

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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CWP No. 20046 of 2014 (O&M)

Date of decision : 31.3.2016

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Naresh Kumar and another

.....Petitioners

Versus

State of Haryana and others

.....Respondents

CWP No.21266 of 2014

Ritu Sharma

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.23296 of 2014

Anu Dhingra

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.23359 of 2014

Baljeet Kaur and others

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.23389 of 2014

Sumit and others

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.23930 of 2014

Neeta

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.1145 of 2015

Rakhi Rani

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.23796 of 2014

Rekha Chauhan

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.1021 of 2015

Praveen Kumar

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.667 of 2015

Veena Kumari

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.25902 of 2014

Kusam

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.10645 of 2015

Veena and another

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.15192 of 2015

Suman Chaudhary and others

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.15250 of 2015

Sonu Singh and others

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.15455 of 2015

Suman and another

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.15488 of 2015

Suman

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.17378 of 2015

Seema

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.17468 of 2015

Suman Bala and others

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.17701 of 2015

Kavita and others

Petitioners

Vs.

State of Haryana and others

Respondents

CWP No.17268 of 2015

Virender Singh and others

Petitioner

Vs.

State of Haryana and others

Respondents

CWP No.17096 of 2015

Saroj

Petitioner

Vs.

State of Haryana and others

Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

* * * * *

Present: Mr. Manjeet Singh, Advocate for the petitioners.
Mr. Keshav Gupta, AAG, Haryana.
Mr. Sanjay Kaushal, Senior Advocate with
Mr. Anurag Goyal, Advocate for
respondents no. 7 to 12.
Mr. Vivek Singla, Advocate for UOI.
Mr. Jagbir Malik, Advocate for the applicant.
(in C.M No. 13674 of 2015)
Mr. M.S Saini, Advocate for the applicant
(in C.M NO. 2154 of 2016).
Mr. Gautam Pathania, Advocate for the applicant
(in C.M No. 291 of 2016)
Mr. Sunil Nehra, Advocate.

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1. *Whether Reporters of Local Newspapers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the digest?*

RITU BAHRI, J

This judgment shall dispose of CWP No. 20046 of 2014 along with above mentioned writ petitions together as common question of law and facts are involved in all the petitions. For the sake of convenience, facts have been extracted from CWP No. 20046 of 2014.

The petitioners are seeking quashing of the selection list (Annexure P-6) whereby the candidates have been selected for appointment to the post of Primary Teachers pursuant to the

advertisement No.2/2012 on 8.11.2012 (Annexure P-3).

The petitioners being eligible and qualified applied for the posts of Primary Teachers in pursuance of the advertisement (Annexure P-3). After allotment of Roll Numbers, they were called for verification/scrutiny of documents and thereafter they were called for interview. The selection list (Annexure P-6) was displayed on the official website of respondent no.3-Haryana School Teachers Selection Board. Due to non availability of suitable candidates, some posts of OSP/Gen, OSP/SC, OSP/BCA, OSP/BCB and ESM/Gen, ESM/SC, ESM/BCA, ESM/BCB categories were left vacant and hence the candidates of the same category i.e Gen/SC/BCA/BCB had been selected as per the instructions (Annexure P-7) of Secretary, Haryana School Teachers Selection Board, Panchkula, and the letters dated 07.10.2008 (Annexure P-8) and 23.05.2014 (Annexure P-9) issued by the Chief Secretary to Government of Haryana.

Notice of motion was issued on 25.09.2014 by this Court. While issuing notice of motion it was observed that the petitioners' grievance was that as per the criteria for award of marks for academic qualification as was displayed along with the result of selection two extra marks were to be given for higher qualification. The petitioners being post graduates had not been awarded two marks. On a representation made on 09.09.2014, a fresh list of selection was displayed on 10.09.2014 in which the candidates having post graduate qualification were given two marks for higher

qualification and out of the marks secured by them in the interview two marks were reduced and the final result remained the same. In a nut shell, the grievance of the petitioner was that after awarding two marks for higher qualification the result was altered by reducing two marks from interview to keep the final result same.

