

  
**HIGH COURT OF JUDICATURE FOR RAJASTHAN**  
**BENCH AT JAIPUR**

S.B. Civil Writ Petition No. 13806/2024

1. Kailash Chand Sharma S/o Kanahiya Lal Sharma, Aged About 34 Years, R/o 36, Maheshpuri Colony, Neta Ji Chakki Nwaru Road, Jhotwara, Jaipur, Rajasthan - 302012.
2. Vinod Choudhary S/o Phool Chand, Aged About 31 Years, R/o Dhani Tibawali, Village Nimera, Post Jankipura, Vaya Jajod Kheri, Tehsil Khandela, District Sikar, Rajasthan - 332722.
3. Madan Lal Jat S/o Shravanji, Aged About 31 Years, R/o Jato Ki Dhani, Chhota Narena, Narena, Ajmer, Rajasthan- 305812.
4. Mangala Ram Jat S/o Shravanji, Aged About 29 Years, R/o Jato Ki Dhani, Chhota Narena, Narena, Ajmer, Rajasthan- 305812.
5. Ganesh Ram S/o Nathu Lal Daroga, Aged About 35 Years, R/o Village And Post Nosal, Tehsil Roopangarh, District Ajmer, Rajasthan - 305814.
6. Ghanshyam Gurjar S/o Kajor Mal Gurjar, Aged About 32 Years, R/o Tobariya Ki Dhani, Ward No.2, Surana, District Jaipur, Rajasthan - 303120.
7. Tara Chand S/o Rajender Sen, Aged About 34 Years, R/o 2054/40, Prithviraj Puri, Andh Vidhalay Ke Piche, District Ajmer, Rajasthan - 305001.
8. Raviraj Yadav S/o Deshraj, Aged About 33 Years, R/o Vpo Raipur Ahiran, Tehsil Buhana, District Jhunjhunu, Rajasthan - 333515.
9. Dinesh Kumar Yadav S/o Ramjilal Yadav, Aged About 33 Years, R/o Khoara, Karnawar, District Dausa, Rajasthan - 303327.
10. Manju Ranwa D/o Mukhram Ranwa W/o Randheer Singh, Aged About 35 Years, R/o Nawalri, Nawalgarh, District Jhunjhunu, Rajasthan - 333042.
11. Soniya Dangi D/o Harlal Dangi, Aged About 33 Years, R/o Ojatu, Ojtu, District Jhunjhunu, Rajasthan - 333026.
12. Rateeram Gurjar S/o Hanuman Gurjar, Aged About 32

- Years, R/o Village And Post Beri Bandh, Tehsil Kotputli, District Jaipur, Rajasthan - 303105.
13. Priyanka Choudhary D/o Nand Kumar, Aged About 31 Years, R/o House No. 80, Post Chanwa, Tehsil Malsisar, District Jhunjhunu, Rajasthan - 333001.
  14. Vikas Kumar S/o Ramdev Singh, Aged About 30 Years, R/o Village Khanga Ka Bass, Post Derwala, Tehsil Jhunjhunu, District Jhunjhunu, Rajasthan - 333001.
  15. Mukesh Choudhary S/o Ramdhan Choudhary, Aged About 25 Years, R/o Chota Narena, Narena, District Ajmer, Rajasthan - 305812.
  16. Vishwas Sinsinwar S/o Shri Yaduveer Singh, Aged About 31 Years, R/o Jaghina Gate, Gopalgarh, Distt. Bharatpur (Raj.).
  17. Sumitra Chaudhary D/o Goma Ram, Aged About 35 Years, R/o Village And Post Basri Kalan, District Sikar, Rajasthan - 332708.
  18. Juber Khan S/o Mohammad Arshad Khan, Aged About 32 Years, R/o 570, Naya Jalupura, Shastri Nagar, District Jaipur, Rajasthan - 302016.
  19. Deshraj Sheshma S/o Banai Singh, Aged About 28 Years, R/o Ward No. 3, Buddh Singh Ki Dhani, Hod, Tehsil Khandela, District Sikar, Rajasthan - 332709.
  20. Chetan Prakash Meena S/o Nand Kishor, Aged About 32 Years, R/o Kumharo Ka Mohalla, Kelanwas, District Jaipur, Rajasthan - 303109.
  21. Sunita Jat D/o Ramchandra, Aged About 34 Years, R/o Mohalla Gujran, Sisola, Tehsil Peeplu, Seesola, District Tonk, Rajasthan - 304801.
  22. Mukesh Choudhary S/o Rupa Ram, Aged About 34 Years, R/o Rohindi, District Nagaur, Rajasthan - 341512.
  23. Mahendra Choudhary S/o Hardeem Ram, Aged About 34 Years, R/o Village Rohisi, Tehsil Merta City, Riyan Bari, Rohisa, District Nagaur, Rajasthan - 341513.
  24. Ajit Mehta S/o Kishan, Aged About 26 Years, R/o Village And Post Mahodara, District Baran, Rajasthan - 325217.
  25. Umesh Kumar Joshi S/o Bhainrusahay Joshi, Aged About

28 Years, R/o Village And Post Sop, Tehsil Karauli, District Karauli, Rajasthan - 322204.

-----Petitioners

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Home, Govt. Of Rajasthan, Secretariat, Jaipur.
2. The Director General Of Police, Police Headquarters, District Jaipur, Rajasthan.
3. The Secretary, Rajasthan Public Service Commission, District Ajmer, Rajasthan.
4. The Additional Director General Of Police, Special Operation Group, Jaipur, Rajasthan.
5. Naresh Kumar S/o Bhera Ram, Aged About 24 Years, R/o Village And Post Malwara, Tehsil Chitalwana, Ps- Chitalwana, District Jalore, Sanchore- 323041, Presently In Judicial Custody At Central Jail, Agra Road, Near Ghat Gate, Central Jail, Fateh Tibba, Adarsh Nagar, Jaipur, Rajasthan 302003.
6. Devesh Raika S/o Ramuram Raika, Aged About 30 Years, R/o Village And Post Gagwana, Ps- Rol, District Nagaur- 341027, Presently Trainee As Sub-Inspector At Rajasthan Police Academy, Panipech, Nehru Nagar, Jaipur - 302016, Rajasthan.
7. Jitendra Kumar Meena, S/o Ramji Lal Meena, R/o Village Bobas, Tehsil Jobner, District Jaipur, Merit No. - 1482, IB.
8. Ladu Lal Teli, S/o Kalu Ram, R/o Village Palara, Bhilwara, Merit No.- 36, AP.
9. Sultan Singh, S/o Sawai Singh, R/o Village- Ramniwas Pura, Tehsil Chaksu, Jaipur, Merit No. - 993 AP.
10. Kamal Kumar Meena S/o Rang Lal Meena, R/o Village Ramniwas Pura, Tehsil Chaksu, Jaipur, Merit No.- 993, Ap.
11. Priyanka Choudhary, S/o Lala Ram Choudhary, R/o Roopana Jetana Jatawas Lohawat, Jodhpur, Merit No.- 436, Ib.
12. Shaitan Singh, S/o Vijay Singh, R/o Village- Purohito Ka Was Chendesra Badmer, Merit No.- 112, Ap.

13. Ajay Kumar Sharma, S/o Ashok Kumar Sharma, R/o Plot No. 55, New Colony Phulera, Jaipur, Merit No.- 237, Ap.
14. Jitendra Verma, S/o Gangadhar Varma, R/o- 138/139, Adarsh Nagar, Borkheda, Kota, Merit No. 1684, Ap.
15. Mahendra Saran, S/o Arjun Ram, R/o - Vpo- Gadhwala Districy Bikaner, Merit No.- 158, Ap.
16. Manisha Jat, S/o Sube Singh Jat, R/o- Village Badnagar, Paota, Jaipur, Merit No.- 527, AP.
17. Chandravati Bohara, S/o Ashok Kumar Sharma, R/o Nathya Wali Dhani Nindar Harmada, Jaipur, Merit No.- 1426, AP.
18. Banti Singh, S/o Bhoora Singh, R/o 150 Bajrang Vihar Muhana, Sanganer, Merit No.- 176, IB.
19. Raman Deep, S/o Krishan Kumar, R/o 144, Ward No. 9, Badbiran Nohar, Hanuman Garh, Merit No.- 1123, AP.
20. Narpat, S/o Bhappa Ram, R/o- Rathiyo Ki Dhani Loonawas Khara, Jodhpur, Merit No.- 677, AP.
21. Ayush, S/o Jagdish Prasad, R/o- 267, Ward No. 11, Dadiya Sikar, Merit No.- 68, Ap.
22. Ramswaroop, S/o Ganpat Ram, R/o Ishrwalo Ki Dhani Tehsil Bap Dis, Jodhpur, Merit No.- 108 AP.
23. Rajesh Kumar, S/o Sugna Ram, R/o Ward No. 3 57Gb, Ramsinghpur, Ganganagar, Merit No.- 1551, AP.
24. Bharat Kumar Bhambhi, S/o Mohan Lal Bhambhi, R/o- Devnagar, Ajmer, Merit No.- 1369, AP.
25. Rajeev Kumar Bharia, S/o Jagdish Prasad, R/o- Vpo Khalasi The Mandawa Jhunjhunu, Merit No.- 1382, Ap.
26. Vikram Panwar, S/o Ram Gopal Panwar, R/o Vpo Meveda Khud The Kekri Dis, Ajmer, Merit No.- 2362, AP.
27. Suman, W/o Babu Lal Jiloya, R/o Proonpura, Sikar, Merit No.- 2360, AP.
28. Paillet, S/o Bhoop Ram, R/o- Village 3 Img The Vijaynagar, Dis Anupgarh, Merit No.- 230, AP.
29. Surya Prakash, S/o Maniram Pareek, R/o- Vpo Gogasar, Tehasil Ratangarh, District Churu, Merit No. 240, IB.
30. Satyandra Pal Singh, S/o Sultan Singh, R/o Vpo Kusum Desar Tehasil Ratan Garh District Churu, Merit No. - 220,

AP.

31. Shakti Singh, S/o Roop Singh Rajpoot, R/o Vill Mundoti, Post Akodiya, District Ajmer, Merit No.- 303, AP.
32. Jaskaran Singh, S/o Rajvinder Singh, R/o- Vpo 16 Amp Sangaria, Hanumangarh, Merit No.- 183, IB
33. Lalit Kishor, S/o Jai Prakash, R/o Vpo Sanghar, Tehsil Suratgarh, District Ganganagar, Merit No.- 194, AP.
34. Prashant Kumar Choudhary, S/o Shivlal Choudhary, R/o 107 Nehru Nagar, Near Mohan Jewelers, Alwar, Merit No.- 2130, AP.
35. Bhupendra Singh, S/o Sultan Ram, R/o- Po Puran Bas Neem Ka Thana Sikar, Merit No. 2020, Ap.
36. Krishan Murari Gautam, S/o Mahaveer Prasad, R/o Village Chauthya, District Baran, Merit No.- 360, Ap.
37. Mukendra Singh, S/o Hukam Singh, R/o Aganpura, Karili, District Baran, Merit No.- 1247, Ap.
38. Bhagchand Kumawat, S/o Mahaveer Prasad Kumawat, R/o- Village Aalola Post Mehru Kalan, Ajmer, Merit No.- 126, Ap.
39. Tara Saini, S/o Satish Saini, R/o Khawas Ji Ka Bass, Rajgarh, Alwar, Merit No. 3030, Ap.
40. Kirtidhawaj Singh, S/o Goverdhan Singh Jhala, R/o- Meera Nagar 3, Old Rto, Udaipur, Merit No.- 206, Ap.
41. Rohitash, S/o Krishn Lal, R/o- Village Chanderi Bari District Hanuman Garah, Merit No. 104, Ap.
42. Suresh Singh Rajpurohit, S/o Devi Singh, R/o- Kishnasar Nokha, Bikaner, Merit No.- 117, Ib.
43. Subhash, S/o Brij Lal, R/o- Kishanpura, Uttrada, Tehsil Sangaria, Hanuman Garh, Merit No.- 292, Ap.
44. Abhishek Patidiya S/o Ashok Kumar, R/o Vpo Bay Tehsil Nawalgarh, District Jhunjhunu, Merit No. 846, Ap.
45. Tog Singh S/o Govind Singh, R/o Vpo Lakha, Tehsil Fatehgarh, District Jaisalmer, Merit No.- 325, Ap.
46. Bharat Singh Shekhawat, S/o Mahendra Singh Shekhawat, R/o Village Nayabas, Tehsil Dataramgarh, District Sikar, Merit No. 478, Ap.
47. Kiran Vishnoi D/o Ramniwas, R/o Village Bher, Tehsil

- Khinwsar, District Nagaur, Merit No. 678, Ap.
48. Bulaki Ram S/o Luna Ram, R/o Luna Ram, R/o Village 137, Modayat Bikaner, Merit No.- 203, Ap.
  49. Deepak Poonia S/o Dhramveer Poonia, R/o Village 17 Bb Po 16 Bb Tehsil Padampur District Ganganagar, Merit No. 288, Ap.
  50. Payal Sharma D/o Shri Manjeet Kumar Sharma, Aged About 35 Years, Resident Of Ward No. 21, Santoshi Mata Mandir Ke Pass, Raisngh Nagar, Ganga Nagar (Merit No. 3060).
  51. Mahendra Kumar Sharma S/o Shri Sharwan Kumar Sharma, Aged About 28 Years, Resident Of Jaisinghpura Shekhawatan, Pratappura Kalan, Jaipur (Merit No. 528).
  52. Sashi Dutt S/o Shri Som Dutt Arya, Aged About 30 Years, Resident Of D-235 C, Jagdamba Nagar, Behind Heerapura Power House, Ajmer Road, Jaipur (Merit No. 1591).
  53. Mohit S/o Shri Laddu Lal, Aged About 31 Years, Resident Of Sahu Nagar, Cement Factory, Sawai Madhopur (Merit No. 15).
  54. Omprakash Yadav S/o Shri Banshidhar Yadav, Aged About 27 Years, Resident Of Durga Ka Bass, Thinoi, Jaipur (Merit No. 78).
  55. Harsh Chawla S/o Shri Ratan Lal Khatik, Aged About 24 Years, Resident Of 6-A, Nagar Palika Colony, Chittorgarh (Merit No. 1546).
  56. Ashok Bishnoi S/o Shri Bhanwar Lal Bishnoi, Aged About 31 Years, Resident Of Murlidhar Vyas Colony, Jambeshwar Nagar, Bikaner (Merit No. 73)
  57. Ashok Kumar Meena S/o Shri Ramlal Meena, Aged About 29 Years, Resident Of Suratpura, Dausa (Merit No. 1533).
  58. Ganesh Narayan Meena S/o Shri Narsi Lal Meena, Aged About 31 Years, Resident Of Village Wagpura, Chhareda, Dausa (Merit No. 992).
  59. Prahlad Sahai Yadav S/o Shri Baluram Yadav, Aged About 32 Years, Resident Of Bagawas, Jaipur (Merit No. 32)
  60. Krishan Kanhaiya Sharma S/o Banshidhar Sharma, R/o Bhaosar Isharwala, Jaipur Rajasthan - 303301.

61. Shivani Faujdar D/o Rajesh Kumar Faujdar, R/o Village-Bilouth, Dahra, Nadbai, Bharatpur, Rajasthan - 321028.
62. Rajash Kumar Ratawal S/o Choth Mal Ratawal, Palri, Raigaro Ka Mahalla, Palri, Jaipur, Rajasthan - 303003.
63. Shri Ram Varma S/o Jethu Ram Verma, R/o 248 Regro Ka Mahalla, Moondolao, Ajmer, Srinagar, Rajasthan 305025.
64. Manohar Singh S/o Arjun Singh, Nachna, Jaisalmer, Rajasthan - 345028.
65. Yuvraj Singh Rathore S/o Ishwar Singh Rathore, Mukam Post Tokawasa, Dungarpur, Rajasthan 314021.
66. Devdeep Singh Chouhan S/o Rajendra Singh Chouhan, R/o Nimbahera, Chittorgarh, Rajasthan - 312901.
67. Pravin Singh Chouhan S/o Lal Singh Chouhan, R/o Village Bada Talab Post - Maanpur Thesil Salumber Bhavrana, Udaipur, Rajasthan - 313038.
68. Bhajan Lal S/o Mangilal Panwar, R/o 38/4 Ramnagar (K.d.) Kaparda, Kaparda, Jodhpur, Rajasthan - 342605.
69. Daulat Patel S/o Udai Singh Patel, R/o Heera Bhavan, Ward No. 2 Dhani Godwali Tehsil Kotputli, Jaipur, Kotputli, Rajasthan - 303108.
70. Balraj Meena S/o Makkhan Lal, R/o Vinayakpuri Raipur, Ward No. 06, Tehsil Dataramgarh Raipura, Rajasthan 332403.
71. Devendra Singh Shekhawat S/o Ram Singh Shaktawat, Rajput Mohalla, Kanti Po Kothaj, District Bhilwara, Rajasthan - 311603.
72. Govind Kumar Yadav S/o Kajod Mal Yadav, R/o Mohalla Ahiran Didawala, Phagi, Jaipur, Rajasthan - 303303.
73. Ashok Kumar Meena S/o Ganga Sahay Meena, R/o Sulya Ki Dhani, Baragaon, Dausa, Rajasthan - 303303.
74. Rinku Kumar Meena S/o Soosariya Ram, R/o Nithar, Bharatpur, Rajasthan - 321409.
75. Lalaram Kumawat S/o Harishankar Kumawat, R/o Kumawat Mohalla, Gav Shambhupura, Shambhoopura, Tehnal, Bhilwara, Rajasthan - 311404.
76. Ramveer Gurjar S/o Heera Singh Gurjar, R/o Shahadpur, Mahwa, Dausa, Rajasthan, 321608.

77. Kuldeep Sharma S/o Mamchand Sharma, R/o Swami Ki Dhani, Karni Kot, Alwar, Karni Kot, Rajasthan 301427.
78. Ashok Yadva S/o Jagdish Prasad Yadav, R/o 801 Dhani Amar Singh Wali, Mundru, Sikar, Rajasthan - 332712.
79. Ravi Kant Meena S/o Rohitashwa Meena, Ward No. 15, Naya Kuaa Meeno Ki Dhani Bairada, Viratnagar, Maliwara, Jaipur, Rajasthan - 303102.
80. Nilesh Kumbhawat S/o Jagdish Prasad Kumbhawat, School Ground Ke Pass, Th. Thanagazi, Alwar, Rajasthan - 301022.
81. Chander Prakash Gaur S/o Suresh Chander, R/o Village Shekhsar, Jhunjhunu, Rajasthan 333001.
82. Om Prakash Yadav S/o Begaram Yadav, Dhani Dyody, Jharli, Po Jharli, Dist. Sikar Rajasthan - 332707.
83. Chetanya Singhal S/o Jagdish Prakash Gupta, R/o 26B, Patel Nagar, Sawai Madhopur, Rajasthan - 322001.
84. Ganga Singh Rathore S/o Bhagwan Singh, 82, Bhon Ji Ki Dhani, Chainsingh Nagar, Tena, Jodhpur, Rajasthan - 342028.
85. Lal Krishna Vashishth S/o Uma Charn Vashishth, Near Chitra, Ice Factory, Bhinasar (Rural), Bikaner, Rajasthan-334403.
86. Abhay Singh Anjana S/o Gopal Singh Anjana, R/o 00, Purani Aabadi Ward No. 08, Jahazpur Gandher Pratapgarh, Rajasthan - 312605.
87. Kamal Kumar Behada S/o Rupa Ram Behada, R/o Jato Ki Dhani, Kanwarasa, Jaipur, Rajasthan - 303604.
88. Rakesh S/o Balaram, R/o 95 Patelo Ka Chhota Vas Khudala, Kuni Khudala, Jodhpur, Khudala, Rajasthan - 342001.
89. Pinki Mina D/o Ramniwas Mina, R/o Bosana, Sikar, Rajasthan - 332025.
90. Sukhajeet Kour D/o Beant Singh, R/o Ward No. 01, Nyolkhi, 9 Km Hanumangarh, Rajasthan - 335524.
91. Manisha Meena D/o Hariram Meena, Sarpanch Ka Bass, Seeri, Peepalki, Dausa, Rajasthan - 303509.
92. Maya D/o Pancha Ram, R/o Ransigaon, Ransi Gaon,

- Jodhpur, Rajasthan - 342601.
93. Monika Mali D/o Madan Lal, R/o Ghanchiwada, Sirohi, Rajasthan - 307001.
94. Laxman Singh S/o Devi Singh, R/o Karangarh Rajbera, Barmer, Rajasthan - 344701.
95. Santosh W/o Rajender Kumar, R/o Chak -34, Rwd, Gandheli, The Rawatsar, Hanumangarh, Rajasthan - 335524.
96. Bhanu Pratap Singh Chauhan S/o Govind Singh Chauhan, R/o Rajput Mohalla Amarsingh Ka Gada, Banswara, Rajasthan - 327021.
97. Udit Palawat D/o Harisingh Palawat, R/o Gram Post Mahond, Tehsil Kishangarh Bas, District Tijara Khairthal Rajasthan - 301405.
98. Hemraj Gurjar S/o Jagdish Narayan Gurjar, R/o Village Bainada Post Bainada Jaipur Rajasthan - 303301.
99. Mamta Devi Jat S/o Ramswoop Jat, Tehsil Malpura, Post Jharli, Krishanpura, Tonk, Rajasthan - 302022.
100. Priyanka Meena D/o Ramesh Chand Meena, R/o Giradhari Mambr Ki Dhani, Shri Ram Ki Nangal, Sitapura Industrial Area, Jaipur, Rajasthan- 302022.
101. Tinku Singh S/o Panna Lal, R/o Baroli Chauth Bharatpur, Rajasthan - 321203.
102. Amar Singh S/o Heer Singh, Aged About 38 Years, R/o Plot No. 132-A, Jeen Mata Nagar, Kalwar Road, Harnathpura, Jhotwara, Jaipur- 302012.
103. Poornima Sharma D/o Vinod Kumar, Aged About 34 Years, R/o 1205, Ward No. 20, Near Tagore School, Purani Abadi, Ganganagar, Rajasthan - 335001.
104. Vikram Singh S/o Sher Singh, Aged About 41 Years, R/o Neema, Churu, Rajasthan - 331305.
105. Bhavane Singh S/o Ramesh Singh, Aged About 28 Years, R/o Nayawas, Amar Sagar, Jaisalmer, 345001.
106. Naresh Pal Saini S/ Guguan Ram Saini, Aged About 40 Years, R/o Babai, Jhunjhunu, 333501.
107. Anil Kumar S/o Omprakash, Aged About 40 Years, R/o Mahala Ki Dhanu, Teet Anwar, Jhunjhunu, 333012.

108. Mukesh Kumar S/o Shivdan Samota, Aged About 34 Years, R/o Ward No. 3, Hameerpur Khurd, Post Sola, The. Khandela, Sikar, 332722.
109. Sunil Kumar S/o Shreeram, Aged About 42 Years, R/o Deepalwas, Jhunjhunu, 333001.
110. Sunil Kumar S/o Rameshwar Dayal, Aged About 37 Years, R/o Ward No. 2, Near Fozawali School, Kotputli, 303108.
111. Dinesh Kumar S/o Bhal Singh, Aged About 38 Years, R/o Kaseru, Jhunjhunu- 333705.
112. Karan Kmar Janwa S/o Moti Lal, Aged About 31 Years, R/o Bhanuja, Chittorgarh, 312603.
113. Neeraj Kumar Meena S/o Shivchran Meena, Aged About 25 Years, R/o Rana Sanga Marg, Pratap Nagar, Near Gd Goenka School, Sanganer, 302033.
114. Neeraj Meena S/o Shambhu Dayal Meena, Aged About 26 Years, R/o Dilawarpura, Dausa, 303323.
115. Kamal Singh Gurjar S/o Gopal Krishan, Aged About 33 Years, R/o Motiwara, Rajgarh, Alwar, 301408.
116. Rohit Kumar Jeph S/o Gyarsi Lal Meena, Aged About 33 Years, R/o Khetri Mod, Neem Ka Thana, Sikar, 332713.
117. Kamlesh Kumar Meena S/o Ramji Lal Meena, Aged About 27 Years, R/o Hapawas, Dausa, 303506.
118. Priyanka Khokhar D/o Bhanwar Lal Khokhar, Aged About 30 Years, R/o Kyamsar, Nagaur, 341551.
119. Babu Lal Meena S/o Ramswaroop Meena, Aged About 29 Years, R/o Mundi yawas, Post Bhangroli, Alwar, 301022.
120. Mohd Mohsin Qureshi S/o Mohd. Saleem Qureshi, Aged About 33 Years, R/o 2562, Bhindon Ka Rasta, Chandpole Bazar, Jaipur, 302001.
121. Kamlesh Jotar S/o Nanchu Ram Jat, Aged About 30 Years, R/o Jotarwala, Sanganer, Jaipur, 302029.
122. Bhagirath Singh S/o Rawat Singh, Aged About 38 Years, R/o 52, Sarothiya, Churu, 331518.
123. Laxami Bariya D/o Suresh Kumar Bariya, Aged About 24 Years, R/o Khuchaman City, Sahji, Sahji Ka Bagicha, Nawa, Nagaur, 341509.
124. Vishnu Kanwar Rathore D/o Shiv Singh Rathore, Aged



- About 31 Years, R/o Sanodiya, Kaylias, Bhilwara, 311030.
125. Vandana Kumari D/o Ramniwas, Aged About 31 Years, R/o Mundo Ki Dhani, Chhau, Jhunjhunu, 333305.
126. Satya Narayan Tandi S/o Teju Ram Tandi, Aged About 42 Years, R/o Barna, Ajmer, 305801.
127. Manish Sharma S/o Mahesh Sharma, Aged About 29 Years, R/o 5-A, Deepak Colony-A Shyopur Tonk Road, Sanganer, Jaipur, 302033.
128. Manju Meena D/o Meethalal Meena, Aged About 26 Years, R/o Beed Wali Dhaani, Ramgarh Pachwara, Dausa, 303510, Dob- 15/04/1998.
129. Yash Palawat S/o Jagmal Singh, Aged About 25 Years, R/o Birmi, Jhunjhunu, 331027.
130. Koshalya Saini D/o Nathu Lal Saini, Aged About 32 Years, R/o Malpura, Bambori, Tonk, 304504.
131. Poonam Dagar D/o Vijay Singh, Aged About 25 Years, R/o Tharya Mohalla, Jeendoli, Alwar, 301404.
132. Kavita Meena D/o Arjun Meena, Aged About 24 Years, R/o Ramkishanpura, Loharwara, Peeplu, Tonk, 304801.
133. Bharati Kumari Teli D/o Banshi Lal Teli, Aged About 23 Years, R/o Teli Mohalla, Jojwa, Bhilwara, 311601.
134. Mudita Khinchi D/o Sitaram Khinchi, Aged About 25 Years, R/o 30, Power House, Gulab Vihar, Sanganer, Jaipur, 302029.
135. Sita Devi Gurjar D/o Umrav Gurjar, Aged About 26 Years, R/o Bhogadeet, Arain, Ajmer, 305813.
136. Sanam S/o Pradeep Kumar, Aged About 27 Years, R/o Bijorwas, Alwar, 301701.
137. Ankita Kanwar D/o Manohar Singh, Aged About 27 Years, R/o Ward No. 4, Jorawar Nagar, Sikar, 332708.
138. Rinku D/o Ompal Singh, Aged About 28 Years, R/o Dhani Kankar Ki, Neem Ka Thana, Sikar, 332718.
139. Seena Gurjar D/o Bhagwat Singh Gurjar, Aged About 24 Years, R/o New Petrol Pump, Bhagat Singh Colony, Bandikui, Dausa, 303313.
140. Rajesh Kumar S/o Ramkumar Bhaskar, Aged About 27 Years, R/o Dhandhan, Sikar, 332302.

141. Ranjana Kumari D/o Maniram Gurjar, Aged About 23 Years, R/o Bhopur Shahpur, Dausa, 321612.
142. Deepika D/o Mahendra Singh, Aged About 28 Years, R/o Khudot, Jhunjhunu, 333027.
143. Hemlata Kanwar Rathore W/o Dharmendra Singh Rajawat, Aged About 32 Years, R/o Housing Board, Dausa, 303303.
144. Dharmendra Singh Rajawat S/o Balveer Singh Rajawat, Aged About 34 Years, R/o Gupteshwar Road, Housing Board Colony, Dausa, 303303.
145. Saurabh Aswal S/o Rajendra Kumar Aswal, Aged About 24 Years, R/o Shiv Colony, Manoharpur, Shahpura, Jaipur - 303104.
146. Ajay Singh Pahadiya S/o Hari Singh Pahadiya, Aged About 28 Years, R/o Khateek Pada, Pathena, Bharatpur, 321615.
147. Nitesh Kumar Manju S/o Prabhu Dayal, Aged About 31 Years, R/o Samaspur, Jhunjhunu, 333001.
148. Akshay Kumar Meena S/o Radheshyam Meena, Aged About 25 Years, R/o 17, Siyaram Vihar, Govindpura, Sanganer, Jaipur, 302029.
149. Kaluram Choudhary S/o Nanu Ram, Aged About 25 Years, R/o Meeno Ka Mohalla, Lakhawas, Jaipur, 303007.
150. Rajneesh Ahari S/o Narayan Lal Ahari, Aged About 32 Years, R/o Dhelana, Udaipur, 313903.
151. Anand Kumar Vashnav S/o Om Prakash Vashnav, Aged About 28 Years, R/o Laxmichand Sanwal Colony, Jaisalmer, 345001.
152. Hansraj Choudhary S/o Rameshwar Lal Choudhary, Aged About 31 Years, R/o Bishanpura, Amer, Radhakishanpura, Jaipur, 303701.
153. Pratap Singh S/o Khemchand Singh, Aged About 41 Years, R/o FN 30/29/08, Varun Path, Mansarovar, Jaipur, 302020.
154. Chanana Ram S/o Laxmana Ram, Aged About 30 Years, R/o Khichdon Ka Bas, Ranasar Kalan, Barmer, 344704.
155. Abhishek Nehra S/o Kabool Nehra, Aged About 28 Years, R/o Bakhsipura, Sikar, 332718.



