

210

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

**CWP No. 1553 of 2016
Decided on: 04.04.2018**

Satyajeet Singh

.....Petitioner

versus

Union of India and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE MAHESH GROVER
HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

Present: Mr.S.K.Daria, Advocate
for the petitioner.

Mr. D.R.Sharma, Advocate
for respondents No. 3 & 4.

MAHESH GROVER, J(ORAL)

The petitioner participated in an exam with two tier stages successfully. However, in the year 2012, he was debarred from further process of selection after a show cause notice dated 27.02.2012 was issued to him to the following effect:-

“SHOW CAUSE NOTICE

Sh. Satyajeet Singh s/o Sh. Ajeet Singh, Roll No. 1801504576 is hereby informed that he has been found indulging in malpractices during Combined Graduate Level (Tier-II) Examination, 2011 conducted by Staff Selection Commission.

In view of the above, Sh. Satyajeet Singh is hereby informed that his candidature in respect of the Combined Graduate Level Examination has been cancelled and he has been debarred from appearing in any of the Examination conducted by SSC for a period of 5 years.”

He filed an application before the Tribunal which was disposed of by observing as follows:-

“4. Admittedly, the applicant chose not to respond to the show cause notice issued by the respondents. There is no order passed by the respondents against which the applicant has raised a challenge and it is only information (Annexure A-8) obtained under the RTI Act on the basis of which he has filed the present O.A. which is not maintainable and, therefore, the same is dismissed.

5. No costs.”

A writ petition was filed which was withdrawn to pursue other remedies in accordance with law. Another original application was filed by the petitioner before the Tribunal resulting in the impugned order. The stand of the petitioner is that several other persons were found guilty of malpractices in the examination which is reflected from corresponding replies of the other candidates in the same examination hall. Learned counsel for the petitioner contends that the show cause notice issued to the petitioner was vague and incapable of any response, particularly, when the malpractices alleged were not even mentioned in the notice most certainly precluding an effective response to it.

Learned counsel for the respondents has been unable to shed any light on the controversy and when confronted with an uncomfortable question of the show cause notice being vague; has merely shrugged it off to say that there can be no escape from facts. He, however, relies extensively on the reply submitted to the application before the Tribunal where details have been given about the answers of various candidates in the same hall which tallied leading to an inference of a malpractices.

On due consideration, in our opinion, the notice issued, the contents of which have been extracted above, is totally vague and incapable

of any response. If there was any malpractice, the petitioner ought to have been put on notice with complete particulars of the suspected wrong doings so as to enable him to reply to it. On the short ground of the notice being vague, the writ petition is accepted and the show cause notice quashed.

(MAHESH GROVER)
JUDGE

(RAJBIR SEHRAWAT)
JUDGE

4th April, 2018
shabha

<i>Whether speaking/reasoned</i>	-	<i>Yes/No</i>
<i>Whether reportable</i>	-	<i>Yes/No</i>