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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 29.02.2024

+ W.P.(C) 12354/2023 & CM APPL. 48883/2023

UNION OF INDIA THROUGH ITS SECRETARY & ORS.

..... Petitioners

Through: Mr.K.C.Dubey, Mr. Rishav Dubey &
Mr.Vatan Kumar Atri, Adv.

versus

RUPESH KUMAR JHA & ORS.

..... Respondents

Through:

+ W.P.(C) 1760/2024 & CM APPL. 7358/2024 -Stay

STAFF SELECTION COMMISSION & ANR. Petitioners

Through: Mr.K.C.Dubey, Mr. Rishav Dubey &
Mr.Vatan Kumar Atri, Adv.

versus

MANNU RANI

..... Respondent

Through: Mr. Sachin Chauhan, Adv.

+ W.P.(C) 1788/2024 & CM APPL. 7440/2024 -Stay

+ W.P.(C) 1975/2024 & CM APPL. 8267/2024 -Stay

+ W.P.(C) 2025/2024 & CM APPL. 8507/2024 -Stay

+ W.P.(C) 2032/2024 & CM APPL. 8523/2024 -Stay

+ W.P.(C) 2037/2024 & CM APPL. 8532/2024 -Stay

+ W.P.(C) 2046/2024 & CM APPL. 8546/2024 -Stay

+ W.P.(C) 2048/2024 & CM APPL. 8549/2024 -Stay

+ W.P.(C) 2051/2024 & CM APPL. 8556/2024 -Stay

UNION OF INDIA & ORS.

..... Petitioners

Through: Mr.K.C.Dubey, Mr. Rishav Dubey &



Mr.Vatan Kumar Atri, Adv.

versus

DEEPAK KAUSHIK & ORS.
AKASH ANTAL
MOHIT
VIVEK KUMAR
DEVMOHAN
SALONI BANSAL ORS
ANKIT & ANR.
SH. ABHIMANYU SINGH TANWAR AND ANR.

..... Respondents

Through: Ms.Sriparna Chatterjee, Mr.Soumitra
Chatterjee & Mr.Manish, Adv.
Mr.D.S.Mahendru, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

REKHA PALLI, J (ORAL)

1. The present batch of writ petitions under Articles 226 & 227 of the Constitution of India are directed against the common order dated 11.01.2023 passed by the learned Central Administrative Tribunal (Tribunal) in a batch of original applications preferred by the respondents including O.A. No.4005/2017.
2. Vide the impugned order, the learned Tribunal has allowed the original applications (hereinafter 'OA') preferred by the respondents by quashing the petitioners decision to reject the candidature of the respondents, who had appeared in different exams conducted by the petitioner no.2 i.e the Staff Selection Commission but had failed to append



their signatures on the opening page of their respective answer sheets used in the exam. The learned Tribunal has thus, directed the petitioners to consider their candidature by evaluating their answer sheets, if not already done. The learned Tribunal has further directed that in case, the respondents emerge successful in the selection process, they be granted appointment on the basis of their merit with all consequential benefits, except actual back wages till the date of their appointment

3. Before dealing with the rival submissions of the parties, we may begin by noting the brief factual matrix emerging from the record. For the sake of convenience, we are referring to the facts of WP(C) 12354/2023 in which challenge has been laid to the order passed in O.A. No.4005/2017.

4. On 08.10.2016, the petitioners issued a notification inviting applications for holding the Combined Higher Secondary Level (10+2) Examination 2016. As per the examination notification, the selection process included two written exams, the first Tier-I exam being an objective type test and the second Tier-II being a descriptive test, which was to be followed by a typing/data entry speed test. Based on their applications, the respondents appeared in the Tier-I exam, conducted between 07.01.2017 to 08.02.2017, result whereof was declared on 01.06.2017, in which they emerged successful and were, therefore, declared eligible for the Tier II examination. Consequently, the respondents, on 09.07.2017, appeared in the Tier II examination, the result whereof was declared on 27.10.2017.

