

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No.17118 of 2019 (O&M)

Date of decision:13.08.2019

Neha Chandel

... Petitioner

Vs.

Haryana Public Service Commission

... Respondent

CWP No.17114 of 2019 (O&M)

Ravinder Singh and another

... Petitioners

Vs.

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Ms. Neha Chandel, petitioner-in-person
(in CWP No.17118 of 2019).

Mr. Ravinder Singh, petitioner no.1-in-person
(in CWP No.17114 of 2019).

AMIT RAWAL J.

C.M.No.11459 of 2019 in CWP No.17118 of 2019

For the reasons stated in the application which is duly supported by an affidavit, hearing of matter is preponed for today and petition is taken on board for hearing.

CWP Nos.17118 and 17114 of 2019

This order of mine shall dispose of two writ petitions bearing Nos.17118 and 17114 of 2019. The point involved in present petitions is

same, therefore, both are decided together.

In both writ petitions, pith and substance of the claim is that in the examination held by Haryana Public Service Commission (in short “HPSC”) on 26.05.2019 for the post of Naib Tehsildar, there was leakage of paper and in this regard, FIR No.0164 dated 26.05.2019 was registered at P.S. City Rewari and therefore, spirit of examination is eroded.

Brief facts of case are that vide advertisement no.1 category no.1 dated 23.07.2015, posts for Naib Tehsildar were sought to be filled up through HPSC and petitioners were issued roll numbers mentioned against their names. However, during the examination, test papers were leaked in Karnal and solved at Gurugram. The police was able to nab the culprit and an FIR, *ibid* was registered. The sanctity of test, in such circumstances, was lost, for, State Government failed in handling the examination, therefore, sought quashing of examination held on 26.05.2019.

In response to notice of motion, Haryana Public Service Commission filed reply through its Secretary averring that as per record, confidentiality of examination consisting of question paper and answer key was kept intact. On 24.05.2019, question papers in sealed boxes were dispatched to various districts of Haryana and Centres situated at Panchkula and Chandigarh. The question papers were dispatched on 26.05.2019 through Nodal Officers against the valid receipt. There was no involvement of any other official of Commission in setting up the question papers, printing process and custody thereof. In fact, all the question papers after printing were kept in strong room in sealed boxes under the lock and key

and guarded by two police officials of Government of Haryana.

One Nodal Officer per district/station took the papers under the police escort to their respective District Treasuries where the sealed papers were kept and guarded by Haryana Police. On the date of examination, a few hours before its conduct, papers in sealed bags were handed over to the paper distributors (gazetted officers) by the Nodal Officers under proper receipt who further gave it to the Centre Supervisors only half an hour before the examination to start, thus, for all intents and purposes, the entire district administration was involved for the safe and smooth conduct of the examination.

As per status report of Superintendent of Police, Rewari, Centre Supervisor of S.S. International School in Karnal was involved in helping some candidates who alongwith some other accused were put under constant surveillance in order to enable the police officials to catch all the persons red handed i.e., prior the answer key could reach to the beneficiaries, though the matter is pending under police investigation.

The 2,60,000 candidates applied for the aforementioned posts and total 808 examination centre were arranged. The status reports, Annexures R-1 and R-2 received from the Superintendent of Police reveal that raids were conducted in Rewari, Gurugram and Karnal by the team of Rewari Police and STF Haryana and 10 accused were arrested. During investigation, it surfaced that gang was to provide the answer keys to two candidates who are brothers namely Deepak son of Rajender, Manoj son of Rajender of Hisar who were appearing in Jain Girls Senior Secondary

School, Rewari and Mount Litera Zee School Delhi Road Rewari, respectively. Two employees i.e. Jasbir, Centre Supervisor and Raj Kumar of S.S. International School Karnal were arrested. Though the question paper was sent on whatsapp to Pankaj in Gurugram who after solving it sent to Akhil and Neeraj for delivering answer key to Manoj through Kuldeep and Jaivir employees of Mount Litera Zee School but were nabbed before answer key could be delivered to Manoj. There was involvement of Rajeev Bhutani, Block Education Officer Karnal at the behest of Satish Rathi and certain arrests are yet to be made. Haryana Public Service Commission vide its proceedings dated 28.06.2019 cancelled the candidature of Dinesh Kumar and Manoj Kumar and debarred for a period of five years from sitting in examination/any interview held by Haryana Public Service Commission.

Petitioners appearing in person submitted that since the matter is pending under investigation, the entire examination is tainted and lacks transparency, therefore, is liable to be set aside.

I have heard the petitioners, who are present in person and Mr. Nishant Yadav, Secretary, Haryana Public Service Commission who was called to assist the Court, owing to suspension of work by the lawyers and of the view that there is no force and merit in the petitions. It would be in the fitness of things to extract contents of letter Annexure R-1 which reads thus:-

“From

Superintendent of Police,

Rewari.

To

*Secretary,
Haryana Public Service Commission,
Bays No.1-10, Block Sector 4, Panchkula.*

No.8638/w dated 30.5.2019

*Subject: Report on paper leak case of 'A' Class Naib
Tehsildar held on 26.05.2019.*

Memo

*Kindly refer to your office memo no.exam
1/2019/3785 dated 30.05.2019 on the subject cited above.*

In this regard, this is to bring to your notice that information was received that a gang was involved in leaking Naib Tehsildar exam that is being conducted. Based on the information certain numbers were taken on technical surveillance and raids were conducted in Rewari, Gurugram and Karnal, on 26th May by teams of Rewari Police and STF Haryana. So far ten accused have been arrested. During the course of investigation, it became clear that this gang was to provide answer keys to two candidates who are brothers namely Deepak son of Rajender, Manoj son of Rajender R/o Shyam Vihar Hisar who were appearing in Jain Girls Sen. Sec. School Rewari and Mount Litera Zee School Delhi Road Rewari respectively.

*The question paper was leaked from S.S.
International School Karnal and two employees of the school*

namely Jasbir, Centre Supervisor and Raj Kumar have been arrested.

The question paper was sent on whatsapp to Pankaj in Gurugram who after it to Akhil and Neeraj for delivering the answer key to Manoj though Kuldeep and Jaivir employees of Mount Litera Zee School who were nabbed before they could deliver the key to Manoj.

During the course of investigation it came to light that Rajeev Bhutani, Block Education Officer Karnal had instructed Jasbir to leak the question paper at the behest of Satish Rathi, Satish Rathi and Rajeev Bhutani, BEO Karnal are yet to be arrested. SIT headed by Sh. Hansraj, HPS, DSP Hqs, Rewari has been constituted to conduct further investigation and arrest the remaining accused.

It is for your kind information please.

*Superintendent of Police,
Rewari.”*

Annexure R-2 is also reiteration of Annexure R-1 with further development in investigation.

From the perusal of aforementioned contents extracted supra, it is irresistibly concluded that there was no leakage of paper and answer key was yet to be delivered to the candidates, sitting in examination centre, thus, there was no possibility of leakage of paper. The involvement of suspects who have already been arrested would not connote that they had actually leaked the papers to the candidates, therefore, the sanctity is lost but the

persons who attempted to sit in examination, have been branded as accused but not convicted as the case is pending investigation which may result into filing of challan or otherwise.

It would not be domain of this Court to express anything on the pending investigation but fact of the matter is that examination cannot be quashed at drop of the hat at the behest of the candidates who even not passed the written examination. No ground for interference is made out.

Dismissed.

(AMIT RAWAL)
JUDGE

August 13, 2019
savita

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No