



* IN THE HIGH COURT OF DELHI AT NEW DELHI

Judgment Reserved on: 28.07.2026

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Judgment Delivered on: 02.09.2026

CNR No. DLHC010448402025

+ LPA 440/2025, CM APPL. 41850/2025, CM APPL. 41852/2025,
CM APPL. 66910/2025 & CM APPL. 26199/2026

UNIVERSITY OF DELHI AND ANR.

.....Appellants

versus

DEEPAK AND ORS.

.....Respondents

Advocates who appeared in this case

For the Appellants : Mr. Sanjay Jain, Senior Advocate with Mr. Mohinder J. S. Rupal, Mr. Hardik Rupal, Mr. Nishank Tripathi, Ms. Harshita Sukhija, Ms. Rishika Agarwal, Mr. Shreyan Srivastava, Advocates.

For the Respondents : Mr. Dushyant Bargava, Mr. Satish Sharma, Ms. Bhawna Sharma, Mr. Mukesh Kumar, Advocates for R-1 Ms. Latika Chaudhary, Advocate for Private Respondent. Mr. Aditya Hooda and Mr. S. S. Hooda, Advocates.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA



JUDGMENT

TEJAS KARIA, J

CM APPL. 41853/2025 (Condonation of Delay)

1. This is an Application filed on behalf of the Appellant seeking condonation of delay of 02 days in filing the present Letters Patent Appeal.
2. Having heard learned Counsel for the Parties and perused the averments made in the Application, the same is allowed. The delay of 02 days in filing the present Appeal is hereby condoned.
3. The Application stands disposed of.

LPA 440/2025

4. The present Letters Patent Appeal has been preferred assailing the judgment dated 30.05.2025 (“**Impugned Judgment**”) passed by the learned Single Judge in W.P.(C) 581/2024 and other connected writ petitions (“**Writ Petitions**”), filed by Respondent Nos. 1 to 76, whereby the Writ Petitions were allowed and the Notifications dated 25.08.2023 and 29.08.2023 (“**Notifications**”) issued by the Appellant University were quashed and set aside.

FACTUAL MATRIX

5. The Appellant University engaged the services of the National Testing Agency (“**NTA**”) for conducting the written examination for recruitment to, and filling up of, vacancies in various non-teaching posts in the University. Accordingly, an advertisement was issued by the NTA on behalf of the University on 23.02.2021, prescribing the period for online submission of application forms from 23.02.2021 to 16.03.2021 and for payment of fees up to 17.03.2021. Pursuant to the said advertisement,



Respondent Nos. 1 to 76 applied for the post of Laboratory Attendant / Library Attendant.

6. The written examination was conducted exclusively by the NTA, without any intervention or participation of the University in the conduct of the examination. The NTA published the list of selected candidates on 04.07.2023, wherein 151 candidates were selected, in order of merit, for the post of Laboratory Attendant and 108 candidates were selected, in order of merit, for the post of Library Attendant. Upon receipt of the result from the NTA, the University published, on 18.08.2023, the list of candidates to whom offers of appointment were issued based the result of the written examination.

7. On 24.08.2023, nine candidates selected for the post of Laboratory Attendant reported to the University. Upon interaction with the said candidates, the University found that they lacked basic knowledge required for the post for which they had been selected, despite having secured very high marks in the examination conducted by the NTA, which included questions relating to science and mathematics.

8. *Vide* Notification dated 25.08.2023, the University decided to keep the joining of the candidates on hold. Thereafter, *vide* Notification dated 29.08.2023, the University notified that the matter relating to the selection of candidates to whom offers of appointment had been issued *vide* letter dated 18.08.2023 was under examination and, accordingly, the joining of all such candidates, including those who had already reported, was kept on hold.

9. On 12.01.2024, Respondent Nos. 1 to 76 filed the Writ Petitions before the learned Single Judge of this Court challenging the Notifications



and seeking issuance of a writ of *mandamus* directing the University to permit them to join their respective posts. *Vide* order dated 15.01.2024, notice was issued in the Writ Petitions and the University as well as the NTA were directed to file their counter affidavits.

10. The NTA filed its counter affidavit on 19.03.2024, whereas the University filed its counter affidavit on 21.03.2024. Respondent Nos. 1 to 76 filed their rejoinders on 15.04.2024. Thereafter, the University filed additional affidavits on 22.07.2024, 28.08.2024, 25.11.2024 and 17.02.2025.

11. Respondent Nos. 1 to 76 filed consolidated written submissions on 25.02.2025, whereas the NTA filed its written submissions on 27.02.2025 in the Writ Petitions. The University filed its common written submissions on 06.03.2025.

12. The learned Single Judge, *vide* the Impugned Judgment, allowed the Writ Petitions by quashing and setting aside the Notifications and directing the University to complete the formalities of document verification, take the selection process to its logical conclusion by appointing Respondent Nos. 1 to 76, and permit them to join their respective places of posting forthwith, with all consequential benefits.

13. Aggrieved by the Impugned Judgment, the University has preferred the present Appeal.

SUBMISSIONS ON BEHALF OF THE APPELLANTS

14. Learned Senior Counsel for the Appellants has made the following submissions:

14.1. The Impugned Judgment fails to advert to, or deal with, the judgments relied upon by the University during oral submissions



and specifically referred to in the written submissions filed on its behalf.

- 14.2. The NTA filed several documents along with its written submissions dated 27.02.2025, for the first time after judgment had been reserved by the learned Single Judge on 19.02.2025. Although such documents could not have been relied upon without affording the University an opportunity to respond, the learned Single Judge referred to and placed reliance upon the same in the Impugned Judgment. Consequently, the University was denied an effective opportunity of hearing and of dealing with documents which were within the power and possession of the NTA, being the agency entrusted with the conduct of the examination. The NTA, having conducted the examination in question, stood in a fiduciary position and was obliged to furnish to the University all relevant documents pertaining to the examination process, from issuance of the advertisement till declaration of the results. The ultimate effect of the Impugned Judgment is that the University has been compelled to proceed with appointments in respect of non-teaching staff despite its serious allegation that the examination process stood vitiated using unfair means.
- 14.3. The NTA failed to produce the rough sheets of the candidates, although such rough sheets were required to be preserved as part of the examination record. The non-production of the said material constitutes a serious lapse on the part of the NTA and



casts doubt on its assertion that the examination was conducted in a fair, transparent and unimpeachable manner.

- 14.4. The Impugned Judgment is contrary to the settled principle that Courts, in exercise of judicial review, ought not to substitute their own views for those of academic or expert bodies, nor sit in appeal over decisions taken by such bodies on the basis of material available before them.
- 14.5. The learned Single Judge failed to appreciate that the NTA had itself admitted that security arrangements at the examination centres were entrusted to a private agency. The University had entrusted the conduct of the examination to the NTA alone and, therefore, the responsibility for maintaining the security and integrity of the examination centres continued to rest with the NTA. Such responsibility could not have been diluted or compromised merely by engaging another agency. Although the list of 151 selected candidates for the post of Laboratory Attendant was prepared and forwarded by the NTA to the University, the details of academic qualifications and other particulars, including the contact details of the candidates, were not initially furnished to the University. The University was, therefore, constrained to follow up with the NTA, whereafter only limited data was provided on 19.07.2023. On the basis of the said data, the University prepared the Notification dated 18.08.2023 with the approval of the competent authority and issued offers of appointment to 147 candidates in the category of



Laboratory Attendant for deployment in different departments and laboratories of the University.

