

GENERAL OF POLICE  
CARLTON HOUSE  
PALACE ROAD  
BENGALURU-560 001.

...RESPONDENTS

(BY SHRI. K. SHASHIKIRAN SHETTY, A.G. A/W  
SHRI. REUBEN JACOB, AAG AND  
SHRI. VIKAS ROJIPURA, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF APPROPRIATE NATURE TO SET ASIDE THE TRIBUNAL ORDER IN A.No-4003, 4005, 4007, 4008/2022, A.No-4020/2022, A.No-4022-4032/2022 A.No-4034-35/2022, A.No-4037-4046, A.No-4048-49, A.No-4052-53/2022, A.No-4055-4063/2022, A.No-4065-4085/2022, A.No-4087-4105/2022, A.No-4111-4160/2022, A.No-4187-4210/2022, A.No-4239-4243/2022, A.No-4245-4264/2022, A.No-4266-4271/2022, A.No-4274-75/2022, A.No-4278-4282/2022, A.No-4284-4311/2022, A.No-4315/2022, A.No-4317-4358/2022 DATED 14.12.2022 VIDE ANNEXURE-A AND ETC.

THESE WRIT PETITIONS, HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 26.10.2023, COMING ON FOR PRONOUNCEMENT OF ORDERS THIS DAY, **P.S. DINESH KUMAR, J.**, PRONOUNCED THE FOLLOWING:-

### **ORDER**

Writ Petitions No.15873/2022, 15929/2022, 16127/2022, 16203/2022, 19603/2022, 4377/2023 arise out of common order dated 19.07.2022 and writ petitions No.1960/2023 and 1993/2023 arise out of common order dated 14.12.2022 passed by the KSAT<sup>1</sup>. As the prayers in these writ petitions are similar, they are heard simultaneously and disposed of by this common order.

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<sup>1</sup> Karnataka State Administrative Tribunal

2. Brief facts of the case are, on 21.01.2021, the Police Department called for recruitment for the post of 'Police Sub-Inspector (Civil)' in the State of Karnataka.

3. The selection procedure is carried out in two parts. Firstly, a physical test and secondly, a written test. The candidates who pass the physical test shall be eligible to take up the written examination consisting of a descriptive paper and an objective type paper.

4. On 03.10.2021, the written examination was conducted in 92 centres across Karnataka. Based on Provisional Selection List published on 19.01.2022, the candidates were called for verification of documents and medical test.

5. Certain complaints were received alleging malpractice in the written examination in Kalaburagi centre and particularly against one of the candidates namely, Veeresh Chandrashekhar. Accordingly, FIR No. 48/2022 was registered in Chowk Police Station, Kalaburagi against the said

candidate for offences punishable under Section 120B, 465, 468, 471, 420 r/w. Section 34 IPC. The Home Minister of Karnataka directed the DG & IG<sup>2</sup> to entrust the enquiry to the CID<sup>3</sup>.

6. An investigating team consisting of 19 members was formed to enquire into the allegations of malpractice. All the 545 selected candidates were called upon by the CID to submit carbon-copies of their OMR<sup>4</sup> answer sheets. After investigation, the State Government vide order dated 29.04.2022 have ordered that fresh written examinations shall be conducted for all the candidates, who had earlier appeared. Feeling aggrieved by the said order, petitioners approached the KSAT and the KSAT has dismissed their applications holding that there was a 'systemic failure' of the recruitment process.

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<sup>2</sup> Director General and Inspector General

<sup>3</sup> Crime Investigation Department

<sup>4</sup> Optical Mark Recognition

7. Heard Shri. P.S.Rajagopal, learned Senior Advocate for the petitioners in W.P. No.15929/2022; Shri. K.N. Phanindra, learned Senior Advocate for the petitioner in W.P.No.19603/2022; Shri. D.R. Ravishankar, learned Senior Advocate for the petitioners in W.P. No. 16127/2022; Shri. Santosh Nagarale, learned Advocate for the petitioners in W.P. Nos.15873/2022, 1993/2023 and 4377/2023; Shri. Shashi Kiran Shetty, learned Advocate General for the State and Shri. Reuben Jacob, learned Senior Advocate for the KPSC.

8. At the outset, we may record that the sum and substance of petitioners' argument and the prayer urged is to direct the State Government to segregate the cases of those involved in the malpractice and complete the recruitment process in respect of other candidates.

9. Shri. Rajagopal, for the petitioners, praying to allow the writ petition, submitted that:

- out of 545 selected candidates, only 53 candidates have been named in the charge sheet.

