GAHC030005852026

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/7/2026

Smt. L. Rakheli and 2 Ors.
D/o L. Tlahlo, R/o Theiri, Siaha District, Mizoram - 796901 2: Sh. H. Lalremruata

3: Sh. Francis Lalhmingmawi

VERSUS

The State of Mizoram r/b the Chief Secretary to the Government of Mizoram and 5 Ors.
Aizawl - 796001 2:The Secretary to the Government of Mizoram

3:The Secretary to the Government of Mizoram

4:The Secretary to the Government of Mizoram

5:The Director

6:Sh. Vanlalnieng

Advocate for the Petitioner : Mr A.R. Malhotra

Advocate for the Respondent : Addl. AG/GA, Mizoram for R1 - 5

- BEFORE-

HON'BLE MR. JUSTICE RAJESH MAZUMDAR

HON'BLE MR. JUSTICE NCHUMBEMO MOZHUI

::: ORDER :::

28.10.2026

(Rajesh Mazumdar, J)

Heard MR. A.R. Malhotra, learned counsel appearing for the appellants and Mr. Samuel Vanlalhriata Chhangte, learned Additional Advocate General, for the State respondents.

2. At the outset, it has been brought to the notice of this Court that though there were four petitioners in the parent writ petition, three have preferred this intra-court appeal, assailing the order dated 31.07.2026 passed in WP(C) No. 123/2026.

3. The brief facts giving rise to this litigation may be summarised as follows:

The Director, Sericulture Department, Government of Mizoram, Aizawl, had floated an Advertisement on 17-02-2025 for recruitment to 4(four) vacant posts of sericulture demonstrator in Level 4 of the Pay Matrix. The Advertisement No. 1 of 2024-2025 specified that the applications could be submitted till 17-03-2025 and the educational and other qualifications required for the post of sericulture demonstrator were also specified in the advertisement.

4. It is the case of the appellants herein that the petitioners, having the required educational qualification and other requisite qualifications, they had applied for the aforementioned four vacant posts of sericulture demonstrator and accordingly were issued admit cards for written examinations to be held on 08-04-2025 and 09-04-2025.

5. The petitioners appeared in the written examination conducted by the respondents on the aforesaid dates. The writ petitioner No. 2 had submitted a complaint on 11-04-2025 to the Director claiming that during the examination of Paper 1 held on 08-04-2025, some candidates had witnessed other candidates using mobile phones in violation of the instructions given in the admit card. The aforesaid complaint was later withdrawn on 28-04-2025 on the ground that the complainant, that is, the petitioner No.2 in the writ petition, was not an eyewitness regarding the complaints submitted by him. The said petitioner has not joined as an appellant to this appeal, and he has been arrayed as a pro forma respondent in the present appeal by the appellants.

6. By a Memo dated 02-05-2025, the results of the written examination were declared, whereby 32 candidates had qualified for the personal interview to be held on 07-05-2025. The names of all the writ petitioners, including petitioner No. 2, who had submitted the complaint, appeared in the list of candidates qualified for the personal interview. The personal interview of the 32 qualified candidates was held on 07-05-2025, and on the basis of the marks obtained in the written examination held on 08-04-2025 and 09-04-2025 and the personal interview conducted on 07-05-2025, the DPC had recommended the four writ petitioners for appointment to the post of sericulture demonstrator.

7. The petitioners were thereafter appointed by Memo No.A.12032-1-2023-DTE (SERI) dated 09-05-2025. The petitioners accordingly joined their services and submitted a joining report on 13-05-2025. While the petitioners were discharging their duties, another complaint had been submitted by one of the candidates to the President and Secretary, Mizo Zilrai Paul, Aizawl, Mizoram, and the Mizo Zilrai Paul, General Headquarters, demanded that the respondents probe into the matter and constitute an enquiry committee on or before 21-05-2025.