- 14.6. When the officials of the University interacted with the candidates selected as Laboratory Attendants, for the limited purpose of assessing their interest and aptitude so as to determine appropriate postings, it became apparent that there existed a substantial gap between their basic understanding and knowledge in the relevant fields and their performance in the written examination, in which they had secured marks exceeding 90%. Upon scrutiny of the documents produced by the said candidates at the time of joining, the University also noticed that their performance in Classes X and XII was average or below average, and that there was a considerable time gap between completion of their schooling and the written examination conducted by the NTA.
- 14.7. The aforesaid circumstances gave rise to a serious apprehension that unfair means may have been adopted by such candidates to secure high marks in the written examination conducted by the NTA. The matter was thereafter brought to the notice of senior officials of the University and, having regard to the gravity of the situation, the Vice-Chancellor directed that the joining of the candidates be kept on hold, pursuant to which the Notifications were issued.
- 14.8. The University, being a premier educational institution, was under an obligation to ensure that recruitment to its non-teaching



posts was conducted in a fair, transparent and merit-based manner, consistent with the standards expected of such an institution. Laboratory Attendants interact with students on a regular basis in colleges and laboratories and are likely to serve for a substantial period. It was, therefore, imperative that their selection be founded on merit and be free from any suspicion of unfair means

- 14.9. The University had expressly notified that, in the event of any inadvertent mistake in the selection process being detected at any stage, including after issuance of an appointment letter, it would be entitled to modify, withdraw or cancel any communication made to a candidate. Once serious doubts arose regarding the adoption of unfair means in the examination conducted by the NTA, the University was well within its authority to keep the joining of the candidates on hold until the issue was duly examined and resolved.
- 14.10. The University constituted a Committee on 06.04.2023 for providing information regarding additional credits to employees working on contractual basis and for examining the issue of suspected use of unfair means in the examination conducted by the NTA. Since the NTA did not furnish sufficient data relating to the categories, eligibility and examination centres of the candidates, the Committee collected information from the selected candidates and submitted its preliminary report in 2023 (**“2023 Report”**). The said report disclosed a visible pattern



indicating that several selected candidates were from the same examination centres. It further recorded that candidates who had secured only 33% to 50% marks in Classes X and XII had obtained marks exceeding 90% in the examination conducted by the NTA. The preliminary report also noticed that more than 100 candidates had secured marks above 90%, with nearly 20 candidates securing approximately 95%, which was highly improbable having regard to the scheme of examination, including negative marking and questions drawn from a wide range of subjects. Cumulatively, these findings raised a serious suspicion regarding the adoption of unfair means during the examination, thereby casting doubt upon the integrity of the selection process.

- 14.11. The preliminary report was forwarded to the NTA for its comments. However, the response furnished by the NTA, vide letter dated 26.10.2023, was cursory in nature. The NTA denied the use of unfair means in the examination in a mechanical manner, merely stating that all standard procedures and protocols had been followed. Accordingly, the University constituted another Committee vide Notification dated 28.11.2023 and sought relevant data from the NTA vide email dated 09.02.2024. The said data was furnished on 16.08.2024 and included question papers, response sheets of candidates, examination centre details and confirmation pages of qualified candidates.



- 14.12. The analysis of the data furnished by the NTA revealed a matching pattern of responses amongst candidates from the suspected centres. The second Committee submitted its report in 2024 (“**2024 Report**”), setting out a similarity index in respect of selected candidates from the identified centres, which disclosed similarity of up to 80% and a corresponding pattern in both correct and incorrect responses. According to the University, the said material established that the examination stood compromised by the adoption of unfair means.
- 14.13. The stand of the NTA that the methodology adopted by the University for data analysis was flawed is liable to be rejected. The second Committee undertook a detailed analysis based on centre-wise data, the number of selected candidates, the total number of candidates who appeared at the suspected centres, and the relative percentage of selection from such centres. The Committee analysed the response sheets of the selected candidates by adopting methods including visual inspection of colour-coded responses, similarity calculations based on response sheets, and examination of visual similarities in incorrect answers. During such analysis, it was found that the groups emerging from the percentage-similarity calculation were identical to those identified through visual inspection of colour-coded responses. Further scrutiny disclosed a clearly discernible pattern in the incorrect answers of candidates from the suspected centres. In view of these material findings, it was submitted that



the University was justified in keeping the joining of the selected candidates in abeyance, and that the legal infirmity found by the learned Single Judge was unsustainable.

- 14.14. The University offered the selected candidates an opportunity to undergo a fresh written test in order to demonstrate their merit and suitability for appointment. The said offer was, however, declined by the candidates, which, according to the University, further supported its apprehension regarding the fairness of the selection process.
- 14.15. The learned Single Judge failed to appreciate that several selected candidates had furnished places of residence situated in different cities, yet had appeared from the suspected centres. This circumstance, according to the University, raised a serious doubt regarding the fairness and proper conduct of the examination by the NTA.
- 14.16. The learned Single Judge erred in holding that the concentration of toppers in certain centres could be explained by the fact that such centres were situated in urban areas or coaching hubs. It was submitted that, among the twelve suspected centres, the highest number of selected candidates emerged from Chandigarh and Shimla, which could not reasonably be treated as metropolitan cities or established coaching hubs so as to explain such concentration. Further, the learned Single Judge failed to appreciate that the University did not rely merely upon the concentration of toppers at particular centres, but arrived at its



conclusion after undertaking a more detailed analysis of the pattern of correct and incorrect responses, as well as the circumstance that several candidates had appeared from centres not conveniently situated in relation to their places of residence.

- 14.17. The learned Single Judge erred in relying upon the analysis conducted by the NTA on the basis of global data, whereas the ratios and conclusions arrived at by the University were based on the data of selected candidates from the identified centres who were suspected to have adopted unfair means.
- 14.18. The learned Single Judge erred in holding that the University had confined its analysis only to selected candidates and limited suspected centres. The learned Single Judge failed to appreciate that the University proceeded on the basis of the data made available by the NTA and focused upon those candidates whose results, according to the University, reflected indicators of manipulation sufficient to warrant further scrutiny. The University's case was that unfair means are ordinarily adopted with the object of securing success in the examination, and therefore the analysis of successful candidates from centres showing abnormal patterns was a relevant and permissible exercise.
- 14.19. The learned Single Judge, according to the University, altered the very premise on which its analysis was founded by placing reliance on the data pertaining to all candidates and all centres. The focus of the University was on the twelve centres from



which a disproportionately large number of candidates for the post of Laboratory Attendant had been selected. By relying upon data pertaining to all centres, the learned Single Judge negated the University's contention without adequately considering the specific pattern emerging from the identified centres.

- 14.20. The learned Single Judge failed to deal with the specific contentions advanced by the University and instead relied upon the examples cited by the NTA to contend that there had been no breach of protocol at any examination centre. According to the University, the Impugned Judgment did not specifically examine the centres identified by it as suspect centres or the peculiar response patterns emerging therefrom.
- 14.21. The learned Single Judge failed to appreciate the law laid down in the judgment passed by the Coordinate Bench of this Court in the matter of **Manish Dabas v. University of Delhi** (LPA No. 39/2007), which observed as under:

“23. In view of our aforesaid discussion, there is hardly any reason to take a view different than the one taken by the learned Single Judge. If the contention of the appellants is accepted, viz., there should be a direct evidence of cheating, i.e., either the candidate should be caught red-handed by the invigilator or in a case like the present one there should be some link established between the appellants and the persons who were caught red-handed, it would mean ignoring all the other circumstances which categorically establish unusual similarity in the pattern in which all these candidates answered the questions. The circumstances, as pointed out above, can be glossed over and they are adequate to form basis for a reasonable person with ordinary prudence to



draw the legitimate inference of cheating/unfair means used by the appellants in the said examination.

24. It is stated at the cost of repetition that the experts in the field, namely, those conversant with the intricacies and nuances of Physics, Chemistry and Mathematics would know better that same pattern of obtaining marks by all these candidates is highly unusual and cannot be present unless there is cheating. Once such a conclusion is arrived at by the experts, it is not in for this Court to interfere with the same unless it is shown that there is perversity in those findings. We find none.

26. In so far as the first contention is concerned, while rejecting the same, the only observation which we would like to make is that various similarities were found in the QPBs of these candidates, as highlighted above. We again reiterate that as per the experts, finding of such similarities, namely, answering same questions; ticking same options while giving wrong answers to same questions would be very unusual and is possible only if there is some link between them through some unfair methodology. When this is accepted which was primary consideration to draw a reasonable conclusion about adoption of unfair means, there was nothing wrong for the Court to take additional circumstances like the results of these candidates in CBSE and the performance of these candidates in other entrance examinations, to cement that conclusion. It was permissible for the Court to take these factors into consideration while refusing to exercise discretionary jurisdiction in favour of the appellants under Article 226 of the Constitution.”

