

GAHC010010602026



2026:GAU-AS:7343-DB

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

**WP(C) No.516 of 2026**

1. Shri Ranjeet Kumar,  
Son of Sri Kapileshwar Rai,  
Resident of Ditocherra Station,  
Dima Hasao, District: Haflong, N.C. Hills.
2. Shri Sonu Kumar Pandey,  
Son of Sri Ashok Pandey,  
Resident of Railway New Colony  
Q. No.431/A, Katihar – 854105.
3. Shri Shailendra Kumar,  
Son of Sri Mahendra Prasad,  
Resident of Quarter No.5, Re-5, Kulik Railway Colony,  
Raiganj, North Dinajpur, West Bengal – 733134.
4. Smti. Chumki Mitra Deb,  
Daughter of Sri Madhu Mitra,  
Resident of Haflong Road, Sankar Pally,  
Lumding, Assam – 7824477.
5. Shri Mukesh Kumar Jha,  
Son of Late Upendra Jha,  
Resident of Railway Quarter No.1049,  
Emergency Colony, Katihar – 854105.

**.....Petitioners**

**-Versus-**

1. The Union of India, represented by the Secretary, Railway Board, Ministry of Railways, Rail Bhawan, Raisina Road, New Delhi – 110001.
2. The General Manager, represented by the General Manager, N.F. Railway, Maligaon, Guwahati – 781011.

3. The General Manager (P), N.F. Railway, Maligaon, Guwahati – 781011.

4. The Assistant Personnel Officer, Legal Cell, N.F. Railway, Maligaon, Guwahati – 781011.

5. The Assistant Personnel Officer/Welfare, N.F. Railway, Maligaon, Guwahati – 781011.

**.....Respondents**

**– BEFORE –**

**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR  
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**For the Petitioner(s)** : Mr. H.K. Das, Sr. Advocate, assisted by Mr. N.K. Sarma, Advocate.

**For the Respondent(s)** : Mr. H. Gupta, Central Government Counsel.

**Date of hearing** : 26.05.2026.

**Date of Judgment** : 26.05.2026.

### **JUDGMENT & ORDER (ORAL)**

**(Ashutosh Kumar, CJ)**

We have heard Mr. H.K. Das, learned Senior Advocate, assisted by Mr. N.K. Sarma, learned Advocate for the petitioners and Mr. H. Gupta, learned Central Government Counsel appearing for all the respondents.

**2.** The challenge in this writ petition is to the judgment dated 08.12.2025 passed by the Central Administrative Tribunal, Guwahati Bench, Guwahati (hereinafter to be referred as the “Tribunal”) in Original Application No.040/41/2024, whereby the Original Application filed by the petitioners challenging the decision of the respondents/Department in cancelling the entire examination for filling up the post of Chief Law Assistant under 60% Departmental Promotion quota was dismissed.

**3.** The petitioners are five such candidates, who had appeared in the examination and had been declared successful.

**4.** The background reveals a series of procedural steps that were successfully completed before the sudden cancellation of the entire examination process.

An advertisement was issued on 26.05.2022 for filling up the post of Chief Law Assistant under 60% Departmental Promotion quota. The written test was held on 15.09.2022 in which the petitioners were declared successful. The list of successful candidates was published on 24.11.2022. The successful candidates had to appear in the viva voce test, which was fixed on 08.12.2022. However, the same was postponed because in the meantime, one of the candidates, namely, Biswajit Dey, had raised an objection that the answer keys had not been published before the declaration of the result. He had filed an Original Application No.265/2022 before the Tribunal.

**5.** Later, the answer keys were released on 07.12.2022 and revised on 20.01.2023. Thereafter, the earlier result of the written examination was cancelled and it was directed that the result would be published only after re-evaluation.

**6.** The Tribunal, while considering the objection raised by aforementioned Biswajit Dey, had allowed the Railways/respondents to proceed with the viva voce for other post of Chief Law Assistant keeping one post vacant.

**7.** It further appears that even after re-evaluation, the Railways

initially planned to continue with the process but suddenly on 05.02.2024, the entire selection process was cancelled, citing procedural irregularities.

**8.** This was questioned by the petitioners.

**9.** The Tribunal had the occasion to look at the entire process which was delineated in the note put up before it on behalf of the Railways. The note put by the Department reflected that whatever irregularities were found, were rectified. It was admitted that no defect or irregularity had been noticed in question paper and the conduct of the written test. The defects which were noticed at the stage of evaluation, was due to only non-publishing of the answer key prior to evaluation; wrong answer keys and wrong evaluation, because of which there was initially a proposal for cancellation. However, later, on the approval of the General Manager, the requirement of cancellation was avoided and re-evaluation of the answer papers were taken up. Re-evaluation was permitted to prevent any cancellation on minor irregularities which would have resulted in nullifying sincere attempts of the candidates in the written examination.

It was further admitted that no complaint was received regarding unfair means during the written test. However, suspicion was raised by the Re-evaluating Officer of there being variation in the handwriting of two of the candidates and difference in the alignment between the original and duplicate answer papers. This defect, according to the Railways/respondents, was not likely to be rectified even on re-evaluation.