Out of them, 52 candidates have been debarred vide Order dated 20.07.2023. There are no allegations against the remaining candidates;

- in similar circumstances, the State Government have validated the appointments of untainted candidates of Gazetted Probationers of 2011 batch by promulgating Karnataka Civil Services (Validation of Selection and Appointment of 2011 batch, Gazetted Probationers) Act, 2022. The case on hand is similar to that of Gazetted Probationers of 2011. Hence, the untainted candidates in this case need to be protected by segregating their cases and completing the selection process;
- there is no material to show that any effort was made by the State Government to segregate the tainted and untainted candidates;
- the Investigating Team consists of seven constables who had also appeared for the written examination but failed. Hence, the investigation is

not fair as those constables have conflict of interest.

10. Shri. Rajagopal also submitted that the petitioners shall file an affidavit undertaking to vacate the post if they are found guilty.

11. Shri. Ravishankar, for the petitioners, praying to allow this petition, submitted that:

- Government Order is purely based on the preliminary observations. There is no definite finding of fact recorded by any authority or Court holding that petitioners, whom he is representing are tainted;
- it is settled by various authorities of the Apex Court that efforts must be made for segregation of tainted cases. The Government Order does not disclose as to how many candidates are tainted and why segregation is not possible;
- all 92 examination centres were under surveillances of CCTVs. Therefore, it was not

difficult for the State Government to examine the cases in all centres and to segregate the candidates involved in malpractice;

- as per the directions of the State Government, the selected 545 candidates have produced their OMR answer sheets. The same have been examined by the authorities. In addition, the Investigating Team had called the candidates and examined their competence by posing oral questions. The Investigating Authority has charge sheeted only 53 candidates. Therefore, penalising the other candidates is unjust and arbitrary;
- in para 6 and 9 of the statement of objections filed by the State Government, it is admitted that CID requires time to establish the widespread malpractice. However, the State Government, without waiting for the completion of a comprehensive enquiry have hurriedly passed the impugned Government Order.

12. Shri. Phanindra, for some of the petitioners, submitted that as charge sheet is filed only against 53 candidates, the recruitment process can be completed with regard to the remaining 492 candidates, subject to further investigation, if any.

13. Shri. Nagarale, for some of the petitioners, submitted that the Government Order is bereft of any cogent reasons and hence not sustainable. The State Government have not contended before the KSAT that segregation is impossible. Admittedly, the Charge sheet is filed only against 53 candidates, therefore, conducting the written examination afresh is arbitrary and bad in law.

14. Shri. Shashi Kiran Shetty, learned Advocate General for the State, supporting the impugned Government Order to conduct fresh written examination, contended that:

- the malpractice has taken place in two ways. Firstly by marking the OMR sheets by obtaining the answers from an outside source using Bluetooth devices.



Secondly by tampering the OMR answer sheets after the examination;

- the OMR answer sheets tampering has been done at two levels. First at the level of examination centres after handing over the OMR answer sheets to the invigilators. Second at the recruitment headquarters i.e., in the Office of the Head of the Recruitment Cell (ADGP), where the OMR answer sheets were kept in safe custody;
- in the facts of this case, segregation of tainted and untainted candidates is not possible;
- one of the accused persons is the ADGP, Recruitment. He was arrested during the course of investigation and he had remained in jail for some time. The Head of the Recruitment himself being one of the prime accused, the tampering/manipulation of OMR answer sheets having taken place in his office, the confidence of general public in the recruitment process has completely eroded;

- out of 146 petitioners herein, 25 are from those centres wherein the malpractices have taken place and some of the candidates have been arrested. Out of the 92 centres, malpractices have certainly taken place in 20 centres. It is also possible that malpractices have been taken place in other centres also. In all, 110 persons have been arrested, out of whom 53 are selected candidates;
- the malpractices in selection have taken place in connivance with the candidates, staff on duty in the examination centres, staff in the Recruitment Cell, retired and servicing Police personnel of various ranks, private individuals and middle men;
- therefore, the process having been tainted in its entirety cannot be ruled out. Consequently, the State Government have rightly cancelled the examination results and ordered for conducting fresh examination.

15. With the above submissions, he prayed for the dismissal of the writ petitions.

16. We have carefully considered the rival contentions and perused the records. We have also perused the records of investigation produced by the State Government.