14.22. The learned Single Judge wrongly distinguished the facts of **Manish Dabas** (*supra*) by observing that use of unfair means was found, where two candidates were caught by the invigilators at the respective examination centres and mobile phones were recovered.



14.23. The learned Single Judge also failed to consider the judgment of **Varun Bharadwaj v. State Bank of India** 2015 SCC OnLine Del 13636, wherein the Coordinate Bench of this Court upheld the scientific test regarding the probability levels of a pair of candidates attempting the wrong answers simultaneously in multiple choice examination for recruitment. In Paragraph No. 7 of the said judgment, similar contentions, as raised by the NTA and Respondent Nos. 1 to 76, were raised that no material or objective evidence was established to link the selected candidates with the use of unfair means. Despite that, the Court proceeded based on methodology of application of a statistical model and held as under:

“26. The Court is conscious that technology often empowers citizens; at the same time it has the potential to facilitate misuse. In the context of the facts of this case, this Court is not persuaded with the appellant’s submission that without tangible material or evidence, the SBI could not have inferred the employment of “unfair means” by candidates generally and the petitioner in particular. Use of electronic devices to transmit information – either in the form of text messages or by use of hidden listening devices which go undetected may be hard to establish. That does not mean that patterns which are discernible and are thrown up on application of scientific formulae or statistical models, which leads to further examination of the primary material should be eliminated by the Courts. In the present case, the pattern which emerged showed that the appellant’s results in respect of wrong answers matched with some other candidates who also appeared in the New Delhi centre. On further scrutiny, the reasonableness of the suspicion was strengthened by the manner of his attempting the



answers. These, in the opinion of the Court, were sufficient basis for the SBI to conclude that unfair means had been employed and withhold his result. The directions sought are, therefore, unavailable in exercise of judicial review discretion under Article 226 of the Constitution. As a result, this Court finds that the impugned judgment and order of the learned Single Judge does not call for interference. The appeal is, therefore, dismissed without any order as to costs.”

- 14.24. The learned Single Judge failed to consider that both **Manish Dabas** (*supra*) and **Varun Bharadwaj** (*supra*) relied upon the formula, which led the Division Bench of this Court to safely arrive at the conclusion that there was use of unfair means without getting into the mode or method of the use of unfair means. Further, both these judgments have attained finality.
- 14.25. The learned Single Judge did not appreciate the law laid down by the Supreme Court in **Sachin Kumar v. Delhi Subordinate Service Selection Board (DSSSB) & Ors.** (2021) 4 SCC 631, wherein it has been held that sufficiency of material on the basis of which a decision is taken by an authority is not within the purview of High Court in exercising its power of judicial review unless it stands vitiated on the ground of unreasonableness and proportionality. It was further held that where the nature of the wrongdoing cuts through the entire process so as to seriously impinge upon the legitimacy of the examinations which have been held for recruitment.
- 14.26. In **Shankarsan Dash v. Union of India** (1991) 3 SCC 47, it has been held that the candidate included in the merit list has no



indefeasible right to appointment even if a vacancy exists. It was further held that ordinarily the notification merely amounts to an invitation to the qualified candidates to apply for recruitment and on their selection, they do not acquire any right to the post and the State is under no legal duty to fill up all or any of the vacancies so long as the said decision is taken *bona fide* for appropriate reasons.

14.27. In ***State of Assam & Ors. v. Arabinda Rabha & Ors.*** (2025) 7 SCC 705, it was held that the State was justified in cancelling a selection process based on larger public interest. It was further held that the decision by the successor Government in cancelling the selection process was not disproportionate and incommensurate with the illegalities / irregularities detected and such decision could not have been interfered with by exercising writ jurisdiction by the High Court.

14.28. In view of the above, the Impugned Judgment deserves to be set aside and the Writ Petitions be dismissed.

SUBMISSIONS ON BEHALF OF RESPONDENT NOS. 1 TO 76

15. Learned Counsel for Respondent Nos. 1 to 76 made the following submissions:

15.1. The examination was conducted by the NTA strictly in accordance with the scheme of examination prescribed in the advertisement dated 23.02.2021 issued by the University. The said scheme did not contemplate any interaction, interview or



personality assessment by either the NTA or the University as a component of the selection process.

- 15.2. The offers of appointment dated 18.08.2023 were issued only after verification of the candidates' results and on the recommendation of a duly constituted Committee of the University. Pursuant thereto, nine Laboratory Attendants joined their duties. Thereafter, by Notification dated 25.08.2023, the University placed the joining of the remaining candidates on hold without assigning any reasons. Subsequently, by Notification dated 29.08.2023, the appointments of the candidates who had already joined were also placed on hold, again without disclosure of reasons.
- 15.3. Notice was issued in the Writ Petitions on 15.01.2024 and the University filed its counter affidavit on 31.03.2024. However, the said counter affidavit, filed nearly seven months after issuance of the Notifications, did not contain any reference to a suspicion regarding use of unfair means or to the constitution of any enquiry committee. It was only in the second counter affidavit filed on 22.07.2024 that the University, for the first time, alleged use of unfair means and referred to constitution of a Committee to examine such suspicion. On 29.07.2024, the University placed the interim minutes of the Committee before the learned Single Judge in a sealed cover and sought four weeks' time to complete the enquiry. Thereafter, on 31.07.2024, the University addressed a communication to the NTA seeking data pertaining to the



examination, which was furnished by the NTA on 16.08.2024. It was, therefore, submitted that the enquiry undertaken by the University was an afterthought intended to justify the impugned Notifications.

- 15.4. The aforesaid chronology demonstrates that no suspicion regarding use of unfair means existed when the Notifications were issued, notwithstanding the University's subsequent assertion that such suspicion arose when certain candidates reported for joining. It was emphasised that only nine out of 147 candidates had reported for joining, and the University could not have drawn an adverse inference against all selected candidates based on an alleged interaction with those nine candidates alone. It was further submitted that there is no material on record indicating who interacted with the said candidates, what questions were put to them, the manner in which their knowledge or qualifications were assessed, or whether any record of such interaction was prepared contemporaneously.
- 15.5. In fact, there was such interaction and that the plea subsequently advanced by the University was an afterthought devised to protect the interests of its contractual employees. Reliance was placed on the letter dated 21.09.2023 issued by the University to the President of the Delhi University and College Karamchari Union, which reads as under:



2026:DHC:7413-DB



दिल्ली विश्वविद्यालय

UNIVERSITY OF DELHI

स्थापना शाखा - II(i) / ESTABLISHMENT BRANCH - II (i)

कमरा नं. 212 / ROOM No. 212

स्थापना ब्लॉक / ESTABLISHMENT BLOCK

दिल्ली - 110007 / DELHI - 110007

☎ 27001168 EXT. 1168

21st September, 2023

Ref. No. Estab. II (i)/27/DUCKU/1975/05-AJ/14/

The President,
Delhi University & College Karamchari Union,
Near V.U.S. Health Centre,
Chhatra Marg, Delhi-110007.

Sir,

Reference is made to the meeting of the Committee constituted by the Competent Authority to interact with the Delhi University and College Karamchari Union (DUCKU) to look into the ongoing protest/dharna held on Tuesday, 19th September, 2023 at 12:30 p.m. in the Council Room.

2. In this connection you are informed that the University has already put on hold the joining of the newly recruited Laboratory Attendants and Library Attendants vide notification dated 25.08.2023 and 29.08.2023 (copy enclosed).
3. Further, as per the recommendations of the committee made in the meeting dated 19.09.2023, the selection of candidates for the aforesaid post is being examined by the University.
4. Accordingly, the ongoing protest/dharna be called off with immediate effect and all the participating employee should report to their respective offices.
5. This is issued with the approval of the competent authority.

Yours sincerely,

Assistant Registrar-Estab. (NT)

- 15.6. A perusal of the aforesaid letter demonstrates that the issuance of the Notifications was directly connected with the protest by contractual employees of the University, in whose place Respondent Nos. 1 to 76 had been appointed.
- 15.7. Having regard to the nature of duties attached to the post of Laboratory Attendant, which primarily involve cleaning apparatus and maintaining equipment, the University could not



have insisted upon candidates possessing a higher level of academic knowledge, nor could their suitability have been reassessed through any subsequent interaction not contemplated under the notified selection process.

