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

**CWP No. 26964 of 2014
Decided on: 04.04.2018**

Lokesh Kumar

.....Petitioner

versus

Staff Selection Commission and others

.....Respondents

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

Present: Mr.Vineet K. Jakhar, Advocate
for the petitioner.

Mr. D.R.Sharma, Advocate
for respondents No. 1 & 2.

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

Shri. Lokesh Kumar s/o Shri Chanderhas, Roll No. 1801500391 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. Lokesh Kumar 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:-

“13. We have carefully considered the pleadings of the parties and arguments advanced by them as well as the impugned order dated 15.07.2013. The background of the matter is hardly relevant at this stage although the same has been narrated in great detail in the OA as well as in course of arguments. The impugned order dated 15.07.2013 appears to clarify the position adequately. In an examination comprising of 200 questions, the applicant was found to have 40 wrong matches with another candidate Sh. Sukhbir Singh, who was sitting in the same Room i.e. Room No. 7, GRSD Sr. Secondary School, Ambala, Haryana. The probability of two candidates having 40 wrong matches is infinitesimal and hence it is virtually proved that the applicant had indeed indulged in malpractice. Hence, we find that the impugned order dated 15.07.2013 passed by SSC cancelling the candidature of the applicant and debarring him for a period of three years from the Commission's examination cannot be faulted. OA is hence rejected.”

A writ petition was filed which was withdrawn to pursue other remedies in accordance with law.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

Whether speaking/reasoned	-	Yes/No
Whether reportable	-	Yes/No