17. In light of the facts and circumstances of this case; and the submissions made on both the sides, following points arise for our consideration:

- (i) *Whether segregation of tainted and untainted candidates is possible?*
- (ii) *Whether the Government order dated 29.04.2022 passed by the State Government calls for any interference?*
- (iii) *Whether the impugned orders passed by the KSAT calls for any interference?*

**Re. point No.(i):**

18. Undisputed facts of the case are, for recruitment for the posts of 'Police Sub-Inspector (Civil)' a written examination was conducted in 92 centres across the State. A Provisional Select List of 545 candidates was issued. Later, certain complaints were received alleging malpractices in the

written examination in Kalaburagi and other centres; and an FIR was registered. Based on the said complaints, an enquiry was conducted by the CID. The enquiry report revealed that malpractices had taken place in various centres. The State Government vide order dated 29.04.2022 cancelled the results of written examination of both descriptive and objective papers and ordered for re-examination of both papers.

19. Petitioners' names are found in the Provisional Select List. Their specific case is that the investigation team has charge sheeted only 53 candidates. Therefore, penalising the untainted candidates is arbitrary and unjust. The State Government have passed the order directing re-examination hurriedly, without properly examining whether segregation was possible.

20. It is averred by the Petitioners in Writ Petition No. 16127/2022 that the allegation is with regard to OMR answer sheets tampering and use of Bluetooth devices which has been conclusively investigated. It is also not the stand of other petitioners that there was no malpractice at all. As noted

hereinabove, petitioners' main ground and prayer is to segregate the tainted and untainted candidates.

21. Learned Advocates for petitioners have relied upon few authorities of the Apex Court in support of their main contention that segregation was imperative.

22. On the other hand, State Government's specific stand is that the Head of the Recruitment Wing, who is an Officer of the rank of ADGP, is one of the accused in malpractices. According to the Government, Bluetooth devices were used by the candidates in several centres and OMR answer sheets were tampered at the examination centre as well as the strong room under the control of ADGP. As many as 53 candidates, the ADGP and 51 others were arrested. Out of them, 18 persons are police officials. Remaining are recruitment officials, Reserve Sub-inspector, Head constables and other staff members.

23. It was urged by the learned Advocate General that the segregation is impossible because, the mode of malpractice is multi-dimensional, such as use of sophisticated electronic devices and physical tampering at various levels. Further, public trust has eroded as the allegation is against the Head of Recruitment Wing and his staff involved in the recruitment process. Hence, continuing and completing the selection process as suggested by the petitioners is wholly unsafe. Admittedly, the selection is for the disciplined uniformed Police Service who will be entrusted with Law and Order, Crime detection, security etc. Therefore, even if segregation may be remotely possible, the same is not worthy of consideration.

24. Before proceeding further, it is necessary to describe the examination process and also the nature of the allegations which formed the basis for the cancellation of the written examination.

25. Nearly 54,000 candidates have appeared for the written exam on 03.10.2021 held in 92 centres across the State. On the same day, candidates appeared for both descriptive and objective papers. The descriptive paper is for 50 marks and the objective paper is for 150 marks. The time allotted for each paper is 1 hour 30 minutes. The objective paper consists of 100 MCQs<sup>5</sup> for 1.5 marks each and the answers are marked in the OMR sheet.

26. It is mainly alleged that malpractices have taken place in two ways. Firstly, tampering of the OMR answer sheets and secondly, usage of Bluetooth devices in the examination hall. We shall deal with both the methods separately:

i. Tampering of OMR answer sheets

27. In the objective type paper, the candidates have to mark their answers in the OMR sheet provided to them by the invigilator. The OMR sheet is a specially designed paper that contains bubbles or boxes that can be filled in by a candidate

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<sup>5</sup> Multiple Choice Questions

using a pen or pencil. OMR sheets are designed to be read by an OMR scanner or reader, which can quickly and accurately recognize the marked responses. A carbon copy is attached with every OMR sheet and the candidate is permitted to carry it after the examination.

28. According to the learned Advocate General, after completion of the written examination, in some cases, the OMR answer sheets have been tampered at the centres. Once the OMR answer sheets reached the head quarter, they were kept in the strong room in the Office of Head of Recruitment Cell (ADGP) and they were tampered while they were under the control of the ADGP. The FSL<sup>6</sup> report dated 22-04-2022, reveals that five OMR sheets of candidates selected from Jnana Jyothi English Medium School, Kalaburagi were tampered. Out of them, four candidates were arrested and one candidate evaded arrest. The FSL report dated 28.04.2022, reveals that 22 OMR answer Sheets of the candidates in the select list from Bangalore Examination Centres were

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<sup>6</sup> Forensic Science Laboratory



tampered. These investigation reports *prima facie suggest* that there was tampering.