156. Hardina Ram S/o Ganesh Ram, Aged About 38 Years, R/o Mamroda, Koliya, Nagaur- 34135.
157. Vikash Kumar Dhaker S/o Kailash Chandra, Aged About 30 Years, R/o Koli Mohalla, Bijoliyan Khurd, Bhilwara, 311602.
158. Kaushal Singh S/o Hetram Singh, Aged About 40 Years, R/o Helak, Bharatpur, 321303.
159. Dilraj Meena S/o Ram Sahay Meena, Aged About 26 Years, R/o Deeppura, Karauli, 322441.
160. Shish Pal Yadav S/o Gopal Lal Yadav, Aged About 29 Years, R/o Raithal, Rmapura, Jiapur, 303603.
161. Anuja Beniwal D/o Sharwan Ram Beniwal, Aged About 25 Years, R/o Krishn Mandir Ke Pass, Peethawas, Jodhpur, 342027.
162. Divya Choudhary D/o Malaram Gwala, Aged About 37 Years, R/o Jagdamba Nagar, Mata Ka Than, Jodhpur, 342304.
163. Komal Yadav D/o Ashok Yadav, Aged About 26 Years, R/o Chandali, Rampura, Bansur, Alwar, 301402.
164. Hansa Sharma W/o Mahendra Sharma, Aged About 30 Years, R/o Ramjipura, Nayala, Jaipur, 303012.
165. Suman Saini D/o Suraj Mal Saini, Aged About 31 Years, R/o 19-A, Gopal Nagar, Vaishali Nagar, Jaipur, 302021.
166. Indra Ranawat D/o Ganpat Singh Ranawat, Aged About 27 Years, R/o Rawla Fala, Kalyanpura, Gadriyawas, Pratapgarh, 313605.
167. Naveen S/o Dhana Ram, Aged About 26 Years, R/o Keharwala, Sirsa, Haryana, 125076.
168. Avanish Kumar S/o Om Pratap Singh, Aged About 40 Years, R/o 187, Upla Pana, Kuteena, Alwar, 301708.
169. Anil Kumar S/o Mohar Singh, Aged About 24 Years, R/o Mahamadpur, Babekhar, Bharatpur, 321615.
170. Deputy Director, Enforcement Directorate, Jaipur, Jaipur, Zonal Office 2Nd Floor, Jeewan Nidhi II, LIC Building Bhawani Singh Marg, Jaipur.
171. Kuldeep Singh Son of Shiv Ratan Singh, Age about: 29 years, Correspondence Address: House No. 102, Lanne



No. 6, Padmawati Colony (First), Nirman Nagar, Jaipur (RAj.)- 302019

172. Mahesh Kumar Choudhary Son of Ashok Kumar Choudhary, Age About: 25 Years, Address: Jato Ka Mohalla, Rajwas, Tehsil: Newai, Tonk (Rajasthan) - 304021.
173. Rahul Tak Son of Kanwari Lal, Age About: 30 Years, Correspondence Address: A-147, Sunder Nagar, Ram Path, Near Hotel Tejasvi, 200 Feet Bypass, Ajmer Road, Jaipur (Rajasthan) - 302019.
174. Ravi Kumar Son of Ashiwani Kumar, Age About: 31 Years, Correspondence Address: Sardar Pura, Ureeka, Jhunjhunu (Rajasthan)-333033.
175. Pushpendrapal Singh Bhati Son of Virendra Singh Bhati, Age About: 27 Years, Correspondence Address: A-25, Ashok Vihar, Manyawas, Mansarovar, Jaipur (Rajasthan) - 302020.
176. Dashrath Singh Son of Kan Singh, Age About: 32 Years, Correspondence Address: VPO: Mundwara, Tehsil: Dhod, Sikar (Rajasthan) - 332023.
177. Mamta Swami Daughter of Sitaram Swami, age about: 34 years, Correspondence Address: F-1, 342, Katewa Naggar, Gurjar ki Thadi, Shyam Nagar, Jaipur (Rajasthan)-302019

----Respondents

Connected With

S.B. Civil Writ Petition No. 12435/2023

1. Pramod Kumar S/o Harvan Singh, Aged About 32 Years, R/o 24, Post Gaamadi, Peernagar, Bharatpur, Rajasthan
2. Jasram Meena S/o Vishanswaroop Meena, Aged About 30 Years, R/o- Vpo Dabra, Tehsil Sapotra, Karauli, Rajasthan
3. Ashok Kumar S/o Hari Ram, Aged About 26 Years, R/o- Jalberi Ranasar Kallan, Dhorimana, Barmer, Rajasthan
4. Chandrakala Delu D/o Hansraj Delu, Aged About 28 Years, R/o-C-31, Purani Shivbari Road, Ambedkar Colony, Bikaner, Rajasthan



5. Amar Singh S/o Indraj, Aged About 33 Years, R/o- Vill. 34 Mjd, Vpo- Morjanda Khari, Tehsil Sadulsahar, Lalgarh, Sri Ganganagr, Rajasthan
6. Manoj Kumar Pankaj S/o Ramdayal Raiger, Aged About 30 Years, R/o 18, Raigro Ka Mohalla, Harsoli, Jaipur, Rajasthan

-----Petitioners

Versus

1. State Of Rajasthan, Through Its Chief Secretary, Government Secretariat, Jaipur, Rajasthan
2. Rajasthan Public Service Commission, Ajmer Through Its Secretary, Ghooghara Ghati, Jaipur Road, Ajmer.
3. The Director General Of Police, Rajasthan, Police Headquarter, Jaipur
4. Director, Central Bureau Of Investigation (CBI), CBI Headquarters, CGO Complex, Lodhi Road, New Delhi-110003.

-----Respondents

S.B. Civil Writ Petition No. 2837/2025

Maneesh Choudhary S/o Shri Sheeshram Choudhary, Aged About 29 Years, R/o Village Pejuka, Post Bhaloji, Via Rajnota, Tehsil Kotputli, District Kotputli-Behror (Raj.)

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Department Of Home, Govt. Of Rajasthan, Secretariat, Jaipur.
2. The Director General Of Police, Police Headquarters, District Jaipur, Rajasthan.
3. The Secretary, Rajasthan Public Service Commission, District Ajmer, Rajasthan.
4. The Additional Director General Of Police, Special Operation Group, Jaipur, Rajasthan.
5. Naresh Kumar S/o Bhera Ram, Aged About 24 Years, R/o Village And Post Malwara, Tehsil Chitalwana, PS-Chitalwana, District Jalore, Sanchore- 323041, Currently In Judicial Custody At Central Jail, Agra Road, Near Ghat

Gate, Central Jail, Fateh Tibba, Adarsh Nagar, Jaipur, Rajasthan 302003.

6. Devesh Raika S/o Ramuram Raika, Aged About 30 Years, R/o Village And Post Gagwana, Ps- Rol, District Nagaur-341027, Presently Trainee As Sub-Inspector At Rajasthan Police Academy, Panipech, Nehru Nagar, Jaipur 302016, Rajasthan.

----Respondents

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For Petitioner(s)	:	Mr. R.P. Singh, Sr. Adv. Assisted by Mr. Harendar Neel & Mr. Jaivardhan Singh Shekhawat Mr. Kuldeep Singh Rathore Mr. Prakash Lamba Mr. O.P. Solanki
For Respondent(s)	:	Mr. Rajendra Prasad, AG with Ms. Dhriti Laddha, Ms. Harshita Thakral & Mr. Tanay Goyal Mr. R.N. Mathur, Sr. Adv. Assisted by Mr. Digvijay Singh Rajawat, Mr. Utkarsh Dubey & Mr. Prateek Mathur Mr. A.K. Sharma, Sr. Adv. Assisted by Mr. Rachit Sharma Mr. Vigyan Shah, AAG with Mr. Yash Joshi, Mr. Sankalp Vijay, Mr. Pulkit Bhardwaj, Mr. Rohit Tiwari, Mr. Priyam Agarwal, Ms. Ritika Naruka, Ms. Tanisha Pant & Ms. Manisha Agarwal Mr. M.F. Baig Mr. Tanveer Ahamad with Mr. K. Khan & Mr. Prithvi Pal Mr. Swadeep Singh Hora with Ms. Varuni Agarwal Mr. Akshay Bhardwaj with Mr. Ajay Singh Ms. Ajeta Chauhan Mr. Deen Dayal Sharma Ms. Nachiketa Pareek Mr. Tribhuvan Narayn Singh Mr. Yuvraj Singh Rajawat Mr. Shreyans Jain for Mr. Amit Lubhaya

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**HON'BLE MR. JUSTICE SAMEER JAIN**

**Judgment**

**REPORTABLE**

**Reserved on:                    14/08/2025**

**Pronounced on:               28/08/2025**

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### **Prefatory Remarks**

1. In the present batch of writ petitions, the scope of the controversy involved, albeit not limited to but is broadly and predominantly defined by the allegedly inequitable, deceitful, and malpractices-ridden examination process undertaken by the Rajasthan Public Service Commission (hereinafter, RPSC) for recruitment of candidates on the post of Sub-Inspector in pursuance of Advertisement No. 08/2021 dated 03.02.2021 issued under the Rajasthan Police Subordinate Service Rules, 1989 along with the Rajasthan Scheduled Areas Subordinate, Ministerial and Class IV Service (Recruitment and Other Service Conditions) Rules, 2014.

2. Therefore, considering the fact that the writ petitions warrant adjudication of common questions of law, with the consent of learned counsel appearing on behalf of all the parties, **S.B. Civil Writ Petition No. 13806/2024** titled as **Kailash Chand Sharma and Ors. vs. State of Rajasthan and Ors.**, is being taken up as the lead case for the purpose of recording the arguments. It is cautiously clarified that discrepancies in the present batch of writ petitions, if any, pertain purely to the factual narratives contained therein and not viz-a-viz the questions of law to be determined by this Court.

3. For the sake of clarity, the prayers sought by way of the present petitions are reproduced herein-under:-

*"In these circumstances, it is, therefore, prayed that this Hon'ble Court may be pleased to accept this writ petition and;*

*i the impugned final result dated 01.06.2023, impugned appointment orders dated 21.09.2023, 04.10.2023, 06.03.2024, 06.06.2024 and 31.07.2024 in pursuance of Advertisement No. 08/2020-21 dated 03.02.2021 for SI Recruitment Examination 2021 may kindly be declared illegal and arbitrary and the same may be quashed and set aside;*

*ii the impugned actions of the respondent authorities of not cancelling the entire recruitment process of SI Recruitment Examination 2021 and also of not cancelling the appointment orders of selected candidates in pursuance of SI Recruitment Examination 2021 initiated vide Advertisement No. 08/2020-2021 dated 03.02.2021 may kindly be declared illegal and arbitrary and the same may kindly be quashed and set aside;*

*iii the respondents may kindly be directed by issuing appropriate writ, order or direction in the nature thereof:*

*a the investigation of Special Operations Group (SOG) may kindly be monitored by this Hon'ble Court with regard to the mass paper leakage and other irregularities in the SI Recruitment Examination conducted from 13.09.2021 to 15.09.2021;*

*b the record of the investigation by SOG with regard to the mass paper leakage and other irregularities in the SI Recruitment Examination conducted from 13.09.2021 to 15.09.2021 may kindly be directed to be placed before this Hon'ble Court;*

*c the record of the investigation by police officials (other than SOG) with regard to mass paper leakage and other irregularities in SI Recruitment Examination conducted from 13.09.2021 to 15.09.2021 may kindly be directed to be placed before this Hon'ble Court;*

*d any report submitted by the Special Operations Group (SOG) to the State Government with regard to the mass paper leakage and other irregularities in the SI Recruitment Examination 2021 may kindly be directed to be placed before this Hon'ble Court;*

*e the examination conducted from 13.09.2021 to 15.09.2021 of SI Recruitment Examination 2021 may kindly be quashed and set aside being vitiated on account of leakage of question paper;*

- f to conduct fresh recruitment process for appointment on the post of Sub-Inspector to be conducted by the recruitment board without indulging into any malpractices;*
- g to treat humble petitioners eligible and within age-limit for appointment in the next recruitment on the post of Sub-Inspector, as and when they were eligible when they applied for the post of Sub-Inspector in pursuance of the SI Recruitment Examination 2021 initiated vide Advertisement No. 08/2020-2021 dated 03.02.2021;*
- iv Any other appropriate order or direction which this Hon'ble Court deems just and proper in the facts and circumstances of this case may kindly also be passed in favour of the petitioner."*

### **Factual Narrative**

4. The ineluctable facts, necessary for discerning the issue(s) at hand, are concisely noted herein-under:-

4.1 That the respondent no.3 i.e. RPSC, which is a Constitutional body created under Article 315 of the Constitution of India, administered with the task of supervising and also organizing the recruitment examinations for public service posts in the State of Rajasthan, issued an advertisement dated 03.02.2021 for selection on the post of Sub-Inspector under the Rajasthan Police Subordinate Service Rules, 1989 (hereinafter, Rules of 1989) along with the Rajasthan Scheduled Areas Subordinate, Ministerial and Class IV Service (Recruitment and Other Service Conditions) Rules, 2014 (hereinafter, Rules of 2014). (Annexure-1)

4.2 That in the advertisement dated 03.02.2021, the total number of posts outlined for recruitment were 859. (Annexure-1)

4.3 That the criteria of selection prescribed by the advertisement dated 03.02.2021 was in consonance with the Rules of 1989. The selection was based on three stages of examination, namely Written Examination (Stage I), Physical Efficiency Test (Stage II) and the Interview (Stage III). The qualifying marks, in each of the different stages of the examination varied, depending upon the category to which the candidates belonged (SC/ST/General), in addition to several relaxations for women candidates. (*Annexure-1*)

4.4 That the RPSC vide corrigendum advertisement dated 07.06.2021 provided certain relaxations, in terms of age, to the students belonging to the EWS Category. (*Annexure-2*)

4.5 That the petitioners, having met the conditions prescribed by the advertisements, participated in the recruitment process and submitted their applications online. (*Annexures 3 and 4*)

4.6 That the respondent-RPSC conducted the Stage I Written Examination from 13.09.2021 to 15.09.2021. The result of the said examination was declared on 24.12.2021. (*Annexure-5*)

4.7 That it is an admitted and undisputed fact of record that prior to the conduct of the Sub-Inspector Recruitment Examination 2021, there was a leakage of examination papers across the State of Rajasthan. In this regard, it is pertinent to take note of the various FIRs which were filed in the State alleging malpractices in the conduct of the examination, namely:-

- (i) **FIR No. 0331/2021 dated 13.09.2021 registered at Police Station Kotawali Pali, District Pali under Sections**

**417, 188 and 120B of IPC, 66D of IT Act, 2008 and Sections 4,6 and 6(a) of the Rajasthan Public Examination (Prevention of Unfairness) Act, 1992**

**(hereinafter, Act of 1992).** The FIR alleged mass leakage of the written examination paper, citing an incident where the Vigilance Authorities confiscated a Redmi Multimedia Mobile from a candidate, namely Rajesh Beniwal, in which the solved examination paper was found, claimed to have reached him through a coaching institute in Bikaner. (*Annexure-6*)

(ii) **Final Report No. 02 dated 07.12.2021 in FIR No. 0331/2021:** The final report, as submitted by the police authorities after having conducted thorough investigation in the FIR mentioned above, showcased the role of gangs involved in leakage of papers for public recruitment exams. It is noted, as per the final report, that the examination paper for the Sub-Inspector exam was leaked for a sum of Rs. 15 lakhs, whereas the paper for the specific subject of Hindi was leaked for Rs.2 lakhs. (*Annexure-7*)

(iii) **FIR No. 0360/2021 dated 14.09.2021 registered at Police Station Bikaner, Naya Sehar under Sections 420 and 120B of IPC, Section 66D of IT (Amendment) Act, 2008 and Sections 3,4,5 and 6 of the Act of 1992.** The FIR alleged that the gang was involved in a systemic leakage of the question paper at House No. 193, Murlidhar Vyas Colony Bikaner, at the hands of several individuals, which also included figures such as the heads of coaching institutes and Secretary(s) of Public Schools in the District of Bikaner. In this regard, it was noted that several solved question papers were found in the handheld devices of these individuals. (*Annexure-8*)

(iv) **Final Report No.01 dated 02.02.2022 in FIR No. 360/2021:** The final report, as submitted by the police authorities after having conducted thorough investigation in the FIR mentioned above, showcased the role of gangs involved in leakage of papers for public recruitment exams, in exchange of large sums of money. (*Annexure-9*)

- (v) **FIR No.0326/2021 dated 13.09.2021 registered at Police Station, Ramnagriya, Jaipur City (East) under Sections 420 and 120B of IPC.** The FIR alleged mass leakage of solved question papers, whereby the accused were alleged to be sitting in a parked vehicle outside VIT College, communicating with the students via call, to offer them solved question papers in exchange of money. (*Annexure-10*)
- (vi) **FIR No.0376/2021 dated 14.09.2021 registered at Police Station Bhilwara, Subhash Nagar for offences under Sections 419, 420 and 120B of IPC.** The FIR alleged that the gang members, involved in the mass leakage of solved question papers, were sitting in a parked vehicle outside Gayatri Aashram, having conversations with candidates for delivering the solved papers in exchange of money. Additionally, the FIR also alleged the planting of dummy candidates at the examination center for appearing in the examination. (*Annexure-11*)
- (vii) **FIR No.0555/2021 dated 15.09.2021 registered at Police Station Brahampuri, Jaipur City (North) for offence under Sections 420, 419, 467, 468,471 and 120B of IPC and Sections 5 and 6 of the Act of 1992.** The FIR alleged the placement of dummy candidates for appearing in the recruitment examination, in place of the actual candidates in whose names the admit cards were issued. (*Annexure-12*)
- (viii) **FIR No. 0335/2021 dated 15.09.2021 registered at Police Station Kotawali Pali, District Pali for offences under Sections 417, 419 and 120B of IPC and Sections 4 and 6 of the Act of 1992.** The FIR alleged the placement of dummy candidates for appearing in the recruitment examination, in place of the actual candidates in whose names the admit cards were issued. (*Annexure-13*)
- (ix) **FIR No. 820/2021 dated 17.09.2021 registered at Police Station Kotawali Alwar, District Alwar for offences under Sections 417, 419 and 120B of IPC and Sections 4 and 6 of the Act of 1992.** The FIR alleged that

one candidate, namely Jaidev Sharma, contrary to the rules of the examination, carried his mobile phone in the examination center, and uploaded an image of his OMR sheet on social media, which soon became viral and reached several other candidates. (*Annexure-14*)

(x) **FIR No. 0297/2021 dated 24.09.2021 registered at Police Station Dhambola, District Dungarpur for offences under Sections 420, 467,468,471 and 120B of IPC and Sections 3 and 6 of the Act of 1992.** The FIR alleged that one Bhanwaral Kadwasra, a teacher of Government Upper Primary School, Kadwal was running the racket of planting dummy candidates, in place of actual candidates, for giving examination in various recruitment examinations including the subject Sub-Inspector Examination 2021. A total sum of Rs. 12,17,800/- was also recovered from his residence. (*Annexure-15*)

4.8 That several candidates, including some of the petitioners, also filed complaints before the respondent-authorities for cancellation of the examination paper on account of the mass leakage of the solved question paper before the conduct of the examination, alleging the loss of sanctity of the recruitment process. However, the respondent-authorities did not cancel the recruitment process and decided to proceed with it. Accordingly, the result of the written examination was declared on 24.12.2021.

4.9 That Stage II of the recruitment process i.e. Physical Efficiency Test was conducted by the respondent authorities at Ajmer, Jaipur I, Jaipur II, Udaipur, Kota and Jodhpur.

4.10 That the respondent-RPSC issued the result dated 11.04.2022 after the culmination of the Physical Efficiency Test, in pursuance of which, the selected candidates, including some of the petitioners, were called for the Interview i.e. Stage III.

4.11 That the respondent-RPSC declared the impugned final result dated 01.06.2023, in which the petitioners litigating before this Court, were declared unsuccessful. (*Annexure-21*)

4.12 That in pursuance of the impugned final result dated 01.06.2023, the DGP Jaipur issued the impugned appointment orders dated 21.07.2023 and 04.10.2023, thereby appointing candidates on the post of Sub-Inspector. (*Annexures-22 and 23*).

4.13 That meanwhile, several FIR's also came to be lodged before the Special Operations Group (SOG) and ATS alleging the mass leakage of the written examination papers of the SI Recruitment Exam 2021 and also, regarding the placement of dummy candidates across the State of Rajasthan for appearing in the examination, in place of the actual candidates in whose names the admit cards were issued. The crux of some of the FIRs lodged before the SOG is noted herein-under:-

(i) **FIR No. 0002/2024 dated 01.02.2024 registered at Special Police Station (SOG) and ATS for the offence under Sections 419, 420, 468, 471, 120B of IPC and Sections 3,4 and 6 of the Act of 1992.** The FIR alleged that the selected candidate in the impugned final result dated 01.06.2023, namely Mr. Daluram Meena who appeared at Merit No. 1402, did not appear in the written examination and in his place, a dummy candidate appeared. Moreover, when the police conducted investigation into the said allegations, the same were found to be true and consequentially, a FIR was lodged against Mr. Daluram Meena and the dummy candidate namely Harish alias Harchand. (*Annexure-24*)

(ii) **FIR No.0010/2024 dated 03.03.2024 registered at Police Station, Special Police Station (SOG) and ATS for the offence under Sections 419, 420, 120B of IPC, Section 66D of the IT (Amendment) Act 2008 and**

**Sections 4,5 and 6 of the Act of 1992.** The FIR alleged a systemic leakage of papers and malpractices in the conduct of SI Recruitment Examination 2021 across the State of Rajasthan. (*Annexure-25*)

4.14 That it is also a matter of record that previously a **FIR numbering 540/2020 was registered at Police Station Sanganer, Jaipur East for the offences under Sections 420, 120B of IPC and Sections 4 and 6 of the Act of 1992,** and during the investigation, it came to light that in Ravindra Ban Bharti Senior Secondary School situated at Shantinagar, Hasanpura, Jaipur, Mr. Rajesh Khandelwal worked as a Center Superintendent. The said institute also happened to be a center for the SI Recruitment Examination 2021. The investigation revealed that the kingpin of the organized paper leakage gang in the SI Recruitment Examination 2021 namely Jagdish Bishnoi along with his associates, was in active contact with said Mr. Rajesh Khandelwal for the past 6-7 years. In the past, they systemically took the help of Mr. Rajesh Khandelwal for leaking the examination papers for public recruitment exams so that they could provide the same to candidates across the State for a hefty price.

4.15 That it is a matter of record that in pursuance of the above mentioned FIRs, several candidates involved in participating in the examination whilst exercising unfair means, who happened to have been declared successful on account of the same, were arrested by the SOG during investigation. The said arrests gained traction across the State of Rajasthan, having been reported in several newspaper publications. (*Annexure 26*)

4.16 That the fact of mass leakage of question papers also gets further support from the fact that previously, the State of Rajasthan had preferred **S.B. Criminal Misc. Petition numbering 2300/2024** titled as **State of Rajasthan and Ors. vs. Subhash Bishnoi and Ors.**, before this Court, challenging the trial court's order of allowing the conditional release of 12 accused individuals in the mass paper leakage scandal, on account of non-compliance of certain mandates of the Code of Criminal Procedure by the SOG. The factum of the filing of the said petition, *ipso facto* confirmed the claims of mass leakage of question papers in the impugned recruitment process, with regards to which an investigation was ongoing, being led by the SOG. *(Annexure-27)*

4.17 That it is a matter of record that despite the lodging of FIRs by the SOG, coupled with the investigation conducted in pursuance thereof, the respondent-State proceeded with the appointment process of the selected candidates. Resultantly, the respondent-State issued the impugned appointment orders dated 06.03.2024, 06.06.2024 and 31.07.2024 qua the selected candidates for the SI Recruitment 2021. *(Annexures-28, 29 and 30)*

5. Having taken note of the chronological factual matrix of the instant matter, which has led to the present *lis* being litigated before this Court, it would be appropriate to explicitly highlight certain factual developments, which have come to light during the pendency of proceedings before this Court. The noted developments are detailed herein-under:-

5.1 That on 13.08.2024, the Additional Director General-SOG and ATS, issued a letter i.e. Annexure-37, with the observation that the impugned selection process is devoid of confidentiality and transparency. Therefore, it was recommended that the same be cancelled in the interest of public justice.

5.2 That during the course of proceedings, several successful candidates, who were issued letters of appointment with regards to the SI Recruitment Examination 2021 were impleaded as party respondents, opposing the prayer of quashing of the entire recruitment process.

5.3 That during the course of proceedings before this Court, a letter dated 10.12.2024, which was undersigned by the Joint Secretary (Police) was issued to the Joint Secretary (CMO), highlighting the following developments, namely:-

(I) The constitution of a SIT i.e. Special Investigation Team on 16.12.2023 under the Chairmanship of the Additional Director General Police, Mr. Vijay Kumar Singh IPS, to investigate the claims of paper leakage.

(II) That upon investigation conducted in the FIR filed before the SOG numbering 10/2024 under various provisions, it was revealed that several unfair methods, on a large scale, were used in the SI Recruitment Examination 2021, due to which numerous tainted candidates were declared successful in the examination. Furthermore, the letter dated 10.12.2024 also explicitly recorded the observation that it would not be possible for the investigation authorities to identify all the tainted trainees who had benefited from the use of unfair means in the SI Recruitment Examination, from those that were genuinely eligible.

(III) That the Director General of Police vide letter dated 22.08.2024 agreed with the recommendations of the

Additional Director General of Police- SOG and ATS, coupled with the recommendations of the Chairman SIT regarding the cancellation of the SI Recruitment Examination 2021. Accordingly, the Director General of Police forwarded the report of the Chairman SIT dated 13.08.2024 to the Home Department, Government of Rajasthan.

(IV) That the Chairman SIT, vide his report dated 13.08.2024, made the following recommendations and/or observations with regards to the probable future discourse of the SIT Recruitment 2021, noted herein-under:-

- a) That the SI Recruitment Examination 2021 be cancelled and thereafter, a new notification/advertisement be issued for a fresh recruitment process.
- b) That the candidates who appeared/participated in the SI Recruitment Examination 2021, be given at least 3 month's time to prepare for the novel/fresh examination. A recommendation for granting age relaxation qua the said candidates was also noted in the report dated 13.08.2024.
- c) That if the Sub-Inspector's selected vide the recruitment process of 2021, who are undergoing training, happen to fail in the fresh recruitment examination, then those candidates alternatively be provided an additional opportunity in the next recruitment exam by bestowing relaxation in terms of age.
- d) That the recommendations made by the Director General of Police, State Government and the report of the SIT were forwarded to the Advocate General for the State of Rajasthan and the latter, in his opinion dated 14.09.2024 also recommended the cancellation of the recruitment process.
- e) That relying upon the recommendations made by the Director General of Police, opinion of the Advocate General and the report of the SIT, which were presented for the perusal and approval of the Chief Minister of the State, a committee was constituted by the Cabinet Secretariat on 01.10.2024 to examine the situation and arrive at a

decision qua the future of the SI Recruitment 2021. The members of the said committee included 6 Cabinet Ministers of the State Government.

f) That the first meeting of the said Committee was held on 07.10.2024, whereas the second meeting took place on 10.10.2024. The second meeting was also attended by the Principal Secretary to the State Government, Law Secretary to the Government Personnel Department and Secretary, RPSC.

g) The Committee so constituted, at the behest of the Chief Minister of the State, recommended the following actions regarding the future of the SI Recruitment Examination 2021, namely:-

(i) That the Committee was in agreement with the Director General's opinion unanimously, which was arrived at on the basis of the investigation report of the SIT.

(ii) That in view of all the facts presented before the Committee, including the opinion of the Advocate General, the Committee agreed on the fact that the entire recruitment process had proven to be tainted from the very beginning, where Sub-Inspectors were recruited by adopting unfair means, which saw unqualified candidates in public service posts. It was specifically noted that such candidates would be unable to live up to the sacred oath of the Rajasthan Police, which is "Trust in the common man and fear in the criminals".

(iii) The Committee based its findings on the view that for a corruption free administration in the State, the people of the State coupled with Government expect that only personnel with a clean and transparent track record be selected on such vital posts of Sub-Inspectors, which is amiss in the impugned selection process of 2021.

h) That accordingly, the final decision of the Committee was based on the findings/ recommendations forwarded by the Additional Director General of Police, ATS and SOG coupled with SIT to the Director General of Police, to cancel the SI Recruitment Examination 2021, to which the Director General of Police gave his consent.

(i) That based on the above findings, the Committee recommended the cancellation of the impugned selection

process and issued directions to the respondent-RPSC to conduct the recruitment examination again by including all the candidates who had applied in the previously conducted SI Examination, with extra care and caution for complete transparency in the recruitment process.

(j) The said recommendation(s) of the Committee were forwarded for the perusal of the Chief Minister of the State of Rajasthan.

(V) That considering the foregoing report of the Committee, during the course of proceedings before this Court, vide order dated 06.01.2025, this Court categorically directed the responded-State to submit their definitive and final stance with regards to whether or not the State is in agreement with the aforementioned recommendations qua the cancellation of the recruitment process of 2021. Moreover, vide order dated 06.01.2025, this Court also directed the respondent-State to maintain the *status quo* in the recruitment process of 2021 and not to initiate any training/field training programmes qua the selected candidates until the controversy is resolved, failing which, contempt proceedings could be attracted.

(VI) That the order dated 06.01.2025, as passed by this Court, was challenged by the respondents who are the successful candidates of the SI Recruitment Examination 2021 before the Division Bench of this Court in **D.B. SAW No. 50/2025** titled as **Chetanya Singhal and Ors. vs. State of Rajasthan and Ors.** However, the learned Division Bench, without a deep dive into the factual contentions of the appellants, issued directions for this Court to culminate the proceedings expeditiously vide order dated 22.01.2025, preferably within a period of two weeks, from the date of culmination of pleadings before the Court, as the controversy involved was crucial as it encompasses the fate of thousands of young individuals.

(VII) That during the course of proceedings, on 10.02.2025, the respondent-State sought clarification from the court regarding the directions issued qua the maintenance of *status*

*quo*, to the effect that whether or not criminal proceedings could be initiated against the successful candidates, if it is proved during investigation that the said candidates were involved in adopting unfair means in the impugned examination. In response, the court clarified that the order of *status quo* shall in no way impede upon the State's right to conduct investigation and arrest the accused. As a result of the said clarification, several arrests were made by the State, including some members of the respondent-RPSC, which is the very body tasked with the fair administration of the SI Recruitment Examination 2021.

(VIII) That during the regular conduct of the proceedings before this Court, in consonance with the order of the Division Bench dated 22.01.2025, the respondent-State on 21.02.2025 sought two months' time to arrive at a final decision regarding the fate of the SI Recruitment Examination 2021, due to certain administrative exigencies. The said liberty was given and the matter was kept for final hearing, whilst reiterating the position of the Court permitting the State to make arrests *qua* the accused, as and when investigation proceeds further.

(IX) That despite the relaxation of two month's time to arrive at a final decision, as accorded by this Court, when the matter was listed before this Court on 05.05.2025, a further extension was sought to decide the fate of the Sub-Inspector Recruitment Examination 2021. On the said date, the Enforcement Directorate, arrayed as a party-respondent, also weighed in and submitted before the Court that they were seized of the matter, whilst seconding the stance of the investigation authorities regarding the recording of wide spread malpractices in the impugned selection process.

(X) That on 01.07.2025, when the matter was listed before the Court, the learned Advocate General apprised the Court of the decision arrived at by the office of the Chief Minister, in pursuance of the meeting conducted on 28.06.2025, whereby the fate of the SI Recruitment Examination was ascertained to the result that the same shall not be quashed and initiated

afresh, at this stage. Rather, it was opined that the selection process be continued, whilst the investigation authorities carry out arrests of the tainted candidates, in order to re-instil public confidence in the recruitment process. Ergo, the ultimate decision of the State prioritized the need for further investigation, owing to the principle of proportionality, in order to carry out more arrests of candidates having prescribed to unfair means, in order to weed them out from the selection process and uphold the integrity of the examination.

(XI) That after conducting detailed and prolonged hearings in the present batch of petitions, whereby due opportunity was accorded to all the stakeholders, including the petitioners i.e. unsuccessful candidates, the respondents, which comprised of the State of Rajasthan, the successful candidates, the RPSC and the Enforcement Directorate, the judgment was reserved for consideration and pronouncement on 14.08.2025. The detailed list of dates with synopsis is reproduced herein under:-

<b>Sr. No.</b>	<b>Date of Order</b>
1.	08.10.2024 (Adjourned)
2.	23.10.2024 (Adjourned)
3.	18.11.2024 (Interim Order of Status Quo)
4.	22.11.2024 (Adjourned)
5.	06.01.2025 (Detailed Order Regarding Opinion of SIT)
6.	09.01.2025 (R. D. Rastogi Appointed as Amicus Curaie)
7.	22.01.2025 (Adjourned)
8.	10.02.2025 (Enforcement Directorate directed to be Impleaded as Party-Respondent)
9.	11.02.2025 (ED Impleaded and SOG report explained by ADG, SIT)
10.	12.02.2025 (RPSC was directed to Apprise the Court qua Statistics)
11.	13.02.2025 (AAG made detailed submissions)
12.	17.02.2025 (AAG made detailed submissions)
13.	18.02.2025 (Arguments Heard)
14.	19.02.2025 (Adjourned)
15.	20.02.2025 (Arguments Heard)

16.	21.02.2025 (Adjournment sought for appropriate decision to be taken by the State Government)
17.	05.05.2025 (Adjournment sought for appropriate decision to be taken by the State Government)
18.	15.05.2025 (Adjournment sought for appropriate decision to be taken by the State Government)
19.	26.05.2025 (Adjournment sought for appropriate decision to be taken by the State Government)
20.	01.07.2025 (Fixed for Final Hearing & for Consideration of Minutes of the Meeting of the State Government)
21.	07.07.2025 (Learned AG made detailed arguments)
22.	08.07.2025 (Recalling/Modification of order dated 07.07.2025)
23.	09.07.2025 (Record from the State Government was called)
24.	10.07.2025 (Record was Furnished in Sealed Cover and Arguments made on behalf of Successful Candidates)
25.	11.07.2025 (Adjourned)
26.	14.07.2025 (Chairman of SIT/SOG was called)
27.	15.07.2025 (Adjourned) [Camera Trial]
28.	17.07.2025 (Record of RPSC was Returned)
29.	22.07.2025 (Adjourned)
30.	24.07.2025 (Adjournment sought on behalf of RPSC to explain the matter pertaining to information as given by Examination Centres and Relevant FIRs)
31.	25.07.2025 (Arguments qua Respondents were Concluded)
32.	28.07.2025 (Adjournment sought on behalf of Petitioners)
33.	29.07.2025 (Detailed arguments were made by the petitioners and Directions were issued to Learned AG to apprise the Court with the Status of Exam)
34.	01.08.2025 (Arguments Continued)
35.	04.08.2025 (Submissions of Petitioners qua Preliminary Objections and Merits were Concluded and Arguments for Rebuttal were Continued)
36.	05.08.2025 (Adjourned)
37.	12.08.2025 (Charge-sheets qua Babulal Katara and Ramuram Raika were called)
38.	13.08.2025 (Arguments of Learned AG were Concluded)
39.	14.08.2025 (Matters were Reserved)

## **SUBMISSIONS**

### **A. Submissions of the Petitioners**

6. At the very outset, Major R.P. Singh, Sr. Advocate, appearing on behalf of the petitioners, emphatically underscored before this Court a pivotal proposition, asserting that it is the paramount duty and obligation of the State to ensure that recruitment examinations for public posts are conducted with utmost transparency and fairness. This imperative is particularly pronounced in order to garner and sustain the confidence of the public at large. Mr. Singh stressed that when the public post in question pertains to a position of significant responsibility and importance within the framework of public administration, such as that of a Sub-Inspector, the necessity for scrupulous integrity and probity in the recruitment process is magnified manifold. The rationale for this stringent standard is to instil and maintain an abiding faith in the efficacy and credibility of the State's mechanisms for selecting candidates for such critical roles.

