

CWP-26555-2023

2026:PHHC:015021



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

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Date of Decision: **February 02, 2026**

Gurvinder Singh

....Petitioner

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Arun Kumar, Advocate for the petitioner.

Mr. Vikas Arora, DAG, Punjab.

HARPREET SINGH BRAR, J. (Oral)

1. The present petition has been filed under Article 226/227 of the Constitution of India praying for issuance of a writ in the nature of *mandamus* directing respondents No.4 to 6 to conduct proper and fair investigation with regard to irregularities in the recruitment process for the posts of Firemen and Drivers/Operators and further, to form an SIT in order to examine/scrutinize the videos of the physical test conducted on 18.10.2022 to 22.10.2022, filmed by respondent No.3. Further, a prayer has been made for directing respondents No.1 to 6 to decide the representation made by the petitioner (Annexure P-4) and to stay the operation of advertisement dated 28.01.2023 (Annexure P-1).

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2. Learned counsel for the petitioner, *inter alia*, contends that respondent Nos. 1 to 3 issued an advertisement dated 28.01.2023 (Annexure P-1) for filling up a total of 1317 posts of Firemen/Drivers/Operators. Pursuant thereto, the petitioner applied for the posts of Fireman and Driver. On 01.10.2023, the petitioner appeared in the written examination conducted for the said posts. After the examination, a merit list was published on 04.10.2023 (Annexure P-3). The petitioner secured the minimum benchmark score in the written examination and was accordingly included in the list of qualified candidates, making him eligible for the physical test scheduled from 18.10.2023 to 23.10.2023. The petitioner participated in the physical test conducted on 18.10.2023. During the course of the physical test, the petitioner noticed that the standards prescribed in the advertisement (Annexure P-1) were not being adhered to and that the process was marred by grave irregularities and chaos. Learned counsel further submits that certain candidates were unable to climb the rope on their own and were assisted by instructors, thereby receiving undue favour from the staff conducting the test. Aggrieved thereby, the petitioner immediately raised a grievance before the concerned officer and subsequently submitted a detailed representation dated 26.10.2023 (Annexure P-4).

3. On the other hand, learned State counsel submits that the petitioner has neither placed on record any material nor made any specific pleadings which could even remotely suggest any large-scale manipulation in the conduct of the physical test. The allegations raised by the petitioner

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are based purely on conjectures and surmises. It is further submitted that the physical test was not conducted by any unauthorised or interested officer or recruitment agency; rather, it was conducted by officials of the Local Bodies Department. The physical test was carried out in a fair and transparent manner, and the entire process was videographed. Learned State counsel further contends that the recruitment process cannot be quashed merely on the petitioner's apprehension that certain candidates were assisted by instructors or staff while climbing the rope during the physical test.

4. I have heard the learned counsel for the parties and perused the record with their able assistance. This Court finds that the petitioner has failed to place any cogent material or substantive evidence on record to substantiate the allegations of irregularities or favouritism in the conduct of the physical test. Mere allegations, unsupported by proof, cannot form the basis for judicial interference in a recruitment process.

5. 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 with respect to judicial intervention in selection processes 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

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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."

6. In view of the above, this Court does not find any merit in the present petition warranting interference under Articles 226/227 of the Constitution of India. Accordingly, the present petition is dismissed as being devoid of merit.

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

(HARPREET SINGH BRAR)
JUDGE

February 02, 2026
P.C

Whether speaking/reasoned. : Yes/No
Whether Reportable : Yes/No