- 15.8. The investigation report prepared by the University did not disclose any direct evidence of use of unfair means by any candidate. On the contrary, the University sought to rely upon an *ex post facto* analysis in order to create an appearance of suspicion and justify a decision already taken.
- 15.9. As regards the allegation that a disproportionately large number of candidates had been selected from certain examination centres as compared to others, such circumstance could not, by itself, lead to an inference that the integrity of the examination process had been breached. Larger examination centres necessarily accommodate a greater number of candidates, whereas smaller centres have limited capacity and, therefore, a higher number of selected candidates from larger centres were not inherently suspicious.
- 15.10. The examination centres situated in urban areas or coaching hubs would naturally have a higher concentration of candidates receiving similar preparation. In any event, candidates were permitted to indicate only three preferred cities while filling up their application forms and had no role in the actual allocation of examination centres, which was undertaken by the NTA. It was



also submitted that the selected candidates were not allotted examination centres in any of the three cities preferred by them.

- 15.11. The University's further ground of suspicion that several candidates secured very high marks despite the existence of negative marking, was submitted to be a matter of conjecture as the candidates may secure near-perfect scores in competitive examinations notwithstanding negative marking and, therefore, the mere existence of negative marking does not, *ipso facto*, furnish a basis to suspect the use of unfair means.
- 15.12. The University's reliance upon alleged 80% similarity in answer choices, similarity in correct and incorrect response patterns, and the nature of incorrect answers was entirely based on an *ex post facto* analysis and was impermissible. Reliance was placed on ***Staff Selection Commission v. Sudesh***, 2014 SCC OnLine Del 7534, wherein a Coordinate Bench of this Court held that selected candidates could not be condemned based on vague and non-specific allegations of a serious nature. It was submitted that there must be a disclosed pattern capable of leading to a reasonable inference, with a very high degree of probability or near certainty, of cheating or malpractice, which was absent in the present case.
- 15.13. The further suspicion expressed by the University, based on candidates with comparatively lower educational qualifications having cleared the examination, was also submitted to be misconceived. The prescribed qualification for the post was only



Class X pass. If the University intended to insist upon a higher qualification, it was open to it to prescribe the same in the advertisement; however, no such higher qualification was prescribed. In any event, the allegation was factually incorrect, as the list of successful candidates and their respective qualifications did not support the University's contention.

- 15.14. Reliance was also placed on ***Vanshika Yadav v. Union of India & Ors.***, (2024) 9 SCC 743, wherein the Supreme Court delineated the tests for determining the propriety of cancellation of an examination process as under:
- a. Whether the alleged breach took place at a systemic level?
 - b. Whether the breach is of a nature which affects the integrity of the entire examination process?
 - c. Whether it is possible to segregate the beneficiaries of the fraud from the untainted students?
- 15.15. Applying the aforesaid tests, the investigation reports prepared by the University did not answer any of the above questions in the affirmative. The University was, therefore, not justified in cancelling the entire selection process to the prejudice of Respondent Nos. 1 to 76, as has been correctly held by the learned Single Judge in the Impugned Judgment.
- 15.16. The NTA had followed stringent security protocols while conducting the examination in question, including securing the preparation, storage and transmission of the question papers; randomisation of candidates during scheduling at examination



centres; randomisation of questions displayed on candidates' screens; deployment of independent observers; installation of CCTV cameras and jammers; multi-level biometric verification; frisking of candidates; live feeds from examination centres; deployment of virtual observers and adequate invigilators; and secure transfer of candidates' responses from the examination centres to the NTA. In addition, the result was validated by an independent third party.

- 15.17. In view of the aforesaid extensive scrutiny and security protocols, mere conjectures and surmises on the part of the University could not constitute a sufficient basis for returning a finding that the integrity of the examination process had been breached. It was further submitted that the University did not request any investigating agency, including the Police or the Central Bureau of Investigation, to examine the alleged malpractice or cheating, which itself indicated that even the University lacked any firm basis for alleging malpractice in the examination.

SUBMISSIONS ON BEHALF OF NTA

16. The learned Counsel for the NTA made the following submissions:

- 16.1. The NTA conducted the examination for recruitment to six non-teaching posts of the University in computer based test from 18.03.2023 to 21.03.2023, in two shifts, at 87 examination centres across 36 cities in the country, for 1,15,997 candidates. Out of the said 87 examination centres, 64 centres were utilised



for the post of Laboratory Attendant and 37 centres were utilised for the post of Library Attendant.

- 16.2. On 01.07.2023, a meeting of the Result Committee was convened, wherein the results of the examination were considered and approved. Out of 7,058 registered candidates for the post of Library Attendant, 108 candidates were selected. Likewise, out of 30,447 registered candidates for the post of Laboratory Attendant, 151 candidates were selected. Prior to finalisation of the results, the NTA detected two cases of malpractice involving impersonation, and the candidature of the said two candidates was cancelled. Accordingly, the results were declared on 04.07.2023, along with the list of finally selected candidates, in order of merit, for the posts of Library Attendant and Laboratory Attendant.
- 16.3. The NTA adopted several measures for the safe and secure conduct of the examination in order to ensure its sanctity and integrity. Invigilators were deployed in the ratio of 1:30, and, in all, 3,867 invigilators were deployed by the Exam Delivery Agency engaged by the NTA.
- 16.4. The NTA further ensured deployment of observers in the ratio of 1:300 for the examination. In all, 387 observers were deployed, out of whom 18 observers were faculty members of the University.
- 16.5. The NTA had randomised the questions so that the same question was not displayed on the computer screens of all candidates at



the same time. It was submitted that the examination process was designed and implemented to ensure fairness, security and integrity at every stage. The examination was conducted over a secure LAN network, with external connections blocked and encrypted delivery of question papers ensured. Examination centres and seating arrangements were allocated randomly. The responses of candidates were securely transmitted to the main server; password-protected firewalls were installed on all client machines; and biometric verification, CCTV monitoring, independent observers, third-party evaluation of results and scrutiny of answer-key challenges were adopted to strengthen the examination process.

- 16.6. No incident was reported indicating any breach of the safeguards or failure of the mechanism adopted for the conduct of the examination. According to the NTA, the measures adopted by it were sufficient to eliminate the possibility of unfair means in the conduct of the CBT examination.
- 16.7. The Committee constituted by the University adopted inappropriate tools of analysis and relied upon incomplete and selective data, thereby rendering its conclusions erroneous and untenable. It was submitted that the Committee's conclusions were founded solely on inferences drawn from the data of candidates from centres treated as suspect merely because candidates from those centres had performed better. The identification of such centres was stated to be flawed and



illogical in the absence of any tangible material indicating commission of malpractice. It was contended that examination centres could not be treated as suspect based on perceptions, inferences or probabilities without any specific material indicating the manner in which malpractice had occurred.

- 16.8. The conclusions drawn by the Committee were based on conjectures and surmises, as the data relied upon by it did not correspond with the independent analysis undertaken by the NTA. According to the NTA, the variance between the University's analysis and the conclusions arrived at by the NTA demonstrated that the Committee's report could not form a reliable basis for concluding that the examination had been compromised.
- 16.9. The conclusion that a large number of successful candidates had opted for similar correct and incorrect answers was stated to be factually erroneous. Since the question papers did not follow the same series or pattern, and the questions were randomised separately for different candidates, the conclusion arrived at by the University was submitted to be without basis. It was further contended that candidate performance ought to have been assessed with reference to all candidates appearing at a particular centre, and not based on successful candidates alone.
- 16.10. In view of the aforesaid submissions, it was contended that the report of the Committee constituted by the University was rightly not accepted by the learned Single Judge, as the same did not



constitute a conclusive or reliable report establishing malpractice in the examination.