As per the criteria laid down, 67% marks were meant for academic qualifications and 33% marks were for interview. Vide order of this Court dated 28.07.2015, the Director, Elementary Education Haryana was directed to file his affidavit as to how these candidates have been found to be genuine and what modus operandi has been adopted while verifying the antecedents of the candidates who have been found to be genuine. In compliance of this order, an affidavit dated 29.08.2015 was filed by Mr. Mahavir Kaushik, Secretary, Haryana Staff Selection Commission detailing therein the step by step procedure adopted by the Commission in compiling the result of the selection process. Vide letter dated 06.01.2015 (Annexure R-3/3), by Principal Secretary to Government of Haryana School Education Department, Chandigarh, services of four officials working in Haryana School Teachers Selection Board (HSTSB) Panchkula from Secretariat Ministerial staff were ordered to be placed at the disposal of Haryana Staff Selection Commission (HSSC) Panchkula to handle the pending Court cases, RTI matters and confidential selection record of Haryana School Teachers Selection Board (HSTSB). Vide notification dated 13.01.2015 (Annexure R-3/4), the above said four officials were relieved along

with their relevant records with effect from 13.01.2015 (A.N.) to enable them to join the Haryana Staff Selection Commission. The Secretary, Haryana Staff Selection Commission had filed the affidavit as per information transferred by the Haryana School Teacher Selection Board. Initially, the then, Haryana School Teacher Selection Board advertised 8763 posts of PRT in category No.1 i.e. District cadre posts except Mewat District and 1107 posts of PRT in category No.2 i.e. District Mewat only vide advertisement dated 08.11.2012 (Annexure P-3). The online applications were called through an agency C-DAC Mohali as per the decision of the Board on 09.04.2012 (Annexure R-3/5). Criteria for making this selection was finalized by the Board on 08.12.2012 (Annexure R-3/6). After the interview was conducted, the Board resolved vide resolution No.29 and 30 dated 14.08.2014 and 17.08.2014 (Annexure R-3/7 and R-3/8) respectively for the publication of the result notice in newspapers and uploading on the website of HSTSB and forwarding the recommendation list to the Education Department. The result was published on 14.08.2014 for the posts of PRT Category No.1 and on 17.08.2014 for the post of PRT Category No.2 respectively. Thereafter, the Board, vide letters dated 20.08.2014 (Annexure R-3/9 and R-3/10) sent the recommendation list for the post of PRT Category No.1 and 2 to the Director General Elementary Education, Haryana. Further in compliance of order dated 06.02.2014 of this Court in CWP No.2201 of 2014 titled '*Vikas Sharma vs. State of Haryana and others*', the Board vide resolution No.34 dated

05.09.2014 (Annexure R-3/11) resolved that only Roll No., Name, Category, Father's name, Mother's name, Academic marks, Interview marks and Grand total marks and Selection list and Criteria be uploaded on the website of the Board subject to result card of Roll Numbers starting from 666 and 999 may not be uploaded on Board website as the matter was pending at the High Court. Accordingly, the same was uploaded by the Board on website on 06.09.2014. It came to the notice of the Board that two marks of post graduation/M.Ed. were added in the interview marks column instead of academic marks column due to programming error while uploading on the Board website. Therefore, this mistake was rectified and revised information was uploaded on the Board's website on 10.09.2014.

After going through this affidavit the doubt with regard to correction of marks by adding two marks of post graduation and reducing two marks from interview was to be clarified. In compliance with order of this Court dated 25.08.2015, Ms. Savita Achint, the programmer who is said to have uploaded the result on the website both unamended and the amended filed an affidavit on 29.08.2015. In her affidavit, she stated that she was working as a programmer on contract basis in Haryana School Teachers Selection Board Panchkula during the period from 01.08.2012 to 06.01.2015. That a software was developed for PRT Selection using the tools i.e. visual basic 6.0, SQL server 2005, crystal report 9.0. Result of all candidates who had participated in the selection process was

