

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

- (1)

CWP No. 14623 of 2016 (O&M)
Date of decision: 19.03.2018
- Harpreet Singh and others

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (2)

CWP-18405 of 2016 (O&M)
Date of decision: 19.03.2018
- Tirath Singh and others

...Petitioner(s)
- Versus
- State of Punjab and another

...Respondent(s)
- (3)

CWP-26121 of 2016 (O&M)
Date of decision: 19.03.2018
- Kamaldeep Singh and others

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (4)

CWP-21477 of 2016 (O&M)
Date of decision: 19.03.2018
- Sahil Verma and others

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (5)

CWP-25862 of 2016 (O&M)
Date of decision: 19.03.2018
- Sahil Verma and others

		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(6)	CWP-1403 of 2017 (O&M) Date of decision: 19.03.2018	
Himanshu Garg		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(7)	CWP-4420 of 2017 (O&M) Date of decision: 19.03.2018	
Manav Gupta and others		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(8)	CWP-4705 of 2017 (O&M) Date of decision: 19.03.2018	
Nikhil Wadhawan		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)
(9)	CWP-3937 of 2018 (O&M) Date of decision: 19.03.2018	
Amitoj		...Petitioner(s)
	Versus	
State of Punjab and others		...Respondent(s)

- (10)

CWP-5478 of 2017 (O&M)
Date of decision: 19.03.2018
- Akshay Bansal

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (11)

CWP-24068 of 2016 (O&M)
Date of decision: 19.03.2018
- Vijay Hans and others

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (12)

CWP-1526 of 2017 (O&M)
Date of decision: 19.03.2018
- Jagmeet Singh and others

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (13)

CWP-9993 of 2017 (O&M)
Date of decision: 19.03.2018
- Inderpreet Singh and another

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)
- (14)

CWP-1546 of 2017 (O&M)
Date of decision: 19.03.2018
- Lovepreet

...Petitioner(s)
- Versus
- State of Punjab and others

...Respondent(s)

(15) CWP-5796 of 2017 (O&M)
Date of decision: 19.03.2018

Amrinder Singh Dhillon and others
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(16) CWP-26468 of 2017 (O&M)
Date of decision: 19.03.2018

Vijay Kumar
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(17) CWP-26787 of 2017 (O&M)
Date of decision: 19.03.2018

Rajdeep Singh and another
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(18) CWP-5513 of 2017 (O&M)
Date of decision: 19.03.2018

Navjot Singh and others
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(19) CWP-7720 of 2017 (O&M)
Date of decision: 19.03.2018

Sandeep Singh
...Petitioner(s)
Versus

State of Punjab and others

...Respondent(s)

(20) CWP-10146 of 2017 (O&M)
Date of decision: 19.03.2018

Davinder Singh and others

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(21) CWP-2615 of 2018 (O&M)
Date of decision: 19.03.2018

Sunaina Thamman and another

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(22) CWP-27219 of 2016 (O&M)
Date of decision: 19.03.2018

Bharat Kakria

...Petitioner(s)

Versus

State of Punjab and another

...Respondent(s)

(23) CWP-1182 of 2017 (O&M)
Date of decision: 19.03.2018

Sandeep Singh

...Petitioner(s)

Versus

State of Punjab and others

...Respondent(s)

(24) CWP-7311 of 2017 (O&M)
Date of decision: 19.03.2018

Rattan Amol Singh

...Petitioner(s)

Versus

State of Punjab and others
...Respondent(s)

(25) CWP-10320 of 2017 (O&M)
Date of decision: 19.03.2018

Kunal Singla
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(26) CWP-10452 of 2017 (O&M)
Date of decision: 19.03.2018

Rwinkle Singh
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(27) CWP-23103 of 2016 (O&M)
Date of decision: 19.03.2018

Neeraj Panchal
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(28) CWP-25840 of 2017 (O&M)
Date of decision: 19.03.2018

Parneet Singh
...Petitioner(s)
Versus

State of Punjab and others
...Respondent(s)

(29) CWP-26038 of 2017 (O&M)
Date of decision: 19.03.2018

Jashanjot Singh
...Petitioner(s)
Versus
State of Punjab and others
...Respondent(s)

(30) CWP-24482 of 2017 (O&M)
Date of decision: 19.03.2018

Balwinder Singh
...Petitioner(s)
Versus
State of Punjab and others
...Respondent(s)

(31) CWP-908 of 2018 (O&M)
Date of decision: 19.03.2018

Komal
...Petitioner(s)
Versus
State of Punjab and others
...Respondent(s)

(32) CWP-26862 of 2017 (O&M)
Date of decision: 19.03.2018

Naveen Garg
...Petitioner(s)
Versus
State of Punjab and others
...Respondent(s)

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present:- Mr. D.S. Patwalia, Sr. Advocate with
Mr. Harmanpreet Sehgal, Advocate for the petitioner(s)
in CWP No.14623 of 2016.