7. Learned Senior Counsel further highlighted that any incidence of malpractices and irregularities in the conduct of such recruitment examinations, which, it is pertinent to note, stands as an admitted fact of record in the instant case, has the profoundly deleterious effect of shaking the confidence, not only of the public at large but also of the diligent and hard-working candidates who appeared in the examination. These candidates, it was emphasized, have spent an inordinate amount of time, studying and preparing for the examination, thereby placing their legitimate aspirations and expectations in jeopardy due to circumstances

entirely beyond their control. Therefore, the lamentable state of affairs underscores the urgent necessity for the Court to address and rectify the grievances voiced by the petitioners with the utmost seriousness and sensitivity with regards to their future.

8. In furtherance of the foregoing submissions, learned counsel contended that the impugned final result dated 01.06.2023, impugned appointment orders dated 21.09.2023, 04.10.2023, 06.03.2023, 06.06.2024 and 31.07.2024 coupled with the impugned action of the respondent-State of not cancelling the entire recruitment process of SI Recruitment Examination 2021, is illegal and arbitrary for the reason that the sphere of public employment is governed by the mandate of Articles 14 and 16 of the Constitution of India, which are based on the principle of "equal opportunity", thereby promising the underscored fact that every candidate shall be selected on the basis of a fair and transparent selection process in which none of the appearing candidates shall have an additional undue advantage of having access to the question papers of the recruitment process or to their answers, before the examination. Thus, it was argued that the leakage of examination paper or the answers to the concerned questions vitiates the selection process as the candidates having access to such question papers are at an undue advantage on account of the malpractice and systemic violation at the level of the selection making and recruitment administering body i.e. RPSC.

9. Learned Senior Counsel argued that the gang operating in the State, which is systemically involved through a web/chain of

individuals connected to officials in positions of power such as those in-charge of examination centres or secretaries of educational institutes, as is reflected by way of the FIRs noted above, has access to such question papers which are then sold to affluent candidates in exchange for money, resultantly depriving such candidates who were appearing in the examination based upon their genuine preparation for the examination and toiling hard to get selected in public administration. Mr. Singh asserted that the situation becomes worse when the examination is for recruitment for the post of Sub-Inspector, in which unemployed youth appears with the aspiration to get their livelihood for themselves and their family after preparing hard for such an examination, in which the entire financial burden falls upon the shoulders of the candidates families. Thus, the State Government shoulders a higher responsibility to ensure that every selection is fair and transparent and in case, even if there is an iota of evidence that the papers were leaked, it should proceed with the cancellation of the selection process, as the same shall have the effect of ensuring that the candidates involved in such malpractices will be restrained from getting public employment by using unfair means, to the disadvantage of genuine candidates.

10. Elaborating upon the noted submissions, learned Senior Counsel emphasised that the impugned action of the State Government has vitiated the entire selection process due to the leakage of the question paper, which is not isolated from the marked presence of dummy candidates at various examination centres. It was averred that if such a recruitment process is

saved, merit would be a casualty, which shall in turn generate a sense of frustration in the deserving candidates seeking consideration of their candidature for appointment to government service. The examination process, on account of the impugned actions, stands denuded of its sanctity, fairness and independent assessment of merit of the participating candidates.

11. Learned Senior Counsel stressed that the system of examination in the State has been constant, which has been pursued over decades and has been accepted by all who are rational, responsible and sensible, to be an accredited one, for comparative evaluation of the merit and worth of candidates vying for public employment. It is thus necessary, for all the role players in the process, to secure and sustain the confidence of the public in general and the unemployed youth in particular in the system by its unquestionable trustworthiness. Such a system is endorsed because of its sought-after credibility, which is informed by the tenets of fairness, transparency, authenticity and sanctity, qua which, there cannot be any compromise at any cost. Having said that, learned Senior Counsel also highlighted that every recruitment examination being conducted by a human agency is likely to suffer from some shortcomings, but deliberate inroads into its framework of the magnitude and nature, as exhibited by way of the FIRs noted above, demonstrates a deep-seated and pervasive impact, which ought not be disregarded or glossed over, lest it may amount to travesty of a proclaimed mechanism to impartially judge the comparative merit of the candidates partaking therein.

12. Reliance was further placed upon Articles 14 and 16(1) of the Constitution of India and it was emphasised that a fair and reasonable process of selection for posts subject to the norms of equality of opportunity is a constitutional requirement. Where the recruitment to public employment stands vitiated as a consequence of systemic fraud or irregularities, the entire process becomes illegitimate. The requirement that a public body must act in fair and reasonable terms animates the entire process of selection. It was underscored that the paper leakage may or may not involve all of the candidates within the ultimate zone of selection but that is beside the point for the simple reason that the gravamen of the charge in the present case is not in regard to the taint which attaches to the specific group of persons but the sanctity of the recruitment process as a whole. The precedents of the Hon'ble Supreme Court, which shall be noted in the averments to follow, demonstrate the established position of law that when the credibility of an entire examination stands vitiated by systemic irregularities, the issue then is not about seeking to identify the specific candidates who are tainted, but the taint on the examination conducted as a whole.

13. Learned Senior Counsel further submitted as under:-

13.1 That recruitment to public services must command public confidence. Persons who are recruited are intended to fulfil public functions associated with the functioning of the State Government. Therefore, where the entire process is found to be flawed, its cancellation may undoubtedly cause hardship to a few who may not specifically be found to be involved in wrong-doing.

But that is not sufficient to nullify the ultimate decision to cancel an examination where the nature of the wrong-doing cuts through the entire process so as to seriously impinge upon the legitimacy of the examinations which have been held for recruitment.

13.2 That it is settled law that the cancellation of an examination, either for the purpose of gaining admission into professional and other courses or for the purpose of recruitment to a government post, is justified in cases where the sanctity of the exam is found to be compromised at a systemic level. The courts may direct the cancellation of an examination or approve such cancellation by the competent authority when it is not possible to separate the tainted candidates from the untainted ones. In this regard, to substantiate upon the systemic flaws in the SI Recruitment Examination 2021, learned counsel highlighted the following systemic deficiencies and widespread malpractices, namely:-

**a.** Systemic shortcomings on part of the RPSC in conducting the impugned examination, such as the absence of the otherwise promised biometric systems at entrances for preventing the entry of dummy candidates, CCTV surveillance and videography at examination centers, amongst other things, which during the investigation have proved to be pivotal shortcomings for a fair and thorough investigation. (Re: SIT Report dt. 13.08.2024)

**b.** The large presence of dummy candidates at examination centers, who appeared in the place of actual candidates, many of whom were placed through organized gangs, with several accused

missing as per the SIT Report dated 13.08.2024, suggesting the possibility of uncovering many tainted candidates in the future.

**c.** The SIT report dated 13.08.2024 uncovered widespread leakage of examination papers across the State of Rajasthan, including in the districts of Bikaner, Ajmer, Udaipur, Pali and Jaipur amongst others. The said leakage was done at the behest of organized gangs, through the support of exam superintendents, principals of schools that were noted examination centers, past habitual offenders of paper leaks, members of the RPSC etc., highlighting the lamentable state of public administration in such sensitive examinations. The report dated 13.08.2024 underscores the possibility of several key accused still absconding, thereby not ruling out the chances of many tainted candidates still being uncovered.

**d.** The widespread confiscation of Bluetooth and handheld devices from the examination centers, which were used for either circulating solved OMR sheets on social media or communicating with paper solving gangs placed outside the examination centers.

13.3 That for cancellation of an examination, it has to be considered whether the fresh examination was proportionate to the nature of the grievance and the extent to which the integrity of the exam was vitiated. The number or portion of students who can be believed to have indulged in malpractice is a relevant factor in deciding cases such as the present one, in which a large number of students have indulged in the mass leakage of the question paper of the SI Examination 2021.

13.4 That the sanctity of the impugned examination was compromised at a systemic level, as opposed to a few instances of individual malpractices.

13.5 That during the pendency of the subject litigation, on 13.08.2024, even the Additional Director General- SOG and ATS, issued a letter i.e. Annexure-37, with the observation that the impugned selection process has been rendered devoid of confidentiality and transparency. Therefore, it was recommended that the same be cancelled in the interest of public justice.

13.6 That the letter dated 10.12.2024, which was undersigned by the Joint Secretary (Police) was issued to the Joint Secretary (CMO), expressly highlighting the fact that the Special Investigation Team (SIT) as constituted on 16.12.2023 revealed that several unfair methods, on a large scale, were used in the SI Recruitment Examination 2021, due to which numerous tainted candidates were declared successful in the examination. Furthermore, the letter dated 10.12.2024 also explicitly recorded the observation that it would be impossible for the investigation authorities to identify all the tainted trainees who had benefited from the use of unfair means in the SI Recruitment Examination, from those that were genuinely eligible.

13.7 That even the Advocate General of the State of Rajasthan, in his initial/premier opinion dated 14.09.2024, after having perused through the findings of the SIT, recommended the cancellation of the recruitment process.

14. Therefore, in summation, learned Senior Counsel reiterated and prayed that looking to the arguments noted above,

the impugned final result dated 01.06.2023 in conjunction with the impugned appointment orders dated 21.09.2023, 04.10.2023, 06.03.2024, 06.06.2024 and 31.07.2024 may kindly be declared illegal and arbitrary and consequently be quashed and set aside. Moreover, the entire selection process, which has been wholly tarnished by malpractices, be cancelled and a fresh one be conducted with more attention to detail *sans* any systemic malpractices.

15. In support of the arguments noted above, learned Senior Counsel placed reliance upon the dictum as enunciated in **State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) and Ors.: Special Leave Petition (Civil) No. 9586/2024; Bihar School Examination Board vs. Subhas Chandra Sinha and Ors.** reported in (1970) 1 SCC 648; **Madhyamic Shiksha Mandal MP vs. Abhilash Shiksha Prasara Samiti and Ors.** reported in (1998) 9 SCC 236; **Inderpreet Singh Kahlon and Ors. vs. State of Punjab and Ors.** reported in (2006) 11 SCC 356; **Chairman All India Railway Recruitment Board and Anr. vs. K. Shyam Kumar and Ors.** reported in (2010) 6 SCC 614; **State of Tamil Nadu and Anr. vs. A. Kalaimani and Ors.** reported in (2021) 16 SCC 217; **Gohil Vishvaraj Hanubhai and Ors. vs. State of Gujarat and Ors.** reported in (2017) 13 SCC 621; **Tanvi Sarwal vs. CBSE and Ors.** reported in (2015) 6 SCC 573; **Sachin Kumar and Ors. vs. Delhi Subordinate Service Selection Board and Ors.** reported in (2021) 4 SCC 631; **Vanshika Yadav vs. Union of India and Ors.** reported in (2024) 9 SCC 743; C.

**Channabasavaih etc. vs. State of Mysore and Ors.** reported in **AIR 1965 SC 1293**; **State of Rajasthan vs. Indraaj Singh** reported in **(2025) SCCOnline SC 518** and **Ajay Kumar Shukla vs. Arvind Rai** reported in **(2022) 12 SCC 579**.

**B. Submissions of the Respondents**

**I) On behalf of Respondent Nos. 1-4 i.e. State of Rajasthan, Director General of Police, Secretary (RPSC) and Additional Director General of Police, SOG (Jaipur), in conjunction with the counsel for the successful candidates.**

16. At the outset, prior to voicing arguments on merits, learned counsel for the respondents vehemently contested the maintainability of the present batch of writ petitions before the Court. In this regard, learned Advocate General Mr. Rajendra Prasad along with Mr. R.N. Mathur, Mr. A.K. Sharma, Mr. Vigyan Shah, Mr. Tanveer Ahmed, Mr. M.F. Baig, Mr. Tribhuvan Narayan Singh and Mr. R.D. Rastogi directed the court's attention to the first prayer sought by way of the present petitions, which is in relation to the declaration of not only the impugned final result dated 01.06.2023 as illegal and arbitrary and to get it quashed and set aside, but also to declare the impugned appointment orders dated 21.09.2023, 04.10.2023, 06.03.2024, 06.06.2024 and 31.07.2024 as illegal and arbitrary and to quash and set them aside. In this regard, learned Advocate General argued that it is trite law that when a result is challenged where the candidates are only selected, in that case their impleadment in representative capacity is sufficient for twofold reasons i.e. (a) the candidate has not acquired the status of a civil servant (b) selected candidate

can claim right of appointment based on mere selection. However, in a case, such as the present one, where appointment orders have been issued, then such selected candidates do not merely act as selected candidates but also simultaneously gain the status of civil servants and therefore, are protected by Article 311 of the Constitution of India, having acquired the lien on the post on which they have been appointed. In such circumstances, when their appointment orders are challenged, each one of them is a necessary party and the writ petition cannot sustain by impleading only a few of them in a representative capacity.

17. Furthermore, learned Advocate General, in order to highlight delay on part of the petitioners before this Court, submitted that the final result of the Stage-I examination, conducted from 13.09.2021 to 15.09.2021, was declared way back on 24.12.2021. The allegations in the petition relate to the alleged wrongs committed during the Stage-I written examination. Moreover, the facts noted above, further highlight that even the FIRs in said regard were registered way back in the month of September 2021 itself, whereas in some matters even the final report was submitted on 07.12.2021 and 02.02.2022. Thus, the fact that wrongs have been committed in the written examination was very much known to the petitioners from September 2021 to February 2022 itself, but the petitioners chose not to question the validity of the selection process at that time. Therefore, the writ petition suffers from delay and laches and the same deserves to be dismissed on this ground alone.

18. In order to further stress on the prolonged delay on part of the petitioners in approaching this Court, learned Advocate General apprised the court that the Stage-II examination i.e. Physical Efficiency Test was conducted for the selected candidates in the written examination and on 11.04.2022, the selected candidates were called for interview. The final result was declared on 01.06.2023, but still no challenge was made by the petitioners to the process of selection. Thereafter, admittedly on 21.09.2023 and 04.10.2023, 780 and 19 selections were made on probation. Despite the said large-scale appointments having been made, the petitioners did not make any challenge to any court of competent jurisdiction. Subsequently, said selected candidates were also assigned ranges across the State, who went for nine weeks foundation courses, followed by 43 weeks of basic training. Therefore, it was argued that from the aforesaid facts and circumstances, it was evidently clear that the petitioners were very much aware of the wrongs committed during the course of examination since September 2021, yet they not only allowed the further stages of selection process being continued but declaration of final result and making appointments on probation, assignment of ranges and districts and the appointees being sent for different trainings. Mr. Prasad vehemently contended that the petitioners deliberately allowed for third party rights to be created in favour of the appointees and thus, it is absolutely clear that the petition suffers from unexplained delay and laches and deserves to be dismissed on that count alone.

19. Learned Advocate General further submitted that by the mere virtue of the decision dated 28.06.2025, as taken by the State Government not to cancel the Sub-Inspector Recruitment Examination 2021 at the present stage, the writ petitions before this Court have been rendered infructuous. In this regard, it was averred that the decision dated 28.06.2025 of the State Government accepting the recommendation of the Ministers Committee is with reference to the inputs from various government authorities, which denotes the fact that at the present stage, there is no evidence of widespread leakage of examination paper which may vitiate the selection process by making it impossible to segregate the tainted and untainted candidates. Therefore, it was submitted that once the decision is taken by the State Government, and the same is not challenged specifically, then the writ petition has to be rendered infructuous. In this regard, reliance was placed upon the dictum of the Hon'ble Apex Court as enunciated in **R.C. Jain vs. High Court of Patna and Ors.** reported in **(1996) 5 SCC 5**.

20. Mr. Prasad further argued that it is trite law that the jurisdiction under Article 226 and the powers of judicial review should not be invoked by the courts whilst entertaining writ petitions preferred by such persons who have approached the court with unclean hands, thereby concealing material facts. In this regard, learned Advocate General apprised the court of the fact that previously, in the Year 2022, three of the petitioners before this court, along with 31 others, had jointly approached this Court, seeking a similar relief as sought by way of the present

petitions, vide **S.B. CWP No. 7264/2022** titled as **Kailash Chand Sharma and Ors. vs. State of Rajasthan**. However, on 21.07.2022, the said petition was withdrawn without seeking any liberty to file afresh. Therefore, on account of the said withdrawal, the petitions had been dismissed *sans* liberty.

21. In this background, learned Advocate General stressed that the principle of *res judicata* not only applies in the matter of decision in previous litigation, but it also engrosses the principal of constructive *res judicata* where the challenge made is surrendered considering the merits of the case. Mr. Prasad, vehemently pointed out that the petitioners in the present case gave reference of almost all the FIRs registered in the Year 2021, which were also included in **S.B. CWP No. 7264/2022** titled as **Kailash Chand Sharma and Ors. vs. State of Rajasthan**, whereby a similar prayer in regard to the cancellation of the written examination was made and therefore, it was only in order to avoid dismissal of the present petitions based on the principle of constructive *res judicata*, the aforesaid material facts qua the lodging of the previous petitions, was concealed before this court during the proceedings before it. Hence, it was prayed that on said count of concealment alone, the present petitions ought to be dismissed.

22. Mr. Prasad, after having previously elaborated on the aspect of delay and laches, also drew arguments on the principles of estoppel, acquiescence and waiver whilst arguing that the Hon'ble Apex Court through a catena of judgments has held that writ petitions should not be entertained specifically in the matters of recruitment where the candidates aware of any lacuna in the

examination process, participates therein and thereafter, having failed to succeed, challenges the same before the court. It was argued that in the facts of the present case, a large number of petitioners are those candidates who have approached this court after attaining merit in the final result but who consequently failed to secure appointment orders. Thus, the principal of estoppel, acquiescence and waver bars the petitioners from approaching this Court for seeking reliefs, which are barred to them by law. In support of the said contentions, reliance was placed upon the dictum of the Hon'ble Apex Court as enunciated in **State of Orissa vs. Laxmi Narayan Das** reported in **(2023) 15 SCC 273**, **Shiba Shankar Mohapatra vs. State of Orissa** reported in **(2010) 12 SCC 471**, **Pradeep Kumar Rai vs. Dinesh Kumar Pandey** reported in **(2015) 11 SCC 493**, **Anupam Singh vs. State of U.P.** reported in **(2020) 2 SCC 173** and **Mohd. Mustafa vs. Union of India** reported in **(2022) 1 SCC 294**.

**II) On behalf of Respondent Nos. 7-49 i.e. Successful Candidates/Appointees.**

23. Learned counsel for the respondents i.e. successful candidates/appointees of the SI Recruitment Examination 2021, have vehemently contested the averments of the petitioners while arguing before this Court that the petitioners in fact, have no *locus standi* to file the present set of writ petitions. In this regard, learned counsel argued that the petitioners have failed to show how their legal or fundamental right has been violated, especially when it is an admitted case that the petitioners have participated in the selection process till the very end. Therefore, the petitioners

are estopped from challenging the results, only on account of being unsuccessful. It was averred that the petitioners cannot be permitted to approbate and reprobate at the same time, only having approached this Court as an afterthought, having failed to qualify in the written examination i.e. Stage-I.

24. Furthermore, in order to expand on the contentions of delay, as drawn by the learned Advocate General, it was argued that the petitioners have approached this Court after an inordinate delay and have not provided any explanation whatsoever with regards to the said delay. In this regard, it was submitted that the final result of the written examination was declared way back on 24.12.2021, whereas the examination where irregularities are stated to have been committed, was conducted from 13.09.2021 to 15.09.2021. Therefore, since the alleged irregularities were conducted at that stage of recruitment process, the petitioners ought to have approached this Court at the initial stage, as opposed to having approached this Court, merely as a recourse to their afterthought. The said argument, it was pointed out, gains further traction from the fact that FIRs were registered way back in the month of September 2021 and the petitioners chose to be on the fence and did not question the validity of the selection process at that time. Hence, the careless and lackadaisical attitude of the petitioners does not foster the cause of justice. In this regard, learned counsel placed reliance upon the dictum of the Hon'ble Apex Court as enunciated in **State of M.P. vs. Nandlal Jaiswal** reported in **(1986) 4 SCC 566** and **Chennai**

**Metropolitan Water Supply and Sewerage Board vs. T.T. Murali Babu** reported in **(2014) 4 SCC 108**

25. Learned counsel further submitted that the Special Operations Group (SOG) has already made significant headway into the irregularities committed during the conduct of SI Recruitment Examination 2021 and has also submitted its report to the Government whilst continuing to make further investigation. In this regard, learned counsel submitted that the appointee-Sub-Inspectors, who were found guilty of cheating/malpractices, have already been suspended, which goes on to show that the investigating agencies have already singled out the persons involved in the type of wrong doings and have segregated the others like the answering respondents before this Court, who had no role to play in the irregularities deemed to have crept in the written examination. Therefore, it was reiterated that amongst the selected candidates, who are the respondents before this Court undergoing training in probation period, are genuine and *bonafide* candidates who were selected after thorough preparation for the examination. Learned counsel also apprised the court of the fact that many of such candidates/respondents, were previously employed in various State and Central Government jobs, who quit the same, after having been declared successful in the SI Recruitment Examination 2021.

26. Learned counsel for the respondents further argued that a huge amount of public money has been invested by the State Government in the training of the selected candidates including the answering respondents and therefore, interference at

this belated stage shall cause monetary loss to the public exchequer. In this regard, it was also submitted that the answering respondents/selected candidates, who were undergoing training/working as per their field posting, are getting regular salary from their respected units as well. Furthermore, learned counsel averred that the investigation agency i.e. SOG has already conducted a surprise test of all the selected candidates who are undergoing training in their probation period. Moreover, the SOG after examining the result/outcome of the surprise test further weaselled out 49 selected candidates from various centres. Therefore, it is abundantly clear that the remaining selected candidates at training centres including the answering respondents are *bonafide* and eligible to confirmed in service. Therefore, any interference by this Court, at this stage, shall be unwarranted.

27. While highlighting the broadened scope of investigation to weed out the tainted candidates altogether, learned counsel argued that the State machinery has not only got the investigation done thoroughly but also collected material with regard to anything wrong which is found by the process of investigation and has been continuously considering the matter at different stages and therefore, it would be incorrect to jump to the conclusion that the entire examination can be cancelled in haste without proper application of mind. In this regard, learned counsel placed reliance upon the dictum of the Hon'ble Apex Court as enunciated in **Sachin Kumar vs. Delhi Subordinate Service Selection Board** reported in **(2021) 4 SCC 631** and **Joginder Pal vs. State of Punjab** reported in **(2014) 6 SCC 644**.

28. In furtherance of the preceding contentions, learned counsel on behalf of the selected candidates, stressed before the court that the said candidates have been selected based on their hard work and dedication. Moreover, it was also retreated that the answering respondents were not involved in the paper leak or any other malpractice and they have invested months, if not years, in preparation for this exam sacrificing time, resources and other job opportunities. Therefore, a sudden cancellation shall shatter their dreams, tarnish their reputation and disrupt their career prospects despite being honest.

29. Lastly, learned counsel submitted that the recruitment process is under the purview of the government and the RPSC, whose duty it is to ensure that the selection process is fair and doesn't involve any untoward incident. The failure to prevent a paper leak should not result in blanket punishment for all the candidates, especially when the answering respondents/selected candidates, placed their trust in the system, which must not allow their futures to be jeopardized on account of administrative lapses. In this regard, learned counsel placed reliance upon the dictum of the Hon'ble Apex Court as enunciated in **Inderpreet Singh Kahlon vs. State of Punjab and Ors.** reported in **(2006) 11 SCC 356** where it was held that while setting aside a selection process, State has to establish that the process was so tainted that the entire selection process is liable to be cancelled and that only if it is found to be impossible or highly improbable to separate cases of tainted persons from those of non-tainted ones, can cancellation of entire selection process be ordered.

Additionally, the dictum of the Hon'ble Apex Court also made clear that equal treatment cannot be granted to un-equals and that protection of interest of honest candidates was also necessary. Lastly, in conjunction with the aforesaid ratio as enunciated in **Inderpreet Singh Kahlon (Supra)**, reliance was placed upon the dictum enunciated in **Union of India and Ors. vs. Rajesh P.U. Puthuvalnikathu and Anr.** reported in **(2003) 7 SCC 285.**

**III) On behalf of Respondent Nos. 50-59 and Respondent No. 5 i.e. Successful Candidates/Appointees and the remaining respondents.**

30. Learned counsel appearing on behalf of respondent nos. 50-59 and respondent no.5, who also happen to be the successful candidates/appointees emerging from the SI Recruitment Examination 2021, have in substance adopted the arguments noted above, particularly highlighting the delay on part of the petitioners which has resulted into the creation of third party rights in favour of the answering respondents, in addition to highlighting the factum of their non-involvement in the use of unfair means, as has been made clear by the investigation conducted by the investigating agency i.e. SOG (Special Operations Group). Therefore, it was vehemently prayed that the present set of petitions be quashed and set aside.

**IV) On behalf of respondent no.3-RPSC**

31. Mr. Baig, appearing on behalf of the respondent-RPSC briefly apprised the Court of the mechanism and the procedural framework regarding the conduct of the SI Recruitment Examination 2021. In doing so, Mr. Baig argued that the

contentions of the petitioners regarding the cancellation of the appointment of the candidates who adopted illegal and unfair means in the examination and were caught by the SOG in doing so and the prayer for cancellation of the examination *in toto* for conducting afresh, is required to be solely determined by the State Government because after the stage of recommendation of candidates by the RPSC, the cancellation of any such appointment falls with the domain of the State Government.

32. In this background, Mr. Baig submitted that 11 candidates who had been proven to have indulged in the use of unfair means have already been debarred by the RPSC in pursuance of the full commission decision dated 11.05.2022. It was further submitted that apart from these 11 candidates, no other matter has been received by the RPSC regarding the use of unfair means. Lastly, Mr. Baig assured the court that the RPSC has is providing full co-operation to the Additional Director General of Police, ATS and SOG in the conduct of fair and complete investigation into the alleged malpractices in the conduct of the SI Recruitment Examination 2021.

**V) On behalf of the Enforcement Directorate:**

33. The learned counsel appearing on behalf of the Enforcement Directorate informed the court that on 13.02.2025, the Enforcement Directorate filed an affidavit before the court apprising that it had initiated an investigation into the paper leak of the Sub-Inspector Police Examination of 2021 under the provisions of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as the "Act of 2002"). This investigation

was initiated by recording an Enforcement Case Information Report (ECIR) bearing No. ECIR/JPZO/10/2024 dated 13.06.2024. The basis for this ECIR was two FIRs: FIR No. 540 dated 09.12.2020 registered at Sanganer Police Station, Jaipur under Section 420 of the Indian Penal Code, Sections 4 and 6 of the Rajasthan Public Examination Act, 1992, and FIR No. 0010/2024 dated 03.03.2024 registered by the Anti-Terrorist Squad (ATS) and Special Operations Group (SOG), Jaipur under Sections 419, 420, and 120B of the Indian Penal Code along with Sections 4, 5, and 6 of the Rajasthan Public Examination Act, 1992, in addition to Section 66D of the Information and Technology Act, 2008. These FIRs were registered against 40 individuals, and the investigation was in progress.

34. Subsequently, after initiating the investigation, the Enforcement Directorate filed an additional affidavit dated 15.05.2025, apprising the court regarding the advancements made in the investigation. It was informed that in order to conduct a thorough investigation, the Enforcement Directorate has obtained details of the properties acquired by the accused from the State's financial institutions and revenue authorities. This was done to ascertain the proceeds of crime generated from the commission of the scheduled offences. The court was also informed about the material recording of statements of two key individuals, namely Harshavardhan Meena and Rajendra Kumar Yadav, after obtaining due permission from the Learned Special Court (PMLA) CBI-III, Jaipur. Furthermore, the learned counsel informed that subsequent to the filing of the aforesaid affidavit,

statements of 6 more persons were recorded under Section 50 of the Act of 2002. This was done in order to identify the proceeds of crime generated from the commission of the scheduled offence.

35. Lastly, the court was informed that the Enforcement Directorate is taking all necessary steps for conducting a crucial investigation in the matter. The objective is to arrest the kingpins of the organized gangs involved in the malpractices, while making enquiries with various banks, revenue authorities, and other authorities to identify the proceeds of the crimes (PoCs). The learned counsel submitted that the object of the Act of 2002 is twofold, namely, the prosecution and punishment of persons involved in money laundering, and the attachment/confiscation of proceeds of crime that may be involved in the matter. Thus, it was informed that the Enforcement Directorate is proceeding in the matter as per the established procedure and in accordance with law.

### **DISCUSSION & FINDINGS**

36. After the culmination of a prolonged hearing, this Court has meticulously heard and considered the arguments presented by all the parties, carefully considering the nuances of each and every contention. Moreover, pursuant to the thorough hearing of the arguments, this Court has equally paid due attention to the voluminous record that has been submitted by both the sides in support of their submissions. The said record, replete with detailed pleadings, affidavits and documentary evidence i.e. from the initial stage of investigation to executive and state-level decision-

making, has been scrutinized in conjunction with the various case laws cited before the Court.

### **A. Maintainability of the Petitions**

37. At the initial stage of discussion, this Court deems it imperative to assess and determine the maintainability of the instant batch of petitions, which has been a central point of contention at the behest of the respondent-State in conjunction with respondent-successful candidates. This evaluation is to be undertaken prior to delving into the merits of the petition itself or addressing the various contentions and secondary arguments advanced, should the necessity to do so arise in the course of adjudication.

38. During the course of arguments, the learned counsel representing the respondent-State, in concurrence with the learned counsel appearing on behalf of the successful candidates, raised certain preliminary objections pertaining to the maintainability of the present batch of writ petitions. As per the respondents, the challenge to the maintainability of these petitions was founded upon three grounds, specifically:-

(i) **Previous Conduct and Constructive Res Judicata:**

The petitioners prior conduct in concealing material information before the Court, which invokes the bar of constructive *res judicata*.

(ii) **Failure to Amend Prayers rendering the Petitions**

**Infructuous:** The petitioners omission to amend their prayers to independently and expressly challenge the subsequent decision of the Chief Minister dated 28.06.2025 has rendered the prayers so made in the instant petition, infructuous.

(iii) **Principles of Delay, Estoppel, Acquiescence and Waiver:** The petitioners actions in participating in the recruitment process despite having knowledge of certain infirmities and malpractices in the conduct of SI Recruitment Examination 2021, thereby attracting the principles of estoppel, acquiescence and waiver.

39. Having duly noted the aforementioned preliminary objections, this Court shall segment its findings pertaining to the said objections into three distinct parts. Each part shall address one of the said objections independently, so as to facilitate a discrete examination of each ground raised concerning the maintainability of the writ petitions.

**Part I: Previous Conduct and Constructive Res Judicata**

40. In the course of arguments on the noted objection, the learned Advocate General had apprised the Court that the petitioners have approached this Court with unclean hands. This contention was evidenced by the fact that the petitioners have concealed the material circumstance that in the Year 2022, a petition substantially similar in nature, with prayers largely akin to those in the instant petitions, was filed before this Court by some of the petitioners herein (**Re: S.B. CWP No. 7264/2022** titled as **Kailash Chand Sharma and Ors. vs. State of Rajasthan**). However, the said petition was dismissed as withdrawn without any liberty being granted to the petitioners to file a fresh petition. The concealment of this vital information, it was argued, invokes the principle of constructive *res judicata*, which necessitates that the petitioners be barred from pursuing the entire challenge so raised in the present petitions, owing to the

dismissal of the previous petition as dismissed as withdrawn. Thus, it was contended by the learned Advocate General that the said concealment was deliberate and out of fear and apprehension that the present petitions would be dismissed on the basis of such prior proceedings. Hence, owing to such concealment and unclean approach, the present petitions were prayed to be dismissed.

