



2026:DHC:8237-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI***Reserved on: 8 July 2026**Pronounced on: 24 September 2026*# **CNR No. DLHC010775422025**+ **W.P.(C) 15273/2025, CM APPLs. 62572/2025 & 5747/2026****UNION OF INDIA & ORS.****.....Petitioners**

Through: Mr. Syed Abdul Haseeb, CGSC
with Mr. Muhammad Aamir Khan,
Advocate

versus

HIMANSHI & 34 ORS.**.....Respondents**

Through: Mr. K.C. Mittal with Mr.
Yugansh Mittal, Mr. Pulkit Jain and Mr.
Keshav Poonia, Advs.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE VINOD KUMAR****JUDGMENT (ORAL)**

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24.09.2026**C. HARI SHANKAR, J.**

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A. A Prefatory Note

1. We are painfully aware that we are treading, here, on quicksand.

2. The candidature of Himanshi, who appeared in a Combined all-India Examination conducted by the Staff Selection Commission¹, was cancelled, and she was debarred from participating in any selection by the SSC for 7 years, on the ground that she had resorted to unfair means in the examination, following the report of a Committee which had been constituted for the purpose. She approached the Central Administrative Tribunal², which has allowed her Original Application and set aside the action taken against her. The SSC is before us in challenge.

¹ “SSC” hereinafter

² “the Tribunal” hereinafter



3. We are conscious of the fact that the preponderance of judicial thought, in such cases, advises restraint and circumspection, on the part of the Court, in interfering with the opinions of duly constituted Committees. Courts are not empowered to sit in appeal over their decisions.

4. Judicial review, even in such cases, is, however, not irremediably foreclosed. There is a rarefied stratosphere of cases in which, even with the greatest degree of circumspection, it is not possible to sustain the decision of the Committee, or the consequent action taken against the candidate.

5. This case, to our mind, resides in that rarefied stratosphere.

6. We are convinced that, in such cases, a “one size fits all” approach would be grossly misdirected. In a case where candidates at a particular examination centre are suspected to have indulged in malpractice or unfair means, the authorities have, with them, two options. One would be to subject all candidates in that centre to a fresh examination. This approach would usually be adopted where the use of unfair means is widespread, and it is not possible to reasonably identify all candidates who are involved. The approach of the Court, in such a case, would be qualitatively different, always keeping in mind the necessity to maintain purity in the examination process.

7. The second option with the authorities – which is what has been adopted in the present case – is, however, to cancel the candidature of,



and penalize, select candidates who, according to the authorities, have been identified as those who alone have employed unfair means. In such a case, the onus on the authorities, and the task on the Court, becomes more onerous. As we have already observed, a “one size fits all” approach, in such a case, would be totally contrary to law. The authorities would have to establish, in respect of *each of the allegedly delinquent candidates, that she, or he, employed unfair means*. The Court, too, would have to examine, in the case of each candidate, whether the view of the Committee, and the consequent action taken against the candidate, is justified.

8. Tested on this touchstone, we are unable to sustain the decision of the Committee, in the present case, that Himanshi resorted to unfair means. The various indicia, which are identified in the report of the Committee itself, as determinative in this regard, are not satisfied in the case of Himanshi.

9. *The most important reason for us to hold in favour of Himanshi, in the present case, is the affidavit in rejoinder filed by the SSC in the present proceedings.* The allegation, against all debarred candidates, including Himanshi, was that they were shifted to terminals other than those allotted to them, which were compromised and that, by attempting the rest of the Tier I examination through such compromised terminals, they performed outstandingly. A comparison of the terminals to which Himanshi was shifted, which are identified in the rejoinder affidavit filed by the SSC, with the list of compromised terminals annexed as Annexure 5 to the Report of the Scrutiny Committee which examined the issue, however, indicates



that *the terminals to which Himanshi was shifted were not among the list of compromised terminals*. Apart from various other reasons which discredit the allegation of unfair means having been employed by Himanshi, *this single factor, by itself, demolishes the allegation that Himanshi employed unfair means*.

10. It is *inter alia* for this reason that we are inclined, in the present case, to extend, to Himanshi, the benefit of doubt.

11. With these prefatory observations, we proceed to the facts.

B. Facts

12. The judgment dated 14 February 2025, passed by the Tribunal and under challenge in the present writ petition at the instance of the SSC, adjudicates a batch of Original Applications³, though it adverts only to the facts of OA 2953/2022⁴. Writ petitions have been preferred by the SSC against the impugned judgment insofar as it adjudicates all the OAs. Mr. Syed Abdul Haseeb, learned CGSC appearing for the SSC, *inter alia* contends that the Tribunal could not have extrapolated the decision in OA 2953/2022 to all other OAs, as the facts in each case are distinct and different.

13. The present writ petition, as filed, challenged the impugned judgment of the Tribunal in so far as it adjudicated as many as 34 OAs, with the applicants in the OAs having been impleaded as respondents in the writ petition. However, by the very first order

³ "OAs" hereinafter

⁴ **Himanshi v. Staff Selection Commission & others**



passed by this Court in the present writ petition on 6 October 2025, it was clarified that the writ petition would be treated as a challenge only to the impugned order dated 14 February 2025 passed by the Tribunal in so far as it adjudicated OA 2953/2022, filed by Himanshi.

14. This judgment, too, therefore, adjudicates the writ petition referred by the SSC against the impugned judgment in so far as it decides OA 2953/2022. We would also, therefore, be referring to the facts pertinent to the said OA, i.e., to the case of Himanshi.

15. The dispute pertains to the Combined Higher Secondary Level (10+2) Examination 2019, conducted by the SSC for recruitment to the post of Lower Division Clerk, Junior Secretariat Assistant, Postal Assistant, Sorting Assistant and Data Entry Operator. The selection comprised three stages/tiers. Tier I was a Computer Based Examination, Tier II was a Descriptive Data and Tier III was a Skill Test/Typing Test, which was qualifying in nature. Himanshi was a candidate belonging to Other Backward Classes. She underwent the Tier I examination at Avirat Education Society⁵, Shivalik Nagar, Haridwar, and scored 199.21 normalised marks out of 200, which was above the prescribed cut off for OBC candidates. She thereafter participated in Tier II and Tier III and was declared successful. She was called for document verification scheduled on 22 March 2022, which, too, she attended.

16. The final result of the selection was declared by the SSC on 10 May 2022. The results of 104 candidates, including Himanshi's, were

⁵ "Avirat" hereinafter



withheld, on the ground that they were alleged to have used unfair means.

17. A Committee was constituted by the SSC to enquire into the suspected malpractices adopted by the candidates, primarily by “de-mapping”, i.e., by attempting the Tier I examination from a terminal other than the terminal allotted to them, with the later terminal being allegedly compromised. The report of the Committee, to the extent it is relevant for the case of Himanshi, may be reproduced as under:

“Report of the Committee constituted to examine the CCTV footages and Log trial details of the candidates of CHSL EXAMINATION 2019, whose result has been withheld wrt 90 Candidates.

A Committee has been constituted by Staff Selection Commission vide Order No.F.No.01/10/2021/C-II (Part-II) dated 17.05.2021 with RD (SR), RD (CR) & DS (Conf.). The mandate of the committee is to examine the CCTV footages and log trails of the 90 candidates of CHSLE2019, whose result has been kept withheld.

2. The Committee Members held two meetings in Delhi on 23.05.2022 and sought he required log sheets, data etc from the Service Provider. The same were furnished by 9.6.2022.

3. After the relevant data points were arranged, the Committee started to examine the available material. The log files supplied, required further processing to mark relevant data points/information to examine the matter. The performance of the candidate was superimposed on the logs. The committee through SQL queries and software program culled out the date of exam, shift, time stamp, time differential etc., and through software program identified the actual "Attempts" and "Views" of the questions by the candidates. Through the program, the number of attempts made against specific questions were also identified. The time taken from attempting the first question till the last question of the overall question paper as well as subjects within the paper were also extracted.

4. The committee considered the following factors while



examining the logs.

- (i) Score of the candidate
- (ii) Attempts made by the candidate against each section (subject) viz., General knowledge (GK), Numerical Ability (NA), Reasoning (RE) and Computer Fundamentals (CO).
- (iii) The number of correct and incorrect replies.
- (iv) The difficulty level of the questions (difficulty level was determined based on the number of candidates who could answer the question correctly)
- (v) The time taken by the candidate to answer the questions.
- (vi) The time spent by the candidate not attempting questions (idle time)
- (vii) The sequence of answering the questions
- (viii) The pattern of correcting the questions answered incorrectly, on the later occasion through reattempts
- (ix) The pattern of answering the questions in quick succession/ explosive rate
- (x) Duration taken from the first attempt till the last attempt
- (xi) The number of candidates appearing in the same shift from the same venue out of 90 candidates and the number of questions answered correctly/incorrectly by these candidates
- (xii) The time of demapping as recorded in the logs
- (xiii) IP address and MAC id used by the candidate before and after demapping

5. Further, CCTV footages of few venues were examined to observe any abnormalities/ suspicious activity, vis a vis, the withheld candidates and the findings of the same have been recorded. As examining the CCTV footages in the format furnished by the Service Provider required lot of time, after witnessing the samples to understand different modes/modus operandi adopted at the venue, the Committee proceeded with examination of the logs.

6. Examination of CCTV footages:

CCTV footages of few candidates from the venues which had high success rate have been examined and report attached as Annexure-2.

The observations out of examination of CCTV footages is as follows:-

Venue: Airavat Education:



- (i) Almost all the candidates have been shifted to some other terminal before closure of entry gate.
- (ii) It seems that there are some fixed compromised terminals in every lab and most of suspected candidates shifted to these terminals only.
- (iii) There is one main invigilator who is involved in almost all the shifting. He was getting help from some other invigilators also.
- (iv) Almost all the shifted candidates are not being seen to be complaining about non-working of old terminal. Rather they have told by invigilators to shift to other terminal.
- (v) In one or two cases old terminal of the shifted candidates was used by some other candidate, which clearly indicates that there was no fault in the already allocated terminal of the candidate. He was shifted with ill motives only.
- (vi) Most of the suspected candidates are the first one to report at the frisking point and then in the lab.
- (vii) In few of the cases it also seems that CCTV footage has also been doctored.

Venue: Om Kothari Institute of Management and Research

- (i) Most of the withheld candidates in this centre have appeared from Lab-3.
- (ii) The candidates suspected to be involved in malpractice is made to sit before the intended system/terminal which could be compromised.
- (iii) Affixing the cable would be the modus of facilitating in malpractice.
- (iv) Either the system is taken on the remote access or actual question is taken through a system placed outside and terminally shared to the candidate.

7. The data showing venue-wise suspected and cleared candidate is shown at Annexure-3. From the table, the scale of malpractice, venue wise can be made out. As can be observed, some venues have resorted to rampant malpractice.

8. Committee also did some data analytics.

- i. The table showing the time taken between first and last attempt by the Candidates is at **Annexure-4**. It may be observed that many Candidates have replied all the questions In very short duration.



ii. The table showing IP addresses used more than once in the same shift in a given venue is shown as **Annexure-5**. Some IP addresses and MAC addresses are used frequently by the venues for the compromised systems.

iii. The table showing subject wise correct attempts and time differential between the first and last attempt is shown as **Annexure-6**.

9. After analyzing the log files, the committee is of the view that malpractice seems to have taken place with the connivance of the Venue Management/Personnel. The biometric registration module allots the Candidates to machines with different labels which are already launched on predetermined random basis contained in the drive. The intended Candidates are moved to desired compromised system by remapping them from the earlier allotted system and remapping them to intended compromised system.

10. The system through which candidate appears for the exam seems to have been taken either on remote access or the actual system is outside the exam hall on the same LAN and the screen is shared to the screen(monitor) of the Candidate. It seems that a team sitting outside the exam hall or at remote place has attempted the questions. To answer the GK questions, probably help of search engines are taken. It is observed that in the venues/shift where there are more candidates involved in the malpractice, one subject each (out of 4 subjects) is replied/attempted at regular pace on different candidate's terminal. Later the solved questions of other subject/topic are replied/attempted at fast pace. In the venues/shift where there are less number of candidates, say 1 or 2, the questions are attempted at more or less regular pace as the solving and answering is resorted to by the team assisting remotely at their pace and marked simultaneously. In spite of strong apprehensions looking at the questions answered consistently, benefit of doubt has been given to some candidates.

11. **RECOMMENDATION:**

The committee, after detailed examination and analysis, has recorded its observation and recommendation against each candidate. The reasons for the recommendation have also been recorded. The same is attached herewith as **Annexure- 1**.



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Out of **90 candidates** examined, the Committee recommends **70 candidates as suspects**. Committee also recommends **20 candidates as can be cleared** for the reasons stated therein.

The number of candidates examined: **90**

Candidates found as suspect: **70**

Candidates found clear: **20**

Sd/-

RD (SR)

Sd/-

RD(CR)

DS(Conf)

S. No.	Roll Number	Exam Date	Shift	Venue Code	Center Name	Score	Correct	Incorrect	Observation	Remarks
14.	2005007709	18-03-2020	2	5090	Avirat Education Society	186	94	4	For first 29 minutes only 15 questions with 9 incorrect. Candidate shifted to a new machine and then makes very fast attempts. No attempt in last 10 minutes. Almost whole paper done in only 21 minutes with total 94 correct. Overall timetaken from first attempt till last attempt is 00:43:22. (Time taken Subject wise from first attempt till last attempt- QA-25 Correct, Time taken* 04:52 min:sec. GI-22 Correct,	Suspected



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									Time taken*03:4 0 min:sec. GK-23 Correct, Time taken* 09:04min:s ec. EN-24 Correct, Time taken* 43:22 min:sec)	
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Annexure-2**CCTV Observations**

Avirat Education:

2005007709: Candidate not traceable.