5. After the results of the Tier-II examination were declared, the respondents realised that they had been awarded zero marks on account of their not having signed the answer sheets. Since it was the respondents' case that they had, during the exam, duly signed the attendance sheet as also the



declaration form besides affixing their thumb impressions on the opening page of their respective answer sheets, they approached the learned Tribunal by way of O.A. No.4005/2017. The OA, as noted hereinabove, has been allowed by the learned Tribunal by *inter alia* holding that the inadvertent lapse on the part of the respondents in not appending their signatures on the opening page of the answer sheets could not be treated as a fatal mistake. While allowing the OA, the learned Tribunal took into account that though the respondents had not signed the opening page of their answer sheets, they had duly affixed their signatures at two different places i.e. on the attendance sheet and the declaration form besides affixing their thumb impressions on the opening sheets during the examination itself and therefore, their identity could not be doubted. Being aggrieved, the present petitions have been filed.

6. We may, at the outset, note that the present petitions have been filed after more than one year of passing of the impugned order, for which delay there is no satisfactory explanation. In these circumstances, we are constrained to observe that in a matter like the present, when entire career of young candidates like the respondents are at stake, the petitioners are not expected to adopt such a lethargic attitude. However, since we have heard learned counsel for the petitioners at length, we are refraining from delving further into this aspect except cautioning the petitioners that in future writ petitions assailing the orders passed by the learned Tribunal should be filed with promptitude.

7. In support of the petitions, learned counsel for the petitioner has, besides reiterating the submissions made before the learned Tribunal, vehemently urged that the learned Tribunal has failed to appreciate that on



account of the respondents not affixing their signatures on the opening page of their answer sheets, their identification itself became doubtful and therefore, the Tribunal erred in holding that the mistake on the part of the respondents was trivial in nature and did not affect the outcome of the examination. He contends that once it was by way of the examination guidelines made clear to the candidates that in case of failure to follow any of the instructions, their candidature was likely to be rejected, the petitioners were justified in rejecting the candidature of the respondents for not affixing their signatures on the opening page of their answer sheets, as mandated under the guidelines.

8. In support of his submissions, the learned counsel for the petitioner is relying on the decisions of the Apex Court in *Karnataka Public Service Commission vs. B.M. Vijay Shankar & Ors AIR 1992 SC 952*, *Bedanga Talukdar v Saifudaullah Khan & Ors (2011) 12 SCC 85*, and *Secretary Tamil Nadu v A.B. Natrajan (2014), 14 SCC 95*. Further, he also relies on a decision of a Coordinate Bench dated 14.09.2023 in *WP(C) 12111/2023* titled *Dikshika Meena v UPSC and Ors*. He further submits that the decision of the Apex Court in *Vashist Narayan Kumar v State of Bihar 2024, SCC OnLine SC 2*, on which the respondents are heavily relying, are not applicable to the facts of the present case as the identity of the candidates was not in dispute in the said case. Furthermore, the decisions of the Coordinate Benches in *Union of India vs. Sumit Kumar 2017 SCC OnLine Del 10138*, *WP(C) 6086/2017* titled *Union of India v Avinash Chandra Singh & Ors*, *Staff Selection Commission v Kritika Raj 2016 SCC OnLine Del 3626* on which the respondents are relying are also not



applicable to the facts of the present case as these cases pertain to the lapse on the part of the candidates in either not mentioning the medium or the subject or had added an extra zero to the roll number, which he contends, could not, in any manner, put the identity of the candidates in doubt. He, therefore, prays that the impugned order, being wholly perverse, be set aside.

