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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\# **CNR No. DLHC010208982019**

\+ W.P.(C) 4597/2019, CM APPL. 20431/2019 CM APPL. 52497/2019 CM APPL. 32147/2021

INDIAN COUNCIL FOR AGRICULTURAL RESEARCH AND ANR. .....Petitioners

Through: Mr. Aditeya Bali, Adv.

versus

MR. KRISHAN KUMAR PASI ....Respondent

Through: Mr. Arun Sharma and Mr. Gurumukh Singh, Adv. for R-1

Mr. Niraj Kumar, Sr. Central Govt. Counsel with Mr. Chaitanya Kumar, Advs. for R-2/Delhi Police

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE VINOD KUMAR

JUDGMENT (ORAL)

% **31.08.2026**

C. HARI SHANKAR, J.

1. This writ petition assails order dated 6 December 2018 passed by the Central Administrative Tribunal[1] in OA 3120/2017, instituted before the Tribunal by the respondent against the Indian Council of Agricultural Research[2] and Agricultural Scientists Recruitment Board[3].

[1] "the Tribunal" hereinafter
[2] "ICAR" hereinafter
[3] "ASRB" hereinafter

2. The respondent appeared in the Assistant Grade Examination of 2014 for recruitment for the post of Assistant in the ICAR. The examination was held by the ASRB. The respondent was the topper in the selection list.

3. Apparently on the ground that there was some complaint against the respondent, three committees successively inquired into his conduct during the examination. Purportedly following the reports of these three committees, the ICAR withheld the result of the respondent and declared the result of all other candidates who had undertaken the examination.

4. Piqued at this, the respondent approached the Tribunal by way of an OA 3120/2017. *Inter alia,* the respondent submitted that,, apart from the fact that his result was held up merely on the basis of suspicion and probability, there was no reason to single him out and withhold his result even while declaring the results of all other candidates.

5. The Tribunal has, by judgment dated 6 December 2018 disposed of the OA in the following terms:

> "6. In view of the above stated facts and circumstances and in view of the judgment of Hon'ble High Court in the case of ***Smt. Kiran Juneja and Ors. Vs. Union of India and Others***[4] dated 20.12.2007, we are of the opinion that as the applicant is selected after going through the entire selection process, we direct the respondents to appoint the applicant with retrospective effect from the date of appointment of other selected candidates with all consequential benefits without back wages. However, the

[4] **MANU/DE/8977/2007**

respondents are at liberty to take action against the applicant as per relevant rules."

6. The ICAR has approached this Court by means of present writ petition, aggrieved by the decision of the Tribunal.

7. We have heard Mr. Aditeya Bali, learned Counsel for the petitioner and Mr. Arun Sharma, learned Counsel for Respondent 1/Mr. Krishan Kumar Pasi.

8. Mr. Bali has submitted that the Tribunal in passing the impugned order did not holistically take into account the findings of the three committees which had examined the allegations against the respondent. He has, therefore, taken us through the said reports.

9. On perusing the said reports, we find ourselves to be in agreement with the Tribunal that there was no material against the respondent on the basis of which his result could have been withheld. Of the three committees, the first committee has embarked on an exercise of probability and suspicion and has stopped short of returning any positive finding of any kind of misdemeanour in the examination on the respondent's part. The remaining two committees have not even adverted to the respondent or his conduct in the examination.

10. The first Committee, in its report dated 28 December 2016, observed and opined, qua the respondent, thus:

"i. Shri Krishan Kumar Passi was working in ASRB since 2010. *In all probabilities*, Shri. K.K. Passi must have developed acquaintances in ASRB during the long period of 4 years at ASRB, and was aware of functioning of ASRB system. He had appeared in the prelim examination and scored 100% percentile. When the result of Prelim was declared, *ASRB should have got alerted and would have found out the circumstances how he has scored 100% percentile and would have taken cognizance whether he had some information of question paper*, but ASRB failed to do so and he was continued to work in ASRB. Consequently, *by virtue of his familiarity and loop holes found in the system*, and subsequently topped too in the written examination. It is *predominant from circumstantial evidences* as seen from his answers in the main examination.

ii. His answer sheet of main examination was perused (Annexure-XII) and *the committee found, that he had given some data related to production from 19.50 to 2013-14 and data related to production of commodities from 2009 to 2013-14, which shows that he has reproduced data in almost every answer which gives doubt that he might have known questions before the exam*. The kind of data provided by Mr. Passi in the answer sheets while answering Question Number 13(a) & 13(c), 13(d) & 13(b) *makes one suspicious that he was somehow knowing about these questions in advance*. It is further vindicated by the fact that Shri Passi has written a large number of data in each of these answers and used many uncommon technical terms in the answers *which gives impression that he was having visibility to the question paper before the examination*.