8. The Secretary of the Government of Mizoram, Sericulture Department, accordingly constituted an enquiry committee to investigate the allegations. The enquiry committee submitted the report on 24-06-2025, returning a finding that 3(three) of the candidates confessed that they had carried their mobile phones inside the examination hall on the first day of the examination. The written complaint submitted by one candidate before the Director on 11-04-2025 was not brought to the notice of the Administrative Department. Accordingly, it was recommended that the examination of Paper 1 and Paper 2 be conducted afresh and the officials directly involved in the examination hall should not be redeployed. Following the said report and recommendation, the matter was sent for advice of the Law & Judicial Department.

9. Based on the enquiry report, the Secretary to the Government of Mizoram, Law and Judicial Department, recommended to the Director of Mizoram Sericulture that, in consonance with the guidelines laid down by the Hon'ble Supreme Court in **State of West Bengal -Versus- Vaisakhi Bhattacharya and Others**, the entire selection process can be set aside if systematic fraud is established. It was further recommended that the

proof of irregularities need not meet the criminal standard of beyond reasonable doubt. It was further recommended that purity of process must be given precedence over inconvenience to unaffected candidates and an individual hearing may not be required if the entire process is vitiated.

10. The respondent No. 2, acting on the advice of the respondent No. 4, issued a Notification dated 29-08-2025 setting aside the entire selection process of recruitment to the four posts of sericulture demonstrator and a fresh recruitment process was directed to be undertaken by cancelling the appointment orders dated 09-05-2025. By an order dated 03-09-2025, the appointment letters issued to the petitioners were cancelled.

11. The petitioners thereafter filed representations on 10-09-2025 before the respondent No. 2 requesting the cancellation of the notification dated 29-08-2025 and the orders dated 03-09-2025 and for allowing the petitioners to continue working as sericulture demonstrators. The petitioners thereafter filed WP(C) No. 123 of 2025, which came to be disposed of on 31-07-2026, whereby the writ petition was dismissed by the learned Single Judge. The learned Single Judge had recorded a satisfaction that the constituted inquiry committee had submitted its report to the effect that there were candidates who had carried their mobile phones inside the examination hall despite the fact that there was an instruction in the admit card to the candidates not to carry certain material inside the examination hall, including a mobile phone. Although, the inquiry committee had not concluded specifically with regard to the allegations leveled against the petitioner No.1, the fact remained that the manner in which the examination was conducted had caused serious

doubts not only in the minds of the candidates but also in the mind of the departmental authority and the public in general. The learned Single Judge had referred to the judgment of the Apex Court in **Gohil Vishwaraj -Versus- State of Gujarat,** reported in **(2017)13 SCC 621** as well as the judgment of the Apex Court **in State of Tamil Nadu and Another -Versus- A. Kalaimani and Others,** reported in **(2021) 16 SCC 217** and upon an overall consideration of the case in its entirety, the learned Single Judge recorded the opinion that it cannot be said that the steps adopted by the state respondents were contrary to the established principles of law. The petitioners were held not to have any legitimate grievance regarding the inquiry report and, as such, the learned Single Judge did not find merit in the writ petition, and the same was accordingly dismissed by leaving the parties to bear their own respective costs. The appellants are now before this court in this intra-court appeal.

12. The arguments submitted by the learned counsel for the appellants and the learned Additional Advocate General for the State have remained basically the same as the arguments that were placed before the learned Single Judge.

13. The learned counsel for the appellant has submitted that 10 out of the 35 candidates who had appeared before the inquiry committee did not have any complaints regarding the written examination. The learned counsel for the appellants has further submitted that the tainted candidates were identified by the inquiry committee to be three in number, who had confessed to having carried mobile phones into the examination centre, and such candidates were well identified and segregated, and therefore, there was no occasion for the respondent authorities to have

cancelled the entire selection process. The learned counsel has further submitted that the petitioners had already rendered about four months of service as sericulture demonstrators and therefore ought not be deprived of their appointment to the aforesaid post without even being issued a notice. He has placed reliance on the decision of the Apex Court in **State of West Bengal -Versus- Baishakhi Bhattacharya and Others** reported in (**2025) 11 SCC 126.**