9. On the other hand, learned counsel for the respondents supports the impugned order and submits that the learned Tribunal was justified in holding that the mistake committed by the respondents was a minor inadvertent error as their failure to append their signatures on the opening page of the answer sheet did not, in any manner, create any doubt qua their identity, especially when they had, besides affixing their thumb impressions on the very same opening page, duly signed the attendance sheet as also the declaration form during the exam. He contends that the fact that even the invigilators who had signed their answer sheets themselves did not notice that the respondents had not affixed their signatures but affixed only their thumb impressions on the opening sheet, in itself shows that the mistake was trivial which also escaped the notice of the invigilators. Their plea, thus, being that in case it had been noticed by the invigilators that the respondents had failed to put their signatures, they could have been asked to sign on the opening sheet at the centre itself. They, therefore, pray that the writ petition be dismissed.

10. Having considered the rival submissions of learned counsel for the parties and perused the record, we may begin by noting the relevant extracts of the impugned order, which reads as under:-



“20. The purpose of exam invigilation is to ensure that all candidates are under active surveillance for every moment of the duration of the examination. Invigilators should also try to provide a suitably pleasant and supportive atmosphere for candidates. However, they must also ensure and prevent any kind of communication between candidates (by copying, whispering or any kind of signal, exchange of paper or objects) and any kind of access to books, papers or electronic media of any kind (unless specifically authorized) for the exam duration. Invigilators also need to ensure the security of the examination hall before, during and after the examination. From the moment the question papers are given out until all answers are collected, exam invigilators should patrol vigilantly. Particular emphasis should be given to multiple choice and short-answer questions. The main goal should be to prevent possible candidate malpractice and administrative failures. Some of the other general duties may include:

- a) Implementing the exam rules and regulations and remaining vigilant throughout the examination duration.*
- b) Assisting the candidates before, during and after the examination by directing them to their seats, advising them about possessions permitted at examination venues and dealing with queries raised by candidates etc.*
- c) Checking attendance during examinations, recording details of late arrivals and ensuring that proper seating plans are followed.*
- d) Escorting candidates during water breaks or washroom breaks as required and detecting any unauthorized materials inside the examination hall.*
- e) Delivering and collecting scripts carefully at the start and end of the examination in accordance with strict examination procedures.*
- f) Assisting with the packing of examination scripts, stationery and other equipment from the examination venues.*
- g) Supervising candidates in leaving the examination venues in a quiet and disciplined manner and ensuring that candidates do not remove equipment or stationery from the examination venue without the permission of the authority.*



h) After the examination is over, the exam invigilators should collect the scripts, question papers, stationery and other reference booklets from the candidates and check that all the required information (name, candidate number, venue, date etc.) have been filled out by the candidates on their scripts properly. When all the scripts are collected, invigilators should release candidates and direct them' towards the exit of the examination hall in complete silence.

21. There are well defined instructions to invigilators, Overall Incharge, Observer-cum- Coordinator, Chief Invigilator, SSC team during their visit for any of the centre(s) by the respondents.

22. Any failure to carry out the above instructions on the part of invigilator, the respondents are also collectively and contributory liable for negligence. Therefore, it is not only administrative failure but also system failure for which the candidates cannot be blamed alone.

23. There is nothing on record to show that any disciplinary action has been taken against any of the invigilator for that matter against Overall Incharge, Observer-cum- Coordinator, Chief Invigilator, SSC team during their visit for any of the centre(s) for not following the instructions. Hence, presumption can be safely drawn that the examination was held in mode and manner prescribed under Instructions for examination without any incident of impersonation, cheating, possession of un-allowed material, mobile phone etc, more particularly in favour of the applicant(s). To the contrary, the booklet bears the signatures of the invigilator. Now, it cannot even lie the mouth of the respondents to contend or dispute the fact invigilator or Overall Incharge, Observer-cum-Coordinator, Chief Invigilator of Examination Center has not followed the above instructions.

24. The case laws relied upon the respondent's counsels cannot be applied to facts and circumstances of the present case in as much as in the said judgments the Hon'ble Court were correct in applying law of following mandatory instructions at initial stage of examination.