finalized by the Haryana School Teachers Selection Board (HSTSB) as per record on confidential Section computer system on 14.08.2014. After making in PDF form of the final result the same was checked by the Board and the same was uploaded on the website. The backup file of base field was shifted from Confidential Assistant computer to the another computer which was given to her for making a report of the candidates details and the hard copy of that report was handed over to Confidential Assistant for checking. After checking the same was uploaded on the website on 06.09.2014. The Board, thereafter noticed that the grand total of each candidate was correct but the calculation in academic marks and viva-voce was not correct as per hard copy of result sheet. The Board again ordered to check the candidates detailed report in which it was noticed that three formulas were applied in the report for the field of, academic total, viva voce and grand total. Formula name academic total was used for adding all marks of academic qualification and dragged the above relevant field i.e. 10+2 d.ed, stet, graduation, Post Graduation/M.Ed., M.Phil., Ph.D. in report but inadvertently the field of post graduation was dragged/clicked in the formula of viva-voce instead of academic total. Resultantly, the formula of interview marks was shown as sum of post graduation marks and interview marks i.e. two additional marks, while academic total show two less marks. After rectification, the Board again directed to upload the candidates details on the HSTSB website in which there is no difference in grand total of all the candidates in the

list which was uploaded on 06.09.2014 and 10.09.2014. On 26.08.2015, two hard discs and five inbuilt computers were produced in the Court, which as per the respondents were used in compilation of the result of the selection in question. These were ordered to be sealed and kept in the custody of the Registrar (Administration) of this Court. Thereafter, vide detailed order dated 01.09.2015, the opinion of the Director Central Forensic Science Laboratory Chandigarh was sought on the veracity of the explanations given by respondent No.3 as also the computer programmer in their affidavits filed by them before this Court. The Director was also directed to analyze the data in the hard discs/inbuilt computers of respondent No.3 which are stated to have been used at the time of uploading of the unrevised and revised results which were lying in the custody of Registrar (Administration) of this Court. It was further directed that these hard discs/inbuilt computers would be taken possession of by the Director or her authorized nominees and then transferred from the premises of the High Court to the office of the Director where the seals would be opened only in the presence of either the Registrar (Administration) of this Court or his authorized nominee.

The opinion of the Director was sought in the Court in a sealed cover on or before the next date of hearing and the matter was adjourned to 23.9.2015. The above said directions were given keeping in view that there were corrections made in the result of Chitre Rekha and Baljinder Singh where the difference in the

originally declared result and the amended result is more than two marks. In compliance of the order dated 1.9.2015, Dr. M. Baskar, Deputy Director, Central Forensic Science Laboratory filed report dated 30.9.2015. A perusal of this report shows that the Crystal Report ver 9.0 and SQLEXPRESS have not been found installed in the exhibits-HD1, HD2, HD3, HD4 and HD7. There were no back up file in regard to Primary Teachers (PRT) in the HD1, HD2 and HD3. Eight data base backup files, HSTSB_Cat_PR_CC_Data were retrieved from the exhibit-HD 4. These back up files could not be opened with the data base software, SQL Server 2005. Fifty deleted data base back up files, PRT_back up, in the folder, PRT have been retrieved from the exhibit-HD7. These backup files could not be opened with the data base software, SQL Server 2005 as the primary digits which were responsible for accessing and opening the files using the software, Crystal Report ver 9.0 was damaged. Twelve deleted data base backup files, Urdu back up in the folder PGT have been retrieved from the exhibit HD7. The report further stated that Ms. Savita Achint, Programmer, HSSC, Panchkula and Mr. Manoj Kumar, Assistant HSSC, Chandigarh were present officially on the consecutive dates of 16.9.2015, 17.9.2015, 18.9.2015, 21.9.2015, 24.9.2015 and 29.9.2015 in the Room No.210 of CFSL, Chandigarh. It was further stated in the report as under:

*(a) Sh. Manoj Kumar, Assistant, HSSC,
Chandigarh produced the data base soft copy in the*

PDF format of the original Result Sheet (Post-Primary Teacher (Cat. No.1) Advt. No.2/2012) of HSTSB, Panchkula used to prepare the report uploaded on the website on 06.09.2014 and informed that the same is available in the Office of HSSC, Chandigarh.