Annexure-3**Time duration between 1st and last attempt by the Candidates**

(Time taken to complete the Exam)

ROLL NUMBER	Score	Remarks	Time diff (HH.mm.ss)
2005007709	186	Suspected	00:43:22

18. Himanshi addressed representations to the SSC, seeking that her result be declared. The results of 20 of the candidates, which had been withheld, were provisionally declared by the SSC on 28 July 2022. Himanshi, however, was not one among the 20.



19. On 13 September 2022, the SSC issued a show cause notice to Himanshi alleging use, by her, of unfair means while attempting the Tier I examination. The following passages, from the show cause notice, are of relevance:

WHEREAS the Commission had taken a conscious decision with a view to protecting the integrity of the selection process and to prevent candidates who are prima facie found indulging in unfair means in their examination from entering into government service through such unfair means and in furtherance of the said decision the result of 104 candidates including Ms. Himanshi has been kept withheld due to suspected use of unfair means/discrepancies subject to the further scrutiny in their matter by the Commission.

WHEREAS 90 candidates were found indulge in suspected use of unfair means i.e. moving to compromised system in examination hall by getting themselves demapped from the earlier allotted system and getting themselves remapped to intended compromised system. Therefore, cases of 90 candidates including that of Ms. Himanshi's were to be scrutinized by the Committee constituted for the this purpose.

WHEREAS a Committee had been constituted by the Commission on 17.05.2021 to examine the CCTV footages and log trails of these 90 candidates of CHSLE-2019, whose result has been kept withheld. The committee considered the following factors while examining the logs.

- (i) Score of the candidate.
- (ii) Attempts made by the candidate against each section (subject) viz., General knowledge (GK), Numerical Ability (NA), Reasoning (RE) and Computer Fundamentals (CO).
- (iii) The number of correct and incorrect replies.
- (iv) The difficulty level of the questions (difficulty level was determined based on the number of candidates who could answer the question correctly).
- (v) The time taken by the candidate to answer the questions.
- (vi) The time spent by the candidate not attempting questions (idle time).
- (vii) The sequence of answering the questions.
- (viii) The pattern of correcting the questions answered incorrectly, on the later occasion through reattempts.
- (ix) The pattern of answering the questions in quick succession/ explosive rate.



- (x) Duration taken from the first attempt till the last attempt.
- (xi) The number of candidates appearing in the same shift from the same venue out of 90 candidates and the number of questions answered correctly/ incorrectly by these candidates.
- (xii) The time of demapping as recorded in the logs.
- (xiii) IP address and MAC id used by the candidate before and after demapping.

WHEREAS, CCTV footages of few venues were examined to observe any abnormalities/suspicious activity, vis-a-vis, the withheld candidates and the findings of the same have been recorded. After witnessing the samples to understand different modes/modus operandi adopted at the venue, the Committee proceeded with examination of the logs. After analyzing the log files, the committee is of the view that malpractice seems to have taken place with the connivance of the Venue Management/Personnel. The biometric registration module allots the Candidates to machines with different labels which are already launched on predetermined random basis contained in the drive. The intended Candidates are moved to desired compromised system by demapping them from the earlier allotted system and remapping them to intended compromised system. The system through which candidate appears for the exam seems to have been taken either on remote access or the actual system is outside the exam hall on the same LAN and the screen is shared to the screen (monitor) of the Candidate. It seems that a team sitting outside the exam hall or at remote place has attempted the questions. To answer the GK questions, probably help of search engines are taken. It is observed that in the venues/shift where there are more candidates involved in the malpractice, one subject each (out of 4 subjects) is plied/attempted at regular pace on different candidate's terminal. Later the solved questions of other subject/topic are replied/attempted at fast pace. In the venues/shift where there are less number of Candidates, say 1 or 2, the questions are attempted at more or less regular pace as the solving and answering is resorted to by the team assisting remotely at their pace and marked simultaneously.

WHEREAS, the Committee has observed that though as per records, Ms. Himanshi (Roll No. 2005007709) appeared for CHSL (Tier-1) Examination-2019 on 18.03.2020 in Shift-2 (i.e. from 01:00 pm to 02:00 pm) at Avirat education Society, S-340, Shivlik Nagar, near BHEL, Ranipur, Haridwar, Uttarakhand-249403, she is not traceable in CCTV footage.



WHEREAS after analyzing the log files, the Committee has observed that Ms. Himanshi (Roll No. 2005007709) attempted only 15 questions with 9 incorrect for first 29 minutes. She was shifted to a new machine and then she made very fast attempts. However, no attempt was made in last 10 minutes Almost whole paper was done only in 21 minutes with total 94 corrects. Overall time taken from first attempt till last attempt is 00:43:22. (Time taken Subject wise from first attempt till last attempt-. Quantitative Aptitude -25 Corrects, Time taken * 4:52 min:sec.; General Intelligence -22 Corrects, Time taken* 3:40 min:sec. General Knowledge -23 Corrects, Time taken* 09:04 min:sec English -24 Correct, Time taken* 43:22 min:sec). It may be seen that Ms. Himanshi (Roll No. 2005007709) has replied all the questions in very short duration.

WHEREAS, the Committee also observed that almost all the withheld candidates of CHSLE 2019 who appeared in Tier-I of the said examination at Avirat education Society, have been shifted to some other terminal before closure of entry gate. There is one main invigilator who is involved in almost all the shifting. He was getting help from some other invigilators also. It seems that there are some fixed compromised terminals in every lab and most of suspected candidates shifted to these terminals only. Almost all the shifted candidates are not being seen to be complaining about non-working of old terminal. Rather they have told by invigilators to shift to other terminal. In one or two cases old terminal of the shifted candidates was used by some other candidate, which clearly indicates that there was no fault in the already allocated terminal of the candidate. He was shifted with ill motives only. Most of the suspected candidates are the first one to report at the frisking point and then in the lab.

WHEREAS, from the above, it is transpired that Ms. Himanshi (Roll No. 2005007709) appeared for CHSL (Tier-I) Examination-2019 on 18.03.2020 in Shift-2 (i.e. from 01:00 pm to 02:00 pm) at Avirat education Society, S-340, Shivlik Nagar, near BHEL, Ranipur, Haridwar, Uttarakhand-249403 and there was no fault in the already allocated terminal of her as she made no complain about non-working of it. She with the help of Main Invigilator deliberately shifted to some fixed compromised terminals at Avirat education Society with ill motives only. Hence it is clear that Ms. Himanshi (Roll No. 2005007709) has shared examination terminal through remote desktop softwares/ Apps/ LAN/VAN, etc, for getting through the Tier-I of the examination in question.

WHEREAS, the candidates applying for the said Examination were cautioned and instructed through clause No. 19(19) of the Notice of the said Examination that:



19. If candidates are found to indulge at any stage in any of the malpractices listed below during the conduct of examination or thereafter, their candidature for this examination will be cancelled and they will be debarred from the examinations of the Commission for the period mentioned below:

S. No.	Type of Malpractice	Debarment period
19	Sharing examination terminal through remote desktop softwares/Apps/ LAN/VAN, etc.	7 Years

WHEREAS clause 20 states that "the decision of the Commission in all matters relating to eligibility, acceptance or rejection of the applications, penalty for false information, mode of selection, conduct of examination(s), allotment of examination centres, selection and allotment of posts/organizations to selected candidates will be final and binding on the candidates and no enquiry correspondence will be entertained in this regard."

AND WHEREAS, sharing examination terminal through remote desktop softwares/ Apps/ LAN/VAN, etc. is sheer violation of clause 19(19) of the examination notice for CHSLE-2019.

NOW THEREFORE, Ms. Himanshi, D/o Shri Balbir Singh, Village Nagla Gulab, Post Nibkarori, Farrukhabad, Uttar Pradesh-205302 is hereby directed to show cause, within ten (10) days of the issuance of this notice as to why her candidature for the Combined Higher Secondary Level (10+2) Examination, 2019 should not be cancelled and she should not be debarred from the examinations of the Commission for seven (07) years from the date of misconduct. In case of no response within stipulated time, it will be presumed that she has nothing to say in this regard and accordingly her case will be processed further in accordance with clause 19(19) of the examination notice for CHSLE-2019.

20. Himanshi replied to the show cause notice on 28 September 2022, denying all allegations.

21. Himanshi approached the Tribunal by way of OA 2953/2022, praying that the SSC be directed to declare her result. During the



pendency of the OA, the SSC passed an order dated 21 October 2022, confirming the proposal, in the show cause notice dated 13 September 2022, to cancel the candidature of the respondent and debar her from participating in any examination conducted by the SSC for a period of 7 years. The order dated 21 October 2022, to the extent it is relevant, is reproduced thus:

WHEREAS the Commission had taken a conscious decision with a view to protecting the integrity of the selection process and to prevent candidates who are prima facie found indulging in unfair means in their examination from entering into government service through such unfair means and in furtherance of the said decision the result of 104 candidates including Ms. Himanshi has been kept withheld due to suspected use of unfair means/discrepancies subject to the further scrutiny in their matter by the Commission.

WHEREAS 90 candidates were found indulging in suspected use of unfair means i.e. moving to compromised system in examination hall by getting themselves demapped from the earlier allotted system and getting themselves remapped to intended compromised system. Therefore, cases of such 90 candidates including that of Ms. Himanshi were to be scrutinized by the Committee constituted for this purpose.

WHEREAS a Committee had been constituted by the Commission on 17.05.2021 to examine the CCTV footages and log trails of these 90 candidates of CHSLE-2019, whose result has been kept withheld. The committee considered the following factors while examining the logs.

- (i) Score of the candidate
- (ii) Attempts made by the candidate against each section (subject) viz., General knowledge (GK), Numerical Ability (NA), Reasoning (RE) and Computer Fundamentals (CO).
- (iii) The number of correct and incorrect replies.
- (iv) The difficulty level of the questions (difficulty level was determined based on the number of candidates who could answer the question correctly)
- (v) The time taken by the candidate to answer the questions.
- (vi) The time spent by the candidate not attempting questions (idle time)



- (vii) The sequence of answering the questions
- (viii) The pattern of correcting the questions answered incorrectly, on the later occasion through reattempts
- (ix) The pattern of answering the questions in quick succession/ explosive rate
- (x) Duration taken from the first attempt till the last attempt
- (xi) The number of candidates appearing in the same shift from the same venue out of 90 candidates and the number of questions answered correctly/ incorrectly by these candidates
- (xii) The time of demapping as recorded in the logs
- (xiii) IP address and MAC id used by the candidate before and after demapping

WHEREAS, CCTV footages of few venues were examined to observe any abnormalities/suspicious activity, vis-a-vis, the withheld candidates and the findings of the same have been recorded. After witnessing the samples to understand different modes/modus operandi adopted at the venue, the Committee proceeded with examination of the logs. After analyzing the log files, the committee is of the view that malpractice seems to have taken place with the connivance of the Venue Management/Personnel. The biometric registration module allots the Candidates to machines with different labels which are already launched on predetermined random basis contained in the drive. The intended Candidates are moved to desired compromised system by demapping them from the earlier allotted system and remapping them to intended compromised system. The system through which candidate appears for the exam seems to have been taken either on remote access or the actual system is outside the exam hall on the same LAN and the screen is shared to the screen(monitor) of the Candidate. It seems that a team sitting outside the exam hall or at remote place has attempted the questions. To answer the GK questions, probably help of search engines are taken. It is observed that in the venues/shift where there are more candidates involved in the malpractice, one subject each (out of 4 subjects) is replied/attempted at regular pace on different candidate's terminal. Later the solved questions of other subject/topic are replied/attempted at fast pace. In the venues/shift where there are less number of candidates, say 1 or 2, the questions are attempted at more or less regular pace as the solving and answering is resorted to by the team assisting remotely at their pace and marked simultaneously.

WHEREAS, the Committee has observed that though as per records, Ms. Himanshi (Roll No. 2005007709) appeared for CHSL (Tier-I) Examination-2019 on 18.03.2020 in Shift-1 (i.e.



from 01:00 pm to 02:00 pm) at Avirat education Society, S-340, Shivlik Nagar, near BHEL, Ranipur, Haridwar, Uttarakhand-249403, she is not traceable in CCTV footage.

WHEREAS after analyzing the log files, the Committee has observed that Ms. Himanshi (Roll No. 2005007709) attempted only 15 questions with 9 incorrect for first 29 minutes. She was shifted to a new machine and then she made very fast attempts. However, no attempt was made in last 10 minutes. Almost whole paper was done only in 21 minutes with total 94 corrects. Overall time taken from first attempt till last attempt is 00:43:22. (Time taken Subject wise from first attempt till last attempt. Quantitative Aptitude -25 Corrects. Time taken* 04:52 min:sec.; General Intelligence -22 Corrects. Time taken 03:40 min:sec. General Knowledge -23 Corrects. Time taken 09:04 min:sec.; English -24 Correct. Time taken 43:22 min:sec). It may be seen that Ms. Himanshi (Roll No. 2005007709) has replied all the questions in very short duration.