iii. As Committee is not subject matter Expert to evaluate the status of knowledge possessed by Shri Passi, it would be appropriate that he may be examined by the subject matter experts as was done in Bihar intermediate exam, which can ascertain how Shri Passi had topped the main examination. It is quite evident that he was working in ASRB since 2010 and was well acquainted with ASRB functions. ASRB system was not as much security proof as it would have been to avoid any kind of leakage of question paper etc. and *probability* he was having access to question papers in the whole process as movement of contractual staff was not restricted to confidential/ sensitive areas.

Conclusion: Evidential circumstances corroborate that *there is a high probability* of accessibility to the question papers by Shri. K.K. Passi which resulted in to high scoring in the main examination."

(Emphasis supplied)

11. The final recommendations of the first Committee, which did not even advert to the respondent, read thus:

> "a. The work related to examination should not be given to contractual staff,
>
> b. The ASRB should be given adequate regular staff with high integrity for examination work.
>
> c. There should be a Joint Secretary rank of officer as controller of examination.
>
> d. Video recording should be made mandatory for the complete process of the examination and the record should available till one year after the declaration of the final result.
>
> e. Entry to ASRB complex should be strictly as per permission and controlled. f. Protocol should be maintained for examination process and should strictly be adhered to.
>
> g. ASRB should have a time tested its own software for online examinations.
>
> h. ASRB should be equipped with the officers other than the ICAR origin and should have mixed officials from other department on deputation basis. "

12. Thus, it is clear that there was no positive finding against the respondent by the first committee. All that was said was there was a probability of accessibility to the question papers by the respondent. The emphasized words in the report of the Committee, as extracted in para 10 *supra*, justify the Tribunal's view that the Committee was merely embarking on an exercise of surmise and conjecture, without any *prima facie*, much less decisive, material against the respondent.

13. The first Committee, in its report, recommended that the respondent be examined by subject experts. It does not appear that this was ever done and, solely based on the conjectural findings of the committee, the respondent's result was withheld.

14. Given the fact that the Tribunal had granted liberty to the petitioner to carry out further inquiry into the matter, we queried of Mr. Bali, learned Counsel for the petitioners, as to whether any individual, who leaked the paper to the respondent, had been identified at any point of time. He candidly acknowledges that it has not been possible to bring home any guilt to any such individual, though, according to him, security lapses in the organisation had been noted by the first Committee.

15. The findings in the report of the Second Committee, dated 13 April 2017, read thus:

> "4. Finding
>
> After examining the answer sheets of selected candidates the Committee arrived at the following conclusion:-
>
> (i) Candidates had written the answers differently in respect of Essay, English comprehensive & others, and therefore *no common pattern of answering could be established*;
>
> (ii) Descriptive Language by candidates was found in varying pattern, and *appears to be their own.*
>
> (iii) It is also found that while answering the comprehensive question candidates had not given much data in their answers.
>
> (iv) It is noticed that portion of question paper consist of approximately 60 marks (Part IV & Part III, Question No. 14) and going through the answer sheet of 59 candidates it is found they had written direct answers on answer sheets without any calculations either in the answer sheet or in the rough work in the answer sheet but yet they were given full

> marks. *This gives a suspicion that candidates might had some prior information of the question paper*. However *due to the rough work page in the Question paper also* (which had been taken away by the candidates after the exam), it cannot be proved that the candidates did not made any rough calculations. For this reason *an act of malafide cannot be conclusively be established in the said exam*."
>
> (Emphasis supplied)

16. Thus, in so far as the second Committee is concerned, apart from the fact that there was a clear acknowledgment in para 4 of its findings that no conclusive evidence of any kind of misdemeanour or *mala fides* could be established, there is nothing in the report which particularly refers to the respondent.