ANALYSIS OF THE IMPUGNED JUDGMENT

17. The learned Single Judge, after examining the law governing the scope of judicial interference and the parameters applicable to cancellation of examinations in ***Tata Cellular v. Union of India***, (1994) 6 SCC 651; ***Chairman, All India Railway Recruitment Board v. K. Shyam Kumar***, 2010 SCC OnLine SC 579; ***Associated Provincial Picture Houses Ltd. v. Wednesbury Corporation***, [1948] 1 K.B. 223; ***Sachin Kumar v. Delhi Subordinate Service Selection Board (DSSSB)*** (*supra*); ***Anamica Mishra v. U.P. Public Service Commission***, 1989 SCC OnLine SC 414; ***Union of India v. Rajesh P.U., Puthuvalnikathu***, (2003) 7 SCC 285; ***Inderpreet Singh Kahlon v. State of Punjab***, (2006) 11 SCC 356; ***Vanshika Yadav*** (*supra*); and ***State of Tamil Nadu v. A. Kalaimani***, (2021) 16 SCC 217, culled out the principles governing judicial review of an examination process as under:

- Judicial review is confined to the decision-making process and does not extend to an appellate examination of the merits of the decision.
- A challenge to an examination process cannot be treated as an appeal on merits.
- Although the purity of an examination process is of paramount importance, cancellation of an examination may be justified only where allegations disclose large-scale malpractice, fraud, leakage of question papers, mass copying, exchange of bribes or similar serious irregularities affecting the conduct of the examination.



- The Court may interfere only where the examination process is shown to be arbitrary, improper or irrational.
- Procedural impropriety would include breach of natural justice, bad faith or bias.
- Irrationality, in the *Wednesbury* sense, refers to a decision so unreasonable and defiant of logic that no reasonable authority, properly directing itself to the issue, could have arrived at it.
- For determining whether an examination process stands vitiated, it is necessary to ascertain whether the irregularities occurred at a systemic level to affect the sanctity of the process.
- Cancellation of the entire examination process would be justified only where a systemic flaw is established.
- A finding of systemic infirmity must be specific and categorical, and supported by concrete and relevant material establishing widespread and pervasive irregularities capable of undermining the examination process.
- It must further be determined, based on material gathered through a fair, transparent and thorough enquiry, that the illegalities go to the root of the matter and vitiate the selection process in its entirety.
- There must also be satisfaction, based on the material available, that the irregularity affected a substantial number of candidates or otherwise tainted the process at a systemic level.
- The material on record must indicate systemic malaise and not merely isolated or speculative irregularities.
- Cancellation of the examination should ordinarily be sustained only



where it is not possible to segregate tainted candidates from untainted candidates.

18. The learned Single Judge found that, despite filing multiple affidavits, the University had failed to establish the identity of the officials who allegedly interacted with the Laboratory Attendants who reported pursuant to the offers of appointment. It was further held that the process of interview, interaction or personality assessment was contrary to the selection procedure prescribed in the advertisement.

19. The learned Single Judge further observed that the alleged incompetence of a few candidates could not justify an inference that the remaining selected candidates, who had not even reported for joining, were incompetent or lacked the requisite knowledge to secure high scores in the examination, in the absence of material establishing the same.

20. The learned Single Judge also noticed that, until issuance of the Notification dated 25.08.2023, no complaint regarding the conduct of the examination by the NTA had been made either by any unsuccessful candidate or by any third party.

21. The learned Single Judge observed that the 2023 Report was based on the Committee's analysis of centres at Delhi, Chandigarh and Shimla, and recorded the University's conclusion that toppers in the merit list were concentrated in a few centres with nil or minimal representation from larger States such as Uttar Pradesh, Bihar and Rajasthan. The Impugned Judgment also noticed the University's reliance upon the disparity between the marks obtained by successful candidates in Classes X and XII and the percentage secured by them in the NTA examination, which carried negative marking.



However, the learned Single Judge found the said justification insufficient for keeping the joining of selected candidates on hold.

22. The learned Single Judge further held that although the 2024 Committee had undertaken data analysis by using standard technological tools such as Microsoft Excel and Python, the analysis was confined to suspected centres and selected candidates and, therefore, proceeded on an erroneous premise.

23. The learned Single Judge observed that the University appeared to have acted under the possible extraneous influence of the Delhi University and College Karamchari Union while keeping the joining of selected candidates on hold and thereafter resorted to a process of reverse engineering to generate material in support of its allegation of use of unfair means. This conclusion was founded on the fact that the University filed successive affidavits from time to time to establish the alleged use of unfair means by selected candidates and their *modus operandi* for securing high scores. The learned Single Judge found the conclusions drawn by the University Committee to be hypothetical, and held that the University had failed to discharge its burden of proving that the entire examination process stood compromised.

24. The learned Single Judge placed considerable reliance upon the explanation furnished by the NTA and held that, in view of the security protocols implemented by it, there was no possibility of malpractice in the conduct of the examination. The Impugned Judgment accordingly proceeded on the premise that the examination was not susceptible to unfair means or malpractice in view of the rigorous safeguards stated to be in place.



25. The learned Single Judge further held that the data-analysis exercise undertaken by the University was merely a device to justify its earlier decision to stall the joining of selected candidates and did not inspire confidence. On that basis, it was held that the University had failed to establish the use of unfair means in the examination.

26. Consequently, the learned Single Judge quashed and set aside the Notifications and directed the University to complete the remaining formalities of document verification, appoint the selected candidates, and permit them to join their respective posts forthwith, along with all consequential benefits.

ANALYSIS AND FINDINGS

27. We have carefully considered the submissions advanced on behalf of the parties, examined the material placed on record, and perused the Impugned Judgment. Upon consideration of the rival submissions and the reasoning recorded in the Impugned Judgment, we are unable to concur with the view taken by the learned Single Judge, for the reasons set out hereinafter.

28. The settled principles governing judicial review of examination processes confer due deference upon the employer or recruiting authority in determining whether illegality, procedural impropriety, widespread malpractice or systemic infirmity has vitiated the examination process, particularly where it may not be possible to segregate tainted candidates from untainted candidates. Such deference, however, is predicated upon the employer forming its satisfaction based on cogent material available on record. Accordingly, before cancelling or withholding the implementation of



a selection process, the employer must be satisfied, on relevant and credible material, that the integrity of the examination has been compromised at a systemic level.

29. In the present case, the University conducted the investigation in the purported malpractices in the examination conducted by NTA by appointing the Committee constituted for that purpose. The Committee noticed that the successful candidates were disproportionately concentrated in a few specific examination centres, while there was nil or minimal representation from larger States. In an examination conducted on a pan-India basis, such concentration was a circumstance which required closer scrutiny, particularly when the allocation of centres was undertaken by the NTA and not by the candidates themselves. The Committee further noticed a substantial disparity between the marks secured by several successful candidates in Classes X and XII and the marks obtained by them in the examination conducted by the NTA. It also found that more than 100 candidates had secured marks exceeding 90%, with nearly 20 candidates obtaining approximately 95%, despite the examination carrying negative marking and consisting of questions from varied subjects.

30. The Committee also found a visible pattern in the correct as well as incorrect responses of candidates from the suspected centres, and noticed that such candidates had not left any questions without attempting. In the context of an objective examination, particularly one involving negative marking, the absence of any questions that are not attempted, when coupled with commonality in incorrect answers and high scores from the same



centres, was a relevant circumstance for assessing whether the declared result reflected genuine merit.

31. Considering the overall circumstances, we find that these findings were not based merely on subjective impressions, but on data analysis undertaken by the Committee and placed on record in the form of colour-coded Excel sheets and other comparative material. The material so produced, therefore, furnished a cogent basis for the University to establish serious doubt regarding the sanctity of the examination process.

32. Further, the University was justified in analysing the data pertaining to the suspected centres, which were identified on the basis that at least three successful candidates had emerged from each of the said centres. The object of the exercise was not to undertake an abstract statistical study of the entire examination, but to examine whether the merit list, to the extent it reflected an abnormal concentration of successful candidates from suspected centres, disclosed indicators of manipulation or adoption of unfair means. Once the concern of the University arose from the concentration of selected candidates at specific centres, it was both reasonable and permissible for the Committee to focus its scrutiny on those centres where such concentration was found.

33. The centres from which no candidate was selected, or from which no meaningful cluster of selected candidates emerged, were not required to be examined as such centres did not contribute to the impugned merit pattern which had prompted the inquiry. The purpose of the Committee's analysis was to assess the credibility of the selection of successful candidates and not to determine, in isolation, whether every examination centre in the country



had functioned without any irregularity. In cases of suspected examination malpractice, the inquiry may legitimately be centred on the class of candidates and centres which reveal statistically unusual or otherwise suspicious features. Such a focused inquiry cannot be characterised as selective merely because it did not extend, with equal detail, to centres from which no candidate was selected or from which no abnormal pattern emerged.