Time taken* - time differential between the time stamps of first and last attempt in a particular subject

WHEREAS, the Committee also observed that almost all the withheld candidates of CHSLE-2019 who appeared in Tier-I of the said examination at Avirat education Society, have been shifted to some other terminal before closure of entry gate. There is one main invigilator who is involved in almost all the shifting. He was getting help from some other invigilators-also. It seems that there are some fixed compromised terminals in every lab and most of suspected candidates shifted to these terminals only. Almost all the shifted candidates are not being seen to be complaining about non-working of old terminal. Rather they have been told by invigilators to shift to other terminal. In one or two cases old terminal of the shifted candidates was used by some other candidate, which clearly indicates that there was no fault in the already allocated terminal of the candidate. She was shifted with ill motives only. Most of the suspected candidates are the first one to report at the frisking point and then in the lab.

WHEREAS, from the above, it is transpired that Ms. Himanshi (Roll No. 2005007709) appeared for CHSL (Tier-I) Examination-2019 on 18.03.2020 in Shift-2 (i.e. from 01:00 pm to 02:00 pm) at Avirat education Society, S-340, Shivlik Nagar, near BHEL, Ranipur, Haridwar, Uttarakhand-249403 and there was no fault in the already allocated terminal of her as she made no complain about non-working of it. She with the help of Main Invigilator deliberately shifted to some fixed compromised terminals at Avirat education Society with ill motives only. Hence



it is clear that Ms. Himanshi (Roll No. 2005007709) has shared examination terminal through remote desktop softwares/ Apps/LAN/VAN, etc. for getting through the Tier-1 of the examination in question.

WHEREAS, sharing examination terminal through remote desktop softwares/ Apps/LAN/VAN, etc. is sheer violation of clause 19(19) of the examination notice for CHSLE-2019.

WHEREAS in response to the Show Cause Notice dated 13.09.2022. Ms. Himanshi vide her letter dated 28.9.2022 submitted her reply stating that the Show Cause Notice dated 13.09.2022 is merely a sham and it is a post decisional hearing. Time granted for filing reply is too short and the Show Cause Notice is being issued in a format only changing few paragraphs. Once the final result has been declared, there has to be some basis to scrutinize the candidatures of few candidates. The matter of only 90 candidates was referred to the Committee constituted for this purpose though result of 104 candidates was kept withheld which makes it clear that a pick & choose method based on suspicion and surmises, was adopted for referring these 90 cases including Ms. Himanshi's case to the Committee. It further shows non-application of mind as once the result of 104 candidates have been kept withheld and result of 20 candidates have been declared then matter of 84 candidates only should have been referred to the Committee. She is not a technical person and thus unable to understand technicality of the issue of demapping. IP address and MAC ID. She sat at the seat on which she was directed to sit by the Invigilator. This was in sheer accordance with the general guidelines governing the examination in question. If she defies these guidelines or instructions given by the invigilator, her candidature might have been cancelled immediately. The criteria of scrutinizing the results on the basis of shifting from one console to another console clearly establishing non-application of mind. The act of constituting a Committee to scrutinize the result of selected candidates on arbitrary ground is against the laid down scheme and guidelines of the present examination. The report of the Committee relied upon in the show cause notice was not supplied to her.

WHEREAS the reply to the Show Cause Notice has been gone through and it is observed that Ms. Himanshi has misinterpreted various aspects of the Show Cause Notice and her submission in response to the Show Cause Notice is misconceived and misleading, Ms. Himanshi misinterpreted the clause 20 this clause 20 simply reserves the right of the Commission with regard taking decision in all matters relating to eligibility, acceptance or



rejection of the applications, penalty for false information, mode of selection, conduct of examination(s), allotment of examination centres, selection and allotment of posts organizations to selected candidates and further prohibits any sort of enquiry in this regard. It nowhere says that any reply sought by the Commission, will not be considered. Further, 10 days time is sufficient for furnishing reply to the Show Cause Notice. More time gives more chances for manipulation of facts. It is also intimated that in terms of clause 17.17 of the Notice of the examination in question, the admission of all the candidates at all stages of the examination is purely provisional, subject to their satisfying the prescribed eligibility conditions. If, on verification, at any time before or after the written examination, it is found that they do not fulfill any of the eligibility conditions, their candidature for the examination will be cancelled. Besides, clause No. 19(19) of the Notice of the said Examination clearly stipulates that "If candidates found to indulge at any stage in any of the malpractices listed below during the conduct of examination or thereafter, their candidature for this examination will be cancelled and they will be debarred from the examinations of the Commission for the period of 7 Years if found sharing examination terminal through remote desktop softwares/Apps/ LAN/VAN, etc."

WHEREAS it is pertinent to mention here that the modus operandi for cheating adopted by all the candidates to whom Show Cause Notices were issued, is similar in nature. Further in many cases Examination Centre, Shift and date of examination are also the same. Therefore it is obvious that Show Cause Notices issued to such candidates do not have much variation. Besides, reply of Ms. Himanshi to the Show Cause Notice is similar to the reply of S/Shri Shubham Rathi (Roll No.2005007527), Robin Singh (Roll No.2005007549), Rakshit Kumar No.2201878565) and Ms. Pooja (Roll No. 2201878727) etc.

WHEREAS it has already been mentioned in the Result Writup of Final result of CHSLE-2019 that "the result of 104 candidates has also been kept withheld due to suspected use of unfair means/discrepancies, as per the list attached therewith the Result Writup. These cases will be further scrutinized by the Commission, Therefore result of 104 candidates of CHSLE-2019 was kept withheld for further scrutiny. These 104 candidates includes 14 such candidates whose candidatures were withheld due to mismatch in handwritings, signatures and photographs captured at various stages of the examination in question. Thus only 90 cases were referred to the Committee constituted for the scrutiny of these cases of demapping & re-mapping.



WHEREAS it is also stated that a candidate is shifted from the assigned seat to another seat if there is some technical glitch in the system assigned to him/her. In the instant case no such this has happened as the candidate has not reported any fault in the assigned system. Further, the report of the Committee contains details of 80 other candidates as well. Sharing of report amounts sharing of their details as well.

AND WHEREAS Ms. Himanshu has failed to rebut the allegation leveled against her in Show Cause Notice in a satisfactory manner.

NOW THEREFORE, the candidature of Ms. Himanshi, D/o Shri Balbir Singh, Village Nagla Gulab, Post Nibkarori, Farrukhabad, Uttar Pradesh-205302 for the Combined Higher Secondary Level(10+2) Examination, 2019 is hereby cancelled and she, in accordance with clause 19(19) of the examination notice for CHSLE-2019. is debarred from the examinations of the Commission for seven (07) years from the date of misconduct i.e. 18.03.2020.

22. Himanshi, therefore, amended her OA, including a challenge to the order dated 21 October 2022.

23. The Tribunal has, by judgment dated 14 February 2025, allowed the OA filed by Himanshi. The reasoning, and the conclusion of the Tribunal, read thus:

“23. Heard the learned counsel for the parties and perused the records. The respondents justify their action based on the report of the expert committee. The SSC, being the recruiting agency, is responsible for conducting multiple recruitment examinations annually, including the CGLE, which witnesses the participation of thousands of candidates. To facilitate this extensive process across the country, SSC engages various computer labs/centers for conducting the examinations. These centers are mandated to conduct the exams under CCTV surveillance, and the recorded footage is expected to be available to SSC if required.

In the present case, before the completion of the recruitment cycle, SSC had sought the CCTV recordings; however the centers have failed to provide the same. This raises the question of the extent of control SSC exercises over these centers. While the



centers are required to record and preserve the examination footage via CCTV, when concerns arose regarding the candidatures of certain candidates from these centers, only 2 out of the 7 centers, admittedly, furnished the requested footage.

23.1. The only reason provided by the respondents to doubt the candidatures of the applicants is that the applicants had shifted from their allotted consoles during Tier-I exam. Out of 44,000 odd candidates who shifted from their allotted consoles, 210 made it to the finalist. Only 90 out of the 210 were subjected to scrutiny. The reason for subjecting only 90 is that they are from a center where more than 5 candidates had shifted their consoles. This criterion on the face of it may seem convenient for the SSC, but it is harsh, arbitrary, and pick and choose, and not a direct result of any action of the candidate. The individual candidates has not control once how many candidates shift from their allotted consoles. It seems the SSC has tried to make an example of these candidates.

24. A very harsh punishment has been imposed on the applicants on one hand their candidature has been cancelled and on the other they have been banned from any exams to be conducted by SSC for 7 years. Meaning thereby those candidates who although shifted from their consoles, but were at a center where less than 5 candidates had shifted and are selected have been allowed to go scot-free. Then there are those who although shifted from their consoles, but did not make it to the final select list are free to attempt/sit as many times in future exams.

25. We are aware that the SSC faces a huge challenge while conducting these exams, however, it has all the resources and the technology at its beck and call to ensure a free and fair selection. The SSC is competent and free to ensure that the exam is conducted without any allegation of cheating etc, however, when it undertakes an exercise such as the one in the present case, it is expected that the SSC would have the necessary details and evidence to back their allegations. Lack of CCTV footage would necessarily have to be read in favor of the applicant. Furthermore, the algorithm used to scrutinize only 90 out of 210 selected candidates raises concerns and cannot be overlooked.

26. Applicants detailed research concerning the time consumed in answering the first and last question, by the selected/cleared after scrutiny candidates, and the applicants also go in favour of the applicant. Respondent SSC has stated that they have considered the time consumed as an indicator of the guilt of the applicants, however, the SSC could not answer the difference between the applicants and the cleared candidates when the time consumed is the same.



27. Further the decision to scrutiny the candidates exercise was undertaken only after the completion of all three stages of the selection process. At this advanced stage, where the results of Tier-I, Tier-II, and Tier-III had already been declared, subjecting the Tier-1 examination to additional scrutiny based on an arbitrary criterion smacks of arbitrariness, vagueness, and malice in law.

28. Another intriguing factor is that the impugned orders were issued after the declaration of the final result, despite the applicant clearing the entire selection process on merit (Tier-1, II, & III) and successfully completing document verification. Once the final result was declared, the principle of estoppels barred the authorities from withholding the applicant's appointment on vague and flimsy grounds concerning Tier-1.

29. Given the above discussion we are of the opinion that the impugned orders needed to be set since they are arbitrary and based on flimsy grounds, casting a serious stigma on the applicant's career by proposing a seven-year debarment from SSC examinations. Such a severe penalty could only be imposed if there was a clear-cut and conclusive finding of guilt based on legally tenable grounds. In the present case, no such grounds existed, making the imposition of this punishment entirely arbitrary and jeopardizing the applicant's career.

30. In view of the above, the impugned orders dated 10th May 2022 (concerning to the applicants), 13th September 2022 and 21st October 2022 are hereby quashed and set aside. The respondents are further directed to consider the candidature of the applicant in accordance with the merit secured by the applicants in the CHSL 2019 examination, granting all consequential benefits as per law within a period of four months from the date of receipt of a certified copy of this order.

31. The Original Application stands allowed, along with all consequential benefits as per law. There shall be no order as to costs.”

24. The SSC, by means of the present writ petition, challenges the decision of the Tribunal.

25. We have heard Mr. Syed Abdul Haseeb, learned CGSC for the SSC and Mr. K.C. Mittal, learned Senior Counsel for the respondent.



C. Rival Stands of learned Counsel

C.I Submissions of Mr. Haseeb, on behalf of the SSC

26. Arguing on behalf of the Union of India, Mr. Haseeb submits that the decision to cancel the candidature of Himanshi was taken after a comprehensive enquiry and evaluation by a duly constituted Committee. Adverting to the report of the Committee, Mr. Haseeb points out that the CCTV footage of the area as well as the log trails of 90 suspected cases were examined. Consequent on examination, the suspicion of use of unfair means was found not to have been corroborated in the case of 20 candidates whose results were, therefore, declared. The remaining 70 candidates were, however, found to have used unfair means, based on the material before the Committee and the enquiry conducted by it. It was for this reason that their result was withheld and they were imposed the statutorily envisaged punishment of 7 years' debarment.

27. Though Himanshi was not traceable in the CCTV footage, Mr. Haseeb points out that the manner in which she attempted and answered questions substantiates the finding that she had indulged in unfair means. He submits that

- (i) there were a total of 100 questions in the Tier I examination,
- (ii) Himanshi attempted 15 questions on the terminal allotted to her and the remaining 85 questions on the terminal to which she was shifted,



- (iii) she attempted all 100 questions within 43 minutes and 22 seconds,
- (iv) in doing so, she availed only 50 minutes out of the one-hour permitted to attempt the paper, out of which 29 minutes were spent on the terminal allotted to her and the remaining 21 minutes were spent on the terminal to which she was shifted,
- (v) in the first 29 minutes, she attempted 15 questions on the terminal allotted to her, out of which 9 answers were incorrect, and
- (vi) in the remaining 21 minutes, she attempted the remaining 85 questions on the terminal to which she was shifted, of which all 85 answers were correct.

Mr. Haseeb submits that Himanshi did not complain of any fault in the terminal which was allotted to her, as would justify shifting her to another terminal. The shifting was, therefore, unjustified and, according to him, deliberately engineered, allowing her to attempt the paper through a compromised terminal. This fact, along with the abnormal answering pattern of Himanshi, he submits, was sufficient to justify the finding that she had resorted to unfair means in collusion with persons in the examination hall.

28. It is further submitted by Mr. Haseeb that the case of Himanshi is not isolated and that similar instances of shifting of terminals combined with abnormal answering behaviour were observed in the case of multiple candidates, often at the same centers and shifts, thereby establishing a uniform *modus operandi*, with no chance of coincidence.