(b) Sh. Manoj Kumar produced the hard copy of the original Result Sheet (Post-Primary Teacher (Cat. No.1) Advt. No.2/2012) of HSTSB, Panchkula in 14 bound registers.

(c) He also informed that the soft or hard copy of the details of candidates erroneously prepared and uploaded on the website in the PDF format on 06.09.2014 (HSTSB, Chandigarh – Post PRT Cat. No.1 (Non-Mewat) Advt. No.2/2012) is not available in the Office of HSSC, Chandigarh.

(d) He produced the hard copy of the Member Sheet of Committee-C, which is also available in 10 bound registers wherein viva-voce marks were awarded.

With the assistance of Ms. Savita Achint, Computer Programmer, an opinion was given that due to subtraction of two marks awarded for the base field, Post Graduation/M.Ed from the total of academic marks and the addition of the same two marks to a

total of interview marks led no change in Grand Total but increasing two marks with the viva voce marks which is more than actually awarded viva voce marks found to be the basic reason for this discrepancy.

However, this report dated 30.9.2015 of Central Forensic Science Laboratory was further sought to be clarified by this Court on 9.10.2015. CFSL filed a supplementary report on 20.10.2015. In the supplementary report, it was clarified that the software, Crystal Report ver 9.0 and the data base, SQLEXP (Sequencer View 2005) have not been found installed in the exhibits HD1, HD2, HD3, HD4 and HD7. The exhibits-HD5 and HD6 could not be accessed for imaging. The reason could be on account of a circuit discontinuity in electronic board fixed with the hard disc, minute damage in the magnetic reading head inside the hard disc, this can be on account of some damage either intentionally or otherwise. It was further explained that as far as Ex HD-5 is concerned, the same is an internal disc, however, imaging could not be done and there is likelihood that the software, Crystal Report ver 9.0 and the data base, SQLEXP (Sequencer View 2005) may be installed in this exhibit. However, if the same is connected with the CPU and if it works, then the deleted or overwritten data cannot be recovered/retrieved. The data uploaded on the website on 6.9.2014 and 10.9.2014 has not been found in the exhibits-HD1, HD2, HD3, HD4 and HD7. It was further explained in the report that in the case of Chiter Rekha, Hema Shiv, Kalpana and Shakuntla Devi, three marks are added with the

viva voce marks to a total of interview marks and three marks are subtracted from the total of academic marks as per initial result uploaded on the website on 6.9.2015. In the case of Baljinder Singh, five (5) marks have been added with the viva voce marks and three (3) marks are subtracted from the academic marks in the initial result uploaded on the website on 6.9.2015. The differences between the original and the revised result uploaded on the website on 6.9.2014 and 10.9.2014 respectively have been found to be 0.01 marks for five candidates and hence on account of the above mistake, the affidavit of Ms. Savita Achint as mentioned in the order dated 1.9.2015 to the effect *“Formula name academic total was used for adding all marks of academic qualification and dragged the above relevant field i.e 10+2, d.ed, stet, Graduation, Post Graduation/M.Ed, M.Phil, Ph.D in report but inadvertently the field of post graduation was dragged/clicked in the formula of viva voce instead of academic total”* was not found to be correct. As her case was that she had added two marks and deleted two marks from the academic qualification. The final opinion is that as far as the difference of 0.01 is concerned as stated above, the same is self-explanatory and is possible and due to the original result sheet value in the third decimal places being rounded off to hundredth and some of the instances are mentioned therein to support this version. Hence the supplementary report clarified that the difference of marks of these five candidates was possible and this mistake has been explained. On 28.11.2015, as per the submission made on behalf of the State of Haryana, the