The Courts had not occasion to examine the role of the invigilators or Overall Incharge, Observer-cum-Coordinator,



Chief Invigilator of Examination Center. The Courts had no occasion to deal with the situation to say the least what is sacrosanct to the candidates to follow instructions is equally applicable to the invigilators who have more and greater responsibility to hold examination in free and fair manner. The imposition of conditions cannot be loop sided. There is no sufficient evidence to establish against the applicants that they had used unfair means, impersonated and cheated in examination. There is no FIR or criminal action registered either till date. In present case, it is not even the case of the respondents that the applicant(s) have neither put signatures nor thumb impression.

25. The Rule of Fair play would demand that having allowed the candidates to get the evaluation the answer sheets at the II tier or III Tier Stage and/ or to say the least, wherein, the invigilator has put his signatures after verifying the credentials of candidate(s), it would not be incumbent upon the respondents to contend that the guidelines at each and every stage of selection has not been followed so as to create element of doubt unless and until there is strong suspicious doubt about the credibility of candidature. In the facts and circumstances of the present case in hand, failure to follow the instructions in not signing but put a thumb impression cannot be said to be too fatal to deny the applicants a chance to prove their innocence, more particularly in the light of the fact that thumb impression is more scientific and reliable than signature. No adverse inference can be drawn at this stage.

26. Conclusion:-

In view of the aforesaid discussion in detail, the impugned rejection order dated 01.04.2021, more particularly para 10, in OA. No.973j2020 and the impugned order(s) of rejection of candidature in the respective OAs are quashed and set aside. All the OAs are allowed with the direction that the Competent Authority amongst respondent shall process the answer booklets and evaluate the same qua the applicants wherever they have not evaluated either in Tier-II or III examination.

27. In the event, the applicants stand on the merits of the respective examination either in Multi Tasking (NonTechnical



)Staff, 2019, examination or CGLE-2018 examination, they shall be offered the offer of appointment as per the respective merits as per rules and instructions.

28. We direct the respondents to process the candidatures of the applicants in case they are ineligible for any other reasons. The answer sheets of the candidates who have not been evaluated shall be evaluated within the period of two months from the date of receipt of the certified copy of this judgment. In the event, the applicants are found eligible on merits list in Tier II (non-technical) /Tier III, then there cases shall be scrutinized in order of merits. Thereafter, further process of taking up Tier-IV (technical) shall be taken up for successful candidates (if not undertaken) within a period of two months from date of declaration of results of Tier III of above applicant(s) strictly as per merits for relevant examination year.

29. It is made clear that the applicant(s) who are issued offer of appointment shall not be entitled to any arrears of salary. It is also made clear that the elate of appointment shall be prospectively applied for grant of consequential relief(s). It is further directed that

successful applicants as per merits shall be adjusted against either existing and/ or anticipated vacancies for the year 2022-2023 and/ or by creation of supernumerary posts as per administrative convenience.

30. Needless to say that in any event the above exercise shall be completed within a period of four months from the date of receipt of the certified copy of this judgment. “

11. Having noted the relevant extracts of the impugned order, we may now proceed to deal with the rival submissions of the parties.

12. As noted hereinabove, the only submission of learned counsel for the petitioner is that the mistake committed by the respondents was not a trivial mistake and the failure on their part in not affixing their signatures created a doubt regarding their identity itself. On the other hand, it has been urged by



the respondents that there was absolutely no question of their identity being in doubt, especially when they had, during the course of the very same exam, signed at two different places and had also affixed their thumb impressions on the very same opening sheet where they inadvertently omitted to sign.