41. Upon having meticulously scrutinized the record presently before this Court, specifically the particulars of the petition previously filed in the Year 2022 i.e. **S.B. CWP No. 7264/2022** titled as **Kailash Chand Sharma and Ors. vs. State of Rajasthan** and the broader contextual framework within which the challenge to the SI Recruitment Examination 2021 is being raised by the petitioners herein, this Court is unable to lend credence to and/or accept the arguments advanced by the learned counsel for the respondents.

42. It is a notable principle in legal jurisprudence that a fact concealed by a petitioner can only have the effect of persuading the court that the petitioner has approached the court with unclean hands when such concealment is not merely an inadvertent 'omission' but is instead a 'material' concealment within the contextual framework of the litigation. For a fact to be deemed 'material', it must possess such a degree of relevancy to the issue at hand that, had the court been apprised of this fact, a majority of the contentions raised by the parties to the dispute could have been expeditiously resolved at once or significantly impacted thereby. In other words, the materiality of the concealed fact is to be gauged by its potential to substantially influence the

court's consideration of the matter, such that knowledge of the fact would lead to a swift or conclusive determination of a significant portion of the issue in dispute/contention.

43. Therefore, in the facts and circumstances of the present batch of petitions, the key question posited is whether the fact of the petitioners failure to inform or apprise the court about the previous filing of **S.B. CWP No. 7264/2022**, had it been known to the court earlier, would have likely influenced the court's decision or affected the outcome of the present proceedings? The answer, in the present circumstances, is in the negative, for the following reasons, namely:-

(a) The previous petition i.e. S.B. CWP No. 7264/2022 was filed by a total 34 individuals, out of which, only 3 are common in the array of petitioners in the present batch of writ petitions.

(b) On a juxtaposition of the reliefs sought in S.B. CWP No. 7264/2022 and the present batch of writ petitions, it becomes glaringly evident that the claimed overlap is not absolute, as S.B. CWP No. 7264/2022 was withdrawn almost one year before the results of the recruitment process were even declared i.e. the said petition was withdrawn on 21.07.2022 whereas the impugned final result, which is prayed to be quashed in the present batch of petitions, was not declared until 01.06.2023.

(c) That even factually, there are glaring developments and significant changes in the pleadings of the present batch of petitions. The SOG was constituted almost 17 months after the withdrawal of the previous petition i.e. on 16.12.2023, followed by the lodging of FIR No. 10/2024 on 03.03.2024 and the consequential first arrests on 04.03.2024.

(d) That it is glaringly obvious that the petitioners approached this Court on a fresh cause of action, as exhibited

in the present batch of petitions, which is discernible from the fact that despite the malpractices being widely known and admitted, appointment orders were issued by the respondent-State on 06.06.2024 and 31.07.2024. Therefore, the filing of the present batch of writ petitions, on 13.08.2024, pursuant to such appointment orders being issued on the basis of the final result so declared, is not 'concealment' but rather a mere omission, which could not attract the bar of *res judicata*, owing to the discrepancies and developments in the facts as well as the prayers sought in the two sets of petitions.

(e) The more nuanced rationale to circumvent of the claimed bar of constructive *res judicata*, which as displayed above has no factual applicability, is the fact that in the present factual context, the larger public interest is at stake, and calls to such public interest must be timely and efficiently answered to ensure that justice is not a casualty of technicalities.

44. In support of the aforementioned observations, it would be prudent to place reliance upon the dictum of the Hon'ble Apex Court as enunciated in **State (NCT of Delhi) vs. BSK Realtors LLP** reported in **(2024) 7 SCC 370** where it was held that it is a well-settled principle of law that the fact suppressed or concealed by a party must be material in nature, in the sense that such suppression would have a bearing on the merits of the case. A 'material fact', as expounded by the Hon'ble Apex Court, in this context denotes a fact that is material for the purpose of determining the *lis* between the parties. The logical consequence of this principle is that the materiality of the suppressed fact is to be assessed in relation to its impact on the grant or denial of the relief sought. In instances, such as the present one, where the suppressed fact is not material for the determination of the dispute between the parties entirely, especially looking to the

subsequent developments (declaration of final result and issuance of appointment orders) as noted above, the court may not deem it appropriate to refuse the exercise of its discretionary jurisdiction. It was further held that in situations where larger public interest is at stake, courts ought not to allow technicalities to be applied in a rigid or inflexible manner. Instead, in such cases, a more flexible and nuanced approach should be adopted by the courts in considering the implications of the suppression of facts. The relevant extract of the dictum enunciated in **BSK Realtors LLP (Supra)** is reproduced herein-under:-

*"25. The law, as we noticed aforesaid, aptly resolves the first issue. Res judicata, as a technical legal principle, operates to prevent the same parties from relitigating the same issues that have already been conclusively determined by a court. However, it is crucial to note that the previous decision of this Court in the first round would not operate as res judicata to bar a decision on the lead matter and the other appeals; more so, because this Rule may not apply hard and fast in situations where larger public interest is at stake. **In such cases, a more flexible approach ought to be adopted by courts, recognizing that certain matters transcend individual disputes and have far-reaching public interest implications.**"*

45. At this juncture, this Court deems it appropriate to reference the dictum of the Hon'ble Apex Court as enunciated in **National Confederation of Officers Association of Central Public Sector Enterprises vs. Union of India** reported in **(2022) 4 SCC 764**, where the Hon'ble Apex Court held that the principle of *res judicata* would not apply when there was no decision on the merits of the case in a previous petition. In essence, the Hon'ble Court clarified that the previous dismissal of

a similar petition did not involve a substantive adjudication on merits. Therefore, the principle of *res judicata* would not bar the subsequent litigation. Similarly, upon a corresponding application of the said holding in the present factual matrix of the case at hand, it becomes glaringly obvious that S.B. CWP No. 7264/2022 was withdrawn without having any discussion/adjudication on the merits of the prayers sought, which have also been significantly altered since the declaration of the impugned final result dated 01.06.2023. The relevant extract of the dictum enunciated in **National Confederation of Officers Association of Central Public Sector Enterprises (Supra)** is reproduced herein-under:-

*"27. The petition was summarily dismissed by this Court on 10 December 2002 in the following terms:*

***[...] we are not inclined to entertain the writ petition, which is accordingly dismissed.***

*31. The principles of res judicata and constructive res judicata, which Section 11 of the Code of Civil Procedure 1908 embodies, have been applied to the exercise of the writ jurisdiction, including public interest litigation. Yet courts have been circumspect in denying relief in matters of grave public importance, on a strict application of procedural rules. In Rural Litigation and Entertainment Kendra v. State of U.P. : 1989 Supp (1) SCC 504, this Court observed:*

*'16. The writ petitions before us are not inter-partes disputes and have been raised by way of public interest litigation and the controversy before the court is as to whether for social safety and for creating a hazardless environment for the people to live in, mining in the area should be permitted or stopped. We may not be taken to have said that for public interest litigations, procedural laws do not apply. At the same time it has to be remembered that every technicality in the procedural law is not available as a defence when a matter of grave public importance is for consideration before the court. Even if it is said that there was a final order, in a dispute of this type it would be difficult to entertain the plea of res judicata. As we have already*

*pointed out when the order of 12-3-1985, was made, no reference to the Forest (Conservation) Act of 1980 had been done. We are of the view that leaving the question open for examination in future would lead to unnecessary multiplicity of proceedings and would be against the interests of society. It is meet and proper as also in the interest of the parties that the entire question is taken into account at this stage.'*

**34. While determining the applicability of the principle of res judicata Under Section 11 of the Code of Civil Procedure 1908, the Court must be conscious that grave issues of public interest are not lost in the woods merely because a petition was initially filed and dismissed, without a substantial adjudication on merits.** There is a trend of poorly pleaded public interest litigations being filed instantly following a disclosure in the media, with a conscious intention to obtain a dismissal from the Court and preclude genuine litigants from approaching the Court in public interest. This Court must be alive to the contemporary reality of "ambush Public Interest Litigations" and interpret the principles of res judicata or constructive res judicata in a manner which does not debar access to justice. The jurisdiction Under Article 32 is a fundamental right in and of itself.

**35. In this case, since the three judge Bench of this Court rejected the petition filed by Maton Mines Mazdoor Singh in limine, without a substantive adjudication on the merits of their claim, the present writ petition is not barred by res judicata."**

46. Similarly, in **Daryao and Ors. vs. State of UP and Ors.** reported in **AIR 1961 SC 1457**, a Constitution Bench of the Hon'ble Apex Court held that orders dismissing writ petitions in limine will not constitute *res judicata*. The Court noted that while a summary dismissal may be considered as a dismissal on merits, it would be difficult to determine what weighed with the Court without a speaking order. The relevant extract is reproduced herein-under:-

"9. We must now proceed to state our conclusion on the preliminary objection raised by the respondents. We hold that if a writ petition filed by a party under Art. 226 is considered on the merits as a contested matter and is dismissed the decision thus pronounced would continue to bind the parties unless it is otherwise modified or reversed by appeal or other appropriate proceedings permissible under the Constitution. It would not be open to a party to ignore the said judgment and move this Court under Art. 32 by an original petition made on the same facts and for obtaining the same or similar orders or writs. If the petition filed in the High Court under Art. 226 is dismissed not on the merits but because of the laches of the party applying for the writ or because it is held that the party had an alternative remedy available to it, then the dismissal of the writ petition would not constitute a bar to a subsequent petition under Art. 32 except in cases where and if the facts thus found by the High Court may themselves be relevant even under Art. 32.

***If a writ petition is dismissed in limine and an order is pronounced in that behalf, whether or not the dismissal would constitute a bar would depend upon the nature of the order. If the order is on the merits it would be a bar; if the order shows that the dismissal was for the reason that the petitioner was guilty of laches or that he had an alternative remedy it would not be a bar, except in cases which we have already indicated.***

***If the petition is dismissed in limine without passing a speaking order then such dismissal cannot be treated as creating a bar of res judicata. It is true that, prima facie, dismissal in limine even without passing a speaking order in that behalf may strongly suggest that the Court took the view that there was no substance in the petition at all; but in the absence of a speaking order it would not be easy to decide what factors weighed in the mind of the Court and that makes it difficult and unsafe to hold that such a summary dismissal is a dismissal on merits and as such constitutes a bar of res judicata against a similar petition filed under Art. 32.***

***If the petition is dismissed as withdrawn it cannot be a bar to a subsequent petition under Art. 32,***

***because in such a case there has been no decision on the merits by the Court.***

*We wish to make it clear that the conclusions thus reached by us are confined only to the point of res judicata which has been argued as a preliminary issue in these writ petitions and no other. It is in the light of this decision that we will now proceed to examine the position in the six petitions before us."*

47. The aforementioned line of reasoning also finds its way in the dictum of the Hon'ble Apex Court in **Pujari Bai vs. Madan Gopal** reported in **(1989) 3 SCC 433** where it was held that when a writ petition after contest is disposed of on merits by a speaking order, then the question decided in that petition would operate as *res judicata*, but not a dismissal in *limine* or dismissal on the ground of laches or availability of an alternate remedy.

48. Therefore, upon undertaking a cumulative consideration of the observations delineated hereinabove, it becomes conclusively evident that within the factual context of the present batch of writ petitions, when juxtaposed with the petition previously filed in the Year 2022, what emerges is an 'omission' on the part of the petitioners rather than a 'material concealment'. This is because the omission in question does not possess the requisite power or magnitude to substantially impact or resolve the *lis* presently before this Court. Furthermore, the bar of constructive *res judicata* shall also not be applicable in the facts and circumstances of the present case. This is owing to the fact that the petition withdrawn in the Year 2022 did not involve an adjudication on the merits of the prayers sought therein. Additionally, the prayers in the present petitions are noted to be unidentical to those in the previously withdrawn petition. Hence,

given that the previous petition was merely withdrawn without any adjudication on the merits, it does not operate as a bar to the present proceedings and being adjudicated upon.

49. As a result, considering the larger public interest that is closely linked to the outcome of the prayers sought in the present batch of petitions, and taking into account the nature of the dismissal of the previous petition in the Year 2022 (which was by way of simple withdrawal), this Court, after having relied upon the legal principles enunciated in the cases of **BSK Realtors LLP (Supra)**, **National Confederation of Officers Association of Central Public Sector Enterprises (Supra)**, **Daryao (Supra)**, and **Pujari Bai (Supra)**, deems it appropriate to reject the challenge raised by the respondents regarding the maintainability of the present batch of petitions on the ground of the alleged bar of constructive *res judicata*.

Part II: Failure to Amend Prayers rendering the Petitions Infructuous

50. During the course of arguments, the learned Advocate General, Mr. Rajendra Prasad, contended that the present batch of writ petitions has been rendered infructuous in light of the decision taken by the State Government on 28.06.2025. This decision pertains to the State Government's choice not to cancel the Sub-Inspector Recruitment Examination 2021 at the present stage. The Advocate General emphasized that the petitioners' failure to amend their prayers to expressly and specifically challenge this subsequent decision of the State Government renders the prayers sought in the present petitions futile and/or

infructuous. However, this Court cannot accept the said argument, as it lacks both substance and merit.

51. It is a well-established and trite principle of law that under Article 226 of the Constitution of India, the High Courts are vested with the power to mould the relief in a manner that is deemed appropriate and just in the facts and circumstances of the case before them. The power to issue high prerogative writs under Article 226 is accompanied by the flexibility and discretion to shape the relief in a way that ensures complete justice is done in the matter. Depending upon the peculiar facts and circumstances of each case, the High Court exercising jurisdiction under Article 226 can mould the relief to align with the ends of justice. This implies that in the adjudication of a writ petition, even if a petitioner may not be entitled to the specific relief as expressly claimed by them in their petition, this circumstance by itself does not operate as a bar or preclude the writ court from granting such other relief to which the petitioner may otherwise be entitled in law. The writ court is thus empowered to consider the overall equities and the legal position arising from the facts of the case and grant a relief that is just and appropriate, even if it differs from the specific relief initially claimed by the petitioner.

52. The position of law, as noted above, has been deduced from the dictum of the Hon'ble Apex Court's verdict in **Central Council for Research in Ayurvedic Sciences and Anr. vs. Bikartan Das and Ors.** reported in **(2023) 16 SCC 462**, the relevant extract of which is reproduced herein-under:-

"51. The second cardinal principle of exercise of extraordinary jurisdiction Under Article 226 of the Constitution is that in a given case, even if some action or order challenged in the writ petition is found to be illegal and invalid, the High Court while exercising its extraordinary jurisdiction thereunder can refuse to upset it with a view to doing substantial justice between the parties. **Article 226 of the Constitution grants an extraordinary remedy, which is essentially discretionary, although founded on legal injury. It is perfectly open for the writ court, exercising this flexible power to pass such orders as public interest dictates & equity projects. The legal formulations cannot be enforced divorced from the realities of the fact situation of the case.** While administering law, it is to be tempered with equity and if the equitable situation demands after setting right the legal formulations, not to take it to the logical end, the High Court would be failing in its duty if it does not notice equitable consideration and mould the final order in exercise of its extraordinary jurisdiction. Any other approach would render the High Court a normal court of appeal which it is not."

53. Similarly, in **M. Sudakar vs. V. Manoharan** reported in **(2011) 1 SCC 484**, the Hon'ble Apex Court observed as under:-

"9. We have bestowed our serious consideration to the submissions advanced and we are of the opinion that the Division Bench of the High Court erred in setting aside the order of the learned Single Judge. It is an admitted position that the bye-laws which governs the Trust do not provide for debarring any member of the Trust from holding a post for specified period. Bye-laws provide for removal of the membership in accordance with the procedure prescribed therein in case a member is found to be indulging in activities prejudicial to the Trust. The power to remove the member in our opinion shall not include power to debar the member from holding an office of the Trust. As the resolution of the Governing Body debarring the Appellant from holding the office of the Trust was valid and operative when the matter was pending before the learned Single Judge, he did not err in quashing the resolution. **The power to mould relief is**

**always available to the Court possessed with the power to issue high prerogative writs. In order to do complete justice it can mould the relief, depending upon the facts and circumstances of the case. In the facts of a given case a writ Petitioner may not be entitled to the specific relief claimed by him but this itself will not preclude the Writ Court to grant such other relief which he is otherwise entitled.** Further delay and latches does not bar the jurisdiction of the Court. It is a matter of discretion and not of jurisdiction. The learned Single Judge had taken note of the relevant facts and declined to dismiss the writ petition on the ground of delay and latches.

**10. True it is that the learned Single Judge had observed that the writ petition had become in fruituous and still proceeded to grant relief to the Appellant.** In our opinion, the learned Single Judge may not be absolutely right in observing that the writ petition had become in fruituous as the resolution debarring the Appellant was still operative. In our opinion a writ petition broadly speaking is held in fruituous when the relief sought for by the Petitioner is already granted or because of certain events, there may not be necessity to decide the issue involved in the writ petition. **Here in the present case the resolution of the Governing Body was still holding the field when the writ petition was heard and in fact was to operate for a further period, hence it cannot be said that the relief claimed by the Appellant had become in fruituous.** In any view of the matter, as the effect of the order continued, the learned Single Judge was right in moulding the relief. The act of the Appellant in removing a large number of members and financial impropriety will not clothe the General Body to pass resolution debarring the Appellant from holding the post for 10 years, as no such power is conferred by the bye-laws. The action being patently illegal, the learned Single Judge could not have declined the relief taking into account the alleged action.”

54. A cumulative reading and analysis of the prayers sought by the petitioners through the present batch of writ petitions clearly indicates that the challenge mounted by the petitioners is directed against the examination process in its

entirety, with a specific focus on the purity and sanctity of the said process. The latest recommendation or decision dated 28.06.2025 does not inherently traverse or nullify the larger challenge posed by the petitioners regarding the sanctity of the examination. Instead, this recommendation/decision, which was made in response to the broader challenge against the compromised sanctity of the Sub-Inspector Recruitment Examination 2021, actually serves to strengthen the contentions of the petitioners and make their corresponding prayers more robust. This is particularly so because the further investigation, as detailed in the SIT Report dated 25.06.2025 (which forms the basis for the said recommendation/decision dated 28.06.2025), highlights the existence of large-scale malpractices in the conduct of the written examination. Rather than rendering the petitions or the prayers sought therein infructuous, the recommendation/decision dated 28.06.2025 has in fact bolstered certain prayers of the petitioners, such as those alleging malpractices in the examination process. This is based on the Charge-sheet No. 7F dated 05.04.2025, which reveals that 12 of the main kingpins wanted in connection with the malpractices are still absconding. A reward of up to Rs. 1 lakh has been announced for information leading to their apprehension, and non-bailable arrest warrants have been issued against them. Furthermore, investigation is pending under Section 173(8) of the Code of Criminal Procedure against 82 criminals involved in the case.

55. Furthermore, upon undertaking a comprehensive reading and meticulous analysis of Clauses 3 and 4 of the

committee report/decision dated 28.06.2025, taken in conjunction with the affidavit dated 01.07.2025, a manifest and clear contradiction in the opinion and findings rendered by the committee becomes distinctly evident. In particular, Clause 3 of the report/decision dated 28.06.2025 articulates the view that it would be premature for the recruitment process to be cancelled at this stage of the proceedings. In contrast, Clause 4 of the same report envisages and suggests the initiation of a fresh recruitment process, accompanied by the provision of certain relaxations to be accorded in the said process. This contradiction between the aforementioned clauses engenders a palpable and discernible ambiguity pertaining to the committee's definitive stance on whether the recruitment process ought to be continued or cancelled. The ambiguity thus created is further compounded by the circumstance that there exists an ongoing and/or pending investigation which casts a shadow of doubt upon the integrity of the existing recruitment process that was conducted in the year 2021. In light of the contradiction inherent in the committee's report/decision and considering the ongoing investigation which impacts and impugns the integrity of the recruitment, the said contradiction does not have the effect of rendering the prayers sought by the petitioners to be infructuous or devoid of purpose. Instead, the contradiction in the committee's findings leads to a heightened certainty and awareness regarding the lack of integrity in the recruitment process of 2021. As a consequence of the foregoing circumstances, the expansive and extraordinary powers vested in the High Court under Article 226 of the Constitution

become a necessity and imperative in order to render substantial justice in the matter at hand. The existence of this contradiction within the committee's report, coupled with the circumstances surrounding the recruitment process, thus operates to automatically nullify the contention advanced on behalf of the respondents that the petitions have become infructuous by virtue of the fact that the recommendations/decision dated 28.06.2025 were not expressly challenged by the petitioners in their pleadings.

56. In view of the foregoing discussion and analysis, it can be conclusively stated that Article 226 of the Constitution of India vests in the High Courts an extraordinary remedy that is fundamentally discretionary in nature. Although this remedy is grounded in addressing a legal injury/wrong or a legitimate apprehension faced by the litigant, the exercise of this power is characterized by a significant degree of flexibility and discretion. In exercising this extraordinary and flexible power, the writ court is fully entitled and empowered to pass such orders as are dictated and guided by considerations of public interest. This includes taking into account matters of significant public concern such as malpractices in public recruitment examinations. Furthermore, the orders passed by the court must also be guided by and projected in accordance with the principles of equity. Thus, the enforcement and application of legal principles in the context of proceedings under Article 226 cannot be undertaken in a vacuum or in isolation from the realities, nuances, and specific factual circumstances that pertain to the case at hand.

57. In the administration of law and in the exercise of jurisdiction under Article 226, the applicable legal principles are to be tempered, balanced, and harmonized with considerations of equity. This balancing act is essential in determining the framework within which the relief sought by the litigant is to be considered and adjudicated upon. If the equitable situation prevailing in the case, or the balance of equities as ascertained from the facts and circumstances of the case, demands that after correcting or rectifying any legal infirmities or formulations, the matter should not be pursued to its logical conclusion or ultimate endpoint, then the High Court would be failing in its duty if it does not duly take into account these equitable considerations. In such a scenario, the court must mould the final order in accordance with these equitable considerations in exercise of its extraordinary jurisdiction under Article 226. The interplay and interrelation between law and equity thus serve as a guiding factor for the court's discretion in granting relief under Article 226. This ensures that the orders passed by the court are in consonance with, and in harmony with, both the applicable legal principles and the demands of equity and justice as dictated by the given factual context of the case.

58. Hence, placing reliance upon the legal principles enunciated in the cases of **M. Sudakar (Supra)** and **Central Council for Research in Ayurvedic Sciences (Supra)**, this Court considers it appropriate and judicious to reject and strike down the second preliminary objection raised by the respondents. This objection pertained to the failure on the part of the

petitioners to amend their prayers in the writ petitions, which was contended to render the petitions infructuous. The basis for this Court's decision to strike down the said objection is grounded in the paramount consideration that public interest must not be allowed to become a casualty or suffer detriment due to rigid adherence to, or sacrifice of, technicalities. The principles of equity must intervene and guide the Court's decision-making process in order to safeguard and protect the interests of the public, which interests are manifestly within the purview and jurisdiction of this Court under Article 226 of the Constitution of India. The extraordinary jurisdiction conferred upon the High Courts under Article 226 is designed to ensure that justice is rendered in matters involving public interest, and in this context, the Court must be guided by considerations of equity to protect such public interests. By striking down the said preliminary objection, this Court underscores the importance of not allowing technical objections to impede the course of justice, particularly when matters of public interest are involved. The reliance placed on the dictum in **M. Sudakar (Supra)** and **Central Council for Research in Ayurvedic Sciences (Supra)** supports the proposition that in the exercise of powers under Article 226, the Court must prioritize the protection of public interest and allow equity to guide its decisions in order to subserve the ends of justice.

### Part III: Principles of Delay, Estoppel, Acquiescence and Waiver

59. During the course of arguments, Mr. Prasad, having previously elaborated upon the aspect of delay and laches in the

proceedings, additionally drew arguments focused upon the principles of estoppel, acquiescence, and waiver. In this context, Mr. Prasad contended that the Hon'ble Apex Court, through a series of judgments, has laid down the proposition that writ petitions, in circumstances such as the present one, ought not to be entertained by the courts, specifically in matters pertaining to recruitment. This is particularly so where candidates, being aware of any alleged lacuna or irregularity in the examination process, nonetheless participate in the said process without objection. Subsequently, having failed to achieve success in the recruitment process, such candidates challenge the same before the court. It was argued that in the factual matrix of the present case, a significant number of the petitioners are candidates who have approached this Court after having attained merit in the final result of the recruitment examination but who, nevertheless, failed to secure appointment orders. Consequently, it was argued that the principles of estoppel, acquiescence, and waiver operate as a bar to the petitioners seeking reliefs from this Court, as such reliefs are barred to them by operation of law.

60. Having considered and entertained the argument proposed by the learned counsel for the respondents, this Court deems it just, appropriate, and extremely necessary to delineate and draw out the chronological timeline of events that have transpired in the facts of the present case. This exercise is undertaken to establish the precise sequence of events and to place the circumstances in their proper perspective. It is an admitted and noted fact of record that the result of the

examination for the post of Sub-Inspector was declared on 01.06.2023. Subsequent to the declaration of the said result, the candidates who were successful in the written examination proceeded to participate in the subsequent stages of the recruitment process. While these subsequent stages of recruitment were ongoing, and in view of the widespread issue of malpractice in the conduct of the examination coming to light, the State authorities constituted the Special Operations Group (SOG) on 16.12.2023. This was followed by the registration of First Information Report (FIR) No. 10/2024 on 03.03.2024, and consequentially, the first arrests in connection with the malpractices were made on 04.03.2024. In the intervening period, the widespread scam and malpractices that had tainted the examination continued to be reported and make headlines in newspapers and other media publications. Despite the ongoing investigation by the SOG into these serious malpractices, and despite the fact that the magnitude of the scam was of a massive scale and of deep public importance, the respondents proceeded to issue appointment orders on 06.06.2024 and 31.07.2024.

61. Therefore, it becomes glaringly clear and evident that despite the scam having been a matter of common public knowledge and an alarming factual situation which was being investigated by a constituted Special Investigation Team, the petitioners, having been left with no other efficacious or viable option, approached this Court on 13.08.2024. This approach to the Court was made after the petitioners were shocked by the fact that despite such turmoil and controversy surrounding the sanctity

of the public recruitment process for the post of Sub-Inspector, the respondents were nonetheless stubbornly bent upon issuing appointment orders. In this context, the delay in filing the petition, calculated from the issuance of the last appointment order on 31.07.2024 to the filing of the petition on 13.08.2024, was merely of approximately two weeks. This period of time is in no manner substantial or of such a length as would demand an explanation for delay or indicate any lack of vigilance on the part of the petitioners. Instead, it demonstrates that the petitioners were vigilant and careful in pursuing their legal remedies in a timely manner given the circumstances. Consequently, the continuing developments including the issuance of appointment orders and the constitution of special investigation teams, demonstrated a recurring cause of action. The petitioners were cognizant of these developments and approached the Court within a timely manner.

62. The settled position of law pertaining to the question of delay in the filing of petitions or seeking reliefs is inherently fact-specific and depends upon the particular circumstances and nuances of each individual case. In the context of the present case, taking into account the constant developments that have transpired and the factual matrix as a whole, the existence of a foundational fraud i.e. during the written examination (Stage I) that vitiates the entire recruitment process from its very inception assumes critical importance. The presence of such foundational fraud impacts the consideration of delay in seeking reliefs. Therefore, regardless of the aforesaid considerations pertaining to

delay and laches, the equitable relief sought by the petitioners in the present proceedings cannot be denied to them on the ground of delay. This is because an analysis of the facts reveals that there is neither an inordinate delay in the filing of the petitions nor any culpable negligence attributable to the petitioners. The promptness with which the petitioners filed the petitions subsequent to the issuance of the last appointment order establishes the absence of any undue delay or lack of diligence on their part. Furthermore, there is no resultant prejudice caused to the opposite party by virtue of the timing of the filing of the petitions. In view of these circumstances and given the fact that foundational fraud vitiates the cause of action from its inception, the equitable considerations weigh in favour of not denying the reliefs sought by the petitioners on the sole ground of delay.

63. Furthermore, this Court also deems it appropriate to note and observe that the record of the instant petition, which has been taken note of hereinabove, does not in any manner demonstrate or showcase either a passive or active relinquishment on the part of the petitioners of their right to challenge the Sub-Inspector Recruitment Examination 2021. This challenge is based on the failure of the examination process to uphold and maintain the integrity of the examination process as well as its sanctity. At the risk of repetition, this Court emphasizes and notes that the petitioners, immediately after acquiring knowledge of the issuance of the last appointment order, approached this Court within a limited period of two weeks. Consequently, it cannot be said that

there was any passive acceptance on the part of the petitioners regarding the fate or outcome of the examination process.

64. Moreover, it also cannot be inferred or said that passive acceptance subsisted or existed on the part of the petitioners until the declaration of the impugned appointment orders. This is because the petitioners, like other citizens of the State, were basing their trust and reliance upon the Special Operations Group (SOG) to conduct a thorough investigation into the malpractices alleged in the recruitment process and to take requisite steps in that regard. The petitioners had no idea or anticipation that the respondents, in the context of the malpractices that had come to light, would actually proceed to issue appointment orders. The mere fact that the petitioners participated in the recruitment process does not automatically operate to dissuade or preclude them from further challenging the integrity of the process. This is particularly so because a significant set of details pertaining to the malpractices and the investigation thereof were only unfolded or became known at a subsequent stage, namely in the year 2024. The examination process, which held great public importance for the candidates who had not only invested their time but also expended resources in preparing for the same, was continuously kept track of by the candidates/petitioners. Therefore, in the factual context of the present petitions, the claimed bar of delay, estoppel, acquiescence, and waiver finds no merit or substance.

65. In support of the observations made herein-above, this Court deems it appropriate to place reliance upon the dictum of the Hon'ble Apex Court as enunciated in **Baishakhi**

**Bhattacharya (Supra)**, the relevant extract of which, is reproduced herein-under:-

"43. WBSSC and the candidates have raised pleas of estoppel, delay, and laches in filing the writ petitions. In our view, the impugned judgment correctly dismisses these pleas, relying on this Court's judgment in *Chennai Metropolitan Water Supply and Sewerage Board and Ors. v. T.T Murali Babu: (2014) 4 SCC 108*. **The judgment distinguishes between acquiescence, delay and laches, noting that they have distinct characteristics, though the underlying principle remains one of estoppel. Laches refers to remissness or slackness, involving unreasonable delay or negligence in seeking equitable relief, which prejudices the other party. It arises from the neglect of a party to assert their right, thereby preventing them from obtaining relief. In our opinion, this bar does not apply here, as the fraud and illegalities were only uncovered in 2021 and 2022. Applying the defence of laches, which is not a statutory bar, would be contrary to equity and justice in these circumstances. The principle of acquiescence also does not apply, as it assumes knowledge of the act, followed by passive acceptance. Therefore, it introduces a new implied defence that does not fit the facts of this case. Delay, as a general principle, encompasses both laches and acquiescence, and delay is always fact-specific. In this case, where fraud was concealed, as well as a cover up was practised, these principles cannot be applied.**

44. We have already partially addressed the plea of failure to adhere to the principles of natural justice while examining the applicable case law. It is also important to emphasize that, in this case, public notices were issued, and the candidates/applicants/Petitioners were afforded the opportunity to inspect the data and present their arguments. In light of the facts of this case, we are of the opinion that the principles of natural justice cannot be invoked to validate the fraud that has occurred. These principles are not rigid or inflexible; rather, they must be applied with due regard to the specific facts and circumstances at hand."

66. Hence, in light of the observations recorded herein-above, it is deemed appropriate and judicious to strike down and dismiss the preliminary objections that have been raised by the respondents.

67. As a natural and logical consequence of the striking down of these preliminary objections, this Court shall now proceed to delve into, examine, and adjudicate upon the contentions and arguments that have been raised by the respective sides. The focus of this examination shall be on the issue pertaining to the sanctity of the examination in question. Furthermore, the Court shall also consider and determine in what circumstances, if any, it would be necessary and appropriate for the examination to be conducted afresh. This determination shall be made taking into account the extent of the malpractices that have been alleged and established in the recruitment process, and whether or not these malpractices were systemic in nature, thereby impacting the overall validity and fairness of the examination process.

68. At this stage, this Court would deem it appropriate to outline that in evaluating the merits of the case going forward, due weightage shall be accorded to the interplay of the factual matrix as presented through the record and the legal principles enunciated through the cited case laws, as noted above, in order to arrive at a just and judicious determination of the broader issue of public importance i.e. the future of public examinations for recruitment on an integral public post of Sub-inspector in the State of Rajasthan, which has been ongoing since the Year 2021, seeking finality viz-a-viz it's fate.