29. Mr. Haseeb has placed especial reliance on para 4 of the Report of the Committee, which enumerates various factors which were considered by it while examining the logs of the candidates. The study was, therefore, he submits, thorough, and all relevant indicia were taken into consideration. Inasmuch as the findings were based on expert evaluation of complex technical data, Mr. Haseeb submits that the Tribunal erred in interfering with the decision to cancel Himanshi's candidature and debar her for a period of 7 years. For the proposition that Courts should not interfere in such cases, Mr. Haseeb places reliance on the judgment of a Division Bench of this Court in *Varun Bhardwaj v. State Bank of India*⁶.

30. Clause 19(19) of the Notice of Examination, points out Mr. Haseeb, envisages cancellation of candidature, and debarment for a period of 7 years, in the case of any candidate who is found indulging in malpractice, including "sharing examination terminal through Remote desktop softwares/Apps/LAN/VAN, etc." The case of the respondent, he submits, directly attracts this Clause.

31. Mr. Haseeb, therefore, exhorts this Court to uphold the decision to cancel the candidature of the respondent and debar her for a period of 7 years, and, therefore, to set aside the impugned judgment of the Tribunal.

C.II Submissions of Mr. K.C. Mittal for the Respondent

⁶ 2015 SCC OnLine Del 13636



32. Responding to Mr. Haseeb, Mr. Mittal, appearing for the respondent, submits that no case for interference with the impugned judgment of the Tribunal, within the scope of Article 226 of the Constitution of India, can be said to exist.

33. Mr. Mittal points out that the petitioner, for no apparent reason, undertook an investigation into the conduct of the Tier I examination after a delay of two years and nine months. No complaint, regarding the manner in which the examination had been conducted, was raised by anyone. In these circumstances, Mr. Mittal submits that the findings contained in paras 23 to 28 of the impugned judgment of the Tribunal are unexceptionable, not meriting any interference.

34. Mr. Mittal further submits that the explanation tendered by Himanshi, in reply to the show cause notice issued to her, had not been considered while deciding to cancel her candidature and debar her from undertaking any examination for 7 years. The Tribunal, he submits, was further justified in observing that the decision to subject only such centers to scrutiny in which more than five cases of de-mapping had been noticed, was itself arbitrary. Though over 44,000 candidates had, even as per the petitioner, been de-mapped, Mr. Mittal points out that a select list of 90 candidates were subjected to scrutiny. An example was, therefore, being sought to be made of these candidates, without any cogent material to differentiate them from other de-mapped candidates. In this context, Mr. Mittal has drawn our attention to the following table naming the 20 candidates who had been cleared, and whose results had been declared, and who had also



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taken comparable amounts of time for attempting the examination, as filed by the respondents in CM 73430/2025:

“31. That for instance, of the 20 candidates cleared by the committee, the total time taken by candidates from first attempt to last is as under:

S. No.	Name	Roll Number	Time (First to Last Attempt)
1	Swati Rajbhar	2002006879	00:59:25
2	Kailash Singh	2002006988	00:59:21
3	Akhilesh Kumar Pal	2002611247	00:57:17
4	Ajay Bisht	2002612319	00:56:45
5	Sapna	2201601698	00:55:52
6	Anuj Kumar	2201602433	00:50:16
7	Sunny	2201602849	00:53:28
8	Ankur	2201879103	00:59:01
9	Mohit	2407022429	00:50:26
10	Ajay Kumar	2407614182	00:48:25
11	Amit Ranjan	4205121625	00:56:29
12	Ashutosh Kumar	4205122422	00:59:27
13	Neeraj Mani Pathak	4205124006	00:58:22
14	Nitin Kumar	4205126274	00:57:55
15	Nitesh Kumar Chaubey	4205126513	00:58:48
16	Ambika Balkrishnan M V	9202004054	00:55:19
17	Yadunand M T	9202004992	00:55:49
18	Sajeewan C	9202005449	00:58:53
19	Vishnu Prasad P V	9202005882	00:58:14
20	Sachin K Sukumaran	9202009979	00:58:47

Mr. Mittal submits that the total time taken by the above 20 candidates to attempt the Tier I examination was comparable to the total time taken by the 30 candidates, including Himanshi, who were the original respondents in the writ petition, tabulated as under:

“32. That the time difference of the respondent applicants is as under:

S. No.	OA No.	Roll Number	Name	Time difference (first question Attempt to Last attempt question)



1	2953/2022	2005007709	Himanshi	00:43:22
2	2961/2022	2005007549	Robin Singh	00:57:53
3	2970/2022	2201878727	Pooja	00:58:38
4	2975/2022	2005007289	Akash Baliyan	00:54:28
5	2989/2022	2201878565	Rakshit Kumar	00:46:54
6	614/2024	2201602588	Annu	00:53:39
7	2997/2022	2407022831	Sumit	00:21:58
8	2999/2022	2005007514	Imran Khan	00:54:50
9	3007/2022	2005007902	Manjeet Malik	00:52:44
10	3008/2022	2005007527	Shubham Rathi	00:56:11
11	3010/2022	2005007775	Sagar Sharma	00:33:59
12	3012/2022	2005007646	Nitin Tomar	00:55:12
13	3013/2022	2005007416	Shekhar	00:56:07
14	3015/2022	2005007537	Vishal Kumar	00:57:09
15	3018/2022	2201603096	Jatin	00:43:15
16	3019/2022	2201602186	Sikandar Singh	00:48:17
17	3020/2022	2201602212	Ashish	00:41:04
18	103/2023	2201878805	Nitin Rana	00:53:08
19	3032/2022	2201882436	Vikas Chauhan	00:56:14
20	3033/2022	2201603326	Tushar	00:50:25
21	3034/2022	2201602643	Pritam	00:56:32
22	3035/2022	2201601992	Bhanu	00:39:31
23	3036/2022	2201878442	Ankita	00:42:02
24	3037/2022	2201603065	Sumit	00:41:25
25	3038/2022	2201602435	Ashu	00:54:12
26	3056/2022	2407022031	Kuldeep Singh	00:53:13
27	3086/2022	2005008257	Uttam	00:48:06
28	3087/2022	2201602427	Sachin	00:49:46
29	99/2023	2005008262	Sumit	00:31:58
30	1974/2024	2201601345	Shivam	

It is further submitted by Mr. Mittal that the answering pattern of Himanshi and other candidates, whose results had been withheld, was also similar to the candidates who were originally suspected, but whose results were later cleared, for which purpose he has drawn our attention to the following tabular statements, contained in CM 73430/2025 filed by the respondent:



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Cleared Candidates

Name - Ajay Kumar

Roll No. - 2407614182 Page No. 15 Sr. No. 72

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	24	43:15
General Intelligence	25	08:30
General Knowledge	24	04:55
English	21	46:37
Total		48:25

Committee Report analysis- No Attempts in last 10 minutes. (The so called Committee report states "Benefits of doubts maybe given" Page no.)

Name - Mohit

Roll No. 22407022429 Page No. 14 Sr. No. 62

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	21	19:32
General Intelligence	23	10:48
General Knowledge	21	05:14
English	21	11:35
Total		50:26

Committee report analysis- Attempted 21 QA sequentially but did not visited last 4 QA questions. No Attempt in last 7 minutes (The so called Committee report states "Benefits of doubts maybe given" Page no.)

Name - Sunny

Roll No. - 2201602849 Page No. 11 Sr. No. 43

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	24	14:04
General Intelligence	24	53:28
General Knowledge	22	03:55
English	22	09:55
Total		53:28



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Committee Report analysis - 20 QA (1 incorrect sequentially from 10:41:15 to 10:46:06. Only 6 Questions in last 14 minutes. (The so called Committee report states "Benefits of doubts maybe given" Page no.)

Suspected Candidates

Name - Nitin Tomar
Roll No. - 2005007646 O.A. No. 3012/2022

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	16	20:53
General Intelligence	22	41:54
General Knowledge	23	17:56
English	25	10:26
Over all timing first attempt to last attempt		55:12

Committee remark - "Marked as suspected by the committee"

Name - Shekhar
Roll No. - 2005007416 O.A. No. 3013/2022

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	23	24:22
General Intelligence	22	06:30
General Knowledge	22	20:27
English	22	27:21
Over all timing first attempt to last attempt		56:07

Committee remark - "Marked as suspected by the committee"

Name - Kuldeep Singh
Roll No. 2407022031 O.A. No. 3056/2022

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	25	23:18
General Intelligence	22	14:04



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General Knowledge	21	05:59
English	25	07:51
Over all timing first attempt to last attempt		53:13

Committee remark - "Marked as suspected by the committee"

Name - Annu

Roll No.- 2201602588

O.A. No. 614/2024

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	23	45:34
General Intelligence	21	23:17
General Knowledge	23	05:25
English	23	04:24
Over all timing first attempt to last attempt		53:39

Committee remark - "Marked as suspected by the committee"

Name - Pooja

Roll No. - 2201:878727

O.A. No. 2970/2022

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	20	13:58
General Intelligence	19	07:47
General Knowledge	23	50:51
English	25	06:07
Over all timing first attempt to last attempt		58:38

Committee remark - "Marked as suspected by the committee"

Name - Rakshit Kumar

Roll No. - 2201878565

O.A. No. 2989/2022

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	24	28:12
General Intelligence	21	27:00
General Knowledge	20	05:48



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English	24	02:41
Over all timing first attempt to last attempt		46:54

Name - Sachin

Roll No. - 2201602427

O.A. No. 3087/2022

Subject	No. of Correct Q.	Section Wise Time In Minutes
Quantitative Aptitude	24	36:57
General Intelligence	21	11:22
General Knowledge	22	12:20
English	24	03:56
Over all timing first attempt to last attempt		49:46

35. Mr. Mittal points out that the basis for cancelling the candidature of Himanshi, as well as of other similarly situated candidates whose candidature was cancelled, was that they had attempted the Tier I examination from a terminal other than the one allotted to them – referred to, by the SSC, as “de-mapping”. However, while subjecting candidates to scrutiny on this allegation, the SSC had only selected such centers in which five or more cases of de-mapping were found to have taken place. The results of candidates who had undertaken the Tier I examination from terminals other than those allotted to them, from centers in which five or less cases of the mapping were found to have taken place, were declared. This, submits Mr. Mittal, amounted to pick and choose.

36. Further, points out Mr. Mittal, though it is alleged that the suspected “compromised” terminals, through which the candidates who were debarred and whose candidature was cancelled had



attempted the Tier I examination, were remotely controlled by others, there was no finding, by the Committee, of the existence of any such software, on the said terminals, as would enable such remote access.

37. Mr. Mittal concludes his submissions by pointing out that the findings of the Committee are not conclusive, but merely presume use of unfair means. It employs expressions such as “seems”, “appears”, “probable” and “suspect”, which indicate that there was no conclusive finding of use of unfair means by Himanshi.

38. In support of his submissions, Mr. Mittal relies on the judgments of this Court in *Amit Chhikara v. Union of India*⁷, *Staff Selection Commission v. Sudesh*⁸ and *Rinku v. Union of India*⁹ and the judgment of the High Court of Allahabad in *Tanu Chaudhary v. State of U.P.*¹⁰

D. Analysis

D.I The Issue before us

39. While there are several decisions of the Supreme Court which address questions relating to the use of unfair means in examinations, most of them deal with the issue of whether the examination is required to be cancelled as a whole, or whether the candidature of the identified candidates who indulged in unfair means alone should be

⁷ 2018 SCC OnLine Del 11823

⁸ 2014 SCC OnLine Del 7534

⁹ (2013) 1 LLJ 321

¹⁰ 2025 SCC OnLine All 5562



nullified. In *State of U.P. v. Baishakhi Bhattacharyya*¹¹, which considers several earlier authorities on the point, the Supreme Court has held that, where it is possible to identify the candidates who had indulged in unfair means, those candidates alone should be debarred, or their candidature cancelled, and the examination as a whole should not be nullified. Where, however, the number of candidates is very large, or there is a possibility of large scale copying or use of unfair means even though positive material is available only in respect of a select number of candidates, cancellation of the entire examination has been held by the Supreme Court to be justified.

40. We need not, however, dwell on this issue, as the facts of the present case do not involve any such dispute. The case of the SSC is that select candidates, who participated in the Tier-I examination from certain specific centers, indulged in unfair means, and that it had been possible to identify them. Thus, it is only the candidature of 70 candidates which has been withheld, on the ground that they were suspected to have used unfair means, out of a total of over 13 lakh candidates who had undertaken the examination.

41. We have, therefore, to ascertain whether the Tribunal was right in its view that cancellation of the candidature and debarment of the said 70 candidates – or, rather, the candidates who had approached the Tribunal – was unsustainable, and deserves to be interfered with.

¹¹ (2025) 11 SCC 126



42. Specifically, for the present petition, we would be dealing only with the case of Himanshi. It is necessary to make this clear, as the case of Himanshi has certain qualitative differences from the cases of other candidates.

D.II The law

43. We proceed to examine some of the instructive authorities on the issue in controversy. The principles emanating from each judgment have been italicized, so as to obviate the need for repetition.