17. The Third Committee, in its report dated 5 May 2017, found thus:

> "Finding
>
> The Committee gone through all the Answer sheets of unsuccessful candidates of all category (1000-309 = 691) and observed the following :
>
> Candidates had written the answers differently in respect of Essay, English Comprehensive and others, and therefore, no common pattern of answering could be established.
>
> (ii). Descriptive language by candidates was found in varying pattern, and appears to be their own.
>
> (iii). It is also found that while answering the comprehensive question candidates had not given much data in their answers.
>
> (iv) Out of 691 unsuccessful candidates, 121 candidates did not solve the mathematical part of the question paper involving different logical steps to arrive an answer. On the other hand, they had straightway written the answers to the question. (Annexure-II)
>
> The detailed bifurcation of 1000 candidates is given in the tabular statement

Sr. No.	Type	Number of Candidates	Given direct Answer	Percentage
		(A)	(B)	(C)=B*100/A
1.	Successful	309	59	19.09%
2.	Unsuccessful	691	121	17.51%
	Total	1000	180	18%

The variation in percentage of successful and unsuccessful candidates who have directly answered the questions without adopting the steps is minimum and its figures out 1.6%.

4.2 Committee in its previous finding did not conclusively stated that as to whether an act of malafide was not proved on account of the following counts: -

a) 59 candidates had written the answer directly and on the top of it, no rough calculation has been found in the answer sheet which attributes the suspicion on the candidates. Subsequently, it was found by of committee that a sheet marked a rough paper was attached with the question paper. Because of this fact, it would be rather more difficult for the committee to determine as to whether the answer solved by the candidates was pre-empt or otherwise.

b) Had the instructions detailed in the answer sheet bas been followed by the candidates, it would be easier for the committee to arrive at its logical conclusion.

c) Had no rough paper been provided in question paper, committee would have conclusively proved malafide when no rough calculation found on answer sheet.

d) Further, after examination of all the answer sheets, the committee didn't come across any new facts for arriving at a conclusion except infirmities as stated above were found both in successful and unsuccessful candidates.

e) If evaluation on answer sheet for mathematical paper would have been done on step by step calculation, then the situation could not have arrived.

4.4 Committee could not find any concrete and relevant material indicating wide spread infirmities from, visual inspection of answer sheet except the fad that rough calculation of mathematical portion by successful candidates and unsuccessful

> candidates was not found on answer sheet and it is understood that they might have done the calculation on the paper provided along with question paper."

18. Clearly, the second and third Committees constituted by the ICAR did not even particularly advert to the respondent, and findings, in fact, exonerate the candidates rather than otherwise. The findings, in so far as they were critical, remained in the realm of conjecture, surmise and probability.

19. In these circumstances, what is more unsettling, for us, is the fact that, of all the candidates who underwent the examination, the only person whose result was withheld was the respondent. We do not deem it necessary to hazard a guess for the real reason behind this. Suffice it, however, to state that there is no sufficient justification to single out the respondent for exclusive treatment by withholding his result.

20. Mr. Bali also drew our attention to an order dated 2 December 2021 which was passed by the predecessor bench of this Court in the present proceedings. This Court, on the said date, apparently posed a few questions to the respondent, including questions such as the identity of the President of the United States, the Finance Minister of India and the like, and was not satisfied with the response given by the respondent.

21. With great respect to the learned predecessor Bench, we are of the opinion that the limits of our *certiorari* jurisdiction do not allow us to carry out any such inquisitorial exercise. In the lay litigant, the

Court, and its atmosphere suffused with legalese, often instils a sense of apprehension. There is every possibility that, on being grilled by a Court, a litigant might lose his cool and not be able to answer simple questions which, in a more placid setting, he might readily have been able to answer. While we have no doubt about the fact that the predecessor bench was *bona fide* seeking to satisfy itself about the respondent, we are of the opinion that we cannot decide this writ petition on the basis of the answers given by the respondent when grilled by the Court.

22. The respondent admittedly was a topper in the examination. We find no justifiable basis whatsoever for the withholding of his result.

23. Besides, the relief given by the Tribunal is, to say the least, innocuous. The Tribunal has not granted a clean chit to the respondent. It has merely noted that it was not fair or legal to withhold his result merely on suspicion and has, therefore, directed declaration of his result with consequential relief, *sans* back wages, reserving liberty with the petitioner to proceed to inquire into the matter and take action if any positive material emerged. *Eight years have elapsed since then* and, apparently, till date, no such material is forthcoming.

24. In these circumstances, we find no reason to interfere with the impugned judgment of the Tribunal, which is upheld in its entirety.

25. This writ petition is accordingly dismissed, with no orders as to costs.

26. The interim order passed in these proceedings would stand vacated.

27. We direct compliance with the order of the Tribunal within eight weeks from today.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

AUGUST 31, 2026/*dsn*