34. Accordingly, we of the view that the methodology adopted by the University cannot be rejected solely on the ground that it did not analyse all candidates across all centres. The relevant question was whether the selected candidates from the identified centres displayed patterns which, when tested against the available data, gave rise to a reasonable inference that the examination process had been compromised.

35. A perusal of the Memo of Parties of this Appeal indicates that a substantial number of Respondent Nos. 1 to 76 are residents of limited geographical belts, namely the districts or nearby areas of Sonipat, Mahendragarh, Jind, Hisar, Jhajjar, Bhiwani and Rohtak in the State of Haryana; Dausa, Alwar, Sawai Madhopur and Karauli in the State of Rajasthan; and Chapra in the State of Bihar. This circumstance assumes significance in the context of the scale and nature of the examination, which was conducted on a pan-India basis. In such a large recruitment examination, drawing candidates from across the country, the emergence of a disproportionately large number of successful candidates from a few contiguous or proximate regions was not an ordinary feature and was rightly treated by the University as a matter requiring closer examination.



36. The improbability is further confirmed by the fact that the selected candidates were not merely from one State but were concentrated within specific districts or localities of a few States, notwithstanding that the examination was open to candidates across the country. Such concentration of successful candidates from limited geographical pockets, when viewed in conjunction with other material circumstances noticed by the Committee, constituted a relevant circumstance supporting the University's decision to subject the fairness of the selection process to further scrutiny. A tabular statement indicating the relevant residential details of Respondent Nos. 1 to 76 as per the Memo or Parties of this Appeal is as under:

State of Haryana							
Name of the cities	Sonipat	Jind	Hisar	Mahendragarh	Bhiwani	Jhajjar	Rohtak
Respondent Nos.	5, 6, 7, 17, 18, 22, 36, 37, 40, 47, 50, 55, 58, 69, 72 & 76.	13, 14, 21, 31, 59, 70, 71 & 75.	1, 2, 20, 33 & 42.	10, 24, 26, 30, 41, 57 & 64.	8, 34, 35, 45, 65 & 67.	3, 9, 16, 19 & 28.	38, 49 & 52.

State of Rajasthan				
Name of the cities	Dausa	Alwar	Sawai Madhopur	Karauli
Respondent Nos.	29, 44, 46, 54, 68 & 73	51, 62 & 74	60, 61 & 48	56 & 66.

State of Bihar	
Name of the city	Chapra
Respondent Nos.	4, 39 & 43

37. The aforesaid tabulation, when read in conjunction with the material produced by the University, demonstrates that the present case is not one of an ordinary, incidental or statistically insignificant clustering of successful



candidates. The examination in question was conducted on a pan-India basis at 87 examination centres spread across 36 cities and involved 1,15,997 candidates for six non-teaching posts. Out of the said 87 examination centres, 64 centres were utilised for the post of Laboratory Attendant and 37 centres were utilised for the post of Library Attendant. In such a large-scale recruitment exercise, where candidates from different parts of the country were eligible to participate and where allocation of examination centres was undertaken by the NTA, the emergence of a substantial number of successful candidates from only a few geographical belts within three States is highly improbable.

38. While the mere fact that several successful candidates belong to particular regions may not, by itself, be determinative of malpractice, if it is examined along with the other features noticed by the Committees, including the concentration of such candidates at identified centres, unusually high scores despite negative marking, similarity in response patterns and commonality in incorrect answers, clearly indicates probability of existence of malpractice.

39. The improbability is further enhanced by the fact that several successful candidates belonged to places situated away from the centres which were identified as suspect centres. Although such concentration, viewed in isolation, may not be conclusive of malpractice, when examined cumulatively with the other circumstances noticed by the Committee, furnished a legitimate and reasonable basis for the University to undertake a further examination of the serious doubt regarding the sanctity of the examination process.



40. The aforesaid circumstances provide substantial support to the conclusions drawn by the Committee constituted by the University. The Committee did not proceed merely based on suspicion arising from high scores but also examined the response patterns of successful candidates from the identified centres. The findings recorded by the Committee indicate a discernible pattern not only in the correct answers, but also in the incorrect answers attempted by such candidates.

41. In the context of a multiple-choice examination, commonality in incorrect responses, particularly where such commonality is repeatedly found amongst a cluster of successful candidates from the same examination centres, constitutes a circumstance of considerable evidentiary significance. We are of the view that such material cannot be brushed aside as conjectural merely on the ground that there is no direct evidence of copying or that no candidate was apprehended during the examination while resorting to unfair means.

42. The justification advanced by the NTA that adequate security measures had been implemented, including randomisation, CCTV surveillance, biometric verification, deployment of invigilators and observers, and use of secured computer systems, does not, in our considered view, sufficiently answer the material findings recorded by the Committee constituted by the University.

43. The existence of security protocols is undoubtedly a relevant circumstance; however, it cannot be treated as conclusive proof that the examination process was incapable of being compromised. Where, notwithstanding such safeguards, the post-examination data reveals a



consistent and abnormal pattern of success from identified centres, coupled with similarity in response patterns and commonality in incorrect answers, the Court cannot presume the examination process to be unimpeachable merely because standard protocols were stated to have been followed.

44. Further, the fact that the NTA engaged an external Exam Delivery Agency for certain critical aspects of the conduct of the examination cannot be disregarded. The responsibility to ensure the fairness, security and integrity of the examination continued to rest with the NTA and, therefore, the NTA was required to demonstrate that effective supervision, control and accountability were maintained at every stage of the examination process. In the present case, however, the NTA merely relied upon adherence to standard protocols and did not meaningfully address the analytical material placed on record by the University. Consequently, the NTA failed to displace the specific findings recorded by the Committee constituted by the University.

45. We are also unable to agree with the finding of the learned Single Judge that, since no complaint of malpractice existed on the date of issuance of the Notifications, the subsequent enquiry could not be relied upon. The absence of a prior complaint does not preclude an employer from acting upon circumstances which come to its notice at the stage of joining. The interaction with the nine candidates, who reported pursuant to the offers of appointment was not considered the University as a part of the selection process, but merely as a trigger for the University to examine whether the results declared by the NTA reflected the true merit of the candidates.



46. At the stage when the Notifications were issued, a final finding of malpractice could not reasonably have existed as the same can only emerge after examining the relevant data and undertaking a complete analysis of the available evidence. Therefore, the subsequent enquiry cannot be rejected merely on the ground that it was undertaken after the joining was put on hold.

47. The observation in the Impugned Judgment that the University indulged in reverse engineering to justify its decision to stall the joining of the selected candidates also does not commend acceptance. The material on record shows that the University constituted Committees to examine the issue, sought data from the NTA, analysed the response sheets and placed its conclusions before the Court. The fact that further material was gathered after the initial decision to withhold joining does not, by itself, render the exercise *mala fide* or colourable.

48. In cases involving suspected examination malpractice, particularly where the alleged irregularity may be reflected only through response patterns or statistical improbabilities, the relevant material would ordinarily become available only upon a detailed post-result analysis. The reports of the Committees disclosed identifiable parameters and examples, including centre-wise concentration, similarity indices and matching incorrect answers, which cannot be characterised as a mere afterthought or as speculative material without examining their cumulative effect.

49. The submission of Respondent Nos. 1 to 76, as also the observation of the learned Single Judge, that the decision to put the joining of the selected candidates on hold was influenced by the protest of the Delhi University and



College Karamchari Union, may appear attractive at first instance in view of the letter dated 21.09.2023 addressed by the University to the Union. However, the mere fact that the University informed the Union about the decision already taken to keep the joining of newly recruited Laboratory Attendants and Library Attendants on hold is not sufficient to hold that the decision itself was actuated by extraneous considerations. The legality of the University's action must be tested based on the material which ultimately emerged from the enquiry and the reasons which weighed with the competent authority.

50. The reports of the Committees disclose concrete circumstances, including abnormal centre-wise concentration of successful candidates, matching response patterns and similarity in incorrect answers, which provide an independent basis for the University's concern regarding the integrity of the examination. These circumstances cannot be ignored merely because there was, at the relevant time, an agitation by the contractual employees within the University.