44. *Board of High School and Intermediate Education, UP v. Bagleshwar Prasad*¹²

44.1 The candidature of Bagleshwar Prasad¹³, the original petitioner before the High Court, in the High School Examination held in 1960, was cancelled by the Board of High School and Intermediate Education, UP¹⁴ by order dated 5 December 1960. This was following a memorandum issued to him, alleging use of unfair means, to which he submitted his response, which was considered by a sub-Committee constituted for the purpose. The allegation of unfair means was based on the fact that the answer of Bagleshwar, whose Roll Number was 94734, in response to Question 4 in the examination, was precisely in the same form as was given by the candidate bearing Roll Number 94733. On being questioned during inquiry, Bagleshwar acknowledged the fact that the answers appeared to be identical, but

¹² AIR 1966 SC 875

¹³ “Bagleshwar” hereinafter

¹⁴ “The Board” hereinafter



denied the allegation of use of unfair means. The sub-Committee returned a finding adverse to Bagleshwar, following which his candidature, as well as the candidature of the candidate bearing Roll Number 94733, was cancelled. The High Court, which was petitioned by Bagleshwar, allowed his writ petition, against which decision the Board appealed to the Supreme Court.

44.2 The High Court returned a finding that the case against Bagleshwar was one of no evidence. The Supreme Court, at the very outset, acknowledged, in para 4 of the report, that a report of a Committee which was unsupported by any evidence would be erroneous on its face and would, therefore, be liable to be quashed under Article 226 of the Constitution of India.

44.3 The Supreme Court, however, ultimately reversed the decision of the High Court. It was observed, by the Supreme Court, that the High Court had erred in presuming that the only allegation against Bagleshwar was that he had copied from the candidate bearing Roll Number 94733. The actual charge against Bagleshwar, it was noted, was that the identity of the answers entered by Bagleshwar and the candidate bearing Roll Number 94733 indicated copying. That would not, however, necessarily mean that Bagleshwar had copied from the candidate bearing Roll Number 94733. The inquiry proceedings made it clear that the allegation was that either Bagleshwar had copied from the candidate bearing Roll Number 94733, or that the candidate bearing Roll Number 94733 had copied from Bagleshwar, or that both had copied from a common source. The High Court had, therefore, erred in presuming that the allegation was limited to copying, by



Bagleshwar, from the candidate bearing Roll Number 94733. The other two alternatives, i.e., that the candidate bearing Roll Number 94733 may have copied from Bagleshwar or that both may have copied from a common source, were overlooked by the High Court.

44.4 The Supreme Court further observed that other circumstances, which were also relevant and significant, were also ignored by the High Court. The examination had been conducted at a centre in which unfair means had earlier been adopted on a very large scale by a large number of students. The examination appeared to have been conducted in an atmosphere which was not congenial to enforcement of the discipline required while conducting examinations. It was for these reasons that the said centre had been abolished as an examination centre for some years, but was restarted in 1960, leading to unfortunate results.

44.5 Following these factual observations, the Supreme Court reasoned and held as under:

“10. In dealing with the question as to whether the Committee was justified in coming to this conclusion against the respondent, it would not be reasonable to exclude from consideration the circumstances under which the whole enquiry came to be held and the general background of the prevailing disturbed and riotous atmosphere in the Examination Hall during the days that the High School Examination was held at the center in 1960. Unfortunately, the High Court has ignored this background altogether.

11. Before the High Court, a statement was filed showing the seating arrangement in Room No. 10 where the respondent was sitting for writing his answers. It appears that he was No. 3 in the 3rd row, whereas the other candidate with Roll No. 94733 was No. 4 in the second row. The High Court was very much impressed by the fact that the respondent could not have looked back and copied from the answer-book of the other candidate, and the High Court



did not think that there was any evidence to show that the other candidate could have copied from the respondents paper with his connivance. We have looked at the incorrect answers ourselves and we are not prepared to hold that the identical incorrect answers were given by the two candidates either by accident or by coincidence. Some of the incorrect answers, and, particularly, the manner in which they have been given, clearly suggest that they were the result of either one candidate copying from the other, or both candidates copying from a common source. The significance of this fact has been completely missed by the High Court. The question before the Enquiry Committee had to be decided by it in the light of the nature of the incorrect answers themselves, and that is what the Enquiry Committee has done. It would, we think, be inappropriate in such a case to require direct evidence to show that the respondent could have looked back and copied from the answer written by the other candidate who was sitting behind him. There was still the alternative possibility that the candidate sitting behind may have copied from the respondent with his connivance. It is also not unlikely that the two candidates may have talked to each other. The atmosphere prevailing in the Examination Hall does not rule out this possibility. These are all matters which the Enquiry Committee had to consider, and the fact that the Enquiry Committee did not write an elaborate report, does not mean that it did not consider all the relevant facts before it came to the conclusion that the respondent had used unfair means.

12. In dealing with petitions of this type, it is necessary to bear in mind that educational institutions like the Universities or appellant No. 1 set up Enquiry Committees to deal with the problem posed by the adoption of unfair means by candidates, and normally it is within the jurisdiction of such domestic Tribunals to decide all relevant questions in the light of the evidence adduced before them. In the matter of the adoption of unfair means, direct evidence may sometimes be available, but cases may arise where direct evidence is not available and the question will have to be considered in the light of probabilities and circumstantial evidence. This problem which educational institutions have to face from time to time is a serious problem and unless there is justification to do so, courts should be slow to interfere with the decisions of domestic Tribunals appointed by educational bodies like the Universities. In dealing with the validity of the impugned orders passed by Universities under Art. 226, the High Court is not sitting in appeal over the decision in question; its jurisdiction is limited and though it is true that if the impugned order is not supported by any evidence at all, the High Court would be justified to quash that order. But the conclusion that the impugned order is not supported by any evidence must be reached after considering the question as to whether probabilities and circumstantial evidence do not justify



the said conclusion. Enquiries held by domestic Tribunals in such cases must, no doubt, be fair and students against whom charges are framed must be given adequate opportunities to defend themselves, and in holding such enquiries, the Tribunal, must scrupulously follow rules of natural justice; but it would, we think, not be reasonable to import into these enquiries all considerations which govern criminal trials in ordinary courts of law. In the present case, no animus is suggested and no malafides have been pleaded. The enquiry has been fair and the respondent has had an opportunity of making his defence. That being so, we think the High Court was not justified in interfering with the order passed against the respondent.”

44.6 Thus, the Supreme Court emphasized, in this judgment, the fact that surrounding circumstances were also of relevance while deciding whether the findings in the inquiry into the allegation of unfair means merited interference in judicial review. Additionally, the Supreme Court itself examined the incorrect answers and found that they were identical. The answers, and the manner in which they were given, according to the Supreme Court, clearly suggested that either Bagleshwar had copied from the candidate bearing Roll Number 94733, or *vice versa*, or that both had copied from a common source.

44.7 The Supreme Court observed that the High Court had proceeded on the premise that Bagleshwar was seated in front of the candidate bearing Roll Number 94733, and there was no evidence to indicate that Bagleshwar had turned back and copied from the candidate behind him. It was equally possible, observed the Supreme Court, that the candidate behind Bagleshwar had copied from him or that both had copied from a common source. The atmosphere which prevailed in the examination hall, especially, did not rule out such a possibility. All these factors had weighed with the Inquiry Committee in reaching at a finding against Bagleshwar, and the Supreme Court



had found that the High Court had failed to holistically consider all these factors.

44.8 Finally, of course, the Supreme Court has, in para 12 of its report, observed that *direct evidence could not always be accepted in cases of adoption of unfair means in examinations and that the decisions of domestic Tribunals adopted by educational bodies to inquire into such allegations would not ordinarily merit interference in judicial review, unless there was justification to do so.*

45 *Bihar School Education Board v. Subhas Chandra Sinha*¹⁵

45.1 The writ petition, from which the appeal before the Supreme Court emanated in this case, was instituted by 36 school students, challenging the decision of the Bihar School Examination Board¹⁶ to cancel the Secondary School Examination of 1969 in respect of the Hanswadih Centre in one district in Bihar. A mandamus to the BSEB, to declare the results, was also sought.

45.2 The Supreme Court noted that 80% of the students who had undertaken the examination at the Hanswadih Centre succeeded, whereas the average at other centers was only 50%. The matter was referred to the Unfair Means Committee of the BSEB, which examined the answer books where the percentage was over 80% and reported large scale use of unfair means. Following this, the decision to cancel the examination was taken.

¹⁵ (1970) 1 SCC 648

¹⁶ "BSEB" hereinafter



45.3 The High Court, which was petitioned in the matter, acknowledged that the high percentage of success at the Hanswadih Center did give rise to a suspicion that unfair means were adopted. However, as the material on which the BSEB proceeded was not shown to the affected candidates, who were also not given an opportunity to show cause, it was held that the principles of natural justice were violated and, on that ground, the decision to cancel the examination was set aside. A mandamus was issued, to declare the results of the Hanswadih Center. The BSEB appealed to the Supreme Court.

45.4 The Supreme Court observed, at the outset, that the opinion of the Unfair Means Committee was by itself sufficient for taking action, and that the results of the affected candidates had been withheld for the purpose of completing enquiries. In the meanwhile, there was no infirmity in the decision to declare the results of the candidates who had appeared from other centers.

45.5 The Supreme Court further observed that while, at other centers, the percentage of successful candidates was, on an average, 50%, the success rate of candidates who had undertaken the examination at the Hanswadih Center was between 70% and 100%, with over 90% in many subjects. To satisfy itself, the Supreme Court also requisitioned some of the answer books for its own inspection, and found that there was remarkable agreement in the answers in the said answer book. This, according to the Supreme Court, indicated,



without doubt, that the students had received assistance from some outside source. The finding that unfair means had been adopted by the students who had undertaken the examination at the Hanswadih Center was, therefore, found to be justified. We may reproduce, for this purpose, paras 12 and 14 of the report, thus:

“12. These figures speak for themselves. However, to satisfy ourselves we ordered that some answer books be brought for our inspection and many such were produced. *A comparison of the answer books showed such a remarkable agreement in the answers that no doubt was left in our minds that the students had assistance from an outside source. Therefore the conclusion that unfair means were adopted stands completely vindicated.*

14. Reliance was placed upon **Ghanshyam Das Gupta**¹⁷ to which we referred earlier. There the examination results of three candidates were cancelled, and this Court held that they should have received an opportunity of explaining their conduct. It was said that even if the inquiry involved a large number of persons, the Committee should frame proper regulations for the conduct of such inquiries but not deny the opportunity. We do not think that that case has any application. Surely it was not intended that where the examination as a whole was vitiated, say by leakage of papers or by destruction of some of the answer books or by discovery of unfair means practised on a vast scale that an inquiry would be made giving a chance to every one appearing at that examination to have his say? What the Court intended to lay down was that if any particular person was to be proceeded against, he must have a proper chance to defend himself and this did not obviate the necessity of giving an opportunity even though the number of persons proceeded against was large. The Court was then not considering the right of an examining body to cancel its own examination when it was satisfied that the examination was not properly conducted or that in the conduct of the examination the majority of the examinees had not conducted themselves as they should have. To make such decisions depend upon a full-fledged judicial inquiry would hold up the functioning of such autonomous bodies as Universities and School Board. While we do not wish to whittle down the requirements of natural justice and fair-play in cases where such requirement may be said to arise, we do not want that this Court should be understood as having stated that an

¹⁷ Board of High School and Intermediate Education, U.P. v. Ghanshyam Das Gupta, (1962) 3 Supp SCR 36



inquiry with a right to representation must always precede in every case, however different. The universities are responsible for their standards and the conduct of examinations. *The essence of the examinations is that the worth of every person is appraised without any assistance from an outside source.* If at a centre the whole body of students receive assistance and are managed to secure success in the neighbourhood of 100% when others at other centres are successful only at an average of 50%, it is obvious that the University or the Board must do something in the matter. It cannot hold a detailed quasi-judicial inquiry with a right to its alumni to plead and lead evidence etc., before the results are withheld or the examinations cancelled. *If there is sufficient material on which it can be demonstrated that the university was right in its conclusion that the examinations ought to be cancelled then academic standards require that the university's appreciation of the problem must be respected. It would not do for the Court to say that you should have examined all the candidates or even their representatives with a view to ascertaining whether they had received assistance or not. To do this would encourage indiscipline if not also perjury."*

(Emphasis supplied)

45.6 Thus, *obtaining assistance from an outside source is irreversibly fatal to the examination process. Also, this decision holds that circumstantial evidence, if overwhelming in nature and capable of vouchsafing the allegation that outside assistance was availed, is by itself sufficient to cancel the entire examination.*

46 Ghazanfar Rashid v. Board of High School and Intermediate Education¹⁸

46.1 An instructive decision on the scope of interference with decisions of administrative authorities inquiring into allegations of use of unfair means in examinations is to be found in the judgment of the Full Bench of the High Court of Allahabad in ***Ghazanfar Rashid v. Board of High School and Intermediate Education***, authored by

¹⁸ AIR 1979 All 209



K.N. Singh J (as he then was). In that case, the allegation of unfair means was investigated by the Examinations Committee constituted under the U.P. Intermediate Education Act, 1927. The Full Bench relied on an earlier decision of another Full Bench of the Allahabad High Court in *Triambakanti Tripathi v. Board of High School*¹⁹. Paras 26 to 28 and 35 of the report are relevant, and may be reproduced:

“26. A Full Bench of our Court in *Triambakanti Tripathi v. Board of High School*, held that while considering the question of use of unfair means *the Examinations Committee would be justified to draw inferences on the basis of answer books and other materials that the examinee had answered the question by adopting some improper method. The Examinations Committee is entitled to base its evidence on intrinsic evidence provided by the petitioner's own answer book. The Bench observed:*

“In dealing with the validity of the order passed by such authorities, the High Court does not sit in appeal over the decision of the authority concerned, its jurisdiction is limited and it is true that if the order in question is not supported by any evidence at all, the High Court may quash it, but the conclusion that the order is not supported by any evidence must be reached after considering the question as to whether probabilities and circumstantial evidence do not justify that conclusion.”

