GAHC030006852025

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WP(C)/123/2025

L.Rakheli and 3 Ors.
D/o L.Tlahlo, R/o Theiri, Swiaha District, Mizoram

2: Vanlalnienga

3: H.Lalremruata

4: Francis Lalhmingmawi

VERSUS

The State of Mizoram and 4 Ors.
R/b the Chief Secretary to the Govt. of Mizoram, Aizawl

2:The Secretary to the Govt. of Mizoram

3:The Secretary to the Govt. of Mizoram

4:The Secretary to the Govt. of Mizoram

5:The Directo

BEFORE
HONOURABLE MR. JUSTICE NELSON SAILO

Advocate for the petitioners : Mr. A.R. Malhotra
Ms. Juliana Lalhmangaihi
Mr. C. Tlanthianghlima
Ms. Vanlalthlamuani
Ms. Faby Lalrinnungi

Advocate for the respondents : Mr. Samuel Vanlalhriata Chhangte, Addl. AG

Date on which judgment is reserved : 23.07.2026

Date of pronouncement of judgment : 31.07.2026

Whether the pronouncement is of the operative part of the judgment? : No

Whether the full judgment has been pronounced ? : Yes

JUDGMENT AND ORDER (CAV)

Heard Mr. A.R. Malhotra, learned counsel for the petitioners and Mr. Samuel Vanlalhriata Chhangte, learned Addl. Advocate General for the State respondents.

2. The 4 (four) petitioners have filed the writ petition, praying for setting aside the inquiry report on recruitment examination of Sericulture Demonstrator, 2025 submitted on

24.06.2025, the advice of the Law & Judicial Department vide ID number LJD 40/2025/69 dated 21.08.2025, the Notification dated 29.08.2025 by which the entire selection process of the recruitment of the posts in question was set aside and the Office Order dated 03.09.2025, by which the appointment of the petitioners have been cancelled with immediate effect.

3. Brief facts of the case is that, an advertisement for filling up 4 (four) posts of Sericulture Demonstrator was issued vide Advertisement dated 17.02.2025. The recruitment was conducted by the Sericulture Department in two phases. Written examination was held on 8th and 9th April, 2025 comprising of Paper 1 (English and General Knowledge), Paper 2 (Computer and Mathematics) and Paper 3 (Sericulture). Thereafter, interview was conducted on 07.05.2025 in the office chamber of the Secretary to the Government of Mizoram, Sericulture Department. The final result was published on 08.05.2025 and the appointment orders to the 4 (four) posts of Sericulture Demonstrator was issued on 09.05.2025.

4. In response to the advertisement, 41 candidates applied for the examination but 3 (three) candidates were absent in the written examination. Accordingly, 38 candidates appeared in the examination and eventually, only 32 candidates qualified for the interview. All the 4 (four) petitioners were selected and appointed to the posts of Sericulture Demonstrator vide Order dated 09.05.2025 and they submitted their joining report on 13.05.2025. However, by the impugned Notification dated 29.08.2025, the selection process of recruitment to the post was set aside and the appointment of the petitioners was cancelled vide impugned Office Order dated 03.09.2025.

5. The reason behind such cancellation was that a complaint letter was submitted to the

President/Secretary, Mizo Zirlai Pawl (MZP), Aizawl, Mizoram by one Shri P.T. Lalchhuanawma (Roll No. 28) and the MZP after convening an extended Office Bearer meeting, issued a press release on 13.05.2025 stating that the recruitment process violated the Mizoram Direct Recruitment (Conduct of Examination) Guidelines, 2018 (Guidelines of 2018). Apart from instruction to candidates and duties of invigilators, the State respondents in view of the complaint and the press release, decided to set up an inquiry committee comprising of 2 (two) members vide Notification dated 14.05.2025. The terms of reference of the inquiry committee was to investigate violation, if any, of the provisions of the Guidelines of 2018 and its amendment in the recruitment of Sericulture Demonstrator; to investigate any omission in the conduct of the said examination and to submit a detailed report with findings to the Secretary to the Government of Mizoram, Sericulture Department within 30 days from the date of notification. Accordingly, an inquiry was made and in the process, out of the 38 candidates who sat for the written examination, the statements of 35 candidates were recorded. Consequently, upon completion of the inquiry, the constituted inquiry committee has submitted its inquiry report dated 24.06.2025, in terms of the reference made, while constituting the committee vide Notification dated 14.05.2025. The findings of the committee was that 3 (three) of the candidates confessed that they had carried their mobile phone inside the examination hall in the first day of examination. The written complaint submitted by one candidate before the Director on 11.04.2025 was not brought to the notice of the Administrative Department. Accordingly, it was recommended that the examination of Paper 1 and Paper 2 be conducted afresh and the officials detailed directly involved in the examination hall should not be re-deployed. Following the said report and recommendation, the matter was sent for advice of the Law & Judicial Department. After the advice was

received from the said Department, the impugned Notification dated 29.08.2025 and the impugned Order dated 03.09.2025, cancelling the entire selection process and also the appointment of the petitioners came to be issued. Aggrieved, the petitioners are before this Court.