compiled result as shown to the Court was the original sheet on which marks of each of the candidate were recorded by the interview Committee. An observation was made by this Court that prima facie, the compiled result was too neat, tidy and orderly with most of its pages virtually in the same hand, ink and font to pass off as the original result sheet recording the interview marks of candidates at the time of their interview. Keeping in view that the interviews had taken place over a prolonged period of about six months, on that date, a direction was given to the State to file individual affidavits of each of the five one-man interviewing Committee and its Chairman, explaining therein the procedure and criteria adopted by each of them as also the schedule maintained by them for interviewing candidates and on each day, how many of them were interviewed. Affidavits of K.S Sangwan, former Chairman of Haryana School Teachers Selection Board, Panchkula and Jagdish Parshad, former Member of Haryana School Teachers Selection Board, Panchkula and Gian Chand Sahota, former Member of Haryana School Teachers Selection Board, Panchkula had been filed in compliance of the order dated 28.11.2015. As Dr. Serena Mahajan, Ex-Member, HSTSB had retired and settled abroad, her affidavit could not be filed. In the affidavits filed by the Chairman and Members, it is stated that after demitting the office of the Board they were not in possession of any of the record. They were in actual physical possession and custody of the Government/Commission. The criteria for the evaluation of the candidates had been prepared much

before the Mr. K.S Sangwan was appointed as the Chairman of the Haryana School Teachers Selection Board. That the interview Committee awarded marks for the viva voce out of maximum of 33 marks only. The marks/award sheet of the candidates that was so interviewed by the Interview Committee was sealed at the end of the day. The interview slips were cross checked and the absentees were entered on the marks/award sheets. After the interviews, the result was compiled and the total of the marks of the academic criteria and the viva voce was carried out and merit list was accordingly prepared. The interviews were held over a period spanning nearly 6 to 8 months on almost all working days from 9 a.m to 5 p.m onwards. Nearly 80/90 candidates were to appear before each interview committee on a given day and approximately 65/75 candidates appeared every day before the Interview Committee. The marks awarded in the interview were sealed on day to day basis and the same was handed over directly to the Chairman of the Haryana School Teachers Selection Board. The affidavits filed by the Members are on the same lines as that of Chairman.

After going through the reports of the CFSL dated 30.9.2015 and 20.10.2015 as well as affidavit filed by Ms. Savita Achint, Computer Programmer, Haryana Staff Selection Commission it was observed that the Confidential Assistant Computer was not available. The Confidential Assistant Computer is the base computer which was carrying the details of the result, which was made on 14.8.2014. This computer was sent to the Department on 20.8.2014

for the purpose of issuing appointment letters. The Board was disbanded on 3.12.2014 by an Ordinance. The Confidential Assistant Computer was in custody of one confidential assistant. After disbanding of the Board, the computers were transferred to the Secondary Education Department and the physical record was transferred to the said Commission as per the information given by the counsel for the State. The Director, Secondary Education was directed to file an affidavit with regard to the information as to who was handling the custody of this Confidential Assistant Computer, when it was given to transfer the information which was available with Savita Achint. Further information as to which official was having custody of the Confidential Assistant computer.

In compliance with order dated 5.2.2016, an affidavit was filed by Mr. M.L. Kaushik, IAS, Director, Secondary Education Haryana Panchkula. In this affidavit, he stated that he gave the details of five computers which were handed over by the Haryana School Teachers Selection Board, Panchkula along with other computer systems to the School Education department. The above said computers have already been handed over to this Court on 26.8.2015. The Board never intimated any discipline or condition on the future use of the computers. Hence, in ordinary course, the Directorate of School Education started utilizing the computers for official usage lest these systems get outdated. The Board never distinguished the computers by calling any of the computer as Confidential Assistant Computer. This information is further evident

from the list of computers handed over to the Directorate vide Annexure R-III i.e 13.1.2015.