27. *If the Examinations Committee relying on the probabilities and circumstantial evidence and the intrinsic evidence available in the answer book of the examinee comes to the conclusion that unfair means was used it is outside the jurisdiction of the High Court to re-appraise and re-assess the evidentiary value of those circumstances to take a different view. The Examinations Committee and the Screening Committee are constituted of experts, they are the sole judges to determine the question of use of unfair means on the basis of material present on record. Their decision cannot be interfered with by this Court under Article 226 of the Constitution unless the decision is mala fide, arbitrary or capricious. Any decision of an authority, quasi judicial or administrative, is vitiated on the ground of mala fides. Similarly, decision of a quasi judicial authority would be vitiated if it is based on no evidence or if it is arbitrary and the conclusion to which the*

¹⁹ AIR 1973 All 1



authority has arrived at could not be reached by any reasonable person or body of persons.

28. These principles are well settled but the real difficulty arises in their application to the particular facts of a case. *While applying these principles it must be borne in mind that in case of no evidence the order would be vitiated only when there is not a single piece of evidence direct or indirect, oral or documentary, or even circumstantial evidence based on probabilities to sustain the decision of the authority concerned, but if there is some evidence of circumstantial nature, which may even include probabilities, it would not be a case of no evidence. Inadequacy of evidence does not fall within the principle of no evidence. If there be any evidence, howsoever weak it may be in its probative value, it will not be a case of no evidence and the High Court has no jurisdiction to interfere with the finding. Similarly, while considering the question of arbitrariness it must be kept in mind that if two views are possible on the material on record, and if the Examinations Committee has bona fide taken one view, it is not open to the High Court to interfere with that finding merely because a different view is possible. The High Court can interfere if the order is wholly arbitrary and so capricious that no reasonable person could come to the conclusion on the material on record, but if a person can reasonably come to that conclusion, the High Court has no jurisdiction to interfere with the order. An arbitrary decision of a quasi judicial authority would be perverse and liable to be quashed. It is however not permissible to assume possibilities or circumstances in support of the examinee's innocence and then to interfere with the decision of the Examinations Committee on the ground that there was no conclusive evidence to hold the examinee guilty of the charge of use of unfair means. If several probabilities are available in the circumstances of a case, some of which support the examinee's innocence, while other circumstances support the decision of the Examinations Committee holding the examinee guilty, in that situation it is not permissible to interfere with the decision of the Examinations Committee as that would amount to appraisal of evidence.*

35. As discussed earlier, *it is not open to this Court to interfere with the order of the Examinations Committee on the ground that another view could be taken on the material on record. In answering questions relating to Mathematics and Physics or Chemistry if necessary answer is arrived at by an examinee through wrong working it would be reasonably possible for the Examinations Committee to draw an inference that the examinee*



had used unfair means. Even if it is possible that the examinee may have omitted the necessary steps due to inadvertence or certain reasons, it is for the Examinations Committee to consider that explanation and it is not open to this Court to re-assess the circumstances and to interfere with the decision of the Examination Committee. *If the Examinations Committee, relying upon the probabilities of circumstantial evidence, comes to the conclusion that the examinee had used unfair means, it is not open to this Court to interfere with that order merely on the basis of other possibilities.* In all the aforesaid cases relied upon by the petitioner, this Court held that absence of certain requisite steps did not necessarily imply that the examinee must have used unfair means. In each of the aforesaid cases the principle of Criminal trial was applied as it was held that omission to record requisite calculation or to take requisite steps could not be conclusive proof of the fact that the examinee had used unfair means. These decisions are in our opinion contrary to the principles laid down by the Supreme Court in the cases discussed earlier. For the same reason we do not approve the view taken by a learned Single Judge of this Court in **Promod Kumar Mittal's case**²⁰. In view of the law laid down by the Supreme Court in **Bagleshwar Prasad's case** and the Full Bench decision of our Court in **Triambakpati Trtpathi's case**, we are of the opinion that cases relied upon by the petitioner, namely, **Udai Prakash Gautam v. Board of High School**²¹; **Sarman Lal v. Board of High School**²², **Prem Nath Khanna v. Board of High School**, **Promod Kumar Mittal v. State of U.P.** and **Ajai Kumar v. Madhyamik Shiksha Parishad**²³, do not lay down correct law. In the instant case the petitioner while answering question No. 1 of Chemistry Second Paper had not taken necessary steps, yet he arrived at the correct formula. *We have earlier quoted the answer given by the petitioner and also the steps which were necessary to be undertaken before the formula could be arrived at. The petitioner without proper working and requisite steps arrived at the correct formula. The Screening Committee as well as the Examinations Committee both were of the opinion that the petitioner had no knowledge of the question and he got the correct answer by means of some external source. Therefore he was guilty for having used unfair means. The petitioner's answer to question No. 1 contains intrinsic evidence to support the decision of the Examinations Committee. The inference drawn by the Examinations Committee that the petitioner solved the question by using unfair means is a reasonable inference which cannot be interfered with by this Court even if some other view is also possible.* The petitioner's contention that the impugned order is not

²⁰ **Promod Kumar Mittal v. State of U.P.**, 1973 ALJ 625

²¹ Judgment dated 26 August 1977 in **WP 12048/1975**

²² Judgment dated 5 May 1976 in **WP 9538/1976**

²³ **AIR 1979 All 13**



based on any evidence and there is no material on record to support the finding of the Examinations Committee is without any substance.”

46.2 *The Full Bench of the High Court of Allahabad has, clearly, advocated a policy of near total lack of interference with the decision of any expert Committee which may have inquired into the aspect of use of unfair means in an examination. The Full Bench held that the Court would not be justified in interfering with the conclusion of the expert Committee solely on the ground that another conclusion was also possible on the material which was available with the Committee, as that would amount to re-appreciation of evidence.*

46.3 *Ghazanfar Rashid* was approved by the Supreme Court in its judgment in *Maharashtra State Board of Secondary and Higher Secondary Education v. K.S. Gandhi*²⁴:

29. In *Ghazanfar Rashid v. Secretary, Board of High School and Intermediate Education, U.P.* a Full Bench, speaking through our learned brother K.N. Singh, J. (as he then was) dealing with the standard of proof of the charge of use of unfair means at the examination, it was held that it was the duty of the Examination Committee etc., to maintain purity of examination and if examinee is found to have used unfair means at the examination, it is the duty of the Examination Committee to take action against the erring examinees to maintain the educational standard. *Direct evidence is available in some cases but in a large number of cases direct evidence is not available. In that situation the Examination Committee has of necessity to rely on circumstantial evidence which may include the answer given by the examinee, the report of the Superintendent of the centre, the invigilator and the report of the experts and other attending circumstances. The Examination Committee, if it relies upon such evidence to come to the conclusion that the examinee has used unfair means in answering questions then it is not open to the High Court to interfere with that decision, merely because the High Court may take a different view on reassessment of those circumstances. While it is open to*

²⁴ (1991) 2 SCC 716



the High Court to interfere with the order of the quasi-judicial authority, if it is not supported by any evidence or if the order is passed in contravention of the statutory provisions of the law or in violation of the principles of natural justice, the court has no jurisdiction to quash the order merely on the ground that the evidence available on record is insufficient or inadequate or on the ground that different view could possibly be taken on the evidence available on the record. The Examination Committee has jurisdiction to take decision in the matter of use of unfair means not only on direct evidence but also on probabilities and circumstantial evidence. There is no scope for importing the principles of criminal trial while considering the probative value of probabilities and circumstantial evidence. The Examination Committee is not bound by technical rules of evidence and procedure as are applicable to courts. We respectfully agree with the ratio.”

(Emphasis supplied)

46.4 It might not, however, be correct to apply the law declared by the Full Bench in ***Ghazanfar Rashid***, agnostic of the facts which were before the Court in that case. The nature of the unfair means which were alleged to have been employed by the candidate in that case is qualitatively different from the unfair means which, allegedly, were employed by the respondent in the case before us. The allegation against the candidate, in the case before the Full Bench, was that he had arrived at the correct answer, in respect of a question which required proper working, following certain steps, before it could be answered. The Examination Committee found that, without any working, or following the steps which were required to be followed in order to solve the question, the candidate had directly arrived at the correct answer. The Full Bench held that the question of whether it was possible to answer the problem posed to the candidate directly, without resorting to any calculation or working, was one in which the opinion of the Examinations Committee, which was possessed of the requisite expertise in that regard, had to be respected. A Court did not



possess the expertise, or the intellectual wherewithal, to substitute its own view, in such a case, for the view of the Examinations Committee. The fact that the candidate arrived at the correct answer without any working was regarded, by the Court, as “intrinsic evidence”, contained in the answer provided by the candidate itself, which would support the findings of the Examinations Committee.

46.5 No such allegation plagues the respondent before us. While examining the extent to which the decision of the Full Bench of the High Court of Allahabad in *Ghazanfar Rashid* would apply, therefore, we have to bear in mind the off-quoted truism, in law, that the precedential value of decisions has to be understood in the light of the facts which were before the Court. Apropos judgments of the Supreme Court, this principle has been reiterated in several authorities²⁵, which hold that judgments of courts are not to be likened to theorems of Euclid, and blind adherence to the law declared, even if by the Supreme Court, innocent of the issue and the facts which were before the Court, and the context in which the ratio was rendered, may not be appropriate.

47. *Maharashtra State Board of Secondary and Higher Secondary Education v. K.S. Gandhi*

47.1 It was alleged, in this case, that the moderators’ mark sheets, in the case of 283 candidates who had undertaken the examination in question, were fabricated and the marks increased, with the

²⁵ Refer *Chintels (India) Ltd v. Bhayana Builders (P) Ltd*, (2021) 4 SCC 602, *Sanjay Dubey v. State of M.P.*, (2023) 17 SCC 187, *Natwar Singh v. Director of Enforcement*, (2010) 13 SCC 255 and *C.C.E. v. Alnoori Tobacco Products*, (2024) 6 SCC 186, among several others



connivance of the candidates or their parents and guardians. The Standing Committee which enquired into the allegation found it to be substantiated.

47.2 One of the submissions before the Supreme Court was that the parents and guardians were not allowed to participate in the enquiry, which vitiated it. The Supreme Court observed that, even though the parents/guardians of the students were not allowed to participate in the enquiry, the students themselves, when questioned, identified their answer sheets and also admitted that, in the moderators' mark sheets, their marks had been increased to the advantage. However, they denied any complicity, in this act, either of their parents/guardians or of themselves.

47.3 The Supreme Court noted that, even while so denying any complicity, the students did not contend that they were coerced to answer the questions in a particular manner.

47.4 In affirming the view of the authorities and rejecting the plea of the students, the Supreme Court placed reliance on its earlier decisions in *Bagleshar Prasad* and *Subhas Chandra Sinha*, as well as the judgment of the Full Bench of the High Court of Allahabad in *Ghazanfar Rashid* (in para 29 of the report, already extracted *supra*), before providing its own reasons. Paras 26, 27 and 38 to 40 of the report are of relevance, and maybe reproduced thus:

“26. Counsel on either side generated considerable debate on “the standard of proof” in a domestic enquiry. Sri Jaitley placed



reliance on paragraph 19 of Vol. 17 of Halsbury's Laws of England, 4th edn. at page 16, which reads thus:

“19. Standard of proof.— To succeed on any issue the party bearing the legal burden of proof must (1) satisfy a judge or jury of the likelihood of the truth of his case by adducing a greater weight of evidence than his opponent, and (2) adduce evidence sufficient to satisfy them to the required standard or degree of proof. The standard differs in criminal and civil cases.

In civil cases the standard of proof is satisfied on a balance of probabilities. However, even within this formula variations in subject matter or in allegations will affect the standard required; the more serious the allegation, for example fraud, crime or professional misconduct, the higher will be the required degree of proof, although it will not reach the criminal standard.

In criminal cases, the standard required of the prosecution is proof beyond reasonable doubt. This standard is also requisite in cases of committal for contempt, and in pension claims cases.

In matrimonial cases it seems that proof on balance of probabilities is sufficient.