13. Having given our thoughtful consideration to the rival submissions of learned counsel for the parties, we are unable to agree with the learned counsel for the petitioner that the failure on the part of the respondents in not affixing their signatures on the opening page of the answer sheets was so grave so as to warrant cancellation of their candidature. In the facts of the present case, when they had already signed on two different places during the course of the very same exam, the lapse on the part of the respondents is in our view a trivial one, which did not play any part in the selection process. Further, taking into account the admitted position that the respondents had, during the same exam, appended their signatures on the attendance sheet as also on the declaration form and had also affixed their thumb impression on the opening page of the answer sheet, we fail to appreciate that how their identity can be said to be under any doubt. We also find that even otherwise the learned Tribunal has opined and in our view rightly so, that once the thumb impressions of the respondents were available on their answer sheets, there could not be any doubt about their identity. We, therefore, have no hesitation in agreeing with the Learned Tribunal that the mistake on the part of the respondents was a trivial mistake, for which they should not be penalised.

14. In this regard, we may note the observations of the Apex Court in *Staff Selection Commission v. Kritika Raj, 2016 SCC OnLine Del 3626*,



relevant extracts of the same read as under :-

“12. The facts are undisputed. The appellant's application uploaded from the cyber café did mention the date of birth as 08.12.1997 while his date of birth as recorded in the educational certificate was 18.12.1997. It is also undisputed that it is the appellant who produced the educational certificates. He was oblivious of the error that had crept into his application form. It is also undisputed that the advertisement had all the clauses setting out that in case the information given by the candidates is wrong or misleading, the application form was to be rejected and necessary criminal action was also to be taken. It also had a clause that the candidates had to fill the correct date of birth, according to their 10th board certificate. The clause further stated that candidates will fill their name, father's name, address etc. correctly in the application form. It states that any discrepancy, if found, while checking the documents, the candidature of the candidate will stand cancelled. There was also a clause providing for correction of wrong/erroneously filled application forms, which stated that the errors can be corrected once by re-depositing the application fee and filling a new application. It also provided that those filling the application on the last date could correct the application till the following day.

14. We are not impressed with the argument of the State that the error was so grave as to constitute wrong or mis-leading information. We say on the peculiar facts and circumstances of this case. Even the State has not chosen to resort to any criminal action, clearly implying that even they did not consider this error as having fallen foul of the following clause in the advertisement:—

“Instructions to fill online application form are available on the website. It is recommended to all the candidates to carefully read the instructions before filling the online application form and kindly fill the appropriate response in the following tabs. In case, the information given by the candidates found wrong or



misleading, the application form will get rejected and necessary criminal actions will also be taken against the candidate.

* * * *

16. The exception for trivial errors or omissions is for the reason that law does not concern itself with trifles. This principle is recognized in the legal maxim - De minimis non curat lex. 20. In this case, the appellant has participated in the selection process and cleared all the stages successfully. The error in the application is trivial which did not play any part in the selection process. The State was not justified in making a mountain out of this molehill. Perhaps the rarefied atmosphere of the cybercafe, got the better of the appellant. He omitted to notice the error and even failed to avail the corrective mechanism offered. In the instant case, we cannot turn a Nelson's eye to the ground realities that existed. In the order dated 22.11.2021 in C.A. No. 6983 of 2021 [Prince Jaibir Singh v. Union of India], this Court rightly observed that though technology is a great enabler, there is at the same time, a digital divide.

15. At this stage, we may also refer to the decision of the Coordinate Bench in ***Staff Selection Commission v. Kritika Raj, 2016 SCC OnLine Del 3626***, relevant extracts whereof read as under-

“4. The reason given for awarding ‘zero’ marks to the respondent was that she had incorrectly filled-up her Roll No. in the Powerpoint Exercise Sheet, as 221032268 instead of 2201032268. In other words, she had missed the numerical ‘zero’ after the initial numericals ‘22’.

5. The Tribunal in the impugned order, for varied and detailed reasons, has accepted and allowed the OA and held that award of ‘zero’ marks in Module-III was improper and wrong.

