v. K. Shyam Kumar and Others, (2010) 6 SCC 614 where the decision of the Railway Recruitment Board to cancel the examination and conduct retest on the ground of malpractices involving mass copying, leakage of question paper and

impersonation was struck down by the High Court, this Court – reversing the judgment of the High Court – upheld the order of the Board to cancel the examination and conduct retest. Considering the material on record, the widespread irregularities and malpractice in the first written test, and the ultimate object of fair selection, this Court upheld the finding of the Board that the test was vitiated due to mass copying, impersonation, and question paper leakage, rather than misconduct by just a few candidates. In the said facts and circumstance, the decision of the Board to cancel the selection and reconduct the examination was held to be reasonable and well-balanced.

17. In State of Tamil Nadu and Another v. A. Kalaimani and Others, (2021) 16 SCC 217 there were allegations of large-scale malpractices involving tampering with OMR sheets. After re-evaluation and further scrutiny, the Teachers Recruitment Board found that 196 candidates had been the beneficiaries of fraudulent alteration of marks. This Court referred to the observations in Gohil Vishvaraj Hanubhai and Others v. State of Gujarat and Others, (2017) 13 SCC 621 to hold that the authority of the State to maintain the purity of the examination process is unquestionable. Gohil Vishvaraj Hanubhai (supra) takes note of the settled dictum that the cancellation of the examination is necessary and required in cases where large-scale malpractices in the course of the conduct of any examination process are alleged. In this context, this Court in A. Kalaimani (supra) held that despite the inconvenience caused to the untainted candidates, a serious doubt regarding the magnitude of manipulation in the examination has to be given due weightage. It was held that the finding of the Board that there were chances of more people being involved in the manipulation of marks was a bona fide decision being taken by the Board to instil confidence in the public regarding the integrity of the selection process.

18. In Vanshika Yadav v. Union of India and Others, (2024) 9 SCC 743 this Court observed that a holistic view must be adopted by assessing the extent of unfair means used and whether it is possible to separate the tainted candidates from the untainted ones. The court must ensure that allegations of malpractice are substantiated and that the material on record, including investigative reports, supports this conclusion. There must be at least some evidence for the court to reach such a conclusion. However, the standard of evidence need not be unduly strict. Specifically, the material on record need not point to a single, definitive conclusion that malpractice occurred at a

systemic level. Nevertheless, there must be a real possibility of systemic malaise, as reflected in the material before the court.

19. The following principles emerge from the aforesaid discussion:

- When an in-depth factual inquiry reveals systemic irregularities, such as malaise or fraud, that undermine the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity.*
- The decision to cancel the selection en masse must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable.*
- Despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the selection process is proven, due weightage has to be given to maintaining the purity of the selection process.*
- Individual notice and hearing may not be necessary in all cases for practical reasons when the facts establish that the entire selection process is vitiated with illegalities at a large scale.*

18. According to records, the written examination was conducted for 910 posts of Assistant Professors for 33 different Subjects at 52 different Centers in six Districts of State of Uttar Pradesh. Therefore, comparing to other examinations of Pan India, it was an examination conducted within a very narrow campus. If irregularities were committed even by few candidates, it would be a case to quash entire examination, subject to inquiry and supported materials.

19. The material brought on record shows that two First Information Reports were lodged and after investigation, two charge sheets were filed against four accused persons. Therefore, there were substantial evidence and material with State that paper of written examination for atleast five

subjects were leaked and sold to beneficiaries. The investigation has prima facie concluded that atleast 19 candidates were definitely benefited.

20. The submission of learned Senior Advocate for petitioners that allegations in First Information Reports were not sufficient to extent that no irregularity was committed, cannot be accepted since after investigation two charge sheets were already filed on 08.06.2025 under Sections 112, 308(5) and 318(4) of Bhartiya Nyay Sanhita, i.e., for offence of “petty organized crime”; “extortion by putting a person in fear of death or grievous hurt”; and, “cheating”.