**B. Position of Law as expounded by the Hon'ble Supreme Court of India over the Years.**

69. At this nascent stage of discussion, this Court feels it rather indispensable to carefully juxtapose the legal authorities cited by the learned counsel for both the sides, especially regarding the scenarios which permit the cancellation of public examinations altogether upon any malpractices being discovered as opposed to those circumstances, where the recruitment's fate remains unchallenged whilst certain candidates at fault are simply weeded out, without disturbing the recruitment process *in-toto*. The said exercise shall lay down before the Court the foundational basis to assess the petitioner's prayers regarding the cancellation of the examination, as opposed to the State's stance of rather weeding out the guilty whilst permitting the selection process of 2021 to see the light of day.

70. In **Bihar School Examination Board vs. Subhas Chandra Sinha and Ors.** reported in (1970) 1 SCC 648, a 3 Judge Bench of the Hon'ble Supreme Court was faced with a challenge where several instances of malpractice and third-party interference were reported at a particular examination centre for the Secondary School Examinations. While dealing with the issue at hand, the Hon'ble Supreme Court held that in circumstances where the behaviour of all examinees/candidates, or at least a vast majority of them, at a specific examination centre indicates the use of unfair means or cheating, it might not be necessary for the examination board to provide individual opportunities for hearings to each of the candidates if the decision is made to

cancel the entire examination. This scenario is distinct from a case where a single individual is accused of using unfair means and needs to defend themselves against those specific allegations.

71. In essence, it was deduced that when an examination is compromised due to widespread use of unfair means, it represents a unique category of circumstances. In such cases, the pervasive nature of cheating or irregularities affects the overall integrity of the examination process at that centre, making it unnecessary to provide individual notices or hearings to each candidate before deciding to cancel the examination. The rationale behind this is that widespread nature of unfair practices taints the entire examination process, placing it in a separate category from individualized charges of misconduct. Accordingly, given the broad impact of the unfair means on the examinations validity and integrity, the Hon'ble Apex Court held that the Bihar School Examination Board was not obligated to offer individual hearings to candidates before canceling the entire exam due to the overarching issue of widespread cheating or irregularities, thereby acknowledging the distinction between addressing isolated instances of misconduct versus dealing with a situation where the examination process as a whole has been compromised by extensive use of unfair means. The relevant extract of the Hon'ble Apex Court's dictum is reproduced herein-under:-

*"12. This is not a case of any particular individual who is being charged with adoption of unfair means but of the conduct of all the examinees or at least a vast majority of them at a particular center. If it is not a question of charging any one individually with unfair-means but to*

*condemn the examination as ineffective for the purpose it was held, must the Board give an opportunity to all the candidates to represent their cases ? **We think not. It was not necessary for the Board to give an opportunity to the candidates if the examinations as a whole were being cancelled.** The Board had not charged any one with unfair means so that he could claim to defend himself. **The examination was vitiated by adoption of unfair means on a mass scale. In these circumstances it would be wrong to insist that the Board must hold a detailed inquiry into the matter and examine each individual case to satisfy itself which of the candidates had not adopted unfair means. The examination as a whole had to go.**"*

72. In **Madhyamic Shiksha Mandal MP vs. Abhilash Shiksha Prasar Samiti and Ors.** reported in **(1998) 9 SCC 236**, the Hon'ble Supreme Court defined the scope of judicial review in examinations where mass copying and use of unfair means was established as a matter of fact and held that the entire examination ought to be cancelled owing to a report indicating widespread cheating and a breach of exam security involving the leakage of the question paper. The circumstances revealed that teachers overseeing the examination centres had failed to object to students bringing books into the examination hall, which suggests that the teachers were complicit in allowing this misconduct to occur. Therefore, in light of these findings, the cancellation of the entire examination was deemed appropriate.

73. It is rather pertinent to note that in **Madhyamic Shiksha Mandal MP (Supra)**, the Hon'ble Supreme Court stated and clarified in the ruling that the potential adverse impact on some innocent students who may have been affected by this decision to cancel the examination as a whole, in the sense that

they might not have engaged in any misconduct themselves, was considered inconsequential in the overall decision to cancel the examination. In other words, despite the possibility that there might have been students who took the exam without resorting to unfair means and who might suffer as a result of the cancellation, this factor did not outweigh the necessity of canceling the examination given the serious breaches of exam integrity that had occurred due to mass copying, leakage of the question paper, and the complicity of teachers in allowing books into the exam hall. Thus, the Hon'ble Supreme Court weighed the gravity of these irregularities and led to the conclusion that canceling the entire examination was the appropriate course of action, regardless of the impact on potentially innocent students. The relevant extract of the dictum enunciated in **Madhyamic Shiksha Mandal MP (Supra)**, is reproduced herein-under:-

*"2.....In the face of this material, we do not see any justification in the High Court having interfered with the decision taken by the Board to treat the examination as cancelled. It is unfortunate that the student community resorts to such methods to succeed in examinations and then some of them come forward to contend that innocent students become victims of such misbehavior of their companions. **That cannot be helped.** In such a situation the Board is left with no alternative but to cancel the examination. **It is extremely difficult for the Board to identify the innocent students from those indulging in malpractices. One may feel sorry for the innocent students but one has to appreciate the situation in which the Board was placed and the alternatives that were available to it so far as this examination was concerned. It had no alternative but to cancel the results and we think, in the circumstances, they were justified in doing so.** This should serve as a lesson to the students that such malpractices will not help them succeed in the*

*examination and they may have to go through the drill once again. We also think that those in charge of the examinations should also take action against their Supervisors/Invigilators, etc., who either permit such activity or become silent spectators thereto. If they feel insecure because of the strong-arm tactics of those who indulge in malpractices, the remedy is to secure the services of the Uniformed Personnel, if need be, and ensure that students do not indulge in such malpractices."*

74. Whereas, in **Union of India and Ors. vs. Rajesh P.U. Puthuvalnikathu and Anr.** reported in **(2003) 7 SCC 285**, the Hon'ble Apex Court tasked a Special Committee with scrutinizing the answer sheets of a total of 318 candidates. This included both successful candidates (134 in number) and unsuccessful candidates (184 in number). Upon conducting this scrutiny, the Special Committee identified only 31 candidates out of these as having been involved in unfair practices during the examination. Therefore, based on the findings of the Special Committee, this Court made a determination regarding the decision that had been taken by the competent authority. The competent authority had decided to cancel the entire recruitment process due to the occurrence of unfair practices. However, the Hon'ble Apex Court struck down this decision qua cancellation of the examination whilst expounding that the cancellation of the entire recruitment process would be an extreme measure. It was considered unreasonable and unnecessary given the specific circumstances of the case, particularly because only a relatively small number of candidates (31 out of 318 scrutinized) were found to have engaged in unfair practices.

75. In arriving at the decision of non-cancellation of the entire examination, the Court applied a particular test or criterion which involved assessing whether there were widespread and pervasive issues or irregularities that had the effect of undermining the entire examination or recruitment process. Additionally, the Court considered whether it was impossible to distinguish or "weed out" those candidates who had benefited from the irregularities or illegalities from those who had not. Resultantly, since the number of candidates involved in unfair practices was limited (31 out of the scrutinized candidates), and given that it was possible to identify and deal with those specific candidates rather than impacting the entire recruitment process, the Court found that cancelling the entire process was not justified.

76. In this background, this Court now deems it appropriate to take note of the three-pronged test expounded by the Hon'ble Apex Court in **Inderpreet Singh Kahlon and Ors. vs. State of Punjab and Ors.** reported in **(2006) 11 SCC 356**. The Hon'ble Apex Court laid out and explained three key principles that must be followed when considering the cancellation of appointments due to issues with the selection process. Firstly, it was noted that before canceling the appointments, there needs to be a level of satisfaction on the part of the State regarding the adequacy and sufficiency of the evidence or material collected. This material should be enough to lead the State to conclude that the selection process was compromised or tainted in some significant way. Secondly, to ascertain whether the illegalities or

irregularities that occurred are serious enough to undermine the entire selection process- meaning they go to the root of the matter and thus vitiate the whole process- the satisfaction of the State must be based on a thorough and reasoned investigation. This investigation should be conducted in a manner that is fair and transparent. Thirdly, there must be enough evidence or material to justify the conclusion that either the majority of the appointments made were part of a fraudulent scheme or purpose, or that the system of selection itself was corrupt.

77. This three-pronged test, as outlined by the Hon'ble Apex Court in **Inderpreet Singh Kahlon (Supra)** is deemed appropriate for guiding decisions on whether to cancel examinations *en masse* due to malpractices or the use of unfair means by candidates. Adherence to these principles is necessary when deliberating on such cancellations to ensure that any decision made is justified and based on substantial grounds. The relevant extract of the judgments is reproduced herein-under:-

*"27. If the services of the appointees who had put in few years of service were terminated; compliance of three principles at the hands of the State was imperative, viz., to establish (1) Satisfaction in regard to the sufficiency of the materials collected so as to enable the State to arrive at its satisfaction that the selection process was tainted; (2) determine the question that the illegalities committed go to the root of the matter which vitiate the entire selection process. Such satisfaction as also the sufficiency of materials were required to be gathered by reason of a thorough investigation in a fair and transparent manner; (3) Whether the sufficient material present enabled the State to arrive at satisfaction that the officers in majority have been found to be part of the fraudulent purpose or the system itself was corrupt."*

78. In this discourse, it would be prudent to take note of the Hon'ble Apex Court's findings in **Chairman, All India Railway Recruitment Board and Anr. vs. K. Shyam Kumar and Ors.** reported in **(2010) 6 SCC 614** where initially the High Court had overturned the decision made by the Railway Recruitment Board to cancel the impugned examination and instead conduct a retest due to allegations of malpractices including widespread copying, leakage of the question paper, and impersonation, however, in appeal, the Hon'ble Apex Court intervened and ultimately struck down the High Court's decision and upheld the opinion and decision of the Railway Recruitment Board. The Railway Recruitment Board had decided to cancel the examination and conduct a retest after considering the evidence on record. The evidence pointed to extensive irregularities and malpractices in the initial written test. In upholding the Railway Board's decision qua cancellation, the Hon'ble Apex Court took into account the widespread nature of the irregularities and malpractices that had occurred in the first test. These irregularities and malpractices included mass copying by candidates, instances of impersonation, and leakage of the question paper. The Court concluded that these issues had significantly compromised the integrity of the examination. Rather than being limited to misconduct by just a handful of candidates, the problems were pervasive and had tainted the entire examination process.

79. Therefore, considering the facts and circumstances of the case, along with the overarching goal of ensuring a fair selection process for candidates, the Hon'ble Apex Court opined

that the Railway Recruitment Board's decision to cancel the examination was both reasonable and balanced, especially given the extent of the malpractices which rendered the goal of the examination vitiated and invalid. Hence, to ensure fairness in the selection process, the decision to cancel the examination and order a re-test was deemed appropriate and reasonable. The relevant extract of the Hon'ble Apex Court's dictum is reproduced herein-under:-

*"37. We, therefore hold, applying the test of Wednesbury unreasonableness as well as the proportionality test, the decision taken by the Board in the facts and circumstances of this case was fair, reasonable, well balanced and harmonious. **By accepting the third alternative, the High Court was perpetuating the illegality since there were serious allegations of leakage of question papers, large scale of impersonation by candidates, mass copying in the first written test.***

*38. We are also of the view that the High Court has committed a grave error in taking the view that the order of the Board could be judged only on the basis of the reasons stated in the impugned order based on the report of vigilance and not on the subsequent materials furnished by the CBI. Possibly, the High Court had in mind the constitution bench judgment of this Court in Mohinder Singh Gill and Anr. v. The Chief Election Commissioner, New Delhi and Anr. : (1978) 1 SCC 405*

*39. **We are of the view that the decision maker can always rely upon subsequent materials to support the decision already taken when larger public interest is involved.** This Court in Madhyamic Shiksha Mandal, M.P. v. Abhilash Shiksha Prasar Samiti and Ors.: (1998) 9 SCC 236 found no irregularity in placing reliance on a subsequent report to sustain the cancellation of the examination conducted where there were serious allegations of mass copying.*

*The principle laid down in Mohinder Singh Gill's case is not applicable where larger public interest is involved and in such situations, additional grounds can be looked into to examine the validity of an order. Finding recorded by*

*the High Court that the report of the CBI cannot be looked into to examine the validity of order dated 04.06.2004, cannot be sustained.*

.....

*43. We are also of the view that the High Court was in error in holding that the materials available relating to leakage of question papers was limited and had no reasonable nexus to the alleged large scale irregularity. **Even a minute leakage of question paper would be sufficient to besmirch the written test and to go for a re-test so as to achieve the ultimate object of fair selection.**"*

80. Similarly, the Hon'ble Apex Court in **Tanvi Sarwal vs. CBSE and Ors.** reported in **(2015) 6 SCC 573** ordered the cancellation of the All India Pre-Medical and Pre-Dental Entrance Test (AIPMT) due to widespread malpractices involving the use of electronic devices to cheat. The Court found that a deep-rooted conspiracy involving a gang of persons using electronic devices had compromised the integrity of the examination. The malpractices included transmitting answer keys to candidates during the test. Resultantly, the Court directed the Central Board of Secondary Education to conduct a fresh examination within a span of four weeks. In arriving at the decision, due weightage was accorded to the status reports filed by the investigating agency, which revealed the extent of the malpractices and the involvement of a nationwide network. The decision, in essence, emphasized the importance of maintaining the sanctity and fairness of competitive examinations like AIPMT. The relevant extract of the judgment is reproduced herein-under:-

**"12. The investigating agency in its report has stated in clear terms that from the disclosures recorded, it is beyond doubt that the strategy of providing answer key has been executed by an**

**organized gang with a network spreading over different parts of the country.** The Inspector General of Police, Haryana who was present with his team, having been granted the leave, submitted that the investigation in full swing is in progress and that undoubtedly many more beneficiaries of the plot would be identified at the earliest. **He however could not, provide a deadline of time by which it could be done and the ongoing investigation could be completed. He frankly admitted as well, that in the process it might not be possible to identify each and every beneficiary of the malpractice perpetrated.**

13. On a consideration of the revelations in course of the investigation, we are of the view that the examination indeed have been exposed to a deep rooted conspiracy of a gang of persons who with the aid of electronic devices have been able to access the beneficiary candidates with the answer keys during the test so as to enable them to solve the question paper. **This, as the investigation discloses was on the basis of a premeditated design and the benefit has been extended on monetary consideration. These, we hasten to add, are gathered from the status reports submitted before this Court from time to time, the authenticity whereof has not been questioned. The disclosures, to state the least, are startling and alarming as well. The status reports disclose involvement of persons who had been similarly involved in such a strategy and are the beneficiaries thereof. We have noted that the investigation in the cases registered has progressed well and having regard to the magnitude of the exercise involved, we accept that some more time would be necessary to complete the same in all respects.**

.....

16. **Segregation only of the already 44 identified candidates stated to be the beneficiaries of the unprincipled manoeuvre by withholding their results for the time being, in our comprehension cannot be the solution to the problem that confronts all of us. Not only thereby, if the process is allowed to advance, it would be pushed to a vortex of litigation pertaining thereto in the foreseeable future, the prospects of the candidates would not only remain uncertain and tentative, they would also remain plagued with the prolonged**

**anguish and anxiety if involved in the ordeal of court cases.** Acting on this option, would in our estimate, amount to driving knowingly the students, who are not at fault, to an uncertain future with their academic career in jeopardy on many counts. Further, there would also be a lurking possibility of unidentified beneficiary candidates stealing a march over them, on the basis of the advantages availed by them through the underhand dealings as revealed. Having regard to the fact, that the course involved with time would yield the future generations of doctors of the country, who would be in charge of public health, their inherent merit to qualify for taking the course can by no means be compromised.

.....

**19. We are aware, that the abrogation of the examination, would result in some inconvenience to all concerned and that same extra time would be consumed for holding a fresh examination with renewed efforts therefor. This however, according to us, is the price, the stakeholders would have to suffer in order to maintain the impeccable and irrefutable sanctity and credibility of a process of examination, to assess the innate worth and capability of the participating candidates for being assigned inter se merit positions commensurate to their performance based on genuine and sincere endeavours. It is a collective challenge that all the role-players would have to meet, by rising to the occasion and fulfill the task ahead at the earliest, so as to thwart and abort the deplorable design of a mindless few seeking to hijack the process for selfish gain along with the unscrupulous beneficiaries thereof.** Though the Board has taken a plea that having regard to the enormity of the exercise to be undertaken, the same cannot be redone before four months, we would emphasize that this is an occasion where it (the Board) ought to gear up in full all its resources in the right spirit, in coordination with all other institutions that may be involved so as to act in tandem and hold the examination afresh at the earliest. In the course of the arguments, this Court was apprised that on previous occasions such type of examination had been held anew within a period of one month. We have no reason to doubt, that all other institutions would not lag behind to extend all possible assistance to the Board in

*its renewed endeavour. **We are not unaware that in holding the present examination as well as in participating in the exercise, all genuinely concerned have put in tireless efforts. All these however have been rendered futile by a handful of elements seeking to reap undue financial gain by subjecting the process to their evil manoeuvres. We have thus no hesitation to order that the All India Pre-Medical and Pre-Dental Test stands cancelled....***"

81. In **Gohil Vishwaraj Hanubhai and Ors. vs. State of Gujarat and Ors.** reported in **(2017) 13 SCC 621**, the Hon'ble Apex Court upheld the Government of Gujarat's decision to cancel the 2014 Revenue Talati Examination due to widespread malpractices and allegations of large-scale tampering. In doing so, the Hon'ble Apex Court applied the principles of judicial review viz-a-viz illegality and irrationality alongside wednesbury's unreasonableness and procedural impropriety in the conduct of the examination. The Court found that the decision to cancel the examination was reasonable and not perfectly proportionate considering the underlying need to maintain the examination's integrity, especially taking note of the fact that identifying individual wrongdoers would be impractical and time-consuming.

82. While cancelling the examination, the Hon'ble Apex Court held as under:-

*28. The submission by the Appellants is that the mere fact that some of the candidates resorted to some malpractice cannot lead to the conclusion that the entire examination process is required to be cancelled as it would cause undue hardship to huge number of innocent candidates. In other words, the Appellants urge this Court to apply the primary review test.*

*29. We have already held that there were large scale malpractices at the examination process and the State*

was entitled to take appropriate remedial action. In the context of the occurrence of such malpractice obviously there can be two classes of candidates: those who had resorted to malpractice and Ors. who did not. By the impugned action, no doubt, all of them were treated alike. Whether such herding together would amount to the denial of the equal protection guaranteed Under Article 14? is the question.

**Identifying all the candidates who are guilty of malpractice either by criminal prosecution or even by an administrative enquiry is certainly a time consuming process. If it were to be the requirement of law that such identification of the wrong doers is a must and only the identified wrongdoers be eliminated from the selection process, and until such identification is completed the process cannot be carried on, it would not only result in a great inconvenience to the administration, but also result in a loss of time even to the innocent candidates. On the other hand, by virtue of the impugned action, the innocent candidates (for that matter all the candidates including the wrong doers) still get an opportunity of participating in the fresh examination process to be conducted by the State.**

*The only legal disadvantage if at all is that some of them might have crossed the upper age limit for appearing in the fresh recruitment process. That aspect of the matter is taken care of by the State. Therefore, it cannot be said that the impugned action is vitiated by lack of nexus with the object sought to be achieved by the State, by herding all the candidates at the examination together."*

83. In the case of **State of Tamil Nadu and Anr. vs. A. Kalaimani and Ors.** reported in **(2021) 16 SCC 217**, numerous allegations surfaced pointing to large-scale malpractices in the examination process. Specifically, these malpractices involved tampering with Optical Mark Recognition (OMR) sheets. The Teachers Recruitment Board conducted a further scrutiny of the examination results and findings. Upon this scrutiny, it was discovered that a total of 196 candidates had benefited from

fraudulent alterations of their marks. Given these circumstances, the Court drew upon and relied on the principles and rulings previously enunciated in the case of **Gohil Vishwaraj Hanubhai (Supra)**. The Court held that in situations like this, where serious doubts have been cast regarding the magnitude and extent of manipulation and malpractices in the conduct of the examination, due weightage and consideration must be given to these doubts. This is despite the fact that such a decision might cause inconvenience to candidates who were not involved in or tainted by the malpractices.

84. Resultantly, the Court upheld the finding of the Teachers Recruitment Board that there existed a likelihood or chance of more individuals being involved in the manipulation of marks in the examination. The decision taken by the Board to take action in light of these findings was considered to be a bona fide decision. The rationale behind this was to instill and maintain confidence in the public regarding the integrity of the selection process for teachers. The Board's actions were aimed at ensuring that the selection process was fair, transparent, and free from the influence of malpractices, thereby upholding the credibility of the examination outcomes.

85. Similarly, in **Sachin Kumar and Ors. vs. Delhi Subordinate Service Selection Board and Ors.** reported in **(2021) 4 SCC 631**, the Hon'ble Apex Court made observations regarding the determination of when the examination process is compromised or vitiated due to the presence of irregularities. The Court noted that making such a determination necessitates a

thorough and in-depth fact-finding inquiry into the specifics of the case. The crux of the matter lies in assessing whether the irregularities that occurred were systemic in nature, meaning they were widespread or ingrained enough within the examination process to undermine the sanctity, credibility, and integrity of the entire process. In certain cases, the irregularities detected may be so severe that they border on or even constitute fraud. When this happens, the credibility and legitimacy of the examination process are severely damaged. In such scenarios where widespread irregularities or fraud have corrupted the process to a significant extent, and it becomes difficult or impossible to distinguish or separate the participants who were tainted by these irregularities from those who were not involved, the only viable option may be to cancel the entire result of the examination.

86. Having said that, the Hon'ble Apex Court observed that on the other hand, there are cases where irregularities were committed but only by some of the participants. In these situations, it might be feasible to segregate or distinguish the wrongdoers from those candidates who adhered to the rules and did not engage in any misconduct. Here, the principle is that the innocent candidates should not suffer or be penalized for the wrongful actions of others. By identifying and segregating those who were guilty of misconduct, the selection process for the remaining untainted candidates can proceed to its logical conclusion. The Hon'ble Apex Court underscored that this approach aligns with the constitutional principles of equality of opportunity as guaranteed under Article 16(1) of the Constitution



of India while also adhering to the fundamental requirements of Article 14 of the Constitution of India, which mandates that any process undertaken by the state must be fair, equitable, and reasonable.

87. In essence, the Court clarified that due care must be taken to ensure that innocent candidates are not unfairly penalized or treated in the same manner as the wrongdoers by virtue of cancelling the entire examination process. In an event where they are, treating both the innocent and the wrongdoers equally in such a scenario would amount to treating unequals equally, which would be a violation of Article 14 of the Constitution. The principle is that innocent candidates should not be punished for faults or misconduct they did not commit. Thus, it was conclusively held that while the recruiting body has a certain measure of discretion in making decisions regarding the conduct and outcome of examinations, however, such decisions are always subject to judicial control and review and accordingly, the body must balance its discretion with the need to ensure fairness and equity in the process.

88. The relevant extract of the dictum enunciated in **Sachin Kumar (Supra)** is reproduced herein-under:-

**"57. Recruitment to public services must command public confidence. Persons who are recruited are intended to fulfil public functions associated with the functioning of the Government. Where the entire process is found to be flawed, its cancellation may undoubtedly cause hardship to a few who may not specifically be found to be involved in wrongdoing. But that is not sufficient to nullify the ultimate decision to cancel an examination where the nature of the wrong-doing cuts through the entire process so as to seriously impinge upon the**



***legitimacy of the examinations which have been held for recruitment.*** Both the High Court and the Tribunal have, in our view, erred in laying exclusive focus on the report of the second Committee which was confined to the issue of impersonation. The report of the second Committee is only one facet of the matter. The Deputy Chief Minister was justified in going beyond it and ultimately recommending that the entire process should be cancelled on the basis of the findings which were arrived at in the report of the first Committee. Those findings do not stand obliterated nor has the Tribunal found any fault with those findings. In this view of the matter, both the judgments of the Tribunal and the High Court are unsustainable.”

89. More recently, in **Vanshika Yadav vs. Union of India and Ors.** reported in **(2024) 9 SCC 743**, the Hon’ble Apex Court shed further light on the distinction between the tainted and untainted candidates in an examination where malpractices are alleged and what recourse must the examination administering body take in an event where the two sets of candidates may or may not be distinguishable. The Court made observations regarding the methodology that courts should employ when adjudicating cases that involve allegations of malpractices in examinations or similar competitive processes. The Court stressed the importance of adopting a holistic view of the circumstances surrounding the allegations of malpractice. This holistic approach involves assessing the extent to which unfair means were utilized during the examination process. Additionally, it involves evaluating whether it is feasible to differentiate or separate the candidates who were implicated or tainted by these malpractices from those candidates who remained untainted and conducted themselves in accordance with the rules.



90. In the process of adopting this comprehensive or holistic view, and in making a determination regarding the allegations of malpractice, the Court must ensure that the allegations are substantiated. This substantiation requires that the material available on record, which includes investigative reports or other relevant evidence pertaining to the case, supports the conclusion that malpractices did indeed occur. The Court underscored the necessity of having at least some evidence on record to justify reaching a conclusion about the occurrence and implications of the alleged malpractices. At the same time, the Supreme Court clarified that the threshold or standard of evidence needed to establish that malpractices occurred does not need to be excessively rigid or unreasonably strict. In particular, the evidence or material on record is not required to conclusively point to a singular, definitive finding that malpractice took place at a systemic level throughout the examination.

91. Therefore, for the Court to be satisfied that malpractices have affected the examination process, there needs to be a genuine or real possibility of systemic malaise or widespread problems as indicated by the material presented before the Court. This suggests that the evidence must be indicative of a level of malpractices significant enough to potentially compromise the overall integrity of the examination process.

92. Most recently, the Supreme Court of India in **Special Leave Petition (Civil) No. 9586/2024** titled as **State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) and Ors.**



upheld the Calcutta High Court's decision declaring the 2016 West Bengal School Service Commission (WBSSC) recruitment process null and void, citing systemic fraud, procedural lapses and manipulation in the recruitment process. In support of the malpractices, reliance was placed upon the evidence on record which exhibited serious irregularities including rank jumping, fake panels and prima facie liability of the WBSSC officials themselves. The primary rationale, underscoring the tone of the judgment, stressed on the fact that 'fraud vitiates everything', overriding individual innocence in the face of systemic corruption and administrative complicity. The Court relied on several precedents, many of which are discussed above, to justify the quashing of the recruitment process due to compromised integrity and public confidence, which are the cornerstones of any fair selection process in the public sphere.

93. The relevant extract of the dictum enunciated in **Baishakhi Bhattacharyya (Supra)** is reproduced herein-under:-

*"19. The following principles emerge from the aforesaid discussion:*

- When an in-depth factual inquiry reveals systemic irregularities, such as malaise or fraud, that undermine the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity.*
- The decision to cancel the selection en masse must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable.*



- *Despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the selection process is proven, due weightage has to be given to maintaining the purity of the selection process.*
- *Individual notice and hearing may not be necessary in all cases for practical reasons when the facts establish that the entire selection process is vitiated with illegalities at a large scale.*

.....

**43. WBSSC and the candidates have raised pleas of estoppel, delay, and laches in filing the writ petitions. In our view, the impugned judgment correctly dismisses these pleas, relying on this Court's judgment in *Chennai Metropolitan Water Supply and Sewerage Board and Ors. v. T.T Murali Babu: (2014) 4 SCC 108*. The judgment distinguishes between acquiescence, delay and laches, noting that they have distinct characteristics, though the underlying principle remains one of estoppel. Laches refers to remissness or slackness, involving unreasonable delay or negligence in seeking equitable relief, which prejudices the other party. **It arises from the neglect of a party to assert their right, thereby preventing them from obtaining relief. In our opinion, this bar does not apply here, as the fraud and illegalities were only uncovered in 2021 and 2022. Applying the defence of laches, which is not a statutory bar, would be contrary to equity and justice in these circumstances.** The principle of acquiescence also does not apply, as it assumes knowledge of the act, followed by passive acceptance. Therefore, it introduces a new implied defence that does not fit the facts of this case. Delay, as a general principle, encompasses both laches and acquiescence, and delay is always fact-specific. **In this case, where fraud was concealed, as well as a cover up was practised, these principles cannot be applied.**"**

**C. Key takeaway's from the cited legal authorities/precedents, discussed above.**

94. After having carefully taken note of the judicial developments over the years, this Court deems it appropriate to outline the key principles regarding the cancellation of a selection



process due to systemic irregularities or fraud, deduced from the foregoing judgments of the Hon'ble Apex Court. They are as follows:-

- \* **Principle 1: Cancellation Due to Systemic Irregularities:** When an in-depth factual inquiry reveals systemic irregularities like malaise or fraud that undermine the integrity of the entire selection process, then in such circumstances, the result should be cancelled in its entirety. However, if and where possible, segregation of tainted and untainted candidates should be done, with special emphasis on fairness and equity.
- \* **Principle 2: Basis for Cancellation Decision:** The decision to cancel the selection *en masse* must be based on sufficient material collected through a fair and thorough investigation. This material does not need to conclusively prove malpractice beyond a reasonable doubt. Instead, the standard of evidence should be reasonable certainty of systemic malaise, applying the probability test.
- \* **Principle 3: Prioritizing Process Purity:** Despite the inconvenience caused to the untainted candidates, when broad and deep manipulation in the selection process is proven, due weightage has to be given to maintaining the purity of the selection process. This ensures public trust in government recruitment and upholds Article 14 and 16 of the Constitution of India, certifying equality before the law and equality of opportunity in public employment.
- \* **Principle 4: Individual Notice and Hearing:** Individual notice and hearing may not be necessary in all cases for practical



reasons when the facts establish that the entire selection process is vitiating with illegalities at a large scale. This approach prevents undue delays and ensures swift action to restore fairness, especially when systemic fraud affects the entire process.

**D. Illegalities in the Selection/Recruitment Process**

95. After having meticulously taken note of and considered the legal jurisprudence pertaining to the subject of when, and under what circumstances, if at all, the entire selection process ought to be struck down in cases where irregularities have been alleged or established, this Court, at this present stage of the proceedings, deems it necessary to analyze the record of the instant petition. This analysis is undertaken with the purpose of noting in great detail and particularity, the outcome of the investigation that has been conducted by the Special Investigation Team (SIT). The SIT's investigation was constituted to inquire into the allegations of malpractices in the Sub-Inspector (SI) Recruitment Process 2021. The object of this detailed examination is to explicitly lay down, delineate, and particularize the extent and scope of the malpractices that were found to have crept into, tainted, or otherwise impacted the said SI Recruitment Process 2021.

96. The report that has been submitted by Mr. Vijay Kumar Singh, who holds the position of Additional Director General of Police for the Anti-Terrorist Squad (ATS) and Special Operations Group (SOG), and who is also the Chief/Chairman of the Special Investigation Team (SIT), dated the 13.08.2024, sets forth in detail the findings and outcomes of the investigation that was



conducted under the aegis of the SIT into the allegations of malpractices and irregularities in the Sub-Inspector Recruitment Process 2021. The findings noted are as follows:-

A) The paper of both the shifts of the examination conducted on 13.09.2021 was leaked by the Kaler Gang:

(i) At Shri Ramsahay Adarsh Secondary School, located in Rampura Basti, District Bikaner, the solved and leaked examination paper was copied and transmitted using a Bluetooth device by Mr. Tulcharam Kaler and Mr. Paurav Kaler, who are related as uncle and nephew. The investigation team noted that a Bluetooth device operates in a manner similar to a mobile communication device, wherein it utilizes a connection to a mobile phone which has a SIM card, and communicates through a small earpiece that is placed in the ear of the user. In this particular instance, a call was made from a mobile phone operated by a person located outside the examination centre to candidates who were sitting inside the examination centre. Upon the initiation of the call from the outside person, the Bluetooth device automatically activated, thereby enabling the earpiece to receive the communication. In accordance with the established modus operandi of the Kaler paper leak gang, both the Bluetooth device as well as the mobile phone that were utilized for the purpose of transmitting the leaked paper were destroyed immediately after the conclusion of the examination.

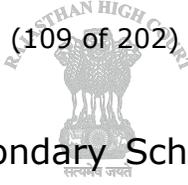
(ii) It is an established fact that both Mr. Tulcharam Kaler and Mr. Paurav Kaler have previous criminal antecedents. Mr.