Mr. G.S. Virk, Advocate for the petitioner(s)
in CWP No.18405 of 2016.

Mr. Kanwaljit Singh, Senior Advocate with
Mr. M.S. Sidhu, Advocate for the petitioner(s)
in CWP Nos.26121, 21477 & 25862 of 2016.

Mr. Sapan Dhir, Advocate for the petitioners(s)
in CWP No.1403 of 2017.

Ms. Swati Verma, Advocate for
Mr. M.S. Atwal, Advocate for the petitioner(s)
in CWP No.4420 of 2017.

Mr. R.K. Arora, Advocate for the petitioner(s)
in CWP No. 4705 of 2017 and CWP-3937-2018.

None for the petitioner(s)
in CWP No.5478 of 2017.

None for the petitioner(s)
in CWP No. 24068 of 2016.

Mr. Dinesh Kumar, Advocate for
Dr. Govinder Singh Brar, Advocate for the petitioner(s)
in CWP No. 1526 and 9993 of 2017.

Mr. Ravi Gakhar, Advocate for
Mr. Gurpreet Jayia, Advocate for the petitioner(s)
in CWP No. 1546, 5796, 26468, 26787 of 2017.

Mr.T.P.S. Makkar, Advocate for the petitioner(s)
in CWP Nos. 5513, 7720, 10146 of 2017 and 2615 of 2018.

Ms. Ramanpreet Kaur, Advocate for
Mr. RPS Girwar, Advocate for the petitioner(s)
in CWP No.27219 of 2016.

Mr. Puneet Pali, Advocate for
Mr. Amit Goyal, Advocate for the petitioner(s)
in CWP No. 1182 of 2017.

None for the petitioner(s)
in CWP No. 7311 of 2017.

Mr. Varun Mittal, Advocate for
Mr. Vikas Mohan Gupta, Advocate for the petitioner(s)
in CWP No.10320 of 2017.

None for the petitioner(s)
in CWP No. 10452 of 2017.

None for the petitioner(s)

in CWP No. 23103 of 2016.

Mt. Goldy Jakhar, Advocate for
Mr. H.S. Brar, Advocate for the petitioner(s)
in CWP No. 25840 of 2017.

None for the petitioner(s)
in CWP No. 26038 of 2017.

None for the petitioner(s)
in CWP No. 24482 of 2017.

Mr. Amit Arora, Advocate for the petitioner(s)
in CWP No.908 of 2018.

Mr. Lalit Singla, Advocate for the petitioner(s)
in CWP No.26862 of 2017.

Ms. Monica Chhiber Sharma, Sr. DAG, Punjab

Jitendra Chauhan, J. (Oral)

CM-3534-CWP-2018 in CWP-2615-2018

Allowed as prayed for, subject to all just exceptions.

Main Case(s)

By way of this common order, a batch of 32 writ petitions mentioned above are being decided as issue involved in the petitions is common.

By way of instant writ petition(s), under Articles 226/227 of the Constitution of India, the petitioners seek issuance of a writ in the nature of certiorari for quashing the impugned order(s) vide which the examination for recruitment to the posts of Assistant Corporation Engineer (Civil) (Code No.1), Assistant Municipal Engineer (Civil) (Code No.17), Sub Divisional Engineer (Civil) (Code No.27) as published vide advertisement dated 01.07.2015 (Annexure P-1) had been

cancelled.

Learned counsel for the petitioner(s) argued that in response to the advertisement No.DLG/RC/2015/1 dated 01.07.2015, published by the respondents on their website for direct recruitment for around 682 posts (later on revised to 670 posts, vide letter dated 08.07.2015) from the candidates for various posts in Municipal Corporations, Municipal Councils, Nagar Panchayats and Improvement Trust, Punjab Water Supply Sewerage Board in the State of Punjab, the petitioner(s) applied for the respective posts as per their academic qualifications. On completion of the examination process, the result for the posts came to be declared on 17.12.2015 (Annexure P-4). The petitioner(s) on the basis of their performance were declared successful and were in the merit list. However, after declaring the result, the respondent-Department has not issued appointment letter to the petitioner(s) on account of complaints that have been received by the respondents qua the recruitment process conducted by the Punjab University, Chandigarh and pursuant to the complaints, respondent No.2, vide its letter dated 15.02.2016 (Annexure P-6) directed that no recruitment process shall be carried out through Punjab University and further the result should not be declared without verification of complaints. An enquiry into the matter was conducted by the Vigilance Bureau and it has come that 19 candidates are having similar pattern of answering and they were suspected to have prior access to question papers and answer keys prior to the examination and accordingly, an FIR No.5 dated 24.05.2016 was registered against 19

suspected candidates. After the result of enquiry, respondent No.2 vide its letter dated 17.05.2016 (Annexure P-7) cancelled the recruitment process which has caused grave injustice to the petitioner(s) who have honestly participated in the selection process. Learned counsel for the petitioner(s) further contend that since the FIR has been registered against the suspected candidates and there is nothing against the petitioner(s), therefore, they should not be made to suffer irreparable loss on account of the wrong act done by others. The petitioner(s) have diligently and honestly prepared for the said posts and ultimately succeeded, therefore, the selection process ought to have been cancelled qua the tainted candidates only.

