

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16221 of 2023

Sheyam Kishor Kumar S/o Suresh Prasad, resident of Village-Laxmipur, Post-Bhui, P.S.-Silab, District Nalanda, Pin Code-803117 (Bihar).

... .. Petitioner/s

Versus

1. The Union of India through the Chairman Railway Recruitment Board, Bhopal (Madhaya Pradesh).
2. The Member Secretary, Railway Recruitment Board, Bhopal (Madhaya Pradesh).
3. The Assistant Secretary, Railway Recruitment Board, Bhopal (Madhaya Pradesh).
4. The Examination Controller, Railway Recruitment Board, Bhopal (Madhaya Pradesh).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Subodh Kumar, Advocate Mr. Prakash Chandra, Advocate
For the Union of India	:	Mr. Amrendra Nath Verma, Sr. Panel Counsel Mr. Girija Shanker Prasad, C.G.C.

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

2 29-04-2024 The instant writ petition has been filed by the petitioner for the following reliefs :-

“(i) The instant writ petition is being file for setting aside the letter No.-RRB/BPL/RRC-01/2019/CBT/MALPRACTICE/ dated 13.07.2023 by Mr. Navdeep Prakash Agrawal, Member Secretary/RRB Bhopal for Chairman RRB Bhopal in which the respondent authority has “Disqualification and Cancellation of candidature for the CEN RRC-01/2019 (Level-1) Exam and also debarring for all the RRBs/RRCs Examination and getting appointment in Railways for life time”.

(ii) To issue writ/writs, order/orders, direction/directions against the respondents authorities for taken



permission to petitioner, who has participate in all Examinations of RRBs/RRCs in India, which will be held in future.

(iii) To issue writ/writs, order/orders, direction/directions against the respondent authorities to which the petitioner found entitled under the facts and circumstances of the case.”

2. It is the case of the petitioner that he appeared in Railway Recruitment Board Examination held on 01.09.2022. Subsequently, on 13.07.2023, he received a letter from Member Secretary, Railway Recruitment Board, Bhopal stating inter-alia that the was disqualified and his candidature for C.E.N. - RRC-01/2019 was cancelled. He was debarred for all the examinations being conducted by RRBs/RRCs and getting appointment in railways for life time w.e.f. 01.09.2022. The said order is under challenge in the instant writ petition.

3. The impugned letter dated 13.07.2023 picks about Malpractices in in Level-1 CBT Examination under CEN RRC-01/2019 through RRB Bhopal official. The Malpractices allegedly under taken by the petitioner are as follows :-

“Your above contention that you had filled applications for more than one RRB unintentionally is not at all substantiated because of the facts that multiple submissions of applications have been made by you after modifications/hiding of some important details deliberately there in i.e ., Name of Applicant, Father's



Name, Mother's Name, Mobile Number, Email ID, Aadhaar Number & Date of Birth in order to deceive the authorities. Not only this, appearance was also ensured by you for CBT exams of those RRBs held on different shifts/dates.

It is to inform you that after scrutiny of the unique UID token Aadhaar details which were collected by the Exam Conducting Agency (ECA) in the system database while on-line verification of candidates' identities through Aadhaar authentication system during registration at the exam venue, it is noted that above details for the candidature against your application registration no. 1250113970 is same with that of another person. Hence, it is established that there was Aadhaar authentication of same person more than once during CBT exams held on different dates between 16.08.2022 to 11.10.2022. In addition to above, in matching status of photos as available in applications (which are in different candidate names) with that of photo captured during registration High Match status is reported by ECA. This clearly proves that you were involved in malpractice and impersonation activities during the above CBT exam.

In this regard you are also aware the provisions of Para (1) of Page 3 and Para 19.0 of page 29 of detailed CEN RRC 01/2019 “ Any candidate found using unfair means of any kind in the examination/CBT, sending someone else in his/her place to appear in the examination, attempt to impersonate will be debarred from appearing in all the



examinations of all the RRBs/RRCs (Railway Recruitment Cell) for life time. He/she will also be debarred from getting any appointment in the Railways, and if already appointed, will be dismissed from service. Such candidates are also liable for legal prosecution.”

Further, the consequences of malpractice & impersonation were already communicated vide Serial number (12) Instructions to the candidates in the call letter issued to you for CBT exam under this CEN.

Therefore, in view of above and in terms of provisions of Para (1) of Page 3 and Para 19.0 of page 29 detailed CEN RRC 01/2019, you are disqualified and your candidature for CEN RRC 01/2019 is cancelled. You are also debarred for all the examinations being conducted by the RRBs/RRCs and getting appointment in Railways for LIFE TIME w.e.f. 01.09.2022.”

4. It is found from the impugned letter itself that prior to the decision taken by the RRB debarring the petitioner for life time for all the examinations being conducted by the RRBs/RRCs and getting appointment in railways for life time w.e.f. 01.09.2022 was issued after having a reply to the show cause submitted by the petitioner. In his show cause/representation vide Email dated 17.01.2023 the petitioner has accepted that he had applied to more than one RRB and also appeared for those CBT Examination.

5. At present, it is contended on behalf of the



petitioner by his learned counsel that he filled up only one form/ application for RRB Examination from a local Cyber Cafe and he was granted only one admit card (Annexure-1 to the writ petition). He appeared in the said Examination at Durgapur, in the State of West Bengal. He did not apply for the second time in respect of the same examination.

6. However, from the impugned order dated 13.07.2023 it appears that the petitioner submitted his second application by way of modification or change of the name of the applicant, father's name, mother's name, mobile number, Email ID, Adhaar number and date of birth in order to deceive the authorities.

7. Under such circumstances, the authorities debarred him for life time to appear in any RRB Examination.

8. In view of admission of guilt by the petitioner appearing in second paragraph of the impugned letter dated 13.07.2023, I have no other alternative but to hold that the instant writ petition is devoid of any merit and accordingly, the instant writ petition is dismissed.

(Bibek Chaudhuri, J)

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