Once a matter is established beyond reasonable doubt it must be taken for all purposes of law to be a fact, as there is no room for a distinction between what is found by inference from the evidence and what is found as a positive fact.”

and contended that the standard of proof of fabrication of record in a domestic inquiry does not differ from criminal charge and it must be of a higher degree. In the ***Board of High School and Intermediate Education, U.P. v. Bagleshar Persad***, relied on by Sri Andhyarujana the facts were that the appellant Board accepting the findings of the Committee that the respondent used unfair means in answering the subjects, cancelled the declaration of the results of the respondent in the High School Certificate Examination held in 1960. The charges were based on the facts that in the Hindi paper the respondent gave wrong answers to a particular question in the same way in which the answers have been given by another candidate who was having consecutive number. The High Court held that the findings of the Committee were based on no evidence and quashed the cancellation of the results. On appeal, this Court held that the respondent admitted that



the mistakes in answers in the two papers were identical and he pleaded that he could not say anything as to why this happened. The proof of charges was inferred that as either the respondent copied from the answer book of the candidate with the consecutive number or that it was conveyed by the said candidate or that both of them had copied from any other source. It was accordingly held that it would amount to the adoption of unfair means. The High Court, therefore, committed error in assuming that there is no evidence in proof of it. At page 774 this Court further held that in dealing with question as to whether the Committee was justified in arriving at its conclusion against the respondent it would not be reasonable to exclude from the consideration of the circumstances on which the whole enquiry came to be held and the general background of the atmosphere in the examination hall. It was also further held at page 775 that educational institutions like the universities set up enquiry committees to deal with the problem of adoption of unfair means by candidate and normally it is within the jurisdiction of such domestic tribunals to decide all relevant questions in the light of the evidence adduced before them. *In the matter of the adoption of unfair means direct evidence may sometimes be available but cases may arise where direct evidence is not available and the question will have to be considered in the light of the probabilities and circumstantial evidence.* This is the problem with the educational institutions. How to face it, is a serious problem and *unless there is justification to do so, court should be slow to interfere with the decisions of domestic tribunal appointed by the educational body like universities. In dealing with the validity of the impugned order passed by the universities under Article 226 the High Court is not sitting in an appeal over the decision on this question.* Its jurisdiction is limited and though it is true that *if the impugned order is not supported by any evidence,* the High Court may be justified to quash the order. *But the conclusion that the impugned order is not supported by any evidence must be reached after considering the question as to whether the probabilities and circumstantial evidence do not justify the said conclusion. The enquiry held by domestic tribunals in such cases must, no doubt be fair and the students must be given adequate opportunity to defend themselves and in holding such enquiries, the tribunal must follow the rules of natural justice.* Accordingly, it was held that the appeal was allowed and the order of the High Court was set aside and that of the domestic tribunal was confirmed.

27. In ***Bihar School Examination Board v. Subhas Chandra Sinha***, this Court emphasised that the essence of an examination is that the worth of every person is appraised without any assistance from an outside source. The academic standards require that the authority's appreciation of the problem must be respected. A full-



fledged judicial inquiry was not required. It is not necessary to conduct an inquiry in each individual case to satisfy itself who are the candidates that have adopted unfair means when the examination as a whole had to go. It was further held at p. 968-F to H that:

“While we do not wish to whittle down the requirements of natural justice and fair play in cases where such requirement may be said to arise, we do not want that this Court should be understood as having stated that an inquiry with a right to representation must always precede in every case, however different. The universities are responsible for their standards and the conduct of the examinations. The essence of the examinations is that the worth of every person is appraised without any assistance from an outside source

The University or the Board cannot hold a detailed quasi-judicial inquiry with a right to its alumni to plead and lead evidence etc. before the results are withheld or examinations cancelled. If there is sufficient material on which it could be demonstrated that the Authority was right in its conclusion that the examination ought to be cancelled then academic standards require that the Authority's appreciation of the problem must be respected. It would not be for the courts to say that we should have examined all the candidates or even their representatives with a view to ascertaining whether they had received assistance or not. To do this, would encourage indiscipline, if not also perjury.”

It is true as stated by Sri Chidambaram that the above ratio was laid in the context of the cancellation of examination of the entire centre. But the general principles must be kept in view while dealing with the problem faced by the academic institutions.

38. *From this legal setting we have to consider whether the inference deduced by the Education Standing Committee that the fabrication of moderators' mark sheets was done at the behest of either the examinee or the parent or guardian is based on the evidence on record. It is already found that the examinees admitted the forgery of their concerned moderators' mark sheets resulting in the increase of marks to their advantage. The fabrication of the moderators' mark sheets was done after the scrutiny by the concerned officials in the office of the State Board at Bombay and before the moderators' mark sheets were taken out to Pune to feed*



the computer. Why one is expected or interested to wade through eighty thousand moderators' mark sheets to locate only the 283 examinees' mark sheets and add marks by fabrication? *Unless either the examinee or parent or guardian approached the fabricator; gave the number and instructed him/them to fabricate the marks, it would not be possible to know their number to fabricate.* The act of fabrication is an offence. Merely that it was done in one subject or more than one makes little difference. Its gravity is not mitigated if it is committed in one subject alone. This is not an innocent act or a casual mistake during the course of performance of the official duty as is sought to be made out. *It was obviously done as a concerted action. In view of the admitted facts and above circumstances the necessary conclusion that could unerringly be drawn would be that either the examinee or the parent or guardian obviously was a privy to the fabrication and that the forgery was committed at his or her or parent's or guardian's behest. It is, therefore, clear that the conclusion reached by the Education Standing Committee that the fabrication was done at the instance of either the examinees or their parents or guardians is amply borne out from the record.* The High Court in our view overstepped its supervisory jurisdiction and trenched into the arena of appreciation of evidence to arrive at its own conclusions on the specious plea of satisfying 'conscience of the court'.

39. The question then is whether the rules relating to mode of punishment indicated in the Appendix 'A' to the resolution are invalid. We have given our anxious thought to the contention and to the view of the High Court. *In our view the punishments indicated in the last column is only the maximum from which it cannot be inferred that it left no discretion to the disciplinary authority.* No axiomatic rule can be laid that the rule making authority intended that under no circumstances, the Examination Committee could award lesser penalty. It depends on the nature and gravity of the misconduct to be dealt with by the disciplinary authority. In a given case, depending on the nature and gravity of the misconduct lesser punishment may be meted out. So by mere prescription of maximum penalty rules do not become invalid.

40. *We have no hesitation to conclude that when the evidence justified the Education Standing Committee to record the finding that the examinees, parents or guardians are parties to the fabrication, it is not open to the High Court under Article 226 to itself evaluate the evidence and to interfere with the finding and to quash the impugned notification.* This Court under Article 136 has to correct the illegalities committed by the High Court when it exceeded its supervisory jurisdiction under Article 226. In view of



the fair attitude adopted by the counsel for the Board, it is not necessary to go into the question of quantum of punishment.”

47.5 The Supreme Court, therefore, held, in this case, that, *if the evidence justified the conclusion of the Committee which was examining the aspect of unfair means, the High Court, under Article 226 of the Constitution, was not empowered to itself re-appreciate the material and arrive at a contrary conclusion.* The issue before the Supreme Court was whether, without examining the parents or guardians of the students, the Committee was justified in concluding that they were complicit in fabrication of the marks awarded to the students in the moderators’ mark sheets. Inasmuch as (i) the students identified their answer books, (ii) the students acknowledged the fact that their marks had been fabricated therein, to their advantage, and (iii) without being informed by the student, or her, or his, parent or guardian, of the details of the student, the fabricator would obviously not be able to know where the fabrication was required to be undertaken, the Supreme Court held that it was an inevitable conclusion that the examinee, or her, or his, parent or guardian, was party to the fabrication of the marks. *All necessary ingredients, as would lead to an inevitable conclusion of complicity being present, the Supreme Court held that the failure to examine the parents or guardians of the students was not fatal to the conclusion of the Committee.*

47.6 Further, the Supreme Court also clarified, in para 29 of the report, *that the tests adopted by the earlier decision in **K.S. Gandhi***



would also apply where certain students were being debarred, instead of cancelling the entire examination.

48 *University of Delhi v. Deepak*²⁶

48.1 We may finally refer to a recent judgment of the Coordinate Bench of this Court in *University of Delhi vs. Deepak*. The dispute in that case related to an examination for filling up vacancies of non-teaching posts in the Delhi University²⁷ conducted by the National Testing Agency²⁸. 151 candidates were selected, in order of merit, for the post of Laboratory Attendant. During interaction with these candidates, the University found that they lacked basic knowledge required for the post for which they had been selected, though they had secured very high marks in the examination, which included questions relating to science and mathematics. Suspecting use of unfair means by them, the University placed their joining on hold, while selecting the remaining candidates. This decision was challenged by the candidate before this court. A learned Single Judge allowed the writ petition, quashed and set aside the decision to defer the joining of the said candidates and directed the University to complete the process of document verification, take the process of selection to its logical conclusion and appoint the candidates.

48.2 Aggrieved thereby, the University of Delhi filed a Letters Patent Appeal, which has come to be allowed by the Division Bench by the judgment under discussion.

²⁶ 2026 SCC OnLine Del 6744

²⁷ “University” hereinafter

²⁸ “NTA” hereinafter



48.3 We may note, at the outset, that the relevance of this decision may be limited by the fact that the challenge, before this Court, was to the holding up of the results of the suspected candidates, pending inquiry. The Division Bench has, at more than one place in the decision, noted that the existence or otherwise of culpability on the part of the candidates whose results had been withheld would become apparent only following a full-scale inquiry. The Division Bench was, therefore, concerned with the issue of whether a case for judicial review of the decision to withhold the results of the candidates whose performance was under scrutiny, was, or was not, made out. We, in the present case, are, on the other hand, concerned with a case in which the inquiry has concluded, and the respondent has been found guilty of using unfair means, resulting in the awarding of the drastic punishment not only of cancellation of her candidature, but also of debarment from participation in further examinations held by the SSC for 7 years.

48.4 The Division Bench noted that the Committee which had enquired into the matter had observed that the successful candidates were disproportionately concentrated in a few specific examination centres and that there was substantial disparity between the marks scored by the students who attempted the examination from the said centres, when compared with the marks scored by them in Classes X and XII. A visible pattern, in the correct and incorrect responses of the candidates from the suspected centres, and the fact that the said candidates had not left any questions unattempted, was also noted. This Court held that, in such circumstances, “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 accessing whether the declared result reflected genuine merit”. The Court further observed that the findings of the Committee “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”, which “furnished a cogent basis for the University to establish serious doubt regarding the sanctity of the examination process”. *The relevant question, in such cases, 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”*. This Court also noted that, in such a large recruitment examination, in which candidates from across the country participated, “the emergence of a disproportionately large number of successful candidates from a few contiguous or approximate regions was not an ordinary feature and was rightly treated by the University as a matter requiring closer examination”. *“Such concentration of successful candidates from limited geographical pockets, when viewed in conjunction with other material circumstances noticed by the Committee”, according to this Court, “constituted a relevant circumstance supporting the University’s decision to subject the fairness of the selection process to further scrutiny”*.



48.5 We do not deem it necessary, or even appropriate, to advert further to the observations and findings contained in the judgment of the Division Bench, as the Court was, in that case, only concerned with whether the decision of the University, to subject the performance of certain candidates to further scrutiny data, or did not, called for interference. Quite obviously, the extent of judicial enquiry, in a case where the matter was still being enquired into at the administrative level, would be far more lenient than the extent of enquiry which would be justified in a case in which the administrative enquiry has completed and punishment meted out.

48.6 Nonetheless, the decision in *Deepak* is important in one respect, with which we are entirely in concurrence. One of the arguments advanced before this Court, in the said case, was that, in subjecting students at certain specific centres to investigation, discrimination had resulted. This Court negated the contention. Paras 32 to 34 of the report are, in this context, relevant:

“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.*"

(Emphasis supplied)

48.7 *The finding, in the impugned judgment of the Tribunal that, in the decision of the SSC to select, for enquiry, centres where there were more than five cases of de-mapping, was arbitrary cannot, therefore, be accepted. Latitude has to be retained with the examining authority to take an informed decision as to the extent of enquiry to be conducted. So long as there is an intelligible differentia guiding the said decision, the Court would not castigate it as arbitrary. The decision to subject the examination centres in which more than five cases of de-mapping had been found, to further enquiry cannot, therefore, be it so regarded as arbitrary.*

D.III Applying the law to the facts

49. Before proceeding further, we may note that Mr. Haseeb, learned CGSC, with characteristic forthrightness, acknowledged the fact that debarring of Himanshi from participating in any further



examination of the SSC for 7 years might be too extreme a penalty. Despite this frank acknowledgement, if we were to arrive at the ultimate conclusion that the findings of the Committee regarding employment of unfair means by Himanshi does not merit interference, it would be arguable whether we would have the jurisdiction to reduce the penalty below the statutorily envisaged punishment of cancellation of candidature accompanied by 7 years' debarment. The validity of the said punishment *per se* is not under challenge.

50. Be that as it may, for reasons which follow hereinafter, we are of the opinion that, in the present case, the decision to cancel the candidature of Himanshi and penalize her with 7 years' debarment is not justified on facts or in law.

51. Before setting out our reasons for so holding, we may observe that the manner in which the Tribunal has dealt with the issue cannot be regarded as satisfactory. There is no detailed examination of the law or the facts of the case, even in so far as they apply to the respondents. Further, the Tribunal has clubbed the case of 34 applicants before it in individual OAs into one judgment which examines the facts only in the case of Himanshi, despite the facts obtaining – and, in certain cases, the allegations levelled – being different. The impugned judgment fails to notice these differences.

52. Inasmuch as the present judgment is restricted to the case of Himanshi, the applicant in OA 2953/2022, we are not commenting on the impugned judgment insofar as it relates to other applicants before the Tribunal.



53. Clearly, the question of whether the decision against Himanshi was, or was not, sustainable, would have to be decided essentially on the basis of the findings of the scrutiny committee, which have been reproduced *in extenso* in para 17 *supra*.

54. The adverse observations contained in the said report covers all the candidates whose performance was under scrutiny. They are, therefore, generalized in nature, with the Annexures to the report referring to the individual candidates.

55. We are, therefore, restricting our examination, in this judgment, to the issue of whether the report makes out a case of use of unfair means by Himanshi. This judgment should not, therefore, be regarded as a final pronouncement on the allegation of use of unfair means by any of the other candidates whose candidatures were cancelled following the report of the Committee.