6. The printout of the original slide of Module-III has been produced in the Court. The name of the candidate, i.e., the respondent, was transcribed by the candidate. The slide



mentions the date and time when the respondent had developed the said slide on the computer. Module-I and II tests were undertaken on the same date and time. The Module-III paper was evaluated and the respondent obtained 86 marks out of 100. It is noticeable that the first three numerical, i.e., 220 represent the regional office code. The actual or identifying Roll No. of the respondent was 1032268. These seven digits would identify the particular candidate.

7. The CP Test required the candidate to mention her name and this procedure and requirement was unlike the written Tier-I and Tier-II examination, where the identity, i.e., name etc. are hidden and concealed. Further, the CP Test was merely a qualifying examination, i.e., a candidate was required to pass. The marks awarded in the said examination were not to be added to the overall score.

8. In view of the aforesaid position, we do not think it is appropriate and proper for us to interfere with the order passed by the Tribunal. We agree that, in a given situation writing an incorrect roll number may have different consequences. However, in the present case, the error made was inconsequential and immaterial as the name of the candidate was mentioned on the Slide Test (Module-III), correct roll number was mentioned and recorded in Module-I and II conducted simultaneously and that there was no scope or debate about the identity of the candidate. No confusion or inconvenience was caused. The error and lapse in the present factual matrix would not justify disqualification or rejection.”

16. We may now also refer to below mentioned observations of a Coordinate Bench in ***Union Of India & Ors. vs Sumit Kumar*** **W.P.(C)4829/2017.**

“6. The submission of Mr. Mishra is that the aforesaid instructions would show that the candidates were clearly put to notice that they had to indicate whether they were attempting the examination in Hindi or in English language in the box shown for the purpose. It was also made clear to the candidates



that they would be awarded „zero“ marks if they do not fill up the language/medium in the box, or if there is a mismatch in the language filled in the box and the language in which question paper is attempted. His submission is that the Respondent, by failing to adhere to the said instruction, had invited the rejection of his answer sheet and he could not have raised the grievance subsequently. His further submission is that since lakhs of candidates appear in the examination, the Petitioner cannot be expected to examine for itself the medium/language in which the answer sheet is answered by the candidate. It is further submitted that the sorting of the answer sheets, according to the language used by the candidate, may be undertaken by persons who may not know the Hindi language. Mr.Mishra has submitted that in all 489 candidates had failed to fill in the language in which they had answered the question paper and, consequently, their answer sheets were rejected. He further submits that the Petitioner cannot be expected to turn the cover page of the answer sheet to determine the language in which the answer sheet has been answered, since the same would breach the confidentiality which is required to be maintained.

8. Having considered the submissions of Mr. Mishra, and perused the impugned order as well as the decisions relied upon by him, we are of the view that there is absolutely no merit in this petition. The relevant instructions contained in the answer sheet have been extracted hereinabove. No doubt, they prescribe that the candidate should, inter alia, fill in the language in the box in which the question paper is being answered by the candidate, and any failure to do so would invite „zero“ marks. However, it also contains a note that the "invigilator to sign after verifying that all particulars have been filled in/affixed by the candidate properly .The opening sheet of the answer script of the Respondent-which is placed on record, shows that the invigilator had signed the same. Thus, not only the Respondent/Applicant, but also the invigilator-who is an agent of the Petitioner, had failed to notice the omission on the part of the Respondent in indicating the language/medium in



which the answer sheet was answered. According to the Petitioner, the said failure on the part of the invigilator should be of no significance or consequence, and the Respondent should be condemned for the said omission.

