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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3887/2018 & CRL.M.A. 50206/2018**

VIKASH & ORS.

..... Petitioners

Through Mr Tushar Sannu, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI & ORS.) Respondent

Through Ms Avnish Ahlawat and Ms Mitesh Singh, Advocates for DSSSB.

Mr Sanjay Lao, ASC with Mr Karanjeet Sharma, Advocate for R1 and R2.

Insp. Shiv Raj Singh, SHO Safdarjung Enclave.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **25.09.2019**

1. The petitioner has filed the present petition, *inter alia*, seeking that directions be issued to respondent nos. 1 and 2 to conduct a fair and impartial investigation into an incident that led to the registration of FIR No. 314/2018 under Sections 420/451/120B of the IPC, registered at P.S. Safdarjung Enclave.
2. The petitioner alleges that the incident is a serious one, which involved the leak of a question paper for the examination of Tier-II for the post of Grade-II (DASS) Post Code 40/13. The petitioner alleges that the said question paper was leaked in connivance with officers of the Delhi Police and DSSSB.
3. The facts are that during the course of the said examination, an

intruder/stranger had handed some material to one of the candidates who was taking the said examination (one of the accused). On search of the said candidate, it was found that he had a solved question paper which was marked in blue pen. The use of a blue pen was not permissible and all the candidates had been searched prior to their entering the examination for ensuring that none of the candidates carried any pens. Black pens were provided by the examination centre to all the candidates and the examination papers were to be marked with the black pens provided by the examination centre.

4. The fact that a solved question paper marked in blue pen was found with the candidate indicated that the said question paper had been solved by somebody else. The investigating agencies believe that the said question paper was taken out from the examination hall and the same was solved by a person outside the examination hall. The solved paper had been provided to the candidate in question. The stranger, who was found running away from the site, was also chased by security guards. The candidate also decided to run away. He suffered an injury while escaping from the examination centre.

5. It does appear from the facts as stated that the candidate was seeking the assistance of an outsider who was solving the question paper. This Court need not examine the incident in any further detail, as the investigation in this regard is being conducted by the concerned officers. It is stated that a final report would be filed shortly. There are three accused – one of the accused is on anticipatory bail and the other two accused have been arrested and released on bail by the concerned court.

6. In view of the above, no orders are required to be passed in the present petition. Needless to state that the allegation that the case involves

the leak of a question paper would also be examined by the investigating agency.

7. The petition is disposed of. The pending application is also disposed of.

VIBHU BAKHRU, J

SEPTEMBER 25, 2019

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