21. The Court also takes note of material brought on record by State-Respondents and Commission that a proper consideration was made at higher level of State on basis of a report of STF that it was a case of systematic irregularities and wide spread unfair means were used, since different papers were leaked and sold to beneficiaries, i.e., candidates. It is not a case where the State has not conducted any inquiry, rather inquiry has contemplated in lodging of two First Information Reports and after investigation two charge sheets have also been filed.

22. In above background, the Court takes note of the judgment passed in **Baishakhi Bhattacharyya (supra)** wherein Supreme Court after considering various judgments passed in the cases of **Sachin Kumar and Others v. Delhi Subordinate Service Selection Board (DSSSB) and Others, (2021) 4 SCC 631; Bihar School Examination Board v. Subhas Chandra Sinha and Others, (1970) 1 SCC 648; Board of High School and Intermediate Education, U.P., Allahabad v. Ghanshyam Das Gupta and Others, AIR 1962 SC 1110; Anamica Mishra and Others v. U.P. Public Service Commission, Allahabad and Others, (1990) Supp SCC 692; Madhyamic Shiksha Mandal, M.P. v. Abhilash Shiksha Prasar Samiti and Others, (1998) 9 SCC 236; Union of India and Others v. Rajesh P.U., Puthuvalnikathu and Another, (2003) 7 SCC 285; Inderpreet Singh**

Kahlon and Others v. State of Punjab and Others, (2006) 11 SCC 356; Joginder Pal and Others v. State of Punjab and Others, (2014) 6 SCC 644; Chairman, All India Railways Recruitment Board and Another v. K. Shyam Kumar and Others, (2010) 6 SCC 614; State of Tamil Nadu and Another v. A. Kalaimani and Others, (2021) 16 SCC 217; Gohil Vishvaraj Hanubhai and Others v. State of Gujarat and Others, (2017) 13 SCC 621; Vanshika Yadav v. Union of India and Others, (2024) 9 SCC 743, finally in para 19 set out a principle that if an in-depth factual inquiry reveals systematic irregularities, such as malaise or fraud, that undermine the integrity of entire selection process, there would be no harm if the result is cancelled in its entirety. Though an attempt can be made to segregate tainted and untainted candidates.

23. The standard of inquiry should be fair investigation. It is not necessary that malpractice is required to be proved beyond a reasonable doubt. Whereas, as referred above, in the present case, not only two First Information Reports were lodged but after investigation two charge sheets were filed that atleast 19 candidates were got benefited. A possibility is not ruled out that papers were leaked to other candidates also and that they may also get benefit of it, to be included in select list. Impugned decision is, therefore, justified by probability test also.

24. As referred above, present examination is only for 910 posts and, therefore, it is not a case where number of candidates are very high. Even petitioners before this Court are only 224. Only on a ground that despite two First Information Reports were lodged the Commission proceeded with evaluation of written examination and result was declared, therefore, no subsequent decision could be taken to cancel it, cannot be accepted since State has meanwhile conducted an in-depth investigation and after being satisfied that integrity of examination was compromised, there was no legal basis to take a subsequent decision to continue it.

25. In aforesaid circumstances, Court finds that a decision to cancel result of written examination was based on a detail inquiry, outcome of investigation and a specific proof that atleast about 19 candidates were benefited as well as that process of present examination was not concluded entirely since only result of written examination was declared and process of interview was not commenced. It is not a case where entire selection process was already concluded. Therefore, petitioners cannot claim that they were adversely affected being finally selected since they still have to go through rigor of interview.

26. The Court also takes note of a settled legal position that a candidate has no indefeasible right to be selected or to force the State to conclude an examination process which was tainted since papers of written examination were leaked and candidates were benefited also. It is the fairness which is the utmost object to conduct any examination and under no circumstance it can be permitted to compromise (See, **Employees State Insurance Corporation and another vs. Dr. Vinay Kumar and others, (2022)18 SCC 358**).

27. In view of above, I find no reason to interfere with impugned decision. Petitioners can still participate in fresh written examination, for which a schedule has already been published.

28. The writ petitions are accordingly disposed of.

(Saurabh Shyam Shamshery,J.)

March 17, 2026

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