17. At this stage, it would also be useful to refer to the decision dated 29.07.2017 in **WP(C) 6086/2017** titled ***Union of India vs. Avinash Chandra Singh and Ors.*** of a Coordinate Bench, of which one of us namely, Rekha Palli J, was a party. The relevant observations of the aforesaid decision, as contained in paragraph no. 10, read as under-

“10. In the case of the said two respondents, there is slight distinction inasmuch, as, the said candidates had mentioned the ticket number incorrectly in the answer book as taken note of hereinabove. We have already noticed that the said ticket number is of no relevance to the process of evaluation of the answer script and it also has no bearing for the purpose of identifying the answer with the particular candidate. In fact, the opening sheet of the answer book of respondent No. 13 shows that the mistake in the writing of the ticket number by respondent No. 13 was corrected by the personnel of the petitioner itself. This shows that the petitioner was well aware of the correct ticket number which should have been filled in the opening sheet. Despite this being the position, the petitioner did not evaluate the answer scripts of respondent Nos. 13 and 62, which, in our view, is wholly unjustified. The wrong mention of the ticket number in the opening sheet of the answer book is as inconsequential, if not more, as the failure of the some of the candidates in not tick-marking the medium in which the answer scripts was answered.”

18. We are also in agreement with the findings of the learned Tribunal



that even though the opening page of the answer sheets were not signed by the respondents, the answer sheets were duly accepted by the invigilators without noticing that they were unsigned. In fact, the petitioners have no justification as to why the invigilators, who had themselves signed on these very opening sheets, did not notice the omission by the respondents at the time of the examination and as to why they accepted the answer sheets without directing them to sign on the same before permitting them to leave the examination centre. We cannot lose sight of the fact that we are dealing with the future of young candidates who, perhaps on account of the anxiety to appear in such a competitive exam and the requirement to sign at multiple places, inadvertently omitted to sign the opening sheet where they duly affixed their thumb impression. This lapse on part of these young candidates has to be seen in the context of the requirement to sign at the multiple places during the exam when the candidates are already under stress as also the fact that the answer sheets without their signatures at the opening page were duly accepted by the invigilators. It would, therefore, not be incorrect to say that if there was a lapse on part of the candidates, there was an equal or if not greater lapse on the part of the invigilators as well, who were duty bound to ensure that only properly filled answer sheets are accepted.

19. We have also considered the decision of the Apex Court in *Karnataka Public Service Commission (supra)*, relied upon by the petitioner. In the said decision, the Apex Court held that it may not always be necessary to follow the principles of natural justice while rejecting the candidature of the candidates. This issue, we find does not even arise in the present case and therefore, the decision in *Karnataka Public Service Commission (supra)* would not be applicable to the facts of the present case.



We have also considered the decision in *Bedanga Talukdar (supra)* relied upon by the petitioner and find that in the said case, the Court was dealing with the question as to whether the nature of the reservation provided in the advertisement for examination, can be altered subsequently. The answer, we find, is a clear 'no'. We fail to appreciate as to how this judgment is applicable to the present case.

20. We have also proceeded to examine the decision in *A.B.Natarajan & Ors. (supra)* relied upon by the petitioner and find that in the said case, the Apex Court was dealing with a situation where serious irregularities had been committed by a large number of candidates by using different inks and different coloured pencils in their answer sheets which the Court held was an attempt to deliberately disclose their identity. The Court was, therefore, of the view that the candidates had not acted in a *bonafide* manner and therefore their candidature deserved to be rejected. This judgment is, in our view, clearly distinguishable on facts and does not forward the case of the petitioner in any manner.

21. Finally, we have also considered the decision of the Coordinate Bench in *Dikshika Meena (supra)* and find that in the said case, the Court was dealing with a situation where the candidate instead of affixing her own photograph, had affixed the photograph of her brother on the application form. This mismatching of the photograph certainly raised a doubt qua her identity. Furthermore, the candidate had approached the Court at the last minute and it was in these circumstances that the Court did not accept her interim prayer to appear in the exam. This judgement would, therefore, not be applicable to the facts of the present case.

22. For the aforesaid reasons we find absolutely no infirmity with the



impugned order. The writ petitions being meritless are dismissed, along with all accompanying applications.

23. The petitioners are granted six weeks time to comply with the directions issued in the impugned order.

(REKHA PALLI)
JUDGE

(RAJNISH BHATNAGAR)
JUDGE

FEBRUARY 29, 2024

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