29. Admittedly, a very senior IPS Officer in the rank of ADGP was the Head of Recruitment Wing. He has been arrested. This clearly indicates that the investigating authority had found *prima facie* material against the ADGP's culpability.

30. It was submitted by Shri. Rajagopal that petitioners were prepared for appropriate action including removal, in case they were found guilty of any malpractice; and they were ready to file an affidavit in this Court to that effect. We are not persuaded to accept the said plea because the allegations of malpractice are very grave in nature which include involvement of the Head of the Recruitment Wing, tampering of OMR answer sheets at different levels. The learned Advocate General is right in his submission that trust and confidence upon the Police by the general public is also of paramount importance.

ii. Usage of Bluetooth devices in the examination hall

31. It is alleged that during the course of investigation, it was found that the candidates have used Bluetooth devices in the examination hall and some of them were also arrested.

32. Generally, using a Bluetooth device in an examination hall would typically involve coordinated effort between the candidate writing the exam and an external party assisting with the transmission of information. The candidate and the external party have to plan a strategy in advance, for effective transmission of right answers to the candidate. Once the examination begins, the candidate discreetly activates the Bluetooth device and pairs it with a smart phone placed outside the examination hall.

33. It is relevant to note that, in the instant case, the objective paper consists of 100 questions for 1.5 marks each. The time allotted to finish the examination is 1 hour 30 minutes, that means, a candidate would get less than one minute to answer a question. Therefore, unless the external party had the question paper in his hand, in advance,

it is not possible to search the correct answer and convey to the candidate within the stipulated time. This leads to an irresistible inference that the person conveying the answers through a smart phone and Bluetooth had access to the question paper in advance to relay the answer to the candidate through the Bluetooth device.

34. This leads to a further inference that either the candidates were given early access to the question paper or the question paper was leaked before the examination. Otherwise, it is highly improbable that the external party could relay the answers within time. It is also highly probable that such leaked question paper may have been circulated widely. In such a situation, it is difficult to record a specific finding whether the candidates had early access or the question paper was leaked. But in any event, it is not in dispute that a scam has taken place with the involvement of several persons including an ADGP.

35. In support of their contention that the State Government should make an effort to segregate the tainted and untainted candidates, learned Advocates for the petitioners have mainly placed reliance on the following authorities:

(i) *East Coast Railway & Another Vs. Mahadev Appa Rao & Others*<sup>7</sup>:

In that case, typewriting examination conducted for the post of Chief Typists in the Department of East Coast Railway was cancelled based on the allegation that the typewriters provided were defective. The cancellation order was quashed by the High Court and affirmed by the Apex Court on the ground that the cancellation order was not supported by any reasons and it was arbitrary. The decision in *East Coast Railways* would not be of any aid to petitioners in the instant case for more than one reason:

- firstly because, the allegation therein, was regarding defective typewriters and not malapractice, whereas in the instant case, there are allegation is widespread

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<sup>7</sup> (2010) 7 SCC 678

fraud committed by several persons including Recruitment Head, staff and the candidates;

- secondly because, in that case, there was no *prima facie* satisfaction about the correctness of the allegation, whereas, in the present case, the enquiry was entrusted with the CID and only upon *prima facie* satisfaction that there were malpractices, the State Government have passed the impugned order;
- thirdly because, in that case, no reasons were forthcoming in the cancellation order, whereas in the case on hand, the Government Order dated 29.04.2022, contains specific allegations with regard to the number of OMR answer sheets etc.

36. We may further record that in para 31 of *East Coast Railways*, the Apex Court has held that the question whether the competent authority ought to have conducted an enquiry or not before passing the cancellation order depends upon the facts and circumstances of each case. The Hon'ble Supreme Court of India has also held that after proper consideration, if

the competent authority comes to a conclusion that the earlier test suffered from infirmity, it shall be free to pass a fresh order cancelling the examination.