In view of this, a final decision was taken by the competent authority and the entire examination was cancelled.

**10.** The Tribunal had accepted the afore-noted reasoning of the Railways and held that all steps had been taken by the respondents to ensure transparency in the recruitment process and thus, if a conscious view was taken to cancel the examination in view of the irregularities pointed out by the Committee constituted for the said purpose in accordance with law, there was no reason to interfere with that decision.

**11.** Mr. H.K. Das, learned Senior Advocate for the petitioners has submitted that in the event of all other defects, namely, wrong answer-key; non-publication of answer key and overwriting issues, having been cured by re-evaluation, which was evident from the own internal notes of the Railways, cancelling the entire process only because of suspicion over two candidates, was not a good option; rather, it was arbitrary and in utter disregard/waste of public money as also denial of a fair chance to the petitioners and other similarly situated persons of promotion which they had rightfully earned through their hard work.

Thus, cancellation, it has been urged, was an arbitrary and unreasonable exercise of power.

**12.** Before cancellation, the petitioners, it has been argued, were not even noticed. The decision of cancellation of the entire process was against the principle set out by the Supreme Court in matters of selection, namely, “weed out the tainted candidates” rather than cancelling the entire examination. The further grievance of the petitioners is that the

order passed by the Tribunal is absolutely non-speaking and cryptic, which is not liable to be sustained.

**13.** In ***Sachin Kumar & Ors. -Vs- Delhi Subordinate Service Selection Board (DSSSB) & Ors. :: (2021) 4 SCC 631***, the position in law with respect to a judicial decision holding an examination to have been vitiated has been laid down. Such decision has to turn upon whether the irregularity in the process has taken place at a systemic level so as to vitiate the sanctity of the process.

**14.** The Supreme Court in ***Sachin Kumar*** (supra) emphasized that whenever it is possible to segregate persons who have indulged in malpractices and the recruiting/examination taking body does not do so, then it would be unfair to the diligent applicants who ought not to be subjected to the consequences of cancellation of the entire process. This, in fact, would be contrary to Article 14 of the Constitution of India because in that event unequals would have been found treated equally.

A recruiting body, no doubt is subject to judicial control but only on settled principles that the recruiting body must have a measure of discretion to take decisions in accordance with law which are best suited to preserve the sanctity of the process.

**15.** Similar views were voiced by the Supreme Court in ***Bihar School Examination Board -Vs- Subhas Chandra Sinha & Ors. :: (1970) 1 SCC 648; Anamica Mishra & Ors. -Vs- U.P. Public Service Commission, Allahabad & Ors. :: (1990) Supp SCC 692; Union of India & Ors. -Vs- Rajesh P.U., Puthuvalnikathu & Anr. :: (2003) 7 SCC 285*** and ***Inderpreet Singh Kahlon & Ors. -Vs- State of Punjab & Ors. :: (2006) 11 SCC 356***.

**16.** What needs to be emphasized here is that only in extraordinary fact situations where the examination in question is vitiated, the entire examination process ought to be cancelled.

**17.** In ***Vanshika Yadav -Vs- Union of India & Ors. :: (2024) 9 SCC 743***, the position of law in that regard was again clearly adumbrated. A three Judges Bench of the Supreme Court in this case has opined that it is a settled law that the cancellation of an examination, either for the purposes of gaining admission to any professional or other courses or for the purposes of recruitment to Government posts, is justified only in cases where the sanctity of the examination is found to be compromised at a systemic level. A Court can direct cancellation of an examination or approve such cancellation by the competent authority only if it is not possible to separate the tainted candidates from untainted ones.

**18.** In the case at hand, the written examination was held and the results were declared. However, the results had to be re-evaluated as one of the candidates had objected that the answer keys were not published before the declaration of the result. This had led to re-evaluation. The defect had completely been remedied.

**19.** The admitted case of the respondents is that there were some suspicion with respect of the two of the candidates. Those two candidates, the petitioners have argued and rightly so, could easily have been segregated from the rest of the candidates and the examination process should have been taken to a logical/final conclusion.

**20.** If we examine the decision of the authorities of cancelling the

entire long-drawn process of examination, it does not pass the muster of Wednesbury principles or the proportionality test. The decision of the respondents and of the Tribunal does not appear to be fair, reasonable, well-balanced or harmonious.

**21.** For the afore-noted reasons, we, while disagreeing with the opinion of the Tribunal, set aside the impugned judgment dated 08.12.2025 passed in Original Application No.040/41/2024 and direct the respondents to complete the process of examination, after segregating the cases of the two candidates and take the process to a logical conclusion within a reasonable period of time, preferably within a period of 3(three) months.

**22.** While saying so, we have also taken note of the fact that, in the meanwhile, no process has been undertaken for filling up the posts of Chief Law Assistant on the basis of departmental quota.

**23.** This writ petition stands allowed to the extent indicated above.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**