

2023:PHHC: 128856

CWP-22330-2023

Date of Decision: 05.10.2023

Vishal Kumar and others

...Petitioners

Vs.

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr. D.S. Patwalia, Sr. Advocate with
Ms. Sehar Navjeet Singh Sandhu, Advocate for the petitioners.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. The petitioners by way of this writ petition have prayed as
under:-

“To issue an appropriate writ, order or direction including a writ
in the nature of Mandamus quashing the entire selection process
initiated by the respondent board emanating from advertisement
dated 05.01.2022 (P-1) whereby numerous posts of Steno-Typist
as well as Junior Scale Stenographer were advertised
considering the fact that the said selection process is clouded
with allegations of large scale cheating which had taken place
during the conduction of the dictation test as stipulated in the
advertisement.

Further, to issue an appropriate writ, order or direction including
a writ in the nature of Mandamus directing the respondent-Board
to provide the petitioners CCTV footage/videography of the

examination centre for the dates on which the dictation test was conducted i.e. 05/06/07/08.05.2023.

Further, to issue an appropriate writ, order or direction including a writ in the nature of Mandamus directing the respondent No.1 to conduct an inquiry into the allegations of mass cheating which had happened during the conduction of Punjabi Stenography Dictation Test for the posts of Steno-Typist and Junior Scale Stenographer in pursuance to advertisement dated 05.01.2022.

In the alternative, it is prayed that this Hon'ble Court may form a committee/panel of officers and direct the said committee/panel to conduct an independent inquiry into the allegations levelled by the petitioners w.r.t. large scale cheating which had happened during the conduction of the dictation test.

Further to issue an appropriate writ, order of direction including a writ in the nature of Mandamus directing the respondent board to place on record the shorthand notes recorded at the time of dictation tests of all candidates who have been shortlisted and have been called for counselling.

Further to issue an appropriate writ, order or direction as it may deem fit in view of the facts and circumstances of the instant case.

It is further prayed that during the pendency of the present writ petition and subject to the final outcome of the same, the selection process initiated in pursuance to advertisement dated 05.01.2022 (Annexure P-1), may not be finalized, in the interest of justice and fair play.”

2. The petitioners had participated in the selection process and the result has also been declared, wherein, they have been declared unsuccessful. The petitioners have stated that there has been mass cheating/copying done in the examination and the CCTV footage should be made available to them, for which, they have already submitted an application under the RTI Act besides an appeal has also been preferred. Learned counsel by relying upon the judgment of Hon'ble Supreme Court in the case of *State of Meghalaya and another vs. Phikirbha Khariah and others (2018) 6 SCC 618*, submits that the respondents are bound to make available the footage of the CCTV cameras installed at the examination centre, at the time of examination.

3. I have carefully considered the submission.

4. This Court finds that the petitioners have participated in the selection process but they did not lodge any complaint or FIR regarding the alleged mass cheating/copying immediately after the examination was over. It is only after the result was declared that they have turned around and preferred this writ petition. Merely on the basis of bald allegation of there being mass cheating/copying and that the CCTV footage has not been made available to them, this Court would not enter into a fishing inquiry. The law cited at bar, was a case where the Court had already found serious irregularities in the selection process while dealing with the matter in the earlier case and, therefore, it observed that for maintaining purity of selection to the public posts, it is desirable that as far as possible the selection process conducted, the same should be transparent and it should be videographed. If there had any irregularity been already proved either by investigation or in any other inquiry conducted at the departmental level, perhaps, this Court would have taken cognizance of this writ petition. However, merely by making bald allegation in the writ petition would not be sufficient for this

Court to interfere with the examination process. The writ petition is wholly misconceived and is accordingly dismissed.

5. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

05.10.2023.

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| 1. Whether speaking/reasoned? | : | Yes/No |
| 2. Whether reportable? | : | Yes/No |