(ii) *Inderpreet Singh Kahlon Vs. State of Punjab*<sup>8</sup>:

Brief facts of that case are, one Shri Ravinderpal Singh Sidhu was the Chairman of the Punjab Public Service Commission between 1996 to 2002. Allegations were levelled against him that he had got large number of persons appointed for extraneous considerations including monetary consideration. Such appointments were said to have been made during the period 1998-2001. Raids were conducted in his house on more than one occasion. The result sheets of the nominated candidates were seized. Answer sheets of PCS (Executive Branch) were also seized. Orders of termination were passed on 23.5.2002. All the officers in the category of nominated executive officers were about to complete their period of probation. The services of the nominated candidates (Class I Officers) were terminated by orders *simpliciter* purported to be in terms of the Rules, i.e., by terminating the

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<sup>8</sup> (2006) 11 SCC 356

probation. This order was unsuccessfully challenged in the High Court. On appeal, the Apex Court set-aside the order of termination on the ground that unscrupulous candidates should not be allowed to damage the entire system in such a manner where innocent people also suffer great ignominy and stigma. The decision in *Indrapreet Singh Kahlon* will not be applicable to the case on hand for more than one reasons:

- firstly because, petitioners' case therein was that they had already served for 3 to 4 years, whereas, in the instant case, none of the petitioners have been appointed;
- secondly because, the allegation in that case was that the Head of the Civil Service Department had accepted bribe, whereas in the case on hand, the allegations are use of Bluetooth devices and tampering of OMR answer sheets.

iii. *A. A Claton Vs. Director of Education & Another*<sup>9</sup>:

Shri. Rajgopal placed reliance on para 5 of that judgment contending that at every stage in the selection process, certain rights are accrued in favour of the applicants. We may record that in *A.A. Claton*, involving the selection of teachers under Section 16-E of the UP Intermediate Education Act, 1921, there was no written examination or allegation of irregularities concerning examination.

iv. *Sachin Kumar Vs. Delhi Subordinate Service Selection Board (DSSSB) & Ors*<sup>10</sup>;

In that case, the Apex Court has also held in paragraph No. 35 that '*where a recourse to unfair means has taken place on a systemic scale, it may be difficult to segregate the tainted from the untainted participants in the process*'. In the case on hand, the reasons recorded hereinabove, show that unfair means has taken place in a systemic scale. Therefore, the decision in *Sachin Kumar* is misplaced.

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<sup>9</sup> (1983) 3 SCC 33

<sup>10</sup> (2021) 4 SCC 631



37. For the reasons stated above, the authorities cited by the learned advocates for the petitioners do not lend any support to their cases.

38. In our considered opinion, in the instant case, the segregation of tainted and untainted candidates is not possible for following reasons:

- conveying the answers to the beneficiaries through Bluetooth device in the examination hall is impossible if the candidates or the external party did not have the access to the question paper and the 'version' of the question paper prior to the examination;
- the involvement of the ADGP who is the Head of Recruitment Wing, through whom OMR answer sheets were accessed and tampered erodes public trust and confidence;
- admittedly, 53 selected candidates have been charge sheeted and 52 out of them have been debarred. In view of our finding that conveying answers through Bluetooth device would have been impossible without leakage of questions, petitioners' prayer to complete

the selection process of untainted candidates is untenable because petitioners' results are also not free from suspicion. We say so because questions once leaked will reach different corners of the State in no time. The Police have investigated malpractices in respect of Kalaburagi centre. In our opinion, the probability of leakage of questions is almost certain because without knowing the questions earlier, the external party could not have conveyed answers within 90 minutes, particularly when transmission was only one way;

- the purity in conducting the examination is a *sine qua non* to build a robust, efficient and honest public service and particularly, the disciplined uniformed force like the Police.

39. For the reasons recorded hereinabove, we answer the point No. (i) in the ***negative***.

**Re. point No.(ii):**

40. Based on the enquiry conducted by the CID, the State Government vide order dated 29.04.2022 have cancelled the written examination held on 03.10.2019 and ordered re-examination.

41. The evaluation of academic achievement or the suitability of a candidate for public employment necessitates an examination process that adheres to principles of rationality. Rationality stands as a fundamental requirement within the realm of public administration. The decision to cancel an examination is an extreme step usually taken in the interest of maintaining the integrity of the examination process and to ensure absolute fairness to all the candidates both successful and unsuccessful.

42. The material papers in these writ petitions disclose that the genesis of this case is allegations of malpractice in the examination held in Jnana Jyothi English Medium School, Kalaburagi and tampering of the OMR answer sheets. The descriptive examination and OMR test were conducted on

03.10.2021. In all 54,103 candidates appeared in the examination throughout the State. A Provisional Select List of 545 candidates was announced by the State Government. An enquiry has been conducted by the CID. One of the modes of offence described in the charge sheet is 'use of Bluetooth'. As recorded hereinabove, the principal argument advanced on behalf of the petitioners is that OMR answer sheets of tainted and untainted candidates may be segregated.