Tulcharam Kaler was selected as a Sub-Inspector in 1991 but was dismissed from service in 1993 due to a case registered against him under Sections 365, 342, and 394 of IPC. In 2007, both appeared in the Sub-Inspector exam together; Tulcharam wrote the exam for Paurav by exchanging answer sheets, leading to Paurav's selection. After a 2010 complaint to RPSC, both were arrested, and Paurav was denied joining as Sub-Inspector. Subsequently, Tulcharam opened Chanakya Coaching Institute in Bikaner where Paurav taught since 2011. Using the institute as cover, the Kaler Gang leaked papers and facilitated cheating via Bluetooth devices for candidates in government jobs. The investigation notes the Kaler Gang didn't need the paper before the exam as cheating was done inside the exam hall using Bluetooth earpieces.

(iii) Other members of the Kaler-operated paper leak gang included Rajaram alias Raju Matrix, who ran Matrix Classes coaching centre in Bikaner. Raju Matrix and Tulcharam Kaler had good relations, teaching in each other's institutes. They also had contacts with Mr. Charan and Praveen Kumar, who taught in Bikaner coaching institutes. Praveen Kumar was later selected as an auditor in CAG Jaipur.

(iv) The written examination for the Rajasthan Police Sub-Inspector Recruitment 2021 was scheduled to be conducted over the course of three days, specifically on the 13<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> of September 2021, with the examination being held in two shifts each day. One of the designated examination centers for the conduct of this examination was Shri



Ramsahay Adarsh Secondary School, located in Bikaner. The Kaler Gang, in active collusion and concert with Raju Matrix, devised and executed a plan to leak the question papers for all three days of the examination before the commencement of the examination. Dinesh Singh Chauhan, who holds the position of Director/Owner of the said Shri Ramsahay Adarsh Secondary School, entered into a monetary deal with Raju Matrix and his associates to leak the question papers for all three days of the examination prior to the start of the examination, for a sum of Rs. 5 lakhs per day.

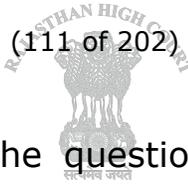
(v) On the first day of the examination, 13.09.2021, Dinesh Singh Chauhan assigned Raju Matrix the duty of acting as an invigilator for the impugned examination at his school. Before the start of the first shift of the examination, Dinesh Singh Chauhan opened the sealed envelope containing the question paper for the first shift (Hindi paper), and gave the said paper to Raju Matrix. Raju Matrix then took a photograph of the said question paper using his mobile phone and sent it to the Kaler Gang on their mobile numbers. Similarly, before the start of the second shift of the examination, Dinesh Singh Chauhan opened the sealed envelope containing the question paper for the second shift (General Knowledge paper), gave it to Raju Matrix, who again took a photograph of the paper using his mobile phone and sent it to the Kaler Gang.

(vi) Thereafter, in order to solve the leaked question papers that had been sent to them, the Kaler Gang utilized the aid and assistance of professors from coaching institutes,



specifically Mr. Charan and Mr. Kumar, who were professors of Hindi and General Knowledge respectively. With their help, the Kaler Gang solved the leaked papers and subsequently communicated the answers to the candidates who were part of their network, in exchange for monetary considerations. During the course of the investigation into this matter, a case bearing number 10/2024 was lodged against the accused persons named hereinabove, under Sections 419, 420, 467, 468, 471, 477, 477A read with Section 34 and 120B of the Indian Penal Code (IPC), Sections 3, 4, and 5 of the Rajasthan Public Examination (Prevention of Unfair Means) Act 1992, and Section 66D of the Information Technology Act. Following the lodging of the case, the accused persons were arrested and they narrated the above-noted facts during the investigation.

(vii) Due to the documented paper leak that occurred in Bikaner alone, three candidates were successfully selected to the post of Sub-Inspector, namely Ankita Godara, Manisha Siyag, and Prabha Bishnoi. In addition to these selected candidates, several other candidates, namely Surendra Jat, Manisha Gila, Manoj, Babita, Nirma, Rajaram Bishnoi, and Raghuveer Charan, passed the written examination with the aid of the leaked paper. However, these latter candidates were unable to succeed beyond the stage of the written examination. At this stage, it is also material to note that Dinesh Singh Chauhan, who holds the position of Director/Owner of the school and who had opened the sealed



envelopes containing the question papers, was arrested on the evening of 13.09.2021. As a consequence of his arrest, he was unable to further aid and assist the Kaler Gang in obtaining the question papers for the subsequent days of the examination.

(viii) At the same time, it is a noteworthy and significant fact that the leaked examination papers which were transmitted to Raju Matrix via Dinesh Singh Chauhan, were not only sent to the Kaler Gang but were also disseminated to Narendra Khinchhad and Vikas Bishnoi in the district of Pali through the medium of Whatsapp. In relation to the said leakage of the examination paper, further cases were lodged in Pali, and arrests were made in connection therewith.

(ix) In Pali, a report was submitted by Mr. Hemand Kumar Joshi, Principal of Bharatiya Vidya Mandir Higher Secondary School Ramnagar Pali, under Sections 420, 417, 188, 120B of IPC, Sections 4/6 and 6A of the Rajasthan Public Examination (Prevention of Unfair Means) Act 1992, and Section 66D of the IT Act. The report pertained to an incident involving Rajesh Beniwal, a candidate in the recruitment process, whose examination center was Bharatiya Vidya Mandir Higher Secondary School, Pali. During the Hindi paper examination of the first shift on 13.09.2021, a Redmi multimedia mobile was found in Rajesh Beniwal's underwear when invigilator Mr. Pawan Sharma checked at around 10:30 AM. Rajesh Beniwal disclosed that his friend Narendra Khinchhad, sitting in a Tata Harrier car outside, was aiding in cheating. Both were



arrested. Notably, in Narendra Khinchhad's car, items including a mobile POCO X3, Bluetooth device, spy camera, Wifi dongle, and a diary with instructions on cheating were found. Interrogation revealed associates of Beniwal and Khinchhad in Bikaner had solved and distributed the leaked paper. The Redmi device had a Business Group on WhatsApp with answers to the leaked paper. Investigation showed Rajesh Beniwal and Narendra Khinchhad contacted Dinesh Singh Chauhan to leak papers from Shri Ramsahay Adarsh Secondary School, Bikaner.

(x) Regarding the monetary aspect of the deal concerning the paper leakage, Dinesh Singh Chauhan initially demanded twenty lakh rupees for his involvement. However, Rajesh Beniwal and Narendra Khinchhad found this excessive, leading them to contact Raju Matrix. Raju Matrix negotiated with Dinesh Singh Chauhan, and they reached an agreement for the supply of the leaked question papers for a sum of Rs. 15 lakhs. As per the investigation report concerning the leak of the question paper in Bikaner and Pali, it is extremely significant and material to note that Raju Matrix received the Hindi Question Paper from Dinesh Singh Chauhan at 9:50 AM on 13.09.2021. Dinesh Singh Chauhan took a photograph of the paper and sent it to Narendra Khinchhad and Vikas Bishnoi through WhatsApp. The latter had the paper solved by coaching operator Naresh Dan and sent the solved paper back. A paper solving team operated from House Number C-193 Muralidhyar Vyas Colony. The team comprised Dinesh



Beniwal, Vikas Saran, Rajaram, Suresh Kumar, Mahesh, and Vasudev.

(xi) It is extremely important to note, as per the SIT Report, that dozens of people were connected to the WhatsApp Business Group of Exam Master Rajesh Beniwal's mobile. Therefore, the SIT Chairman explicitly noted in the report that the possibility of the solved examination papers having reached many more candidates cannot be ruled out. In essence, the investigation team concluded that the possibility of the leakage in Bikaner having led to a large-scale circulation across the State cannot be ruled out, and information regarding the large extent of such circulation might not be fully known to the investigation team. Similar suit, on a similar pattern, was also followed for the second paper on 13.09.2021 i.e. General Knowledge, which came in the possession of the Kaler Gang, who helped candidates cheat with the aid of Bluetooth devices.

(xii) The investigation report, explicitly noted the fact of the filing of charge-sheet's against the above named accused.

B) Exam paper of both shifts of 14.09.2021 leaked by Jagdish Bishnoi Gang (Ravindra Bal Bharti Senior Secondary School, Shanti Nagar, Hasanpura, Jaipur).

(i) Modus Operandi: Copying done from the solved leaked paper by the Jagdish Bishnoi Gang.

(ii) It is an established fact of record that Jagdish Bishnoi is a habitual offender with a propensity for engaging in malpractices related to paper leaks in examinations. He was



initially posted as a third-class teacher in March 2008 at Government Higher Primary School, located in Tehsil Fagi, District Jaipur. He remained posted at this school until October 2010. In October 2010, Jagdish Bishnoi was transferred and posted to Government Higher Primary School Dhabas, Hirapura, Jaipur. However, merely two days after joining the said school, he was suspended from service due to the registration of case number 335/2010 at Police Station Kardhani, Jaipur. This case pertained to allegations of cheating in the recruitment examination for his own job. Subsequently, Jagdish Bishnoi, also known by the alias Guru, was dismissed from government service in the year 2020 owing to his involvement in the leakage of papers for various examinations. While holding the position of a government teacher, Jagdish Bishnoi initiated the practice of providing pre-examination papers to candidates by leaking these papers for various competitive exams. By doing so, he took unfair advantage of the situation and garnered benefits, thereby establishing himself as the kingpin of a paper leak gang.

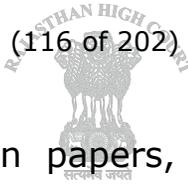
(iii) Jagdish Bishnoi, along with other associates of his gang, has been leaking papers for competitive examinations since the year 2010. He provided these leaked papers to various candidates before the examinations, in return obtaining unfair benefits. He is considered the main leader of the gang that engages in leaking papers and facilitates cheating by others. As of the current date, Jagdish Bishnoi has over 13 criminal



antecedents that are akin to the offense of paper leakage in public recruitment examinations.

(iv) The modus operandi of the Jagdish Bishnoi gang for leaking the examination paper for the impugned examination is as follows: The Rajasthan Public Service Commission (RPSC) conducted the examination from 13.09.2021 to 15.09.2021 across the entire State. Candidates were required to solve one paper in the morning shift (10:00 AM to 12:00 PM) and another paper in the evening shift (3:00 PM to 5:00 PM). One of the designated examination centers for this exam was Ravindra Bharti Senior Secondary School, Jaipur. Jagdish Bishnoi, in connivance with Pankaj Chaudhary and Shivratan, hatched a criminal conspiracy to leak the question papers of this examination in collaboration with Rajesh Khandelwal, the center superintendent of Ravindra Bharti Senior Secondary School. As part of this conspiracy, Rajesh Khandelwal arranged for Pankaj Chaudhary to be an invigilator to facilitate access to the principal's office where the question papers were kept. The plan was for Pankaj Chaudhary to enter the principal's office before the question papers arrived, take a photograph of the paper using a mobile phone, and send it to Jagdish Bishnoi via WhatsApp.

(v) On 13.09.2021, due to heavy surveillance outside the principal's office, the gang could not execute the plan successfully. However, on 14.09.2021 and 15.09.2021, Pankaj Chaudhary entered the principal's office, hid in a small room before the question papers arrived, made a slit in the packet



containing the question papers, took a photograph of the paper, and sent it to Jagdish Bishnoi via WhatsApp. Jagdish Bishnoi, who was at an apartment in Rangoli Garden, Jaipur, with his paper solvers (Ganhar Lal Manju, Praveen Bishnoi, Rajiv Bishnoi), took a printout of the question paper, got it solved, and sent the solved paper to site handlers of Pankaj Chaudhary across Rajasthan via a WhatsApp group.

(vi) Candidates who had deals with Pankaj Chaudhary were taught the solved leaked paper near their respective examination centers through these site handlers on 14.09.2021. After teaching, site handlers took candidates to examination centers. Post-first shift, candidates were taken out, taught the second shift paper, and sent back. Jagdish Bishnoi's associate Pankaj Chaudhary provided site handlers across Rajasthan. Arrested candidates couldn't provide information about site handlers, suggesting they may be numerous and still at large. A reward of Rs. 1 lakh has been announced for Pankaj Chaudhary, presumed to be abroad.

(viii) During the examination, Jagdish Bishnoi sent the solved question paper not only to the WhatsApp group but also to Harshvardhan Meena, another member of the organized gang, via WhatsApp on 14.09.2021. Harshvardhan Meena then sent the solved paper to his associates Ashok Singh Nathawat and Rajendra Yadav alias Raju, and to Rinku Sharma, via WhatsApp. As per Harshvardhan Meena's instructions, Ashok Singh Nathawat and Rajendra Yadav traveled to Udaipur on 14.09.2021 and taught the solved papers to two boys there.



Harshvardhan Meena also sent the solved paper to Rinku Sharma. The solved paper was made available to many candidates. Ashok Singh Nathawat sold the paper dated 14.09.2021 to Anil Kumar Meena, who further sold it to Bhupendra Saran, and then to Suresh Dhaka. Anil Kumar Meena taught the paper to candidates through site handlers at different locations.

(ix) The members of this gang destroyed mobile handsets, SIM cards, printers, etc., used during the examination to destroy evidence. It was the gang's modus operandi to destroy mobile systems after the exam to prevent detection and to ensure beneficiaries also destroy their devices. The gang members communicated through various calling applications and virtual numbers on social media, ensuring end-to-end encrypted safety of conversations.

(x) It is extremely important and noteworthy that Harshvardhan Meena, Anil Kumar Meena, Bhupendra Saran, Rinku Sharma, and Suresh Dhaka are notorious for involvement in paper leaks of various examinations. Anil Kumar Meena, then Principal of Government Higher Secondary School in Sihori district, in connivance with RPSC member Babu Lal Katara, leaked papers in the Second Class Teacher Recruitment Examination 2022, leading to large-scale cheating including the "Bakaria bus incident" where 42 people cheated together. In the context of the current examination, Anil Kumar Meena sent papers of both shifts on 14.09.2021 to associates Vinod Rewad, Kamlesh Meena, Arun Sharma, and

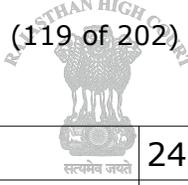


others. Anil Kumar Meena and associates taught these papers to numerous candidates on a large scale. Associates Vinod Rewad and Kamlesh Meena are absconding. Vinod Rewad operates a school in his village with a big network for teaching papers. Kamlesh Meena works in railways in Ajmer and has made many candidates cheat. Arun Sharma taught papers to several candidates in Jodhpur at Anil Kumar's behest. The gang operates across Rajasthan, making it difficult to determine the extent of paper distribution and cheating. Bhupendra Saran sold the solved paper to Suresh Dhaka for Rs. 50 lakh for large-scale cheating through site handlers.

**जगदीश बिश्रोई गैंग द्वारा सॉल्वड लीक पेपर की नकल करवाकर चयनित करवाये गये अभ्यर्थी**

**परीक्षा दिनांक 14.9.2021**

क्र. सं.	नाम अभ्यर्थी	मेरिट नम्बर	रोल नम्बर	परीक्षा केन्द्र का नाम	प्रशिक्षण संस्थान का नाम
1.	श्रीमती चंचल कुमारी पत्नी श्री भजनलाल पुत्री श्री श्रवणराम विश्रोई, उम्र 25 साल, निवासी फिटकासनी, थाना कुडी भगतासनी जिला जोधपुर (हार्डकोर अपराधी श्रवण बाबल की पुत्री)	372	631127	CHHATRAPATI SHIVAJI CHILDREN SR. SEC. SCHOOL SHIVPURA. KOTA, DISTT./TEHSIL KOTA, PIN CODE 324001. PH-9414939375	आरपीटीसी किशनगढ़ गिरफ्तार
2.	श्रीमती नारंगी कुमारी पत्नी श्री रामजीवन पुत्री विरमाराम बिश्रोई, उम्र 27 साल, निवासी डूंगरवा, पुलिस थाना बागोड़ा, जिला जालौर (जगदीश बिश्रोई की साली)	1092	423608	ADARSH VIDYA NIKATAN SEC SCHOOL REGIONAL COLLEGE CHORAHA, AJMER, DIST.: AJMER PIN CODE 305001 PH-8432230668	आरपीए जयपुर गिरफ्तार
3.	श्रीमती एकता पत्नी अंकित राहड़ पुत्री श्री मोहनसिंह जाट, उम्र 31 साल निवासी 10 पूनिया कॉलोनी, पुलिस थाना कोतवाली, जिला	123	539303	NAVJEEVAN SR. SEC. SCHOOL KRISHNAPURI, 8. RAKDI, SODALA JAIPUR, PIN-302001 PH-0141-	आरपीए जयपुर गिरफ्तार



	चुरू			2450212	
4.	श्रवण कुमार बिश्रोई पुत्र श्री जयकिशन विश्रोई उम्र 32 साल, निवासी राणसर खुर्द, तहसील गुड़ामालानी, थाना रामेश्वरी गैस टर्मिनल, जिला बाड़मेर	199	693176	SANGAM INTERNATIONAL SCHOOL BEHIND AYURVEDIC HOSPITAL, MAINROAD, NORTH SUNDERWAS UDAIPUR PH-9680079015	आरपीए जयपुर गिरफ्तार
5.	सुभाष विश्रोई पुत्र अर्जुनराम विश्रोई, उम्र 32 साल निवासी गुड़ा बिश्रोईयान, थाना विवेक विहार, जिला जोधपुर	28	505173	GOVT. SR. SEC. SCHOOL OLD VIDHYADHAR NAGAR, SEC-S, JAIPUR PIN_CODE 302039 PH-0141-2234200	आरपीए जयपुर गिरफ्तार
6.	अजय बिश्रोई पुत्र श्री बाबूराम, जाति बिश्रोई उम्र 27 साल, निवासी विनायक पुरा, भवाद, थाना करवड़, जिला जोधपुर।	55	559244	SHIVALIK PUBLIC SR SEC. SCHOOL 59-60, JAGDISH VIHAR, NEAR BUS STAND, JAGATPURA, JAIPUR PIN-302001 PH-0141-27555631	आरपीए जयपुर गिरफ्तार
7.	मनोहर लाल पुत्र श्री किशनाराम विश्रोई, उम्र 30 साल, निवासी फागलिया, थाना बाखासर, जिला बाड़मेर	52	507426	MAHATMA GANDHI GOVT. SCHOOL DHANI KUMAWATAN, SANGNER, JAIPUR, DIST/TEHSIL JAIPUR PIN-302001 PH-0141-2732289	आरपीए जयपुर गिरफ्तार
8.	दिनेश कुमार पुत्र श्री गंगाराम, निवासी जाम्बो जी का मन्दिर, तहसील धोरीमन्ना, थाना धोरीमन्ना, जिला बाड़मेर	119	687884	RASHTRA BHARATI ACADEMY SR SEC SCHOOL BEHIND RAJASTHAN HOSPITAL, SECTOR 14, HIRAN MANGRI, UDAIPUR PIN-313001 PH-9660261950	आरपीए जयपुर गिरफ्तार
9.	अभिषेक बिश्रोई पुत्र दलपतसिंह जाति बिश्रोई, उम्र 32 साल, निवासी गुड़ा बिश्रोईयान तहसील लूनी, पुलिस थाना विवेक विहार, जिला जोधपुर	8	552064	DHRUV BAL NIKETAN SR.SEC. SCHOOL (BUILDING NO.3) WING-1 10, SITARAMPURI, OLD RAMGARII MODE] AMER ROAD, JAIPUR PIN-302001, PH-7230066773	ज्वॉईन नहीं किया गिरफ्तार

10.	प्रवीण बिश्रोई पुत्र श्री कुलदीप, निवासी डावल, थाना चितलवाना, जिला सांचौर	33	588281	GOVT. SEC. SCHOOL HEERA PATH, MANSAROVER JAIPUR, PH-2786824	ज्वॉईन नहीं किया फरार
11.	अभय सिंह पुत्र श्री पूनम चन्द, निवासी सिवाड़ा थाना चितलवाना, जिला सांचौर	7	678756	MAHATMA GANDHI GOVT. SCHOOL KANWARPADA NANI GALI JAGDISH CHOWK, UDAIPUR, DIST.: UDAIPUR PIN-313001 PIH-	आरपीए जयपुर फरार
12.	भागीरथ बिश्रोई पुत्र श्री जयकिशन, निवासी मोखातरा, तहसील रानीवाड़ा, जिला जालौर	87	525262	VEDIK GIRLS SR. SEC. SCHOOL ADRASH NAGAR RAJA PARK, JAIPUR, PIN-302001 PH-0141-2621146	आरपीए जयपुर फरार
13.	गोविन्द कुमार पुत्र श्री बीरमा राम चौधरी, निवासी भादरूना, सांचौर थाना झाब, जिला सांचौर	39	521970	BHASKAR PUBLIC SR SEC SCHOOL AGRWAL DISPENSARY 117/353, FARM, ROAD MANSROVER, JAIPUR, DIST.: JAIPUR PIN-302001 PH-2397129	आरपीए जयपुर फरार

C) Paper leak of both the shifts of 15.09.2021 by Jagdish Bishnoi Gang (Ravindra Bal Bharti Senior Secondary School, Shanti Nagar, Hasanpura, Jaipur).

In congruence with the pattern noted above, the Jagdish Bishnoi gang facilitated cheating by utilizing solved leaked papers. The kingpin of the gang, Jagdish Bishnoi, arranged for the leakage of papers for both shifts of the examination conducted on 15.09.2021. This was achieved through Pankaj Chaudhary and Shivratan in connivance with Rajesh Khandelwal, who was the center superintendent of Ravindra Bharti Senior Secondary School. The modus operandi

employed for leaking the papers on 15.09.2021 was identical to that used for the examination conducted on 14.09.2021.

जगदीश बिश्रोई गैंग द्वारा सॉल्वड लीक पेपर की नकल करवाकर चयनित करवाये गये अभ्यर्थी

**परीक्षा दिनांक 15.9.2021**

क्र. सं.	नाम अभ्यर्थी	मेरिट नम्बर	रोल नम्बर	परीक्षा केन्द्र का नाम	प्रशिक्षण संस्थान का नाम
1.	नरेश कुमार पुत्र श्री भेराराम बिश्रोई, उम्र 25 साल, निवासी मालवाड़ा थाना चितलवाना, जिला जालौर (सांचौर)	1	826334	CHOUDHARY PUBLIC SR. SEC. SCHOOL (ENGLISH MEDIUM) 32-33, JANTA NAGAR, RAKADI, SODALA, JAIPUR PIN- 302001 PH-0141-2450217	आरपीए जयपुर गिरफ्तार
2.	गोपीराम जांगू पुत्र श्री किशनाराम बिश्रोई, उम्र 25 साल, निवासी सियागों की बेरी, थाना धोरीमन्ना, जिला बाड़मेर	135	790598	HEERA LAL SHOUBHAG MAL SEC SCHOOL ROAD NO 5, CINE MAGIC CINEMA HALL KE PASS, BIKANER, DIST/TEHSIL BIKANER, PIN-334001 PH-1512110350	आरपीए जयपुर गिरफ्तार
3.	सुश्री राजेश्वरी पुत्री श्री बाबुलाल बिश्रोई उम्र 25 निवासी हालीवाव पोस्ट विरावा, थाना चितलवाना जिला जालौर	542	839127	NAVJEEVAN SIR. SEC. SCHOOL I 8, KRISHNAPURI, RAKDI, SODALA JAIPUR, PIN-302001 PH-0141-2450212	आरपीए जयपुर गिरफ्तार
4.	सुरेन्द्र कुमार पुत्र श्री मोहनराम विश्रोई उम्र 29 साल, निवासी दांता सरनाउ, थाना सांचौर जिला सांचौर	20	743823	CENTRAL ACADEMY SR. SEC, SCHOOL SCH. NO-8, GHANDHI NAGAR, ALWAR, DIST/TEHSIL ALWAR, PIN CODE-301001 PH-0144-2345897	आरपीए जयपुर गिरफ्तार
5.	श्रीमती प्रेमसुखी पत्नी श्री राजकुमार पुत्री श्री रामस्वरूप विश्रोई, उम्र 29 साल, निवासी	72	973437	GOVT. GIRLS SR. SEC. SCHOOL BEHIND JAGDISH	आरपीए जयपुर गिरफ्तार



	मुक्ता प्रसाद, सेक्टर 3. सोनू मौनू स्कूल के पास, बीकानेर			TEMPLE, JAGDISH CHOWK, DIST: UDAIPUR PIN- 313001 PH 0294-2421253	
6.	रोहिताश्व कुमार पुत्र श्री शिशुपाल जाट, उम्र 42 साल निवासी भुडा का बास, थाना मलसीसर, जिला झुन्झुनु	385	942213	LZEBRA COLLEGE BLOCK B. SYDNEY STREET. RAWATBHATA ROAD, DIST/TEHSIL KOTA PIH- 9460176313	आरपीए जयपुर गिरफ्तार
7.	करणपाल गोदारा पुत्र ओमप्रकाश जाट, उम्र 27 साल निवासी 34, जाटों का मोहल्ला, वार्ड नंबर 5. लालेरा पोस्ट खोकरना, थाना लूणकरणसर, जिला बीकानेर	22	889027	R.P. SR. SECONDARY SCHOOL WING2 18-19. DEV NAGAR C RAMPURA ROAD. SANGANER, JAIPUR PH- 9414261954	आरपीए जयपुर गिरफ्तार
8.	विवेक भाम्बु पुत्र श्री जगदीश चन्द्र जाट, उम्र 32 साल, निवासी पूनिया कॉलोनी, थाना कोतवाली चूरू, जिला चूरू (यूनिक भाम्बु उर्फ पंकज चौधरी का भाई)	24	843424	VINAYAK PUBLIC SR. SEC. SCHOOL NEAR POWER HOUSE, SHUSHANT CITY- 1. MACHWA, KALWAR ROAD JAIPUR,PIN 302001 PH- 01412860092	आरपीए जयपुर गिरफ्तार
9.	सुरेन्द्र कुमार बगड़िया पुत्र श्री हरीराम बगड़िया, जाति जाट, उम्र 27 साल, निवासी ढाका की ढाणी, थाना सदर सीकर, जिला सीकर	3	922449	GOVT.GIRLS SR. SEC. SCHOOL MAHA MANDIR LAL MAIDAN, PAOTA-C ROAD, JODHPUR, DIST/TEHSIL JODHPUR, PIN- 342001 PH- 0291-22941030	आरपीए जयपुर गिरफ्तार
10.	दिनेश बिश्रोई पुत्र लेहराराम, जाति बिश्रोई, उम्र 28 साल, निवासी 42, कुडी गायत्री विहार, भगतासनी, पुलिस थाना कुडी भगतासनी, जिला जोधपुर	6	938334	SAROJ DEVI PUBLIC SR. SEC. SCHOOL A-111 PRATAP NAGAR DEOLIARAB ROAD, BORKHEDA, KOTA, DIST /TEHSIL-KOTA, PIN 324001 PH- 9887639543	आरपीए जयपुर गिरफ्तार

11.	राकेश पुत्र सुरेश कुमार, जाति जाट, उम्र 28 साल, निवासी मालीगांव, पुलिस थाना बग्गड़, जिला झुझुनु	13	941622	ARIHANT ACADEMY SR SEC. SCHOOL TRUCK UNION KB SAAMNE RANGBADI, KOTA, DIST TEHSIL-KOTA, PIN CODE - 324002 PH-9782781691	आरपीए जयपुर गिरफ्तार
12.	मालाराम पुत्र मांगीलाल, जाति बिश्रोई, उम्र 29 साल, निवासी डोलीकला, तहसील कल्याणपुर, पुलिस थाना कल्याणपुर, जिला बालोतरा	10	784346	BASIC ENGLISH SR. SEC. SCHOOL NAYA SHAHAR, BIKANER, DIST/TEHSIL BIKANER, PIN - 334001 PH-1512522424	आरपीए जयपुर गिरफ्तार
13.	अशोक सिंह नाथावत पुत्र श्री रुडाराम रावणा राजपूत, उम्र 32 साल, निवासी देवा का बास, थाना रेनवाल, जिला जयपुर ग्रामीण	35	983815	GOVT. GIRLS SR.SEC. SCHOOL AMBAMATA NEAR MALLATALAI CRICLE, AMBAMATA, UDAIPUR, 313004 PH-2942430684	ज्वाँईन नहीं किया गिरफ्तार
14.	राजेन्द्र कुमार उर्फ राजु यादव पुत्र श्री तेजपाल यादव, उम्र 30 साल, निवासी टाडावास, थाना कालाडेरा, जिला जयपुर ग्रामीण	53	979232	UDAIPUR	ज्वाँईन नहीं किया गिरफ्तार
15.	15. राजीव बिश्रोई पुत्र श्री 70 भगवानाराम बिश्रोई, उम्र 29 साल, निवासी सरनाउ, थाना सांचौर, जिला सांचौर	70	810752	अजमेर	ज्वाँईन नहीं किया गिरफ्तार
16.	सिद्धार्थ यादव पुत्र श्री राजेन्द्र यादव, निवासी कुमावत झोटवाड़ा, जयपुर कॉलोनी,	59	728876	अजमेर	ज्वाँईन नहीं किया फरार
17.	शंकर लाल पुत्र श्री राजूराम, निवासी गडरा नेहड़ीनाडी, तहसील व थाना धोरीमन्ना जिला बाड़मेर	144	881615	PRINCE CHILDREN ACADEMY SEC. SCHOOL MANSA MATA NAGAR, HARMADA, SIKARROAD, JAIPUR, PIN	आरपीए जयपुर फरार

			 सत्यमेव जयते	302001 PH- 9782788272	
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D) Paper leak of both the shifts of the examination on 15.09.2021 by the Kaler Gang at Shri Ramsahay Adarsh Secondary School, Bikaner.

For the said paper leak, the Special Investigation Team (SIT) provided a special note that detailed the involvement of the Kaler Gang in the cheating scandal. It was noted that as per the pre-planned scheme of the gang, Tulcharam Kaler and Paurav Kaler could not obtain the papers for the examination dates of 14.09.2021 and 15.09.2021 directly from Shri Ramsahay Adarsh Secondary School, Bikaner, where cheating was eventually facilitated. Instead, Paurav Kaler purchased the solved leaked papers for both shifts of the examination held on 15.09.2021 from Praveen Bishnoi, who is a paper solver associated with the Jagdish Bishnoi gang. This purchase was made for a sum of Rs. 10 lakh, and subsequently, Paurav Kaler made candidates cheat using these leaked papers as mentioned above.

It is noteworthy and of significant concern that there is no established connection between Jagdish Bishnoi and the Kaler Gang. The fact that the paper from the Jagdish Bishnoi gang reached the Kaler Gang underscores the worrying trend that different gangs or groups can unite for selfish reasons to facilitate paper leaks. This highlights the uncertainty and complexity in ascertaining the actual number of beneficiaries involved in the cheating scandal. The SIT noted that the



modus operandi employed makes it beyond imagination to trace or limit the dissemination of the leaked paper. Once the paper is leaked, it becomes very difficult to fathom the extent of its circulation, the number of hands it reaches, and the overall impact of the leak.

**कालेर गैंग द्वारा दिनांक 15.9.2021 की दोनों पारियों का पेपर लीक (श्री रामसहाय आदर्श सैकेण्डरी स्कूल, रामपुरा बस्ती, जिला बीकानेर)  
तुलछाराम कालेर / पौरव कालेर गैंग (चाचा-भतीजा) द्वारा सॉल्वड लीक पेपर की ब्लूट्रथ से नकल करवाकर चयनित करवाये गये अभ्यर्थी  
दिनांक 15.9.2021**

क्र. सं.	नाम अभ्यर्थी	मेरिट नम्बर	रोल नम्बर	परीक्षा केन्द्र का नाम	प्रशिक्षण संस्थान का नाम
1.	जयराजसिंह पुत्र आसूसिंह, जाति राजपूत, उम्र 29 साल, निवासी सुरधनां चौहानान, पुलिस थाना देशनोक, जिला बीकानेर	79	862399	SURENDRA BAL BHARTI SR. SEC. SCHOOL VIVEK VIHAR METRO STATION, PILLAR NO. 88, NEW SANGANER ROAD JAIPUR PIN CODE-302001, PH-0141-2290158	आरपीए जयपुर गिरफ्तार
2.	मनीष बेनीवाल पुत्र श्री श्रवण कुमार, जाति विशोई, उम्र 26 साल, निवासी गांव जांगलू तहसील नोखा, पुलिस थाना नोखा, जिला बीकानेर	100	840015	ALFA INTERNATIONAL ACADEMY SR. SEC. SCHOOL, WING-1 KATARIYA FARM HOUSE, SIRSI, ROAD VISHNAWALA, DIST: JAIPUR PIN CODE 302001 PH-2470195	आरपीए जयपुर गिरफ्तार
3.	मोनिका पुत्री श्री रामधन, निवासी तारपुरा, तहसील सीकर, थाना दादिया, जिला सीकर	34	714064	BHAGWAN MAHAVEER PUBLIC SR SEC. SCHOOL PANCHSHEEL, AJMER PH- null	आरपीए जयपुर फरार
4.	प्रियंका गोस्वामी पुत्र श्री कैलाश गिरी गोस्वामी, निवासी डिफेंस कॉलॉनी, नांदडी फाटा, बनाड़ रोड़, थाना बनाड़, जिला जोधपुर (पौरव कालेर की साली है)	102	858724	SHIV SHAKTI PUBLIC SR. SEC. SCHOOL A-51-53, DADHICHI NAGAR, OPP. VKIA ROADNO. 6. MURLIPURA JAIPUR, DIST/ TEHSIL- JAIPUR.	आरपीए जयपुर फरार

			 सत्यमेव जयते	PIN CODE-302001 PH-9214339321	
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E) Sub-Inspectors selection through dummy candidates on 13.09.2021, 14.09.2021 and 15.09.2021 and dummy candidates arrested during the examination:-

During the investigation of case number 10/2023 filed before the Special Operations Group (SOG), several Sub-Inspectors who had commenced training at the Rajasthan Police Academy, Jaipur, were arrested. These Sub-Inspectors were found to have engaged in a scheme where dummy candidates appeared in the examination in their place, leading to the selection of the actual candidates through cheating. The dummy candidates took part in the examination after receiving a large sum of money from the actual candidates.