6. Mr. A.R. Malhotra, learned counsel submits that from a perusal of the inquiry report, it can be seen that out of the 35 candidates who were examined during the inquiry and their statements recorded, 10 candidates did not have any complaint. One Shri. Samuel Lalpekkima Sailo, under Roll No. 32, stated that he sat behind the petitioner No. 1 and did not see her cheating. Shri. Vanlalchhuanga, under Roll No. 36, also stated that he carried a mobile phone inside the examination hall, as he was deployed by the Department to look after one circle as facilitator. He received phone call from the beneficiaries but he switched off the phone and kept it under the table.

7. Mr. A.R. Malhotra, learned counsel submits that although Shri. Vanlalchhuanga stated that petitioner No. 1 was well known to him and he saw her take out the phone several times and therefore, she had clearly used the phone for cheating but Shri. Samuel Lalpekkima Sailo, who said just behind petitioner No. 1 stated that he did not see the petitioner No. 1 cheating. Therefore, the statement of Shri. Vanlalchhuanga cannot be relied upon. Mr. A.R. Malhotra, learned counsel submits that as per the findings of the inquiry committee, only 3 (three) candidates were named as having carried mobile phone inside the examination hall in the first day of the examination and therefore, it is not a case that there was chaos and mass cheating, so as to justify the cancellation of the entire process of selection. He submits that it is a settled principle of law that if the tainted can be segregated from the others, there is no

requirement of canceling the entire selection process. The said approach could have easily been taken in the present case, since there was no eyewitness to witness the fact that cheating was done by some of the candidates. The learned counsel submits that the petitioners, on the other hand, have already rendered about 4 (four) months of service as Sericulture Demonstrator and therefore, they should not be deprived of their appointment to the post. He thus submits that the impugned inquiry report, advice of the Law and Judicial Department, cancellation of the selection process and cancellation of the appointment of the petitioners should be set aside and the writ petition be allowed as prayed for by the petitioners. The learned counsel in support of his submission relies upon the decision of the Apex Court in ***State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors.***, reported in ***2025 SCC OnLine SC 719***.

8. Per contra, Mr. Samuel Vanlalhriata Chhangte, learned Addl. Advocate General submits that Shri. Vanlalruata under Roll No. 38 during the inquiry stated that he was sitting in the middle of the extreme back row and he found some of the candidates carrying mobile phone inside the examination hall. That he and others tried to complain but they could not find the invigilator in the office and therefore, they informed those who were in the office who promised to convey the same to the invigilator. Again before the examination started in the afternoon, his friend who is the petitioner No. 2 in the instant writ petition stood up and complained to the invigilator and as a result, an announcement was made that carrying of mobile phones inside the examination hall was prohibited.

9. The learned Addl. Advocate General submits that there were clear instruction issued to the candidates in their Admit Card stating that the candidates should not bring any articles

such as books, notes, loose sheets, mobile phones, pagers, digital diaries, calculators etc. inside the examination hall. Therefore, failure to comply with the instruction followed by the discovery that some of the candidates had brought their mobile phone inside the examination hall has only vitiated the recruitment process. Accordingly, based on the recommendation and finding made by the constituted inquiry committee and after seeking advice of the Law & Judicial Department, the selection process was cancelled and also the appointment of the petitioners to the post cancelled as well. Therefore, the action of the respondents in the matter is only justified. In support of his submission, the learned Addl. Advocate General also relies upon the case of ***State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors. (Supra)***, ***B. Ramanjini & Ors. Vs. State of A.P. & Ors.***, reported in ***(2002) 5 SCC 533*** and ***State of Tamil Nadu & Anr. Vs. A. Kalaimani & Ors.***, reported in ***(2021) 16 SCC 217***.

10. I have heard the submissions made by the counsels for the parties, and I have perused the material available on record, including the authorities relied upon by the parties.

11. The issue to be decided is as to whether the cancellation of the entire selection process and the appointment of the petitioners are justified in the given facts and circumstances of the case. The petitioners were no doubt recommended and appointed to the post in question but the fact remains that after they were appointed, in view of the complaint submitted by one of the candidate and also the matter being voiced by the Mizo Zirlai Pawl (MZP), a students' body, an inquiry committee was constituted to inquire into the matter and to submit a report with findings within a stipulated time.

