



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

135+137

Date of Decision: 10.07.2025

1. CWP-17631-2025

BASANT AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

2. CWP-17669-2025

SANGEET KUMAR AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND ANOTHER

...Respondent(s)

3. CWP-17813-2025

SURENDER SINGH AND OTHERS

...Petitioner(s)

Versus

STATE OF HARYANA AND OTHERS

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present:- Mr. Shreenath A. Khemka, Advocate in CWP-17631-2025;
Mr. A. S. Nirmaan, Advocate in CWP-17813-2025; and
Mr. Navnit Sharma, Advocate for
Mr. R. S. Dhull, Advocate in CWP-17813-2025;
for the petitioner(s).

Mr. Harish Nain, Assistant Advocate General, Haryana.

Mr. Kanwal Goyal, Advocate with
Ms. Sheena Dahiya, Advocate for the respondent(s)/HPSC.

TRIBHUVAN DAHIYA, J. (Oral)

The aforementioned petitions are based upon similar facts involving common issues; accordingly, the same are being decided together. For brevity, the facts have been taken from CWP-17631-2025, which has been filed, *inter alia*, seeking a writ of *mandamus* directing the respondent/Commission to take curative action (including constitution of a



fact-finding Committee comprising of senior-officers) regarding Screening Test for the post of Assistant Professor (College Cadre) Physics held on 29.05.2025, pursuant to advertisement 42 to 67 of 2024, dated 02.08.2024, as many question-booklets were found unsealed. Further, a direction has been sought to re-conduct the test.

2. Learned counsel for the petitioners, Mr. Khemka, has contended that the petitioners were applicants for the posts of Assistant Professor in Physics and Chemistry in response to the aforementioned advertisement. During the process of selection, they appeared for the Screening Test conducted by the Commission on 29.05.2025. In the examination hall, they were given question-booklets which were not sealed with approximately two inch wide glue tape on the right end. A copy of the first page of one such booklet has been appended as Annexure P-5. He further contended that this was not the case with booklets of other question papers, as the same were handed over to the candidates with the paper seals intact. This is established from the photocopy of first page of question-booklet of Political Science, Annexure P-6, which bears an impression of the seal. Handing over unsealed question-booklets to the candidates amounts to compromising integrity of this public examination. It has affected credibility of the entire process which calls for cancellation of the exam itself. He has also pointed out that the Commission in its counter-affidavit has itself admitted “*that there had been a packaging issue*” but decided to ignore the same. In the face of this admission, no further material is required to establish that unsealed question-booklets have actually been handed over which puts a question mark on the conduct of examination in a fair and transparent manner. To uphold the sanctity of public examination, a re-test is necessary. In support of the contention, he has placed



reliance upon the Supreme Court judgment in *Sachin Kumar and others v. Delhi Subordinate Service Selection Board (DSSSB) and others*, (2021) 4 SCC 631.

3. *Per contra*, learned counsel for the Commission, Mr. Goyal, has contended the allegations that sanctity of the Screening Test for the subjects of Physics and Chemistry has been compromised, are unfounded and mere figment of the petitioners' imagination. The Commission is conscious of its duties as a Constitutionally established body for recruitment of government servants, teachers, etc., through public examinations. It has taken every possible care to ensure that credibility and sanctity of the exam is maintained, and no blemish has come to it. He further submits, whenever there is a complaint regarding violation of any procedure of examination, or any other discrepancy comes to the Commission's notice, it is thoroughly examined and appropriate action is taken as per the outcome of the enquiry/investigation.

3.1. Further, Mr. Goyal has made a reference to the procedure for conduct of examination by the Commission, as mentioned in the counter-affidavit, which is as under:

6. That before proceeding further it is essential to explain the process relating to conduct of an examination by the Commission, hence the same is given as under:-

(a) Exam Material, i.e Question Paper and OMR Sheet is received from confidential printer in sealed steel boxes and the same are kept in strong rooms of the Commission.

(b) On the date of exam, sealed boxes are handed over to the Paper Distributors under receipt. They are required to check the boxes and give a certificate mentioning that he/she has received the boxes in sealed condition. Copy of one such certificate is attached herewith as Annexure R-1.



(c) Thereafter the sealed boxes are taken by the Paper Distributors to their respective allocated centers under Police escort.

(d) At the Exam center, the Center Superintendent receives the sealed steel box from the Paper Distributors. He/She is also required to check that the boxes are sealed and issue a certificate mentioning that he/she has received the boxes in sealed condition. Copy of certificate is enclosed as Annexure R-2.

(e) The certificates R-1 and R-2 clearly show that the sealed boxes containing question papers and OMR Sheets were delivered at the exam center in intact position.

(f) Thereafter the sealed boxes are opened in the Control Room of Exam Center by the Center Superintendent under CCTV Surveillance in presence of Paper Distributor and some Invigilators.

(g) After opening the sealed boxes the exam material is checked and counted and thereafter it is segregated room wise.

(h) Thereafter the exam material is sent to various rooms where the exam is to be held.

3.2. Still further, Mr. Goyal has contended that on receiving representations from the candidates about receipt of unsealed question-booklets of Physics and Chemistry, the matter was thoroughly enquired into by the Commission. No violation of procedure and/or instructions in conduct of the examination was found. The distribution of unsealed question-booklets in some cases was only on account of a packaging issue. The findings were brought to the notice of all concerned by the Commission vide announcement on its website, dated 30.05.2025, which is as under:

The Commission has received complaints from some candidates who appeared in the Screening Test for the post of Assistant Professor (College Cadre) in the subject of Chemistry conducted



on 29.05.2025 at 35 centers at Panchkula. In the complaints, it is mentioned that some Pre-opened Question Booklets had been distributed & there is suspicion on paper leakage. They have also expressed their concern about breach of security protocol & trust.

