

121

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

CWP-17537-2018

Date of decision-20.07.2018

Amanpreet Singh

....Petitioner

Vs.

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Ajaivir Singh, Advocate for the petitioner.

JITENDRA CHAUHAN, J.

This writ petition under Articles 226/227 of the Constitution of India has been filed for the issuance of a writ, in the nature of certiorari for quashing the order dated 28.11.2016 (Annexure P-8) whereby the selection of the petitioner in pursuance to the advertisement and merit in the written test has been cancelled.

Learned counsel for the petitioner contends that the petitioner being meritorious had cleared the written test and was to be issued the appointment letter keeping in view the condition of the advertisement. An FIR No.4 dated 06.04.2016 (Annexure P-3) was registered by Vigilance Bureau and in the said FIR it has been stated that some candidates had taken advantage of the leaked paper. Neither petitioner is named in the FIR nor any of the candidates from the Junior Engineer (Civil) has been named in the FIR. The said FIR was primarily registered against Assistant Engineers (SDOs). Similarly FIR Nos.5 and 6 pertained to posts in PUNSUP. From the

impugned order dated 28.11.2016 (Annexure P-8) it transpires that irregularities have been found in all 670 posts but surprisingly 140 persons have been permitted to join at whims and fancies of the authorities, thus bringing in plea of discrimination and arbitrariness on the part of respondents. The respondents were required to segregate the tainted and untainted candidates particularly when the entire examination is based on written test.

I have heard learned counsel for the petitioner and have perused the case file.

This Court in CWP No.14623 of 2016 and other connected matters had decided the controversy in question by passing a detailed order dated 19.03.2018, wherein it has been held that it is in the interest of justice and fair play to re-conduct the examination process as decided by the high level committee. The case of the petitioner is squarely covered by the aforesaid judgment dated 19.03.2018. The relative paragraphs of the judgment read as under:-

“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.”

In view of the above, the present petition is dismissed. Even at the cost of repetition, it is reiterated that the petitioner shall not be charged further fee etc. and he be allowed to appear in the examination and after his due verification and identification, his admit card be uploaded on the website.

(JITENDRA CHAUHAN)
JUDGE

20.07.2018

vanita

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