12. As already noticed, as many as 35 candidates were examined during the inquiry and

their statements recorded. Out of 35 candidates, 10 (ten) of them did not have any complaint and they are placed at serial number, Sl. Nos. 4, 5, 6, 7, 14, 17, 31, 32, 33, and 35 in the inquiry report. The inquiry report was submitted with a finding that 3 (three) candidates under Roll Nos. 2, 34 (36) and 12 had confessed that they carried mobile phone inside the examination hall on the first day of the examination. It may also be seen that Shri. Vanlalchhunga, under Roll No. 36, stated that he carried mobile phone inside the examination hall but he put it off and kept the same under the table. He also stated that the petitioner No. 1 was well known to him and that she covered her phone with the yellow Admit Card. That when an invigilator came, she concealed the phone with her Admit Card and then she took out the same again later, as could be clearly seen from his seat. He stated that she clearly used phones for cheating otherwise, she would not have touched the phone. He further stated that it was the second time he and the petitioner No. 1 appeared for the examination and that petitioner No. 1 had cheated in the year 2023 as well. That he was happy for her if she was selected fairly but as she was selected by unfair means, he found the same to be unacceptable.

13. Shri. Samuel Lalpekkima Sailo under Roll No. 32 however, submitted that he was sitting at the back of the petitioner No. 1. and he did not see her cheating. He also stated that petitioner No. 1 went out two times to the washroom and she was never escorted by the invigilator. He therefore considers the process of examination to be unfair and wish for re-examination. From an overall perusal of the inquiry report, it is clear that some of the candidates had carried their mobile phones inside the examination hall on the first day of the examination and that there was no checking or frisking done by the invigilators to ensure that prohibited materials were not carried inside the examination hall by the candidates.

14. The learned counsel for the petitioners has strenuously argued that 3 (three) of the candidates were found to carry their mobile phones inside the examination hall and therefore, the respondent authorities could have easily segregated those who had failed to abide by the instructions as was provided in the Admit Card instead of cancelling the entire selection process. The inquiry report speaks of 3 (three) of the candidates carrying a mobile phone inside the examination hall but however, the name of the petitioner No. 1 has not been included. Shri. Vanlalchhuanga under Roll No. 36 clearly stated that the petitioner No. 1 had also carried a mobile phone inside the examination hall and that she had touched the mobile phone time and again, which therefore clearly indicated that she used the phone for cheating or else that she would not have touched the phone.

15. The learned counsel has also submitted that there were no eye witnesses who saw the candidates cheating by use of mobile phone. In this regard, it may be noted that if any of the invigilators had seen or discovered any of the candidates using mobile phone at the relevant time for the purpose of cheating, they naturally would have taken appropriate action against the candidate concerned. The invigilators, therefore, apparently did not detect anyone using their mobile phone inside the examination hall and therefore no action. But yet, after the complaint and inquiry, the inquiry report is with a finding that there were 3 (three) candidates who had carried their mobile phone inside the examination hall apart from others as can be seen from the report itself. In this regard, it may be seen that the Apex Court in the case of State of ***State of West Bengal Vs. Baishakhi Bhattacharyya (Chatterjee) & Ors. (Supra)***, after examining the various authorities as regards the steps to be taken on the discovery of illegalities in a selection process held that 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 Apex Court also held that 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 malpractices beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable.

16. Coming to the present case, it may be seen that the constituted inquiry committee gave its report to the effect that there were candidates who carried their mobile phone inside the examination hall despite the fact that there was instruction in the Admit Card to the candidates not to carry certain materials inside the examination hall, including mobile phone. Shri. Vanlalchhuanga also stated before the inquiry committee that he saw the petitioner No. 1 with her mobile phone and from his seat, he could clearly see her touching the mobile phone time and again and particularly when the invigilator was not watching. Although the inquiry committee had not concluded specifically with their comments in this regard, but the fact remains that the manner in which the examination was conducted has caused serious doubts not only in the minds of those who sat for the examination but to the Departmental authorities and the public in general and for which reason, an inquiry committee was constituted with certain terms of reference.

17. The Apex Court in ***Gohil Vishvaraj Vs. State of Gujarat (2017) 13 SCC 621*** in the given facts of that case held that the State is to take appropriate measures to maintain the purity of any examination process. Where there are allegations of the occurrence of large-

scale malpractices in the course of the conduct of any examination process, the State or its instrumentalities are entitled to cancel the examination and the Court has approved the action of the State or its instrumentalities to cancel examination whenever such action is believed to be necessary on the basis of some reasonable material to indicate that the examination process is vitiated. The State is also not obliged to seek proof of each and every fact which vitiated the examination process. This decision was relied upon by the Apex Court in the ***State of Tamil Nadu & Anr. Vs. A. Kalaimani & Ors. (Supra)***.

18. Therefore, upon an overall consideration of the case in its entirety, it cannot be said that the steps adopted by the State respondents are contrary to the established principles of law. Likewise, the petitioners also cannot be said to have the legitimate grievance having regard to the inquiry report submitted by the constituted inquiry committee. As such, I do not find merit in the Writ Petition and the same is accordingly dismissed by leaving the parties to bear their own respective costs.

JUDGE

Comparing Assistant