The Commission has carefully examined & investigated the issues raised in the complaints and has observed that:

- i. The Question Booklets in the sealed trunks were dispatched to the Examination Centers from Commission's office.
- ii. The sealed trunks containing the Question Booklets were opened in the control rooms of the examination centers under CCTV coverage by the Centre Superintendent in the presence of the Representative of the Commission.
- iii. Each sealed trunk contained the sealed packets of the Question Booklets. Each packet contained 20 Question Booklets. The opening of every question booklet was closed by the sticker pasted with glue.
- iv. The number of the Question Booklets to be given to each invigilator were 24 in accordance to the number of the candidates in a room. Therefore, a sealed packet of 20 booklets and 04 booklets taken from another packet of 20 booklets were given to the invigilator for distribution.

After thorough examination, Commission has found that whole process of conduct of the examination was in accordance with the procedure and instructions of the Commission. The distribution of the pre-opened question booklets in some cases was only on account of the packaging issue. Moreover, no report of the untoward incident has been reported by the any of the Centre Superintendents.”

3.3. It is also contended by Mr. Goyal that the entire process of sending and opening the sealed trunks containing sealed packets of question-booklets, is recorded in Closed Circuit Television (CCTV) cameras, which were carefully examined by the Commission during the enquiry aforementioned. It was noticed that opening/right side of the booklets was



properly sealed with tape/sticker, and every packet containing twenty question-booklets each was also sealed. The details in this regard have been mentioned in para 8 of the affidavit, which is as follows:

8. That it was found that there was no breach or irregularity in the examination carried out by the Commission. In the case of Assistant Professor (Physics and Chemistry), each sealed trunk contained the sealed packets of the Question Booklets. Each packet contained 20 Question Booklets. Every packet was properly sealed and further opening of every question booklet in the packet was also sealed by using tape/sticker. Since there were 24 candidates in each room therefore, the exam material was divided into sets of 24 Question and Answer Booklets for every room, i.e. one packet of 20 Q & A booklets and 4 Q & A booklets which were taken out by opening another packet of 20 Q & A booklets. Since each invigilator was given 4 Q & A booklets which were taken out by opening another packet of 20 Q & A booklets therefore the candidates gained the impression that the seal of question papers distributed to them were broken before distribution. Hence they had alleged that unsealed question booklets were distributed. In this regard it has also been observed that there might have been issue of the tape used for sealing the opening of question booklet in few cases. However necessary remedial measures in this regard have already been taken in subsequent examinations. Therefore it is evident that there had been a packaging issue but there was no leakage of question paper.

3.4. It has been clarified by Mr. Goyal that Screening Test of Chemistry and Physics subjects were held in morning and evening sessions on the same day, 29.04.2025, and the Commission had verified the facts regarding sanctity of the process for both the subjects, though inadvertently the announcement, dated 30.05.2025, only mentioned Chemistry test.



3.5. During the course of arguments, learned counsel for the Commission has shown to the Court some spare copies of question-booklets of Screening Test of History, Political Science and Chemistry. Two of these had seals with a red coloured tape on the right side, and the one for the subject of Chemistry was sealed with a white tape. He submits that due to large number of question-booklets required to be sealed manually, the agency in the process might have missed doing so in few cases. This being a possible human error needs to be ignored, and the Commission has already taken remedial measures in this regard.

3.6. Lastly, it has been submitted that the petitioners never complained of any irregularity during the test or soon thereafter, and their representations were received much later, that too after the Commission's announcement dated 30.05.2025.

4. Arguments advanced by learned counsel for the parties have been considered, and the case file has been perused.

5. As apparent from the detailed counter-affidavit filed on behalf of the Commission, the complaints regarding receipt of unsealed question-booklets by the candidates were thoroughly enquired into with the help of recorded CCTV footage. It is established that the booklets were in sealed trunks which were opened in the control rooms of examination centres by the Centre Superintendents in the presence of the Commission's representative. Each trunk contained sealed packets of twenty question-booklets, which were sealed with glue tape/sticker; only a few of those were without the seal. However, there is no allegation that any of the questions has been leaked, nor that anyone other than the candidates had prior knowledge of the questions contained in the booklets. It is also not the case that there was any

questionable conduct on the part of any person associated with the Test in the examination centre or outside. No prejudice has been shown to have been caused to the petitioners on account of the unsealed booklets given to them. In this background, in case a few question-booklets that were taken out of sealed packets contained in sealed iron trunks, are found to be without a paper seal, it would not compromise sanctity of the examination process. This Court has no hesitation in accepting the outcome of the enquiry conducted by the Commission to examine the complaints regarding the conduct of Screening Test in question, as no material to the contrary has been brought on record to impute veracity of the facts mentioned therein.

6. The judgment in *Sachin Kumar* case relied upon by Mr. Khemka, was on distinct facts. In that matter, systemic fraud and irregularities had been established as per report of the enquiry committee constituted by the Government, and the selection process was cancelled vide a notification issued to that effect. In the instant case, however, as discussed hereinbefore, not only there is no allegation of fraud or systemic irregularity, no violation of procedure to the prejudice of the candidates has been established even *prima facie*.

7. For the reasons aforementioned, there is no merit in the petitions and the same stand dismissed.

8. A photocopy of this order be placed on the connected files.

(TRIBHUVAN DAHIYA)
JUDGE

10.07.2025
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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No