

Court No. - 10

Case :- WRIT - C No. - 29753 of 2023

Petitioner :- C/M HCP Inter College

Respondent :- State Of U.P. And 5 Others

Counsel for Petitioner :- Anjani Kumar,Gaurav Tiwari,Narendra Mishra

Counsel for Respondent :- C.S.C

Hon'ble Kshitij Shailendra,J.

1. Heard Sri Gaurav Tiwari, learned counsel for the petitioner and the learned Standing Counsel for all the respondents.
2. By means of the present writ petition, the orders dated 14.12.2022, 16.01.2023 and 23.03.2023 have been challenged.
3. The composite effect of all the aforesaid orders is that the petitioner-Institution stands debarred permanently from being made as examination centre.
4. Submission of learned counsel for the petitioner is that the last order impugned dated 23.03.2023 speaks of Revenue Lekhpal Examination, but the same was not even conducted in the petitioner-Institution and, therefore, the order impugned is factually incorrect.
5. Learned Standing Counsel has vehemently opposed the writ petition and submits that the order dated 23.03.2023 speaks of not only Revenue Lekpal examination, but various other examinations also conducted at different centres including the petitioner's Centre from 2017 to 2022 and on the basis of report of the Special Task Force (S.T.F.), impugned decision has been taken.

6. Learned Standing Counsel, however, could not dispute that there is no clear finding recorded in the impugned order passed by the Board as to in respect of which examination and of which year the petitioner institution was found to be involved in mass copying facilitated through solver gang.

7. Learned Standing Counsel, however, on the basis of instructions provided by the Board, has referred to entry No. 44 of list of debarred Institutions, in which Special Task Force has made a remark that on the petitioner's Centre, examination of Revenue Lekhpal and other examinations were conducted.

8. Having heard the learned counsel for the parties, I feel that inviting response from the respondents would further delay the matter and, therefore, the writ petition is being finally decided.

9. The writ petition is **allowed**. The orders impugned dated 14.12.2022, 16.01.2023 and 23.03.2023 are hereby **quashed** and **following directions are issued:-**

(a) The respondent No.2 Board shall issue notice to the petitioners giving details on the basis of record available with the Board as per S.T.F. report or otherwise, describing specific details as to **which examination of which year** the solver gang was found involved in facilitating mass copying in the petitioner institution.

(b) The respondent Board shall also simultaneously provide copy of all material which may be adverse to the petitioner in relation to the issue involved, i.e. year wise and examination wise material.

(c) Any other point shall also be clearly described on which response of the respondent is required.

(d) The aforesaid notice shall be served upon the petitioner **before 30.11.2023**.

(e) The petitioners shall respond to the notice **within three weeks** thereafter.

(f) The Board shall take a fresh decision in the matter **on or before 28.02.2024** specifically dealing with the submissions that may be made by the petitioner in his objections/reply.

(g) The decision shall be communicated by registered post to the petitioner.

Order Date :- 19.10.2023
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