An additional affidavit was also filed by Mahavir Kaushik, Secretary, Haryana Staff Selection Commission to the effect that the State Government vide Notification dated 3.12.2014 disband/repealed the Haryana School Teachers Selection Board Act, 2011 (i.e HSTSB Act) and all the record with the HSTSB on winding up was transferred to the Haryana Staff Selection Commission, Panchkula and assets to Directorate of Secondary Education, Haryana. Some officials namely Shri Vijay Ahlawat, Rajiv Sindhu, Sukhwinder and Manoj Kumar, Assistants working in HSTSB, Panchkula from Secretarial Ministerial staff were placed at the disposal of HSSC, Panchkula along with complete record of HSTSB to handle the pending Court cases, RTI matters and Confidential section record of HSTSB. The Haryana Staff Selection Commission also remained defunct from 25.11.2014 to 24.3.2015. The present Haryana Staff Selection Commission was reconstituted on 25.3.2015. Shri Manoj Kumar, Assistant who was entrusted record of Confidential Branch by the Haryana School Teachers Selection Board vide order dated 13.1.2015 (Annexure R-3/1) remained in custody of confidential record handed over to him by the HSTSB. Thus, the record of Confidential Assistant of Haryana School Teachers Selection Board was brought by Sh. Manoj Kumar, Assistant only in the Haryana Staff Selection Commission and remained in custody in the Haryana Staff Selection Commission also

and was never taken over by any official of the Haryana Staff Selection Commission and is also with him, as the Assistants are custodian of records in the Confidential Branch and there was no formal handing over and taking over was done as the record remained with same official viz. Sh. Manoj Kumar, Assistant. All assets including Computers of HSTSB were transferred to Directorate of Secondary Education, Haryana after disbanding of the Haryana School Teachers selection Board as is clear in letter dated 6.1.2015 (Annexure R-3/2).

As per the CFSL report dated 30.9.2015, Manoj Kumar, Assistant had produced the data base soft copy and also the soft copy in the pdf format of the original Result Sheet (Post-Primary Teacher(Cat No.1) Advt. No. 2/2012) of HSTSB, Panchkula. In view of this fact, a direction was given to the Secretary, Haryana Staff Selection Commission to hand over the pen drive, the data base soft copy and also the soft copy in the pdf format of the original result sheet which are under the custody of Manoj Kumar Assistant to the Central Forensic Science Laboratory, Chandigarh who will analyze the data and submit a detailed report with regard to the information contained therein.

In compliance of the order dated 1.3.2016, Central Forensic Science Laboratory has filed report dated 28.3.2016 and a supplementary report on 31.3.2016.

Counsel for the petitioner vehemently argues that the stand taken by the respondents in revising the merit list which was

put on the website on 6.9.2010 and thereafter on 10.9.2015 was that as per the affidavit given by Ms. Savita Achint, the mistake had occurred as marks of post graduation were dragged and clicked in the formula of the viva voce instead of academic total. In the supplementary report dated 20.10.2015, the CFSL has given an explanation that on account of dragging and clicking, this mistake could not occur and hence the selection process was not fair and required investigation by the police. He has further argued that the pen drive could not be in the independent custody of Manoj Kumar, Assistant and why this information was not given to the Central Forensic Science Laboratory, earlier. The information in the pen drive could be added after 10.9.2015 and hence the report presented now from this pen drive should not be accepted. The argument of the counsel for the petitioner is liable to be rejected simply on the ground that pursuant to the direction given by this Court, to the CFSL to examine the computers which were used by Ms. Savita Achint, Programmer for uploading the result on 6.9.2015 and 10.9.2015, there was no direction given to the CFSL to examine the original result dated 14.8.2014. This result was in the custody of Manoj Kumar and this fact is evident from the report dated 20.10.2015 sent by CFSL. The report further stated that Ms. Savita Achint, Programmer, HSSC, Panchkula and Mr. Manoj Kumar, Assistant HSSC, Chandigarh were present officially on the consecutive dates of 16.9.2015, 17.9.2015, 18.9.2015, 21.9.2015, 24.9.2015 and 29.9.2015 in the Room No.210 of CFSL, Chandigarh

with the above said record/information and since there was no direction to take the images of the original result, this exercise was not carried by the CFSL while preparing the report.