The cheating method involving dummy candidates included the use of innovative and shocking modus operandi. These included candidates wearing fake wigs that contained electronic devices with SIM cards, as well as the use of small devices inserted in the candidates ears. These devices facilitated cheating with the aid of Bluetooth technology. Significant sums of money, as high as 8 lakh rupees, were exchanged for arranging and participating in these cheating incidents.

Regarding the possibility of cheating via dummy candidates, the Special Investigation Team (SIT) specifically noted that cheating using Bluetooth technology is feasible only when the person cheating has access to the solved



leaked paper. This implies that the paper reached this particular gang from some other unknown source, independent of those previously noted. This revelation underscores the alarming extent and complexity of the paper leakage network, making it extremely difficult to fully capture and summarize the scope of the issue as well as its impact on the integrity of the impugned examination.

Furthermore, investigations into the sphere of dummy candidates appearing in place of actual candidates revealed that kingpins such as Bhanwarlal Bishnoi, in collusion with associates, arranged for dummy candidates to appear in the examination instead of the original candidates at various examination centers across Rajasthan. Thus, it is noted that gangs were operating not only to leak papers but also to ensure the availability of dummy candidates to appear in place of actual candidates in the examination. This aspect of the cheating scandal is extremely alarming.

At this juncture, this Court deems it necessary to take note of the details of the cases registered in connection with the impugned recruitment process. The table containing the requisite details is reproduced herein under:-

**उप निरीक्षक / प्लाटून कमाण्डर भर्ती परीक्षा के दौरान दर्ज प्रकरणों का विवरण**

क्र. स.	एफआईआर नम्बर	नाम थाना	जिला
1.	360/2021	नयाशहर	बीकानेर
2.	331/2021	कोतवाली	पाली
3.	335/2021	कोतवाली	पाली
4.	326/2021	रामनगरिया	जयपुर (पूर्व)
5.	820/2021	कोतवाली	अलवर
6.	555/2021	ब्रह्मपुरी	जयपुर (उत्तर)

7.	319/2021	शास्त्रीनगर	जयपुर (उत्तर)
8.	373/2021	विद्याधरनगर	जयपुर (उत्तर)
9.	376/2021	सुभाषनगर	भीलवाडा
10.	297/2021	धम्बोला	डूंगरपुर
11.	284/2021	भुपालपुरा	उदयपुर

F) Flaws exposed in the Conduct of the SI Recruitment Examination 2021, as highlighted by the Special Investigation Team (SIT):

(i) In the notification and instructions issued by the Rajasthan Public Service Commission (RPSC), it was initially decided that the Sub-Inspector Recruitment Examination would be conducted at examination centers located at all the divisional headquarters (totaling 07) across the state of Rajasthan. However, contrary to this earlier fixed criteria for the conduct of the recruitment examination as stipulated by the RPSC, the examination was ultimately conducted not only at the examination centers in the divisional headquarters but also at some additional selected districts. These additional districts included Alwar, Pali, Bhilwara, and Rajsamand.

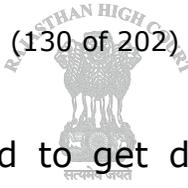
(ii) In the context of the impugned recruitment examination, the Rajasthan Public Service Commission (RPSC) initially decided that the examination would be conducted in government institutions and schools located in districts with divisional headquarters. The examination was to be conducted under the duty and supervision of government personnel/officers acting as invigilators. However, later on, the recruitment examination was conducted by establishing examination centers in private schools, and private invigilators



were put on duty. The selection of examination centers such as Ravindra Bal Bharti School and Shri Ramsahay Secondary School, where the examination superintendents like Rajesh Khandelwal allowed an ineligible person to handle charge, clearly indicates that a completely transparent process was not adopted for selecting examination superintendents. This lack of transparency enabled the leakage of papers, as noted above. Fraud was committed in the recruitment process across the State by leaking papers from these schools even before the examination was conducted.

The SIT highlighted that even prior to this impugned examination, there were instances where papers of many recruitment examinations were leaked from private schools in Jaipur, leading to the cancellation of those examinations. Despite these previous incidents, the investigation did not find that any extra precautions were taken at any level for such examination centers in the impugned examination, on part of the RPSC.

(iii) The RPSC is completely dependent on the nodal officer of the rank of Additional District Magistrate (ADM) from the district administration for making arrangements for the examination. Unfortunately, this nodal officer does not take full interest in the arrangements related to the examination. Employees working in the examination cell under the nodal officer for a long time have been found to play a major role in determining the examination centers and planning the list of officers for various duties. It is very easy to get selected as an



examination center and to get duty at a desired center by influencing the people in the examination cell. Thus, the RPSC is completely responsible for this chaos; they have no effective control in conducting the examination.

(iv) The duty allocation of officers, invigilators, etc., employed for the examination was not randomized. Due to this lack of randomization, dishonest examination centers could easily manipulate the system to their advantage and rig the examination.

(v) The Rajasthan Public Service Commission (RPSC) had established norms for ensuring security and monitoring during the examination. These norms included provisions for internet shutdown, biometric verification, deployment of jammers, monitoring via CCTV cameras, and videography at the examination centers during the conduct of the examination. However, on the day of the examination, there was a notable absence of such monitoring and security measures being effectively implemented. Despite repeated communications to the RPSC regarding the necessity of videography, the investigation team did not receive videography footage from many examination centers. This indicates that no definite or effective arrangement for videography was made at all centers.

As a result, incidents were reported and cases were registered regarding the use of mobile phones at the examination centers on the days of the examination. Shockingly, videos recorded by mobile phones from within the



examination hall were also going viral. Candidates were caught cheating using Bluetooth technology. There was a lack of biometric or other technological checks at the entrance of the examination centers, which resulted in an inability to conduct investigations regarding the presence of dummy candidates or the use of Bluetooth devices. Due to the lack of arrangements for taking biometric fingerprints, many dummy candidates were able to appear in the examination.

The video of the Optical Mark Recognition (OMR) sheet from the examination hall went viral, and all these types of undesirable incidents related to the paper leak and other crimes noted above took place. More so, the papers for both shifts of the examination on 13.09.2021 were leaked before the start of the examination. The solved paper was communicated to candidates via WhatsApp by groups like the Kaler Gang and individuals like Narendra Khinchhad. In this regard, case number 360/2021 was registered in Bikaner. The investigation into this case proved that before the commencement of the examination, the paper was leaked from Shri Ramsahay Adarsh Secondary School, as noted above whereby after getting the paper solved through a coaching institute, the solved paper was disseminated to many places through various WhatsApp groups.

Despite this leakage and the evidence of cheating, the RPSC conducted the examination the next day without taking any concrete action or implementing additional security steps for organizing the examination over the subsequent two days.



This lack of action potentially encouraged, enabled, and facilitated cheating during the remaining days of the examination.

(vi) The Rajasthan Public Service Commission (RPSC) had originally fixed the date for conducting the examination as 04.09.2021 for a single day. However, suddenly the decision was changed, and the examination was conducted over three days (13th, 14th, and 15th September 2021). This change increased the chances of paper leakage and also heightened the likelihood of dummy candidates appearing in the examination. For comparison and to establish the lack of organizational skills and diligence on the part of RPSC for the impugned examination, it is noteworthy that the Rajasthan Teacher Eligibility Test 2021 was conducted within a single day on 26.09.2021. This test had a record number of 25,35,542 candidates registered. Despite the number of candidates in the impugned examination being less than one-third of those in the Teacher Eligibility Test, the RPSC's sudden decision to conduct the examination over three days instead of the initially scheduled one day provided an additional opportunity for the paper leak gang to exploit the situation.

(vii) According to RPSC guidelines, the arrival time of candidates at the examination center was supposed to be 9:00 AM for the first shift and 2:00 PM for the second shift. However, this was suddenly changed, allowing candidates to arrive up to 10 minutes after the commencement of the



examination. As a result, candidates who used unfair means got the opportunity to read the solved paper.

(viii) For the impugned examination, candidates submitted a total of Rs. 14,54,73,850/- as a fee to the RPSC. However, the attendance sheet contained very blurred photos of the candidates, making it difficult to correctly identify them. The photographs of the applicants in the admit card were so small that it was unclear whether the invigilator could be sure that the candidate matched the photograph. Many candidates, for creating a false illusion, mixed their photographs with those of dummy candidates. Thus, despite collecting a large amount of money as a fee, the RPSC did not put in place strong systems to conduct the examination smoothly.

(ix) In the notification for the impugned examination conducted by the Rajasthan Public Service Commission (RPSC), there was no information provided regarding the conduct of the examination in six shifts across three days nor was there any mention of the normalization of marks. The RPSC subsequently undertook normalization of marks for the examination. As a result of this normalization process, the marks for the papers of the examination held on 15.09.2021 were increased by 10-15 marks. For the examination held on 14.09.2021, the marks were increased by 8-10 marks. Conversely, the marks for the papers of the examination conducted on 13.09.2021 were reduced.

In the context of recruitment for 859 posts, the distribution of selections based on the examination days was



as follows: 19% of the posts were filled by candidates from the examination of 13.09.2021, 28% of the posts were filled by candidates from the examination of 14.09.2021, and 53% of the posts were filled by candidates from the examination of 15.09.2021. Notably, an almost equal number of candidates appeared in the examination on all three days. This outcome reflects a gross inequality for those who appeared in the examination on 13.09.2021 compared to the subsequent two days, owing to the said vague marks normalization process.

Information was sought from the RPSC regarding the methodology of marking under the normalization process. In response, the RPSC refused to provide this information by invoking confidentiality. This refusal makes it clear that the RPSC wants to avoid transparency regarding the normalization process and its implications.

(x) The Rajasthan Public Service Commission (RPSC) did not provide any information as per the rules to applicants who submitted several applications under the Right to Information (RTI) Act regarding the process and selection in the said recruitment examination. By withholding this information, the RPSC prevented applicants from contributing to fair action by drawing attention to deficiencies in the recruitment process. This lack of transparency casts a shadow of doubt on the integrity of the recruitment process.

(xi) While investigations and actions were underway against main accused individuals like Suresh Dhaka, Suresh Kumar, and RPSC member Babu Lal Katara in relation to the 2nd



Class Teacher Recruitment Examination (FIR No. 227/2022 registered in Udaipur), the RPSC gave the responsibility of conducting the interview process for the impugned recruitment to the same member, Babu Lal Katara. Babu Lal Katara was facing investigation for alleged involvement in a scam, fraud, and cheating at the time. This decision raises severely heightened doubts about the integrity of the process. It is noteworthy that the 2nd Class Teacher Recruitment Examination 2022 conducted by RPSC was cancelled based on FIR 227/2022 in Udaipur, which involved a suspect caught solving the paper in a bus. In contrast, despite 11 FIRs being registered related to paper leaks, copying, and use of dummy candidates in the impugned examination and recruitment process of Sub-Inspectors 2021, no such action was taken by the RPSC.

(xii) The simultaneous selection of the son and daughter of the former RPSC member Shri Ramuram Raika in the recruitment process also creates a shadow of doubt, as highlighted in the investigation authorities report.

**E. Effect of the Noted Illegalities on the Integrity and Future of the Impugned Recruitment Process of Sub-Inspectors 2021**

97. At this critical juncture, the paramount task before this Court is to meticulously assess the integrity and future of the impugned recruitment process of the Year 2021. This assessment must be conducted in consonance with the legal position as promulgated by the Hon'ble Apex Court over the years, as noted



above. Simultaneously, this Court must accord careful thought and grave attention to the irregularities that have infiltrated the recruitment process, as also noted in detail in the preceding discussion. It is explicitly made clear that the aforementioned established irregularities, which are not exhaustive as further investigation into the matter is still underway even after the passage of almost four years since the examination took place, cumulatively and incrementally delineate the contours within which this Court must navigate to adjudicate upon the reliefs sought by the petitioners before this Court.

98. To ensure utmost clarity and objectivity in the adjudication process, this Court shall independently examine the facts of the case and form its own conclusion. This exercise shall be conducted in sync with the views expressed by various executive and other authorities such as the Special Operations Group (SOG), the Advocate General, Cabinet Ministers, and the Chief Minister of the State of Rajasthan. The gravity of the situation necessitates a thorough and judicious balancing of the legal position with the irregularities that have crept into the recruitment process to determine the future course of action regarding the said recruitment, which must for all intents and purposes, see a definite outcome, looking to the future of thousands of individuals, which are left in jeopardy at the moment.

99. Therefore, the issue which warrants this Court's application of mind, can be framed as under:-



**"Whether, considering the pervasive malpractices that were an integral part of the recruitment process of Sub-Inspectors initiated in the Year 2021, the said recruitment process should be canceled in its entirety; or whether an attempt should be made, if feasible, to distinguish and segregate those candidates who were involved in tainted practices from those who were not, with the objective of safeguarding the interests of candidates who did not resort to unfair means in the said recruitment process?"**

100. As has been established from the position of the law discussed above in excruciating detail, the current legal position on the subject dictates the Court that when an in-depth factual inquiry reveals systemic irregularities, such as malaise or fraud, that undermine the integrity of the entire selection process, the result of the recruitment process should be canceled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with principles of fairness and equity. The position of law further emphasizes that the decision to cancel the recruitment process *en masse* must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation.

101. It is clarified that it is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt, as that standard is reserved for the criminal sphere of law. In the context of drawing inferences of taint in the recruitment process, a preponderance of possibilities regarding the use of extensive malpractice shall form a sufficient benchmark for assessing the future of the recruitment. In reaching a decision regarding the future of the recruitment, due weightage has to be



given to maintaining the purity of the selection process. This consideration is paramount despite the inconvenience caused to the untainted candidates owing to the presence of broad and deep manipulation in the process, when cancellation is recommended.

102. The established law also makes it clear that in a decision to cancel the entire recruitment process, individual notice and hearing may not be necessary in all cases for practical reasons. This is particularly so when the facts establish that the entire selection process is vitiated with illegalities at a large scale.

103. **Therefore, against the backdrop of the facts and circumstances detailed at length herein-above, this Court is strongly of the opinion, after having been convinced beyond any shadow of doubt, that the impugned selection process of Sub-Inspectors, as conducted by the Rajasthan Public Service Commission (RPSC) in the Year 2021, ought to be canceled in its entirety. This conclusion is inescapable when one considers the widespread and egregious malpractices that have sullied the said selection process. In the context of the facts of the present case, characterizing the pervasive and injurious actions that have occurred as mere 'malpractices' would be an exercise in linguistic politeness. The reality is that these actions encompass not only reprehensible and ghastly instances of paper leakages that occurred across the entire State of Rajasthan through gangs working in sync for monetary benefits but also the shocking and unacceptable substitution of actual candidates with dummy candidates, made possible due to**



**the unimaginable negligence on part of RPSC. These heinous acts were perpetrated with the active connivance of certain officials who were entrusted with the critical responsibility of ensuring that a safe, secure, and fraud-preclusive environment was provided for the candidates appearing in the examination.**

104. The magnitude of these malpractices, which have tainted the selection process at its very core, raises grave concerns about the integrity and validity of the entire recruitment exercise. The involvement of officials in facilitating such fraudulence compounds the gravity of the situation and underscores the imperative need for annulling the entire selection process to uphold the sanctity of the recruitment process and to ensure fairness and equity for all candidates who participated in good faith. The actions complained of, strike at the very foundation of the trust reposed in the RPSC to conduct examinations in a fair, transparent, and secure manner.

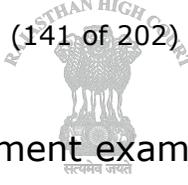
105. This Court's decision for the cancellation of the entire examination is fueled by the following circumstances/actions, namely:-

105.1 It is established through evidence and investigation that the examination papers for all three scheduled days of the examination, namely the 13th, 14th, and 15th of September 2021, were leaked by various organized gangs operating within the State. These gangs include the Kaler Gang, Narendra Khinchhad, Amit Kumar, as well as the Jagdish Bishnoi Gang. Further, these distinct gangs (Jagdish Bishnoi and Co.) aided and



assisted Paurav Kaler of the Kaler Gang by selling him leaked papers for monetary considerations when he was unable to obtain them himself in Bikaner. This highlights an intrinsic and interconnected network of individuals across the State who not only engaged in paper leaks themselves, being habitual offenders in this sphere of crime prior to the incident in question, but also collaborated and expanded the reach of the leaked papers across the State for monetary benefits. This underscores the fact that in pursuit of unfair advantages driven by greed, individuals acting against the law can collaborate and form alliances to achieve their common goals.

Therefore, as carefully and lengthily detailed in the Special Investigation Team (SIT) Report submitted by the Special Operations Group (SOG) dated 13.08.2024, it is established by way of investigation that the leak of papers was definite and occurred for all three days of the examination. In such circumstances, particularly considering the fact that in previous years, based on criminal cases and widespread malpractices (even of a lesser magnitude compared to the present factual matrix), several examinations have been canceled (such as the 2nd Class Teacher Recruitment Examination 2022 conducted by the RPSC), the present impugned recruitment process ought to be canceled as well. This cancellation is necessary to uphold the integrity of the State in the conduct of public recruitment examinations. Candidates appear in these examinations solely based on the confidence they have in state institutions, and thus, maintaining the sanctity of these processes is paramount. The list of the



previously cancelled recruitment examination is reproduced herein under:-

**राजस्थान सरकार द्वारा पूर्व में निरस्त की गई कुछ भर्तियों की सूची**

क्र.सं.	नाम भर्ती	वर्ष
1.	राजस्थान पुलिस कानिस्टेबल भर्ती परीक्षा	2017
2.	जेल प्रहरी भर्ती परीक्षा	2018
3.	कनिष्ठ अभियन्ता सिविल (डिग्री) भर्ती परीक्षा	2020
4.	हाईकोर्ट एलडीसी भर्ती परीक्षा	2020
5.	रीट भर्ती परीक्षा	2021
6.	राजस्थान पुलिस कानि. भर्ती परीक्षा	2021
7.	वरिष्ठ अध्यापक भर्ती परीक्षा	2022

105.2 Furthermore, the decision to cancel the recruitment process also finds substantial support from the Special Investigation Team's (SIT) investigation, which reveals that a large number of selections were facilitated through the use of dummy candidates. In a striking revelation, 9 Sub-Inspectors who were already undergoing training at the Rajasthan Police Academy were arrested after it was discovered that they had been selected with the assistance of dummy candidates. Among the numerous cases of dummy replacement documented in the investigation, notable instances include Varsha Kumari appearing in the examination on 13.09.2021 in place of Indubala, and on 14.09.2021 in place of Bhagwati Bishnoi. Significantly, Varsha Kumari also appeared in the examination as herself on 15.09.2021. It is of critical importance to note that the report indicates Varsha Kumari is currently absconding with a substantial bounty placed on her arrest.

Similarly, Ashok Kumar Godara facilitated the selection of Shyam Pratap Singh and Shravan Kumar Godara by appearing in



the examination in their place. In another instance, Chammi Bishnoi appeared in the examination in place of Manju Bishnoi and her sister Santosh. Both Ashok Godara and Varsha Kumari, who appeared as dummy candidates, are presently absconding from the law. Moreover, during the conduct of the examination, instances were recorded where real candidates and their corresponding dummy candidates sitting in their place were arrested at the examination centers. This highlights not only poor management but also underscores a profound and unfortunate systemic failure at the examination centers. This issue of systemic failure is not isolated but rather pervasive, indicating deep-rooted vulnerabilities in the oversight and security mechanisms employed during the examination process.

Many of the dummy candidates involved in these malpractices are currently absconding. The SIT, through its investigation and in its report, has unequivocally stated that there is a significant possibility that many more dummy candidates will be exposed once those who are absconding are apprehended. The systemic failure regarding the implementation of biometric checks and videography at the examination centers effectively advantaged the fraudsters by hindering the ability of investigation authorities and administration to identify the dummy candidates who appeared at the various examination centers across the 6 shifts. Given these circumstances, the possibilities of further revelations of malpractices are extensive and potentially far-reaching.



105.3 The systemic failure inherent in the examination process, evident from its very inception, underscores that the examination was predisposed to failure even before its conduct due to inadequate arrangements made by the RPSC. These inadequate arrangements are highlighted by the fact that although RPSC had initially established norms for security measures such as internet shutdowns, biometric verification of candidates, deployment of jammers, monitoring of examination centers through CCTV cameras, and videography, unfortunately, such monitoring and security measures were not implemented on the days of the examination (13th, 14th, and 15th of September). Surprisingly, no explanation has been provided for this deviation from the established norms.

Furthermore, despite requests from the investigation team to RPSC regarding the supply of videography of examination centers, the videography footage from many centers has not been received. This absence of footage is attributed either to the lack of existence of such recordings or for reasons best known to RPSC, clearly indicating that no definite arrangements for videography were made despite RPSC's own previously stipulated norms. The examination was also plagued by incidents such as the use of phones at examination centers on the day of the examination, videos of OMR sheets taken with mobile phones going viral on social media, and the operational and widespread use of Bluetooth devices. Additionally, there was a systemic failure in the form of a lack of biometric technology at the entrance of the examination centers. Due to this deficiency, no effective checking could be



conducted regarding the presence of dummy candidates, resulting in the actual figure of dummy candidates remaining unascertainable to date.

Moreover, during the examination, the presence of very blurred and unclear photographs on the attendance sheets of candidates has led to many incidents coming to light among those known, while several remain unknown. Thus, this scenario does not merely display a systemic failure on the part of RPSC, which was entrusted with conducting the examination, but also a loss of sanctity of the entire examination process. It remains uncertain whether all tainted candidates can be identified because the infrastructure in place, for reasons unknown, provides very little assistance in ascertaining them. This situation forms a key consideration in this court's decision to cancel the examination.

105.4 The decision to cancel the recruitment process also finds substantial support in the Special Investigation Team (SIT) report dated 13.08.2024. This report indicates that a large number of complaints, specifically numbering 333 in total, were received by the investigation agencies through the Special Operations Group's (SOG) helpline regarding the paper leak, use of dummy candidates, and candidates who appeared in the examination using restricted and impermissible devices such as Bluetooth. The Chairman of the SIT expressly noted that the review, investigation, and search pertaining to these complaints were still underway. This is due to the fact that many complaints continue to surface, given the large number of suspected candidates involved in the malpractices.



More specifically, the report details that as of 13.08.2024, searches regarding approximately 700 Sub-Inspectors were yet to be conducted. It is anticipated that such searches could take a considerable amount of time, and the passage of time could further prejudice the conduct of a fair and thorough investigation. The Chairman of the SIT noted that it is impossible to separate the candidates who were involved in malpractices from those who were not on the basis of the material on record. However, based on confirmed advancements in the investigation, it was the opinion of the Chairman SIT that the examination papers were leaked not only by the gangs previously named but also by other gangs. Drawing an analogy with the presence of several veins of minerals in mining operations, the Chairman concluded that many other groups are suspected to have indulged in unfair means and that there are chances that these groups will come to light as the search and investigation progress.

105.5 As of 13.08.2024, charge sheet has been presented in court against 64 accused individuals in case number 10/2024 lodged before the Special Operations Group (SOG) Police Station. Among these 64 accused, 37 are Sub-Inspectors who have been arrested. Of these 37 Sub-Inspectors, 4 had not joined training prior to their arrest. In addition to the Sub-Inspectors, 27 other criminals linked to the paper leak operation have been arrested. However, despite these arrests, 68 accused individuals or leads are still absconding. A significant number of these absconding accused are members of gangs involved in the malpractices,



including site handlers who played critical roles in the execution of the paper leak.

It is noted that only after the arrest of these absconding accused, which may require a significant amount of time, will new revelations regarding the full extent of the paper leak and the identities of all those who benefited from it come to light with certainty. It is expected that the number of individuals who benefited from the paper leak, once all facts are uncovered, will be substantial.

105.6 The fact that there is a highly disproportionate number of selections on the post of Sub-Inspectors from the three days of the examination casts a significant shadow of doubt on the integrity of the examination. This is particularly concerning given the continued malpractices, including the leak of examination papers, on the final day of the examination. In this regard, it is noted that although an almost equal number of candidates appeared in the examination on the 13th, 14th, and 15th of September 2021, the number of candidates selected varies markedly across these days. Specifically, the number of candidates selected is the lowest on 13th September (157 candidates), a day when the paper leakage was somewhat unsuccessful in parts, such as in the second shift. In contrast, on 14th September, 269 candidates were selected as the leakage pertained to both shifts of the examination. Furthermore, on 15th September, a significantly higher number of candidates (433 candidates) were successful.



Moreover, an analysis of the top 300 rankers reveals that only 35 candidates from 13.09.2021 and 98 candidates from 14.09.2021 were among the top rankers, whereas a substantially larger number of candidates (167 candidates) from 15.09.2021 were among the top 300 rankers. It is an established fact on record that the examination papers for 14.09.2021 and 15.09.2021 were leaked widely by the Jagdish Bishnoi gang. The same question paper and its solutions were also circulated among other gangs, including Paurav Kaler and associates. Following the semi-failure of the paper leak on 13.09.2021, it is plausible that all gang members, encouraged by the success of the paper leak in both shifts on 14.09.2021, may have found more customers among candidates on 15.09.2021, leading to a higher number of successful candidates on the final day.

105.7 The deliberate non-availability of information and documents related to the impugned recruitment process, despite recourse to the Right to Information (RTI) Act, casts a significant shadow of doubt and concern regarding the mechanism of conduct of the examination and the illegalities that have permeated the process. In this context, it is noted that many applicants across the state sought information and documents relating to the First Information Reports (FIRs) filed in the state pertaining to the recruitment process. However, the RPSC did not provide the requested information or documents in response to applications received under the RTI Act, 2005. The RPSC cited Sections 8(j), 7(9), and 11 of the RTI Act, claiming confidentiality as the basis for withholding such information. This lack of transparency casts a



shadow of doubt on the transparency of the entire recruitment process. Transparency is a key element in ensuring that no systemic failures are permitted to vitiate a recruitment process in its entirety.

105.8 That it would be extremely inappropriate, unfair, and shocking to the system and all stakeholders of the welfare of the State if Sub-Inspectors, regardless of their number, who were recruited through unfair means, are permitted to remain in service. In this context, it is noted that in the Rajasthan Police, the responsibility of controlling crime and maintaining law and order at the ground level rests heavily on the shoulders of the Sub-Inspector. Initially, a Sub-Inspector usually works as the second officer at a police station, and upon promotion to the post of Police Inspector, he/she performs the duties of a Station Officer. The Station Officer acts as a pivotal figure in society. In times of crisis, poor, helpless, weak, destitute, and suffering men, women, and children turn to police stations, making this a critical testing time for the Station Officer. The Station Officer listens to the concerns of this segment of society and endeavors to secure their rights, embodying both human and legal aspects of their job. Additionally, the Station Officer is responsible for protecting people's lives, preventing land mafias from illegal encroachments, taking strict action against smugglers of liquor, narcotics, and opium, and ensuring legal action against anti-social elements.

If a Sub-Inspector or any officer of the rank of constable passes the selection examination by utilizing unfair means in collusion with an organized criminal gang, it is highly questionable



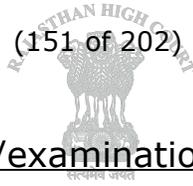
whether such an individual will be able to discharge their duties at the police station properly and with the confidence of the public. Certainly not. Moreover, when such officers occupy a position that rightfully belonged to another deserving candidate, they are unlikely to fulfill their duties with the requisite dedication. Consequently, Sub-Inspectors employed through such unfair means would likely lack the complete softness, generosity, and sensitivity towards the general public that they are meant to serve. It is noteworthy that a person selected for the post of Sub-Inspector can receive promotions up to the post of Additional Superintendent of Police. Therefore, the selection process for Sub-Inspectors should be conducted through a transparent and sanctified process. A candidate selected through wrongful means and an ineligible person working in such a post will only undermine the justice system of society and impair the functioning of the police.

105.9 As per the Special Investigation Team (SIT) report dated 13.08.2024, the Chairman of the SIT has explicitly noted that identifying all the Sub-Inspectors who were recruited through unfair means is not only a very time-consuming process but is also largely impossible. During the investigation, a cautious approach was adopted considering the suspected accused were Sub-Inspectors under training. Despite having all the information, it was decided not to arrest them until the case was fully disclosed. As a result of this criterion, two trainees from the first lot and five trainees from the second lot were sent back to the academy. The Chairman informed the court that there were many



major obstacles encountered during the investigation. Managing the administrative arrangement of keeping 30-35 accused in police custody at the same time and investigating them simultaneously posed a significant challenge. During interrogation, disclosures by gang members revealed the names of beneficiaries. However, given the possibility of many more names surfacing in the future due to the high number of absconding candidates and the fact that several gang members and candidates remain unidentified because of systemic failures in conducting the examination, uncovering all tainted candidates from among the untainted ones would not only be an exercise in futility but also extremely time-consuming. Furthermore, there is no guarantee of achieving fool-proof results, which are a must if positions of great public importance such as that of Sub-Inspectors are to be filled in Rajasthan Police.

105.10 The possibility of the Rajasthan Police Department having tainted candidates in service, a scenario that could potentially unfold if the examination is not canceled in light of the recommendations of the Special Investigation Team (SIT) as detailed above and in consonance with the actual status and position of the ongoing investigation, would be rather detrimental and harmful for the society and its members at large. The implications of allowing individuals who may have been selected through unfair means to serve in critical positions within the police force are profound and far-reaching. To properly uphold and fulfill the motto of the Rajasthan Police, which is "Trust in the Public and Fear in the Criminals," it is imperative and necessary to cancel the



Sub-Inspector recruitment/examination of 2021. This necessity stems from the fact that the perception of this examination, which has been tainted and plagued with malpractices, many of which are yet to be fully uncovered and investigated, would only serve to erode and push the public's confidence further away from the police. This outcome would be an alarming sign for both the public and the State machinery, indicating a potential breakdown in the trust that is so crucial for effective policing and maintenance of law and order.

A corruption-free administration is possible only when individuals with transparent and impeccably clean images are selected for such critical roles. However, such expectations of integrity, honesty, and transparency cannot be reasonably placed upon candidates who have themselves been selected through corrupt means, leveraging unfair advantages and malpractices to secure their positions. Hence, to ensure that this recruitment process is rendered corruption-free and to send a strong, positive message to the public regarding the commitment of the authorities to uphold the highest standards of integrity in public service, it is necessary to cancel this recruitment. This necessity is further underscored by the fact that it would be extremely difficult, if not practically impossible, to classify with certainty which candidates are tainted by the malpractices and which are not, especially considering that four years have passed since the examination took place. The passage of time coupled with the complexities of the investigation and the systemic failures noted in the conduct of the examination make it even more challenging to



differentiate between those who were selected fairly and those who benefited from malpractices.