43. If the case advanced by the State Government is to be accepted, malpractice has taken place by using Bluetooth. As noticed hereinabove, the communication is 'one way' while using the Bluetooth. The external party must dial the cell phone which is connected to a Bluetooth in possession of the candidate. Cell phones are not permitted in the examination hall. Therefore, a candidate can only receive the information in voice mode through the Bluetooth. For reasons recorded while answering point No. (i), we have held that unless the question paper was leaked much prior to commencement of the examination, it would not have been possible for the external

party to find out the correct answers for 100 questions and convey through the Bluetooth. On this premise, it is reasonable to infer that the question paper had leaked much prior to commencement of the examination. In that event, it is highly probable that the question paper may have leaked to several persons in different centres. We may record that in 2016, the Karnataka State Pre-University Board had conducted the examination in Chemistry paper thrice due to paper leakage for the Second PUC<sup>11</sup> students.

44. The theory of use of Bluetooth cannot be totally brushed aside and disbelieved at this stage because the said issue is subject matter of various criminal cases before the jurisdictional Criminal Courts. Unless a categorical finding is recorded to the effect that there was no malpractice by 'use of Bluetooth', the wisdom of the executive in cancelling the examinations cannot be found fault with. Further, if any finding is recorded with regard to 'use of Bluetooth' by this Court in these proceedings that would amount to pre-judging the issue involved in various criminal trials which exercise

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<sup>11</sup> Pre-University

cannot be and should not be undertaken in proceedings under Article 226 of the Constitution of India.

45. If the contention urged by the petitioners was to be considered, the answer papers of tainted and untainted candidates ought to be segregated and appointment orders issued to the untainted candidates. Such an option would presuppose and dilute the charge of 'use of Bluetooth' levelled in the charge sheets filed before various criminal Courts. Then what was the best option available before the State Government? Having regard to the investigation report and the charge sheet filed before the Criminal Courts and the allegation of Head of Recruitment Cell being involved in the scam, in our considered view, the option exercised by the executive to cancel the examination and to order for re-examination is based on a sound reasoning and to maintain purity of examination.

46. We may also usefully note that in *Gohil Vishvaraj Hanubhai and Ors. Vs. State of Gujarat and Ors*<sup>12</sup>, it is held as follows:

*"21. Purity of the examination process - whether such examination process pertains to assessment of the academic accomplishment or suitability of candidates for employment under the State - is an unquestionable requirement of the rationality of any examination process. Rationality is an indispensable aspect of public administration under our Constitution. The authority of the State to take appropriate measures to maintain the purity of any examination process is unquestionable. It is too well settled a principle of law in light of the various earlier decisions of this Court that where there are allegations of the occurrence of large-scale malpractices in the course of the conduct of any examination process, the State or its instrumentalities are entitled to cancel the examination. This Court has on numerous occasions approved the action of the State or its instrumentalities to cancel examinations whenever such action is believed to be necessary on the basis of some reasonable material to indicate that the examination process is vitiated. They are also not obliged to seek proof of each and every fact which vitiated the examination process."*

47. Therefore, we hold that the order passed by the State Government, in the facts and circumstances of this case

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<sup>12</sup> (2017) 3 SCC 621 para 21

is just and appropriate and does not call for any interference.

Accordingly, we answer the point No. (ii) in the **negative**.

**Re.Point No.(iii):**

48. While dismissing the applications, the KSAT in order dated 19.07.2022 has recorded thus:

*"30. The recruitment by the Selecting Authority has to be fair, transparent and accountable and needs to instill public confidence. When a recruitment process like the present one is under challenge, the Courts/Tribunal's should be discerning since the recruitment is for the Police Department and sanctity of selection to the public posts is of paramount importance. Thus where there is a systemic failure of the recruitment process and involvement of all, right from candidates to higher officials of the uniformed service, it would not be possible for the Government to make a distinction between the tainted and untainted. When several persons are involved and conspire to commit large scale malpractices in the process of selection, the decision taken by the government to cancel the written exam does not call for our interference as it was taken in the interest of high standards and integrity of the selection process."*

49. For the reasons recorded hereinabove, we are at one with view taken by the KSAT and therefore, the impugned orders do not warrant any interference. Accordingly, point No. (iii) is answered in the **negative**.



50. Hence, the following:

ORDER

- (i) Writ Petitions are ***dismissed***;
- (ii) To ensure fair re-examination, the State Government shall entrust the process of re-examination to an independent agency without charging any fresh fee to the candidates.

No costs.

**Sd/-  
JUDGE**

**Sd/-  
JUDGE**