However, the objection of the petitioner that the information on the present pen drive could be added after 10.9.2014 was genuine and was required to be cleared. Mr. M. Baskar, Deputy Director (Physics), Central Forensic Science Laboratory is present in the Court today who has filed the CFSL reports. On a query put by this Court, he has stated that the information in the pen drive is transferred to pen drive from the pdf file along with the data and it shows the date on which the information was transferred to the pen drive. This fact is further explained by the report of the CFSL dated 31.3.2016. As per the report dated 31.3.2016, there was one file of prtalldata.bak and the second file resultsheet1.pdf. The date and time of the database backup file and the resultsheet retrieved from the exhibit.PEN 1 is as given below:

<i>Name of the file</i>	<i>Last Accessed</i>	<i>File Created</i>	<i>Last Written</i>
prtalldata.bak	07/03/16	18.02.2016	01.09.2012
		11:15:02 AM	01:51:48 AM
resultsheet1.pdf	07/03/16	18.02.2016	18.12.2014
		11:15:35 AM	12:16:16 PM

The resultsheet1.pdf was last written on 18.12.2014 and prtalldat.bck was last written on 1.9.2012 and the official result was prepared on 14.8.2014 which has been transferred to the pen drive on 18.12.2014. Hence, the doubt in the minds of the petitioner is clarified by the fact that the information was transferred from the pen

drive on 1.9.2012 and 18.12.2014 and now the report dated 28.3.2015 can be considered. The Exhibit -PEN1 has been imaged on to a sterile storage media using FTK imager and analysed using Encase-6 version of M/s Guidance Software Inc., USA. On the basis of comparison and verification of the respective data in the files, result sheet previous, result sheet current with the file, resultsheet.pdf (retrieved from the exhibit PEN 1), it has been found that:

a. The respective data, Higher (Grad/2, P.G/M.Ed/2, M.Phil, Ph.D/3) and Grading (Total/67, Viva/33 and G.Total/100), present in the file, result sheet previous and resultsheet.pdf are accordingly, the one and the same.

b. The respective data, Higher (Grade/2, P.G/M.Ed/2, M.Phil Ph.D/3) and Grading (Total/67, Viva/33 and G.Total/100), present in the file, result sheet current and resultsheet.pdf, are, accordingly, the one and the same,

c. Missing or incorrect data entry and also excess marks in the data, Higher (Grad/2, P.G/M.Ed/2, M.Phil, Ph.D/3) and Grading (Total 67, Viva/33 and G.Total/100) have not been found anywhere in any of the files

compared and verified.

d. The data for the candidates, Chiter Rekha, Hema Shiv, Kalpna, Shakuntla Devi and Baljinder Singh has been found correct in accordance with the respective data in the files compared and verified.

As per the CFSL report, the resultsheet previous and the resultsheet.pdf are one and same and with regard to candidates Chiter Rekha, Hema Shiv, Kalpna, Shakuntla Devi and Baljinder Singh, in the earlier report dated 20.10.2015, it has been explained already that the difference of marks would be about 0.01 marks and this was possible being in the third decimal places and this has been validly explained in the last paragraph of the report dated 20.10.2015.

Hence after going through the examination report dated 28.3.2016 and supplementary report dated 31.3.2016 coupled with the query put by this Court to Dr. M. Baskar, Deputy Director, Central Forensic Science Laboratory, the data base backup file and the result sheet received from the custody of Manoj Kumar, Assistant Confidential Branch shows that the original result was prepared on 14.8.2014, there is no change in the original result and the result sheet previous and the result sheet.pdf are the one and the same, especially, keeping in view that the data of entry of the information in the pen drive as per Annexure A-1 attached with the supplementary

report dated 31.3.2016 clears doubt that the information in any circumstances cannot be transferred to pen drive after 2014

The petitioners were only aggrieved about the mistake in the result uploaded on 6.9.2010 and 10.9.2010. Since the original result dated 14.8.2014 is correct and there is no manipulation in calculation of mistakes and marks in the academic qualification as well as the viva voce, the selection process does not require any interference. There is no merit in the writ petition. Hence the same is dismissed.

31.3.2016

ritu

(RITU BAHRI)

JUDGE