On the other hand, learned State counsel submits that cancellation of recruitment process was recommended on the basis of vigilance report, therefore, question of offering appointment to any of the candidates would not arise. She further states that during the enquiry, it has been revealed that the location of mobile phones of some of the candidates were found to be in Lucknow, a day prior to the examination where they were provided the examination paper. The Vigilance Bureau, Punjab in its report alleged that there is a definite proof of leakage of question papers.

At this stage, Mr. D.S. Patwalia, Senior Advocate submits that as per the enquiry, the investigating agency has collected the evidence qua leakage of paper for the post/categories vide Code No.17, 27, 06, 07, 20, 25, 28, 09 and 22 and no specific material has surfaced

regarding the examination paper for the remaining categories. Moreover, the investigation is based on the mere presumption of location of mobile tower and at this stage, there is no proof available with the State so as to nab the real culprits. Therefore, the cancellation of recruitment process qua all the candidates is not justifiable.

Mr. Kanwaljit Singh, Sr. Advocate after making the similar submissions has placed reliance upon the decisions rendered by Hon'ble the Supreme Court in CA-5675-5677-2007 titled as **Chairman, All India Railway Rec. Board and another Vs. K. Shyam Kumar and others and Joginder Pal and others etc. Vs. State of Punjab and others**, 2014 (3) SCT 431.

I have heard learned counsel for the petitioner(s) and perused the record with their able assistance.

The petitioner(s) in the batch of petitions are aggrieved against the impugned order(s) whereby the recruitment process of 456 posts in the Department of Local Bodies, Punjab has been cancelled by the respondents on account of leakage of examination papers. In the backdrop, the Department of Local Bodies, Punjab had advertised 682 posts by way of direct recruitment of various categories in different cadres i.e. Municipal Corporations, Municipal Councils, Nagar Panchayats and Improvement Trust, Punjab Water Supply Sewerage Board in the State of Punjab, vide public notice dated 01.07.2015 (Annexure P-1). The said posts were later on revised to 670 by way of corrigendum dated 08.07.2015. The petitioner(s) after fulfilling the

eligibility applied for the said posts. The written examination was held in Punjab University, Chandigarh from 07.11.2015 to 15.11.2015 in morning and evening shifts, vide schedule (Annexure P-2). The result for the said posts was declared on 17.12.2015 (Annexure P-4) which was uploaded on the website of the Department and also published in different newspapers. After declaration of the result, the department had received certain complaints qua the leakage of question papers leading to the present controversy. Accordingly, an enquiry was conducted by the Vigilance Bureau, Punjab into the matter whereby it has come to the notice that certain aspirants for the different posts had access to the question papers prior to the examination. At the first instance, the examination of 61 posts of (i) Assistant Corporation Engineer (Civil), (ii) Assistant Municipal Engineer (Civil) and (iii) Sub Divisional Engineer (Civil) were cancelled, however, after finding prima facie material, the recruitment process of 456 posts was cancelled. During the investigation, it has come on record that several candidates were taken to Lucknow or Nazafgarh by the persons acting as conduits, where they were shown the examination papers. The submission(s) made by learned counsel for the petitioner(s) that since the FIR has been registered against the suspected candidates, therefore, they be not made to suffer irreparable loss on account of the wrong act done by others is repelled as the sanctity of the examination is totally breached and the same indicate towards a scam which needs to be unearthed by conducting a deep probe in the matter. Though, it cannot be disputed that some of the petitioner(s) have

diligently and honestly prepared for the said posts, however as the entire selection process has been tainted, it is in the interest of justice and fair play to re-conduct the examination process as decided by the High Level Committee.

From the above facts and circumstances of the case, this Court finds no merit in the instant petition(s) and the same are hereby dismissed.

The State is directed to re-conduct the examination of the cancelled posts. The petitioner(s) herein and the other candidates who had earlier applied for the posts shall not be charged further fee etc. and they be allowed to appear in the examination and after their due verification and identification, their admit cards be uploaded on the website. The Vigilance Bureau is directed to conclude the investigation in the meantime.

19.03.2018

sumit.k

(JITENDRA CHAUHAN)
JUDGE

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