56. Having set out the factors which the Committee was supposed to be taken into consideration in para 6, the Report further observes that

- (i) with respect to Avirat,
 - (a) the terminals of almost all candidates had been shifted before closure of the entry gate,
 - (b) *it seemed that there were* some fixed compromised terminals in every lab,



- (c) *most* of the suspected candidates had been shifted only to these terminals,
- (d) *almost all the shifted candidates* had not complained about non-working of the old terminals,
- (e) rather, the candidates had been told by the invigilators to shift to the other terminal,
- (f) *in one or two cases*, the earlier terminal of the shifted candidate was later used by some other candidate, thereby indicating that there was no fault in the said terminal and that the shifting was with ill motives,
- (g) *most* of the suspected candidates were the first to report at the frisking point and then in the lab, and
- (h) *in some cases*, it also seemed that CCTV footage had been doctored, and
- (i) many candidates had answered the questions in a very short duration,
- (ii) the table showing IP addresses used more than once in the same shift in the given venue was annexed as Annexure 5 to the report, which revealed that some IP addresses and MAC addresses had been used frequently by the venues for the compromised systems,



(iii) the allegedly compromised system, to which the candidates were shifted “*seemed* to have been taken either on remote access or the actual system (was) outside the exam hall of the same LAN and the screen (was) shared to the screen (monitor) of the candidates”,

(iv) it *seemed* that a team was sitting outside the examination hall or at a remote place, attempting the questions,

(v) to answer GK questions, *probably* help of a search engine had been taken and

(vi) it further *seemed* that one subject was attempted at the first terminal at a slow pace and the remaining subjects were attempted at the terminal to which the candidates were shifted at a fast pace.

57. We are in agreement with Mr. Mittal that such findings could not constitute a basis to cancel the candidature of Himanshi. There is not a single conclusive finding. Every observation, and every finding, is tentative in character. The penalizing of a candidate on the basis of such presumptuous and tentative observations is, by itself, unsustainable in law.

58. The report notes that, despite strong apprehensions following these observations, benefit of doubt had been given to some candidates. Why such benefit of doubt was extended, and how the candidates to whom such benefit of doubt was extended were different from the others to whom the Committee was not so generous, is left



blissfully unsaid.

59. The Annexures to the report deal with the material against the individual candidate. Insofar as the respondent Himanshi is concerned, it is noted that she was not traceable on the CCTV. As such, there is no photographic or videographic material on the basis of which the shifting of Himanshi to another terminal could be concluded as having been done for any ulterior motive.

60. Further, the SSC has itself acknowledged, over 44000 candidates were demapped, all over India. As such, shifting of terminals, when the allotted terminal was not working properly, was not unusual and, quite certainly, this fact by itself could not invite any adverse inference.

61. A major discrepancy

61.1 In the case of Himanshi, there is another, glaring discrepancy, which reflects near total non-application of mind. *The affidavit in rejoinder filed by the SSC identifies the IP/MAC addresses of Himanshi's original terminal and the terminal to which she was shifted. This allegation is completely at variance with the Report of the Committee.*

61.2 The MAC id/IP addresses of the systems to which the candidates had been shifted and which were allegedly compromised are also noted in the Annexures to the report. *Insofar as Himanshi is concerned, no such MAC address or IP address has been identified.*



61.3 Para 23(d) of the rejoinder affidavit filed by the SSC reads thus:

“d. The MAC ID history further shows the following seat chronology: Candidate was seated on computer node with MAC No. 7845C4368CC2 from 13:04:00 to 13:24:53 (23 minutes 53 seconds). During this period candidate has visited only 14 questions of which she has given final response of only 7 questions.

Further, candidate was seated on computer node with MAC No. D4BED9CCAA3B from 13:28:49 to 13:49:02 (20 minutes 13 seconds) However, during this period remaining 84 questions were attempted. Hence, as per the logs it can be clearly seen behavioural shift inconsistent with human test pattern.”

61.4 This allegation is reiterated in para 26 of the rejoinder, thus:

“Immediately, after seat change, in 20 Minutes 13 seconds, final responses of 91 questions were given out of which 74 Questions were attempted on their first visit (81.3%). Then remaining 16 Minutes 54 seconds candidates did not attempt any question.”

62. *Annexure 5 to their report of the Committee, however, enlists the IP/Mac addresses used more than once at a given venue. The table reads thus:*

Annexure-5

IP/Mac addresses used more than once in a given venue

Center Name	Venue Code	IP Address	Mac Address	Number
Anuradha Digital Services	14945	10.1.1.240	80C16EE5365F	6
Anuradha Digital Services	14945	10.1.1.241	E8393536C9A1	5
Anuradha Digital Services	14945	10.1.1.239	24BE050F8F03	3
Anuradha Digital Services	14945	10.1.11.18	3CD92B6C83AB	2



Anuradha Digital Services	14945	10.1.1.143	80C16EEE03A1	2
Avirat Education Society	5090	10.1.1.11	1803734B8119	4
Avirat Education Society	5090	10.1.2.7	D4BED9DB5CFC	4
Avirat Education Society	5090	10.1.2.9	4437E6C27DA1	2
Avirat Education Society	5090	10.1.2.13	FC4DD432273C	2
Om Kothari Institute of Management And Research	16638	10.3.8.35	14FEB5E945AB	4
Om Kothari Institute of Management And Research	16638	10.3.8.13	BC305BC71F65	3
Om Kothari Institute of Management And Research	16638	10.2.5.69	AC162D113BC2	2
Om Kothari Institute of Management And Research	16638	10.3.8.39	BC305BB3150E	2
Om Kothari Institute of Management And Research	16638	10.3.8.18	B4B52FCEC45	2
Om Kothari Institute of Management And Research	16638	10.2.5.17	A0D3C1058088	2
Om Kothari Institute of Management And Research	16638	10.2.4.43	B8AC6F3DDF42	2
RSM Finserv Ltd.	9237	10.1.1.39	002264AC5FBA	2
RSM Finserv Ltd.	9237	10.1.2.134	001D607186D8	2

63. The four allegedly compromised terminals in Avirat were, therefore having the Mac/IP addresses 1803734B8119, D4BED9DB5CFC, 4437E6C27DA1 and FC4DD432273C. *The terminal to which Himanshi was shifted, as per para 23(d) of the rejoinder affidavit, viz. MAC No. D4BED9CCAA34B, was not a compromised terminal.*

64. *This single factor, by itself, is sufficient to discredit the finding*



that Himanshi had resorted to unfair means.

65. This is all the more so as *there is no other evidence against Himanshi, except the allegation that she attempted a majority of the examination from the second, allegedly compromised, terminal. Once the second terminal used by Himanshi is not found by the Committee to be one of the compromised terminals at Avirat, this allegation loses all substance.*

66. Besides, there is no CCTV footage available in the case of Himanshi, on the basis of which it could be alleged that she had not found anything amiss in her terminal or that the invigilator had on his own asked her to shift to another terminal without any complaint. The circumstances in which Himanshi shifted to another terminal are also unknown. There is nothing to indicate that the said terminal was compromised or that the other candidates had used the same terminal in a manner similar to Himanshi.

67. The averments in the rejoinder of SSC, and the report of the Committee, are also discordant with respect to the number of questions attempted by Himanshi, and the time taken by her to do so. *The Committee Report alleges that she attempted 15 questions in the first 29 minutes on the terminal allotted to her, and the remaining 84 questions in the remaining 21 minutes in the terminal to which she was shifted. As against this, the rejoinder affidavit alleges that she attempted 14 questions, of which 7 were finally attempted, at the first terminal in 20 minutes and 53 seconds, and 74 questions on the second terminal in the following 20 minutes and 13 seconds.*



68. *The Committee report alleges that Himanshi did not attempt any question in the last 10 minutes, whereas the rejoinder affidavit alleges that she did not attempt any question in the last 16 minutes.*

69. *Clearly, therefore, at least in the case of Himanshi, there is manifest non-application of mind.*

70. Further, though it is alleged that the candidates might have been benefiting from persons seated outside the examination hall, who may have been operating via a LAN connection, there is no finding of the existence of any such LAN connection. No person seated outside the examination hall has been identified, and there is in fact nothing to indicate, except a bare doubt, that any such person existed.

71. Apparently aware of this position, it has also been alleged that it was possible that there may have been remote access software loaded on the computers to which the candidates were shifted, through which the paper was being attempted from some remote location. At least in the case of Himanshi, as the terminal itself has not been identified, there can be no finding, even tentative, of the existence of any remote access software on the terminal. Indeed, there is no such finding in the case of Himanshi anywhere in the report.

72. Besides, there is no reference of any specific “remote control software” having been found on the terminal to which Himanshi was shifted. No person who was operating the terminal from any such remote location has been identified. As in the case of all other



findings, this, too, remains in the realm of wild speculation.

73. The report also alleges that the terminal which was originally used by the candidate, in one or two cases, was later used by other candidates, thereby demonstrating that the terminal was functioning properly and that the shifting of the candidate to the other terminal was *mala fide*. In the case of Himashi, there is no such finding. There is not even an observation, in the report of the committee, to the effect that the terminal which was originally allotted to Himanshi, and from which she was shifted, was satisfactorily used later by some other candidate.

74. We have little doubt in our mind that, if all, or even some of these circumstances were found to exist in the case of a particular candidate, the finding of the committee, to the effect that the candidate had indulged in malpractice or unfair means, may not be susceptible to interference in judicial review. In the case of Himanshi, the facts are markedly extreme. The discrepancies and lacunae are too numerous to ignore. None of the boxes are ticked. None of the factors which are acknowledged, even in the report of the committee, as being determinative while deciding that a candidate had indulged in unfair means, stands satisfied in the case of Himanshi.

75. Even otherwise, we are of the considered view that the single factor of the number of questions attempted by Himanshi at the two terminals from which she undertook the examination, by itself, is not even treated, by the Committee in its Report, as being by itself determinative of use of unfair means by a candidate. Indeed, the stand



of Himanshi was that the initial terminal allotted to her was defective. There is no material, on record, in the report of the Committee or outside it, on the basis of which this assertion can be doubted. The fact that many such terminals were defective is clear from the de-mapping of over 44000 candidates, though only 70 cases have been found to be tainted. If the initial terminal was in fact defective, one cannot compare the performance of the candidate on that terminal with the performance of the candidate on a properly working terminal. The fact that Himanshi was able to attempt the questions to the terminal to which she was shifted correctly cannot, therefore, be treated as a factor against her. One cannot be penalised for performing well.

76. We reiterate that there is no material to indicate that the terminal to which Himanshi was shifted was compromised in any way. The MAC id and the IP address of the terminal, as pleaded in the rejoinder affidavit, clearly indicate, when compared with Annexure 5 to the Committee Report, that it was not, in fact, compromised.

77. There is nothing to indicate that any candidate was helping Himanshi from outside the examination hall or that there was any remote control software installed on the terminal to which she was shifted. There is nothing to indicate that any other candidates had worked on the same terminal with similar results, either.

78. There is also nothing to indicate that the initial terminal allotted to Himanshi was working satisfactorily.



79. The report of the Committee itself observes that, in the case of certain candidates, though there was material against them, the Committee had decided to extend them the benefit of doubt. In the case of Himanshi, we are of the opinion that she was entitled, in the face of such circumstances, to be completely exonerated and, at the very least, to be extended the “benefit of doubt”.

80. We, therefore, are of the opinion that, in the case of Himanshi, the finding that she had resorted to unfair means and their consequent decision to cancel her candidature and debar her from undertaking any further SSC examination for 7 years, is not sustainable in law or on facts.

81. We have, while arriving at our conclusions, kept in mind the principles laid down by the Supreme Court in the decisions to which we ourselves have adverted earlier in this judgment. The Supreme Court has, no doubt, held that courts must be circumspect in interfering with the decisions of Committees which examine cases of unfair means. At the same time, judicial review in such cases is not irremediably foreclosed. Our decision to hold as we have, is influenced, to more little extent, by the fact that the very factors which, according to the Committee in its report, were determinative of the complicity, or otherwise, of the candidate in adopting unfair means, do not operate against Himanshi, as there is no finding, with respect to any of these factors, against her. Even on the basis of the tests laid down by the Committee in its report, therefore, the finding that Himanshi had resorted to unfair means is not sustainable.



82. We have already noted that the Tribunal has not, in the impugned judgment, examined the matter as comprehensively as was required in the circumstances. We have, therefore, adverted in detail to the report of the Committee, to satisfy ourselves that a case for interference is made out.

83. We, therefore, for the above reasons, are in agreement with the Tribunal to the extent it holds that the cancellation of the candidature of Himanshi, and debarring her from undertaking any further SSC examination for 7 years, was not sustainable on facts or in law.

E. Conclusion

84. For the aforesaid reasons, we do not deem this to be a case meriting interference with the ultimate decision of the Tribunal.

85. The writ petition is accordingly dismissed, with no order as to costs.

86. Resultant orders in the case of Himanshi, in accordance with law, be passed within a period of four weeks from today.

87. We make it clear that the present judgment is restricted to examining the sustainability of the cancellation of candidature and 7 years debarment in the case of Himanshi. As this Court held in its very first order dated 6 October 2025, this writ petition would be restricted



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to the case of Himanshi, with liberty granted to the SSC to file individual writ petitions qua the other petitioners. Such writ petitions have been filed and they are listed on other dates. The merit of those petitions would be examined individually.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 24, 2026

AR/dsn