14. The learned Additional Advocate General on behalf of the respondents has submitted that there were clear instructions to the candidates not to carry any article such as a book, note, loose sheet, mobile, pager, digital diary, calculator, etc., inside the examination hall. He has submitted that the inquiry report would reflect that the examination had been held in a manner which had shaken the very sanctity of the examination and therefore it was incumbent upon the respondent authorities to cancel the entire selection process and consequently cancel the appointment of the appellants to the post. He has submitted that the action of the respondent authorities in the matter is justified and he has placed reliance on the judgment of the Apex Court in the case of **Baishakhi Bhattacharya** (Supra), **B. Ramanjini and Others -Versus- State of Andhra Pradesh and Others**, reported in (**2002) 5 SCC 533** and **State of Tamil Nadu and Another -Versus- E. Kalaimani and Others,** reported in (**2021) 16 SCC 217**.

15. In his reply, the learned counsel for the appellants has placed reliance on the judgment of a Co-ordinate Bench of this Court in **Sri Ranjit Kumar and Others -Versus- Union of India**, reported in **2026 SCC Online Gau 4627**, to impress that it is only in extraordinary

circumstances where the examination is itself vitiated that the entire examination process ought to be cancelled.

16. We have gone through the records placed before us. We have carefully perused the contents of the citations relied upon by the learned counsel for the parties, and we have also duly considered the submissions made.

17. The fact that on the first day of the examination, candidates had carried mobile phones into the examination halls is not in dispute. Three candidates have confessed to such activity. The legal position is settled that the sanctity of an examination process is of paramount importance, and once such sanctity is compromised, the process has to be abandoned. There is a sea of difference between the instances where the sanctity of an examination is compromised, such as in cases of mass cheating, leakage of question papers and adoption of corrupt means to influence the results, in which circumstances it may not be possible to identify the individual candidates who may have benefitted, and the instances where individual cases of cheating are detected or where corrupt practices adopted are identified, as are the candidates who have resorted to such corruption. In the former instances, the entire examination process may require interference, while in the latter instances, only the identified tainted candidates face necessary penalties, without affecting the evaluation of the performance of the remaining candidates. In **Vanishka Yadav -Versus- Union of India,** reported in **(2024) 9 SCC 743,** the Apex Court had held that cancellation of an examination is justified in cases where the sanctity of the examination is compromised at a systemic level. This judgment also finds reference in the judgment of a Co-ordinate

Bench in *Ranjeet Kumar (supra)*. In *Ranjeet Kumar (supra)*, there were some suspicions regarding two candidates only and the defect, relating to erroneous answer keys, had been remedied through a process of re-evaluation. In such circumstances, where the defects had been completely remedied, and suspicions rested only on two candidates, this Court had interfered with the cancellation of the entire examination.

18. The facts of the present case are on a different footing. The unauthorised entry of candidates with mobile phones is an admitted fact. The facts came to light after the declaration of the results and, in such circumstances, it would naturally not be possible for the recruiting authority to find out the extent to which the said mobile phones had been utilised during the examination process, and it would also not be possible to identify the beneficiaries of such unauthorised use of mobile phones, if any. In such a scenario, we do not have any hesitation in agreeing to the conclusions arrived at by the learned Single Judge that the manner in which the examination was conducted has caused serious doubts not only in the minds of those who sat for the examination but also in the minds of the Departmental authorities and the public in general. When allegations of the occurrence of large-scale malpractices in the course of the conduct of any examination process appear to carry reasonable weight of truth in them, the State or its instrumentalities are entitled to cancel the examination, which has been done in the present case.

19. In view of the above discussions, we do not find any reason to interfere in the judgment and order dated 31-07-2026, passed in WP(C) No. 123/2026, and we agree with the findings of the learned Single Judge.

20. Consequently, this writ appeal is dismissed, leaving the parties to bear their own costs.

JUDGE **JUDGE**

Comparing Assistant