51. We also find importance in the University's offer to conduct a fresh written test only for the selected candidates, with a reduced qualifying threshold of 35%, while assuring appointment to those who satisfied the said benchmark. Such an offer indicates that the University was not seeking to defeat the selection altogether but was attempting to verify whether the selected candidates possessed the minimum competence for appointment and had secured their place in the merit list without resorting to malpractice. The refusal of the said offer by the concerned candidates, both before the learned Single Judge and during the hearing of the present Appeal, though



not determinative of incompetence of the selected candidates by itself, is a relevant circumstance which reinforces the University's apprehension regarding the fairness of the selection.

52. The examination process, particularly where it concerns recruitment to public institutions, has to be conducted in a free, fair, transparent and unimpeachable manner. Public examinations are mechanisms through which public confidence in institutional selection, equal opportunity and merit-based recruitment is maintained. Any conduct which has the effect of compromising the sanctity of such an examination, whether by leakage of material, unauthorised assistance, manipulation of systems, collusion, tampering of data or any other unfair method, strikes at the root of the selection process and is therefore required to be viewed with seriousness.

53. The Court, while exercising judicial review, cannot be oblivious to the larger public interest involved in preserving the purity of such examinations. It is in recognition of this public interest and the increasing complexity of malpractices in public examinations that the legislature enacted the Public Examination (Prevention of Unfair Means) Act, 2024 ("**Unfair Means Act**"), which defines unfair means in broad and inclusive terms as under:

"3. The unfair means relating to the conduct of a public examination shall include any act or omission done or caused to be done by any person or group of persons or institutions, and include but not be restricted to, any of the following acts for monetary or wrongful gain—

- (i) leakage of question paper or answer key or part thereof;*
- (ii) participating in collusion with others to effect leakage of question paper or answer key;*



- (iii) *accessing or taking possession of question paper or an Optical Mark Recognition response sheet without authority;*
- (iv) *providing solution to one or more questions by any unauthorised person during a public examination;*
- (v) *directly or indirectly assisting the candidate in any manner unauthorisedly in the public examination;*
- (vi) *tampering with answer sheets including Optical Mark Recognition response sheets;*
- (vii) *altering the assessment except to correct a bona fide error without any authority;*
- (viii) *wilful violation of norms or standards set up by the Central Government for conduct of a public examination on its own or through its agency;*
- (ix) *tampering with any document necessary for short-listing of candidates or finalising the merit or rank of a candidate in a public examination;*
- (x) *deliberate violation of security measures to facilitate unfair means in conduct of a public examination;*
- (xi) *tampering with the computer network or a computer resource or a computer system;*
- (xii) *manipulation in seating arrangements, allocation of dates and shifts for the candidates to facilitate adopting unfair means in examinations;*
- (xiii) *threatening the life, liberty or wrongfully restraining persons associated with the public examination authority or the service provider or any authorised agency of the Government; or obstructing the conduct of a public examination;*
- (xiv) *creation of fake website to cheat or for monetary gain; and*
- (xv) *conduct of fake examination, issuance of take admit cards or offer letters to cheat or for monetary gain.”*



54. In view of the above definition of unfair means, the material on record in the present case cannot be viewed in a narrow or isolated manner. The definition of unfair means is couched in broad and inclusive terms and is not confined only to cases where a candidate is physically caught copying in the examination hall or where there is direct ocular evidence of leakage of a question paper. It specifically takes within its fold unauthorised assistance to a candidate, manipulation of systems or processes, tampering with computer resources, deliberate violation of security measures, and manipulation in seating arrangements, allocation of dates or shifts to facilitate adoption of unfair means.

55. Accordingly, where the material placed on record discloses an unusual concentration of successful candidates from identified centres, similarity in response patterns, commonality in incorrect answers and other statistical improbabilities, such circumstances are required to be examined in the light of the broad legislative understanding of unfair means. The cumulative effect of these factors, if found credible on the material available, may legitimately indicate compromise of the examination process and cannot be rejected merely because the alleged malpractice does not fall within a conventional or visible form of copying.

56. Further, the recent amendment to the Unfair Means Act by way of the Public Examinations (Prevention of Unfair Means) Amendment Act, 2026, fortifies the legislative intent to deal with offences relating to unfair means in public examinations with greater severity. The amendment enhances the punishment for use of unfair means by individuals from imprisonment for a term of three to five years with fine up to ₹10,00,000/- to imprisonment for a



term of five to ten years with fine up to ₹50,00,000/-. It further enhances the maximum fine imposable upon service providers from ₹1,00,00,000/- to ₹5,00,00,000/- and extends the period of debarment of such service providers from four years to eight years. In addition, where persons in charge of a service provider are found to be involved, the amendment increases the minimum term of imprisonment to five years and enhances the fine to ₹5,00,00,000/-. In cases involving organised crime, the minimum term of imprisonment is enhanced to seven years and the minimum fine is increased to ₹10,00,00,000/-.

57. The enhanced penal consequences reflect a legislative policy of adopting a stricter approach towards examination-related malpractices and of creating an effective deterrent against organised and sophisticated activities capable of eroding public confidence in public examinations. The amendment also recognises the need for institutional accountability and time-bound mechanisms for investigation and trial, thereby acknowledging that the use of unfair means may not be confined to individual candidates alone but may also involve third-party service providers, organised networks, or systemic compromise of examination infrastructure. This legislative approach reinforces the principle that allegations of malpractice in a computer-based public examination ought not to be discarded merely for want of conventional evidence of copying, or solely on the basis of an assertion by the examining agency that standard protocols were followed.

58. In view of the aforesaid discussion, and upon a cumulative consideration of the material placed on record, we are of the considered view that the examination conducted by the NTA, insofar as the selection to



the Posts in question is concerned, cannot be held to have been conducted in free, fair and transparent manner.

59. The NTA, having conducted the examination in question on behalf of the University, stood in a position of trust and confidence and was required to act with complete transparency towards the University. Its role did not end with the mechanical declaration of results. Once the University raised a serious concern regarding the integrity of the examination process, the NTA was obliged to furnish to the University all relevant documents and data pertaining to the examination process, commencing from the issuance of the advertisement and allocation of centres till the conduct of the examination, preservation of examination records, evaluation, preparation of merit list and declaration of results. Such material would necessarily include centre-wise data, response sheets, audit trails, seating and shift allocation details, records relating to invigilation and surveillance, rough sheets where required to be preserved, reports of observers, material concerning the Exam Delivery Agency and any other record having a bearing on the fairness of the process.

60. The obligation of the NTA to maintain and disclose such records is of significance in a computer-based public examination, where the indicators of malpractice may not always be visible in the examination hall and may emerge only from post-examination data analysis. In such examinations, irregularities may be reflected through abnormal centre-wise outcomes, clustering of successful candidates, similarity of responses, commonality of incorrect answers, unusual attempt patterns or other digital and statistical indicators. Therefore, where the recruiting institution has a bona fide doubt regarding the sanctity of the examination, the examining agency cannot meet



such doubt merely by asserting that standard protocols were followed. It must place complete and verifiable material before the recruiting institution so that the latter can take an informed decision consistent with its duty to ensure fair recruitment.

61. The appointments in question were to posts in the University and would have long-term consequences for its departments, laboratories and students. If material subsequently emerged which created a reasonable apprehension that the merit list did not reflect genuine merit, the University was not only entitled but duty-bound to pause the process and examine the matter before permitting joining. To hold otherwise would amount to compelling the employer to act upon a result which it reasonably considered doubtful, merely because the process had been outsourced to a specialised examining agency.

62. The contention of Respondent Nos. 1 to 76 that the nature of duties attached to the post of Laboratory Attendant primarily involves cleaning apparatus and maintaining equipment and, therefore, did not require the candidates to possess a higher level of academic knowledge, cannot be accepted. The issue is not whether the post required academic excellence beyond the prescribed eligibility criteria, but whether the marks obtained by the selected candidates in the written examination appeared to be consistent with the material subsequently noticed by the University.

63. Once the recruitment process itself prescribed a written examination containing questions relating to science, mathematics and other relevant subjects, the performance of candidates in that examination necessarily became a material indicator for preparation of the merit list. Candidates who



secured exceptionally high marks in such an examination could not, at the same time, contend that basic academic knowledge was wholly irrelevant to the post merely because the day-to-day duties may include cleaning, handling or maintaining laboratory apparatus and equipment.

64. Further, the University did not seek to introduce a new eligibility condition or to conduct an interview contrary to the advertisement. The interaction with the candidates who reported for joining was relied upon only as a circumstance which prompted further scrutiny of the examination result. The concern of the University was heightened by the fact that several candidates, despite comparatively modest academic performance in earlier examinations, were shown to have secured marks exceeding 90% in a competitive examination with negative marking. Such a circumstance, standing alone, may not have justified an adverse conclusion; however, when read with abnormal centre-wise concentration, similarity of answers and commonality of incorrect responses, it became a relevant factor in assessing whether the declared merit list reflected genuine merit. The respondents' submission, if accepted in absolute terms, would render the written examination itself insignificant, which is impermissible once the selection was admittedly based upon performance in that examination.

65. The ultimate effect of the Impugned Judgment, if sustained, would be that the University would be compelled to proceed with appointments in respect of non-teaching staff despite its serious and substantiated apprehension that the selection process stood vitiated using unfair means. Such a consequence would be contrary to the settled position that inclusion in a select list or issuance of an offer of appointment does not confer an



indefeasible right to appointment, particularly where the employer acts *bona fide* based on relevant material to protect the integrity of the recruitment process. In public employment, the rights of selected candidates must be balanced against the larger public interest in ensuring that appointments are made only through a fair, transparent and credible selection process.

66. The NTA's contention that the University's data-analysis methodology was flawed cannot be accepted. The second Committee examined centre-wise data, the number of selected candidates, the total candidates appearing at the suspected centres, and the corresponding selection percentages. It also analysed response sheets through colour-coded visual inspection, similarity calculations and comparison of incorrect answers. The groups identified through similarity calculations substantially corresponded with those revealed through visual inspection, and a discernible pattern of incorrect answers emerged from the suspected centres. These findings furnished sufficient basis for the University to keep the joining of selected candidates in abeyance. The centre-wise concentration of successful candidates, the matching pattern of responses, the similarity in incorrect answers, the unusually high scores obtained by several candidates from the identified centres, and the other circumstances noticed by the Committees constituted by the University together furnished a cogent and reasonable basis for the University to conclude that the sanctity of the examination process had been compromised.

67. The University had expressly reserved the right to modify, withdraw or cancel any communication issued to a candidate in the event of any inadvertent mistake or irregularity in the selection process being detected at



any stage, including after issuance of an appointment letter. In view of the said stipulation, the University was justified in keeping the offers of appointment in abeyance for the purpose of verifying the legality and integrity of the examination process. The issuance of offers of appointment, therefore, did not create any absolute or indefeasible right in favour of the selected candidates. Having regard to its obligation to preserve the purity of the recruitment process and to ensure that appointments are made only on merit, the University was entitled to defer the joining of the candidates pending such verification to safeguard the integrity of the selection process in light of the material which had come to notice of the University.

68. In ***Shankarsan Dash*** (*supra*), the Supreme Court authoritatively held that inclusion of a candidate's name in a select list does not, by itself, confer an indefeasible right to appointment, even where vacancies exist. Ordinarily, a recruitment notification is an invitation to eligible candidates to participate in the selection process, and selection or inclusion in the merit list does not create a vested right to appointment. The State or a public employer is under no legal obligation to fill up all or any of the advertised vacancies, provided the decision not to make appointments is taken *bona fide*, for valid reasons and in public interest. The said principle applies with full force to the present case, where the University deferred joining not for any extraneous purpose, but upon emergence of material raising serious doubts regarding the integrity of the examination process.

69. The learned Single Judge, in our considered view, failed to accord due weight in the Impugned Judgment to the principles enunciated by the Division Bench of this Court in ***Manish Dabas*** (*supra*) and ***Varun***



Bharadwaj (*supra*). In both these decisions, this Court recognised that, in matters involving suspected resort to unfair means in objective or multiple-choice examinations, direct evidence establishing the precise mode or manner of malpractice may not invariably be available. It was held that where expert examination or statistically supported analysis of the primary material discloses an unusual, inexplicable and recurring pattern of matching responses, particularly commonality in incorrect answers, such material may constitute a legally sufficient basis for drawing a reasonable inference that unfair means were adopted. Once the pattern disclosed by the primary material is of such a nature that it cannot reasonably be explained as a matter of chance, coincidence or ordinary examination behaviour, the conclusion regarding adoption of unfair means can safely be arrived. The aforesaid decisions having attained finality, the principles laid down therein were required to be applied to the present case with due regard to the nature of the examination, the material relied upon by the University and the limited scope of judicial review in such matters.

70. In **Arabinda Rabha** (*supra*), the Supreme Court reiterated that a selection process may be cancelled, or appropriate corrective action may be taken, where larger public interest so warrants and where the material available indicates serious irregularities affecting the fairness of the process. It was further held that where the decision of the authority is founded upon relevant considerations and bears a reasonable nexus with the object of preserving the purity of public recruitment, the High Court would not be justified in interfering merely because the consequence may operate harshly upon some selected candidates. The proportionality of such a decision must



be assessed in the context of the nature and extent of the irregularities detected. Applying the said principle, the University's decision to keep the joining in abeyance pending verification of the selection process cannot be characterised as disproportionate or arbitrary, particularly when the material disclosed serious doubts as to whether the declared merit list reflected genuine merit.

71. The learned Single Judge also failed to appreciate the law laid down by the Supreme Court in ***Sachin Kumar*** (*supra*), wherein it has been held therein that, while exercising the power of judicial review, the High Court does not sit in appeal over the sufficiency of the material on the basis whereof the competent authority has formed its opinion, unless the decision is shown to be vitiated by arbitrariness, perversity, unreasonableness or disproportionality. The said decision recognises that where the nature of the wrongdoing is such that it permeates the recruitment process and seriously impinges upon the legitimacy of the examination, the employer or recruiting authority is entitled to take appropriate corrective measures to preserve the integrity of public employment. The principle which emerges is that the Court is required to examine the decision-making process and the existence of relevant material, and not to substitute its own assessment for that of the competent authority merely because another view may be possible.

72. In view of the aforesaid analysis and the settled legal position governing the scope and contours of judicial intervention in matters concerning public recruitment examinations as discussed above and in the Impugned Judgement, we respectfully disagree with the view taken by the learned Single Judge that, in the absence of direct evidence of malpractice or



a prior complaint, the security protocols stated to have been implemented by the NTA were sufficient to displace the specific analytical findings recorded by the University.

73. We are of the considered view that in matters concerning recruitment through public examinations, the Court is not required to undertake an appreciation of evidence as in a criminal trial, nor is it necessary to insist upon proof of actual malpractice by direct evidence alone. Where the employer, upon examination of relevant data and based on identifiable parameters, reaches a *bona fide* conclusion that the integrity of the process stands impaired, the scope of judicial review is confined to examining whether such conclusion is arbitrary, perverse, *mala fide* or unsupported by material. Upon consideration of the material placed on record by the University, we find that the circumstances, taken cumulatively, indicate that the examination process had been compromised. The convergence of multiple factors, including abnormal centre-wise concentration, similarity in response patterns, matching incorrect answers and unusually high scores from identified centres, cannot be treated as a series of innocuous coincidences in a single recruitment examination.

74. We are, therefore, unable to sustain the Impugned Judgment. The Notifications dated 25.08.2023 and 29.08.2023, whereby the University had put the joining of the selected candidates on hold pending examination of the matter, cannot be said to be illegal or arbitrary in the facts and circumstances of the case. Consequently, the directions issued by the learned Single Judge requiring the University to proceed with document verification, appointment and joining of Respondent Nos. 1 to 76, together with



2026:DHC:7413-DB



consequential benefits, are liable to be set aside. The prayers sought in the Writ Petitions stand rejected.

75. Accordingly, the present Appeal is allowed in the aforesaid terms. The pending Applications, if any, stand disposed of. There shall be no order as to costs.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 2, 2026

Sms/gsr