106. **Thus, in furtherance of the observations recorded herein-above, it is of paramount importance and, rather crucial for this Court to emphatically underscore and bring to the forefront of consideration the profound and inescapable reality that even if this Court were to harbor the desire and exert Herculean efforts to attempt the segregation of tainted candidates from those who are untainted in the context of the Sub-Inspector Recruitment Examination of 2021, it would nonetheless prove to be an endeavor steeped in futility, and an undertaking that would be filled with insurmountable challenges. This is because such an attempt would inevitably lead to the fracturing of the very systemic integrity of the impugned examination. The investigation, which has been painstakingly detailed and evidenced by the numerous arrests of individuals implicated in the malpractices, the reports of many accused who are currently absconding from the law, all of which have been meticulously reproduced and discussed in the preceding discourse, clearly and unequivocally indicate that no definite position or conclusive statistic regarding the precise number of tainted candidates can be ascertained. Moreover, the said number of candidates who may have been tainted by the pervasive malpractices would remain unidentifiable due to the systemic lapses and deficiencies that were inherent in the very conduct of the examination.**



**These lapses, which have been amply demonstrated through the investigation, cannot, at this stage, after the passage of four long years since the examination took place, be rectified or remedied in any manner that would ensure the restoration of the integrity of the process. The efflux of time, coupled with the complexities and the far-reaching extent of the malpractices that have been uncovered, render it impossible to disentangle the web of deceit and unfair means that has filled the examination process.**

107. In this context, the examination process, which has been compromised by vulnerabilities and doubts arising from malpractices, cannot be remedied by attempting to distinguish between candidates who were involved in misconduct and those who were not. Any attempt to preserve a process that has been significantly compromised would disrupt the principles of fairness and transparency that are essential to the administration of justice. Therefore, in order to maintain the integrity and sanctity of the recruitment process for Sub-Inspectors in the Rajasthan Police, it is clear that the only appropriate course of action is to cancel the examination in its entirety. Although this step may be necessary despite its potentially adverse consequences, it is essential to prevent further erosion of public trust in the police force. Public trust is a foundational element for the effective maintenance of law and order and the administration of justice.

108. At this stage, this Court deems it appropriate to note that during the course of arguments, the learned counsel for the



respondents had advanced an argument to the effect that the cancellation of the examination would be prejudicial to those successful candidates who had participated in the impugned recruitment process after having relinquished their jobs in either the State or Central Government. However, this argument, when considered in the context of the systemic irregularities and the comprehensive failure of the recruitment process, is liable to be rejected.

109. In this regard, it is noted that even for such successful candidates who had quit their previous employment to pursue the recruitment process for the position of Sub-Inspector, the entire selection process has been rightly declared as canceled due to the egregious violations and illegalities that have occurred in the recruitment process. These violations have impinged upon the rights guaranteed under Articles 14 and 16 of the Constitution of India to all candidates. As a consequence, all appointments made pursuant to this recruitment process, regardless of whether a successful candidate was tainted or had previous government service, are liable to be canceled. This is because the systemic frauds that have been perpetrated in the recruitment process have left no aspect of the process untouched or unaffected by the taint of illegality.

110. Notwithstanding the above, in sync with the dictum of the Hon'ble Apex Court as enunciated in **Baishakhi Bhattacharyya (Supra)**, for successful candidates who had previously been employed in different departments of the State Government and who quit their employment with the intention of



joining the services of Sub-Inspector in pursuance of the impugned recruitment process, a limited right is recognized. These candidates shall have the right to apply to their previous departments for continuation in service. Such applications shall be processed by the respective departments within a period of three months. Furthermore, these candidates shall be allowed to resume their positions in their previous departments without the gap between their quitting the previous employment and the subsequent attempted joining being treated as a break in service. However, it is made clear that for the period during which these candidates were purportedly employed under the disputed recruitment process as Sub-Inspectors, no wages shall be paid by their former departments.

111. The foundational irregularities and fraud that have clearly defined the impugned recruitment process cannot be overlooked merely to secure the interests of candidates who may not have been individually tainted. In cases where recruitment to public employment is vitiated as a consequence of systemic fraud or irregularities, the entire selection process itself becomes illegitimate. It is an acknowledged fact that the leakage of the examination papers may or may not have tainted and/or involved all of the successful candidates who ultimately fell within the zone of selection. However, this consideration is beside the point for the simple reason that the gravamen of the charge is not focused on the taint that attaches to a specific group of accused/tainted individuals, but rather pertains to the sanctity of the recruitment process as a whole. The entire selection process is guided by the



fundamental principle that a public body must act in a fair and reasonable manner. The presence of systemic fraud or irregularities undermines this principle, thereby rendering the entire recruitment process illegitimate, even for the untainted successful candidates.

112. The argument put forth by the learned counsel for the respondents to the effect that a substantial loss would potentially be suffered by the State exchequer in the event the recruitment is canceled and the examination is required to be conducted afresh, lacks nuance, **for the simple reason that the loss of public faith in the State machinery simply cannot be equated with any loss to the State exchequer.** The rationale behind this is that monetary assets required to conduct a re-examination are replenishable and can be allocated or reallocated by the State, as needed. In stark contrast, the loss of public faith due to allowing a systemically vitiated recruitment process to see the light of the day and to be implemented would be long-lasting and very difficult to reverse. Gaining back the trust of the public, who are the biggest stakeholders of the public machinery and recruitment processes, would be a challenging and potentially protracted endeavor. The importance of maintaining public trust in the integrity of recruitment processes conducted by the State machinery cannot be understated, as it is foundational to the legitimacy of public institutions, such as the Police Force, of which Sub-Inspectors form a key part. **Thus, the potential loss of public faith outweighs considerations of monetary loss to**



**the State exchequer in the context of ensuring the integrity of the recruitment process.**

**F. Fraud at the Grassroot Level: Active Involvement and Participation of Members of the RPSC.**

113. In addition to the grave irregularities that have plagued the impugned recruitment process for Sub-Inspectors at the hands of external forces such as the Bishnoi and Kaler Gang amongst others, the charge-sheet(s) filed by the investigation authorities, which were duly received by the Court during the pendency of the proceedings as part of the record, have removed the veil of credibility from the face of RPSC as well. These charge-sheets have exposed not only the lack of integrity in the impugned recruitment process of Sub-Inspectors but also the complete absence of rectitude in certain members of the RPSC. The members in question vitiated the recruitment process even before the written examination was conducted. The key takeaways from the charge-sheet, which highlight the mass fraud, cheating, and dishonesty perpetrated not merely by external gangs, but also through the active connivance and participation of members of the RPSC, are shocking and evoke dismay. The revelation of such active involvement of RPSC members in the malpractices associated with the recruitment process underscores the depth of corruption and the extent to which the integrity of the process has been compromised. This connivance between internal members of the RPSC and external gangs in perpetrating fraud in the recruitment process is a matter of significant concern, as it strikes



at the very foundation of the credibility and trustworthiness of the RPSC in conducting fair and transparent examinations.

114. As per the details revealed in Charge-Sheet Nos. 07/2024 dated 01.05.2024, No. 07A/2024 dated 22.05.2024, 07B/2024 dated 29.07.2024, and 07C/2024 dated 17.09.2024, it has come to light that during the conduct of the impugned recruitment examination/process for Sub-Inspector of Police, Mr. Babu Lal Katara held a position as a member of the RPSC. In this capacity, he bore the responsibility of overseeing the preparation of paper sets for the examination. Mr. Babu Lal Katara, with the assistance of his coordinator Mr. Madhur Mohan, arranged for the preparation of two paper sets each for the subjects of Hindi and General Knowledge from subject experts. In the first week of August 2021, the then Chairman of RPSC, Mr. Bhupendra Singh, informed Mr. Babu Lal Katara about receiving one set each of Hindi and General Knowledge from RPSC Member Manju Sharma. After receiving these sets and after moderation was done, Mr. Babu Lal Katara kept all the paper sets along with their model answer keys in his custody with the intention of eventually handing them over to the Chairman of the Commission.

115. In this manner, Mr. Babu Lal Katara retained custody of three sets of both subjects (a total of six sets with answer keys) in a cupboard located in the restroom of his office. At the time, Mr. Ramuram Raika was also a member of the Commission alongside Mr. Babu Lal Katara. Mr. Ramuram Raika approached Mr. Babu Lal Katara with a request to help his son, Devesh Raika, in the Sub-Inspector Examination of 2021. In response to this request, Mr.



Babu Lal Katara instructed Mr. Ramuram Raika to take a photograph of the paper set and model answer key kept in the cupboard in his restroom. Accordingly, Mr. Ramuram Raika took a photograph of the paper set and its model answer key using his mobile. Thus, while holding a constitutional post and being entrusted with the duty to uphold the integrity of the examination, Mr. Babu Lal Katara leaked the papers for all three days of the Sub-Inspector of Police Examination 2021 by making them available to fellow member Ramuram Raika to facilitate cheating by his son.

116. As narrated in the charge-sheet, these actions demonstrate how the systemic breakdown of the integrity of the impugned recruitment process began even before the conduct of the examination. Notably, the papers were first leaked in the first week of August, whereas the examination was scheduled to take place on the 13th, 14th, and 15th of September 2021.

117. In this background, it is noted that subsequent to the impugned paper leak, Mr. Babu Lal Katara was also involved in another paper leak for the recruitment of 2<sup>nd</sup> Class Teachers, as conducted by the RPSC in the Year 2022, wherein he sold the question paper prior to the conduct of the examination to one Anil for a personal monetary benefit of Rs. 60 lakhs. Due to this illegal sale, Anil further sold the paper multiple times, on account of which the Bakaria bus incident came to light, whereby many individuals were taught the leaked paper in a moving bus. Qua said leakage, criminal antecedent arising from FIR No. 227/2022 under Sections 419,420,120B of IPC and Sections 3,4,5,6,9 and



10 of Rajasthan Public Examination Act 2022 are reflected against Mr. Babu Lal Katara. Despite the lodging of the said FIR in the Year 2022, Mr. Babu Lal Katara sat as a panelist in the interviews conducted for the impugned recruitment process, for reasons best known to the RPSC. Thus, when the recruitment process was being conducted by a member of the RPSC who lacks integrity and morals, and who does not even deserve to hold the constitutional post of being a RPSC Member owing to the past leakage of papers, the entrustment on such an individual to conduct the interview for the impugned recruitment process is agonizing and largely infuriating for those who depend upon honest selections and recruitment in public posts.

118. If the individual responsible for overseeing the interview process is himself implicated in the leakage of the examination papers, then it is certainly not reasonable to expect that the candidates he interviews for employment are honest and untainted candidates who have not resorted to unscrupulous methods to secure selection. The inclusion of Mr. Babu Lal Katara in the interview panel is sufficient to establish and fasten systemic failure in the impugned recruitment process of 2021. Furthermore, the pervasive and unending systemic failure, which has its roots in the very body administering the recruitment process (the RPSC), also encompasses the incident involving the simultaneous selection of the son and daughter of former RPSC Member Mr. Ramuram Raika. Mr. Babu Lal Katara helped Mr. Ramuram Raika's son by leaking the paper to him, allowing him to take a



photograph of the examination paper and its model answer key, thereby facilitating cheating in the examination.

119. With regard to Mr. Ramuram Raika, who acted in collusion with Mr. Babu Lal Katara to obtain the examination paper and its model answer key in advance of the Sub-Inspector recruitment examination of 2021, the charge-sheet dictates that prior to the conduct of the examination, Mr. Raika wrote a letter to the then Chairman of the RPSC, Mr. Bhupendra Singh. In this letter, Mr. Raika requested relaxation from being involved in the impugned recruitment process on the grounds that his son, Devesh Raika, was a participant in the same examination. However, despite disclosing the information regarding his son Devesh's participation in the examination, Mr. Raika actively concealed from the Commission the fact that his daughter, Shobha Raika, was also appearing in the same examination. Thus, the disclosure made by Mr. Raika regarding his son's participation in the examination was merely a façade and for appearances only. Mr. Raika actively concealed his daughter's participation in the examination while utilizing his influence as a Member of the Commission to obtain the examination paper in collusion with fellow member Mr. Babu Lal Katara, through the mechanism delineated above. In this regard, it is noted that both Shobha and Devesh Raika, who obtained Top 10 Ranks in the impugned examination owing to the paper leakage, had previously appeared in several examination such as UPSC, RAS amongst others since the Year 2018 but failed to clear any. The charge-sheet notes in clear and unequivocal terms that the said examination papers



were leaked at a very early stage, specifically even before the papers reached the printing press. Consequently, the magnitude of their wide reach and the potential number of beneficiaries of the leaked papers is extremely difficult to ascertain or gather, despite Herculean efforts in investigation.

120. In furtherance of the aforementioned circumstances, the involvement of additional members of the RPSC has come to light. In order to ensure that Shobha Raika secured good marks in the interview stage of the recruitment process, Mr. Ramuram Raika met with the then Chairman of RPSC, Sanjay Shrotriya, and other RPSC Members including Mr. Babu Lal Katara, Ms. Manju Sharma, Ms. Sangeeta Arya, and Mr. Jaswant Rathi. During these meetings, Mr. Raika requested these members to ensure that his daughter passed the interview. Prior to Shobha's interview, Mr. Raika showed a photograph of Shobha to Mr. Babu Lal Katara on the day of the interview, informing him that Shobha would attend the interview wearing the same dress as in the photograph. Since the RPSC Chairman is responsible for deciding the composition of the interview board for each candidate, Mr. Babu Lal Katara advised Mr. Ramuram Raika to first meet with the RPSC Chairman, Sanjay Shrotriya. Mr. Raika met with Chairman Shrotriya and subsequently informed Mr. Babu Lal Katara to do the needful. Accordingly, Shobha Raika's interview was conducted before an interview board of which Mr. Babu Lal Katara was a part. Mr. Babu Lal Katara ended up awarding Shobha 34 marks. In a similar manner, there was a 3-day holiday before Devesh Raika's interview. During this period, Mr. Ramuram Raika met with RPSC



Chairman Mr. Sanjay Shrotriya at his official residence. Subsequently, Mr. Raika met with RPSC Members Manju Sharma and Sangeeta Arya and spoke with Mr. Jaswant Rathi on the phone. Mr. Sanjay Shrotriya took part in Devesh Raika's interview and awarded him 28 marks.

121. Mr. Babu Lal Katara's involvement in the rigging of the Sub-Inspector Recruitment Examination 2021 continues as per the charge-sheet filed in FIR No. 10/2024. On 10.09.2021, through his nephew Vijay Kumar Damor, Mr. Katara provided Kundan Kumar Pandya with a register containing handwritten questions and answers for both shifts of all three days of the examination. Kundan Kumar Pandya then entered into an agreement with Sandeep Kumar Lata to teach the questions and answers to three candidates for Rs. 10 lakh per candidate. On the night of 11.09.2021, Sandeep Kumar Lata received a photocopy of the register containing 600 handwritten questions and answers (300 per subject) from Kundan Kumar Pandya. Sandeep Kumar Lata provided a set of these photocopies to Purshottam Dhadhich, a government accountant in Udaipur, at his official residence. At Purshottam Dhadhich's behest, Renu Kumari and her sister Radhika took the examination on all three days and in both shifts using the leaked questions. Additionally, a plan was made to provide the leaked paper to Purshottam Dhadhich's brother Manish Dhadhich, who had also applied for the recruitment examination.

122. At this juncture, this Court notes that the instances documented above are merely illustrative examples among the numerous other incidents of systemic malpractices that have come



to light through the charge-sheets that have been filed. These malpractices have been perpetrated either by members of the RPSC themselves, including involvement of the Chairman of the RPSC, or by external gangs whose roles have been discussed in detail in the preceding discourse. The relevant extract of the charge-sheets is reproduced herein-under:-

**"श्री बाबूलाल कटारा पुत्र श्री वजेराम कटारा जाति कटारा उम्र 60 साल निवासी ग्राम मालपुर पोस्ट नई बस्ती थाना सदर जिला डूंगरपुर हाल 79 आई/9, टोडरमल लेन अजमेर-उप निरीक्षक/प्लाटून कमाण्डर परीक्षा 2021 दिनांक 13 सितम्बर से 15 सितम्बर 2021 तक राजस्थान लोक सेवा आयोग द्वारा आयोजित की गई थी। उक्त परीक्षा के दौरान श्री बाबूलाल कटारा राजस्थान लोक सेवा आयोग में सदस्य था। वर्तमान में श्री बाबूलाल कटारा को आयोग से निलम्बित कर दिया गया है। श्री रामूराम राईका के साथ ही श्री बाबूलाल कटारा भी आयोग में सदस्य था। श्री बाबूलाल कटारा के पास इस परीक्षा के पेपर सेट तैयार करवाने का दायित्व था। श्री बाबूलाल कटारा ने अपने कॉर्डिनेटर श्री मधुर मोहन रंगा के सहयोग से विषय विशेषज्ञों से दो-दो पेपर सेट हिन्दी व सामान्य ज्ञान के तैयार करवाये। माह अगस्त 2021 के प्रथम सप्ताह में तत्कालीन राजस्थान लोक सेवा आयोग अध्यक्ष श्री भूपेन्द्र सिंह द्वारा एक-एक सेट हिन्दी व सामान्य ज्ञान का आरपीएससी सदस्य श्रीमती मंजू शर्मा से प्राप्त करने बाबत श्री बाबूलाल कटारा को बताया। एक-एक सेट हिन्दी व सामान्य ज्ञान का प्राप्त करने के बाद एवं मोडरेशन करवाने के बाद आयोग के अध्यक्ष को सुपुर्द करने के लिए सभी पेपर सेट एवं उनकी मॉडल की (KEY) अपनी कस्टडी में रखे। इस प्रकार श्री बाबूलाल कटारा ने दोनों विषयों के तीन-तीन सेट कुल छः सेट उत्तर कुंजी सहित अपने कार्यालय के रेस्ट रूम में रखी अलमारी में रख लिये। चूंकि श्री रामूराम राईका एवं श्री बाबूलाल राईका दोनों एक ही समय पर आयोग में सदस्य थे इस वजह से श्री रामूराम राईका ने अपने पुत्र देवेश राईका की उप निरीक्षक परीक्षा में मदद करने हेतु श्री बाबूलाल कटारा से बात की जिस**



पर श्री बाबूलाल कटारा ने श्री रामूराम राईका को अपने कार्यालय के रेस्ट रूम में रखी अलमारी में रखे पेपर सेट एवं मॉडल की (KEY) की फोटो खींचने हेतु कहा। जिस पर श्री रामूराम राईका ने पेपर सेट एवं मॉडल की (KEY) की फोटो अपने मोबाईल से खींच कर ले गया। इस प्रकार श्री बाबूलाल कटारा द्वारा संवैधानिक पद पर रहते हुए श्री रामूराम राईका को पुलिस उप निरीक्षक भर्ती परीक्षा 2021 के तीनों दिनों के पेपर परीक्षा से पूर्व उपलब्ध करवाये गये।

**श्री रामूराम राईका पुत्र भोपाल राम राईका निवासी गंगवाना पुलिस थाना रोल जिला नागौर हाल फ्लैट नम्बर 103, चित्रा निकुंज बृज कॉलोनी, सोडाला, जयपुर-** उप निरीक्षक / प्लाटून कमाण्डर परीक्षा 2021 दिनांक 13 सितम्बर से C 15 सितम्बर 2021 तक राजस्थान लोक सेवा आयोग द्वारा आयोजित की गई थी। उक्त परीक्षा के दौरान श्री रामूराम राईका राजस्थान लोक सेवा आयोग में सदस्य था। श्री रामूराम राईका के साथ ही श्री बाबूलाल कटारा भी आयोग में सदस्य था। श्री रामूराम राईका के पुत्र देवेश राईका ने इस परीक्षा में आवेदन किया था। जिस पर श्री रामूराम राईका ने आयोग के तत्कालीन अध्यक्ष श्री भूपेन्द्र सिंह को पत्र लिखकर अपने पुत्र देवेश राईका के उप निरीक्षक भर्ती परीक्षा 2021 में सम्मिलित होने के कारण स्वयं को उक्त परीक्षा के कार्य से मुक्त रखने हेतु निवेदन किया था लेकिन श्री रामूराम राईका ने अपनी पुत्री शोभा राईका के उप निरीक्षक भर्ती परीक्षा 2021 में सम्मिलित होने की सूचना आयोग को नहीं दी थी। तत्कालीन आयोग अध्यक्ष श्री भूपेन्द्र सिंह ने इस परीक्षा के पेपर सेट तैयार करने हेतु श्री बाबूलाल कटारा को कार्य सौंपा था। श्री बाबूलाल कटारा ने इस परीक्षा के विषय विशेषज्ञों से तैयार करवाकर अपने कार्यालय के रेस्ट रूम में रखी अलमारी में रखे लिये तब श्री रामूराम राईका ने इस परीक्षा से पूर्व श्री बाबूलाल कटारा को अपने पुत्र देवेश की इस परीक्षा में मदद हेतु श्री बाबूलाल कटारा को कहा। माह अगस्त 2021 के दूसरे सप्ताह में श्री रामूराम राईका ने श्री बाबूलाल कटारा के कार्यालय में रेस्ट रूम में रखी अलमारी में रखे पेपर सेट एवं मॉडल की (KEY) की श्री बाबूलाल कटारा की सहमति से अपने मोबाईल से फोटो खींची एवं अपने पुत्र देवेश एवं पुत्री शोभा राईका को रजिस्टर में लिखवाकर तैयारी करवाई। इस प्रकार तीनों दिन के पेपर प्रिंटिंग प्रेस में छपने जाने से पूर्व ही बाहर चले गये”



**G. Previously Concurring Views Exhibited by the Advocate General and the Cabinet Committee with those expressed by the Chairman, SIT dated 13.08.2024**

123. The learned Advocate General, upon being sought for an opinion regarding the proposal put forth by the Additional Director General of the Anti-Terrorist Squad (ATS), Special Operations Group (SOG), Rajasthan, and also the Chairman of the Special Investigation Team (SIT), a proposal which had been duly accepted by the Director General of Police, Rajasthan, expressed his considered opinion vide letter dated 14.09.2024. In his opinion, the learned Advocate General noted that considering the extensive nature of the malpractices that have been discussed in the preceding discourse pertaining to the impugned recruitment process, it would not be feasible or possible, in the specific facts and circumstances of the case involving the Sub-Inspector Recruitment Examination of 2021, to effectively segregate or distinguish between the candidates who were selected through tainted means and those who were selected without any taint of malpractices. In articulating this opinion, the learned Advocate General accepted the proposal that had been made by the SIT in its report dated 13.08.2024 concerning the future course of action regarding the SI Recruitment Examination of 2021. This report, as has been elaborately discussed in the preceding sections, outlines the findings and recommendations of the SIT in relation to the investigation into the malpractices that occurred during the recruitment examination. The proposal so accepted by the learned Advocate General, as referenced in the context of the SIT's report



dated 13.08.2024, pertains to the course of action to be taken in light of the investigation's findings regarding the widespread malpractices. The takeaway's of the proposal so seconded by the learned Advocate General is reproduced herein-under:-

- "1. उप निरीक्षक पुलिस प्लाटून कमाण्डर भर्ती परीक्षा 2021 को निरस्त किया जाए। परीक्षा निरस्त करने के साथ ही नई भर्ती की विज्ञप्ति जारी हो।
2. इस परीक्षा में शामिल अभ्यर्थियों को ही कम से कम 3 महीने का समय देकर पुनः परीक्षा का आयोजन कराया जायें। उम्र में छूट देने की भी अनुशंसा है।"

124. Similarly, as noted above, the Director General of Police vide letter dated 22.08.2024 had also agreed with the recommendations of the Additional Director General of Police-SOG and ATS, coupled with the recommendations of the Chairman SIT regarding the cancellation of the SI Recruitment Examination 2021. Accordingly, the Director General of Police had forwarded the report of the Chairman SIT dated 13.08.2024 to the Home Department, Government of Rajasthan for their consideration.

125. Moreover, even the committee of Cabinet Ministers so constituted on 01.10.2024 to examine the recruitment examination of 2021, vide its recommendations dated 10.10.2024 recommended the following actions regarding the future of the SI Recruitment Examination 2021, namely:-

125.1 That the Committee was in agreement with the Director General's opinion unanimously, which was arrived at on the basis of the investigation report of the SIT.

125.2 That in view of all the facts presented before the Committee, including the opinion of the Advocate General, the



Committee agreed on the fact that the entire recruitment process had proven to be tainted from the very beginning, where Sub-Inspectors were recruited by adopting unfair means, which saw unqualified candidates in public service posts. It was specifically noted that such candidates would be unable to live up to the sacred oath of the Rajasthan Police, which is "Trust in the common man and fear in the criminals".

125.3 The Committee based its findings on the view that for a corruption free administration in the State, the people of the State coupled with Government expect that only personnel with a clean and transparent track record be selected on such vital posts of Sub-Inspectors, which is amiss in the impugned selection process of 2021.

125.4 That accordingly, the final decision of the Committee was based on the findings/ recommendations forwarded by the Additional Director General of Police, ATS and SOG coupled with SIT to the Director General of Police, to cancel the SI Recruitment Examination 2021, to which the Director General of Police gave his consent.

126. Up until this point, there was concurrence in the views expressed by various authorities including the Director General of Police, the Additional Director General of ATS and SOG, Chairman of the SIT, the Cabinet Committee as constituted on 10.10.2024, as well as the learned Advocate General regarding the course of action pertaining to the Sub-Inspector Recruitment Examination of 2021. These entities were in agreement based on the findings and recommendations stemming from the investigation into the

malpractices associated with the examination. However, a twist or a turn of events occurred when the State's final stance, which was pending approval of the Chief Minister, was presented before the Court on 28.06.2025. This final stance of the State, despite being broadly aligned with the previously expressed views admitting fraud and malpractices, introduced four specific recommendations. These recommendations, while not entirely divergent from the earlier expressions of opinion, did introduce certain modifications. The implications or ramifications of these modifications could potentially be far-reaching or have significant effects on the outcome or the future of the Sub-Inspector Recruitment Examination of 2021. The final stance of the State as of 28.06.2025 put forth these four recommendations regarding the future of the said examination.

“मंत्रीमंडलीय समिति की अनुशंसा:

1. एसआईटी द्वारा अनुसंधान को आगे बढ़ाया जाए और फर्जी तरीके से चयनित समस्त अभ्यर्थियों को गिरफ्तार कर प्रभावी कार्यवाही की जाए।
2. चिन्हित आक्षेपित अभ्यर्थियों की सेवा समाप्त की जाए एवं उन्हें भविष्य में राजकीय भर्ती परीक्षाओं से डीबार किया जाए।
3. पुलिस उप निरीक्षक / प्लाटून कमांडर भर्ती परीक्षा 2021 को रद्द करने का निर्णय इस समय लेना प्रीमैच्योर होगा।
4. इस भर्ती प्रक्रिया में शामिल अभ्यर्थियों के हितों की रक्षा करने हेतु आगामी नवीन भर्ती परीक्षा में पर्याप्त संख्या में पद विज्ञापित किए जाएं तथा आयु की पात्रता में छूट देने पर भी सकारात्मक विचार किया जाए।”

127. The revised recommendations put forth by the Cabinet Committee essentially stipulate that the investigation into the



malpractices associated with the Sub-Inspector Recruitment Examination of 2021 must be continued by the Special Investigation Team (SIT). Furthermore, it is recommended that all candidates who were selected through fraudulent means must be apprehended and effective action should be taken against them. Additionally, the Cabinet Committee recommended that the services of candidates who have been identified as objectionable due to their involvement in malpractices should be terminated. These candidates should also be debarred from participating in future government recruitment examinations. Of particular note is Clause 3 of the recommendations, which states that at the present stage, it would be premature to take a decision regarding the cancellation of the Sub-Inspector Recruitment Examination of 2021. In contrast, Clause 4 of the recommendations suggests that in order to safeguard the interests of candidates who were involved in the recruitment process, a sufficient number of posts should be advertised in the upcoming new recruitment examination. Moreover, it is recommended that relaxation in the age eligibility criteria should be considered positively for these candidates.

128. The decision rendered by this Court to cancel the impugned recruitment examination of 2021, as has been discussed at considerable length in the preceding discourse, does not find itself to be entirely discordant with Clause 3 of the recommendations dated 28.06.2025, which represent the final stance of the State Government on the matter. While Clause 3 of the said recommendations acknowledges the possibility of the



impugned recruitment examination being subject to cancellation, it prefixes this possibility with a caveat indicating that at the present stage, it may not be appropriate to take a decision regarding cancellation. **This Court, in the exercise of its judicious powers and upon careful consideration of the circumstances, is of the opinion that when the systemic faults and malpractices in the conduct of the Sub-Inspector Recruitment Examination of 2021 are more than evident and patently clear, and when any further clarity beyond this point is not required for the adjudication of the matter, and especially considering that a prolonged period of four years has elapsed since the conduct of the impugned examination, and taking into account the Special Investigation Team's (SIT) Report dated 13.08.2024 which has expressly made clear that the passage of time has not only rendered the investigation more challenging but has also diminished the prospects of accurately determining the number of candidates who had resorted to unfair means of various kinds to secure a position, then any further delay in cancelling the examination and any additional wait for further investigation would be an exercise in futility.**

129. This is particularly so when the possibility of cancellation of the examination has already been entertained and acknowledged by the State Government in its recommendations, albeit with the qualification "at this stage" in Clause 3. A further wait in such circumstances would merely serve to intensify the anxiety of the candidates, whether they are accepted or not, and



those who are awaiting the outcome of the present litigation, to a considerable degree, and such an outcome could be altogether futile as no accurate picture may be obtained as a result of the investigation. This is because the SIT has made it clear that even with further investigation, it would be extremely difficult to actually ascertain the precise number of candidates who had participated in illegal means to secure a position as Sub-Inspector.

130. This Court, for the reasons articulated in the preceding discourse and in the exercise of its judicious capacity under Article 226 of the Constitution of India, deems it appropriate to modify and interpret Clause 3 of the recommendations in a manner that the Sub-Inspector Recruitment Examination of 2021 be cancelled at the present stage, in light of the investigation conducted thus far. This course of action is deemed beneficial for several reasons. Firstly, cancelling the examination now would serve to relieve the candidates from the anxiety of uncertainty that has persisted for a considerable duration. Secondly, it would preserve the sanctity of the recruitment process for the post of Sub-Inspector, a position that demands and attracts a significant degree of public confidence, which could be undermined by the presence of any candidate who has secured their position through unlawful activities. Thirdly, cancelling the examination at this stage would bring an end to the prolonged wait of four years since the recruitment process was initiated, a wait that has implications not only for the candidates but also for the State machinery, which would not have proceeded with the recruitment advertisement without the need for personnel. Fourthly, it would uphold the



fundamental principle that fraud vitiates everything, thereby acknowledging and remedying the fact that systemic failures in the conduct of the examination were not limited to the stage of paper leakage but were also encouraged by the actions and inadequate arrangements made by the RPSC in conducting the examination. These failures not only resulted in the leakage of papers but also impeded a complete and thorough investigation into the matter.

131. Consequently, the only viable solution to bring an end to the present litigation from its prolonged delay is to cancel the examination at the present stage, as opposed to the recommendation of the State to possibly consider cancellation at a subsequent stage while awaiting further investigation. Thus, the recommendations dated 28.06.2025, more particularly Clause 3 of the said recommendations is read in sync with observations made above, whilst directing the cancellation of the impugned recruitment examination, at the present stage.

### **V-Conclusion**

132. In light of the foregoing discussion, this Court deems it absolutely necessary, must and appropriate to cancel the impugned recruitment process of Sub-Inspectors 2021, especially on a cumulative consideration of the following stipulations:-

- (i) The preliminary objections raised challenging the maintainability of the writ petitions before this Court lacked nuance and merit. Consequently, this Court could not countenance these objections for the detailed reasons discussed above and for the overarching reason that the *lis*



before this Court pertained to matters of widespread public importance. Ignoring such issues while exercising jurisdiction under Article 226 of the Constitution of India could precipitate catastrophic effects on the State's machinery, particularly the executive branch of the State, namely the Police Force.

(ii) That an in-depth factual inquiry has revealed systemic irregularities in the conduct of the Sub-Inspector Recruitment Examination 2021, which has undermined the integrity of the entire selection process, leaving no plausible chance of segregation of tainted and untainted candidates.

(iii) The noted systemic irregularities have crept in the recruitment process, both internally (via RPSC Members) and externally (via Gangs such as the Bishnoi and Kaler Gang).

(iv) At the risk of repetition, the systemic irregularities and fraud, perpetrated by the RPSC members themselves, is briefly taken note of, herein-under:-

a) RPSC Members Babu Lal Katara and Ramuram Raika were actively involved in leaking examination papers and model answer keys for the Sub-Inspector Recruitment Examination 2021. The leakage occurred between the first and second week of August, approximately one month before the examination (13th-15th September 2021), and even before the papers reached the printing press. Babu Lal Katara leaked the papers to Ramuram Raika to benefit the latter's children, Shobha and Devesh Raika, who appeared in the examination and secured Top 50 ranks in the State. Charge-sheets filed in lodged FIRs record the admission of



Ramuram Raika and his children regarding obtaining the papers prior to the examination.

b) Beyond RPSC Members Babu Lal Katara and Ramuram Raika's involvement in leaking examination papers, other RPSC members were also implicated in compromising the Sub-Inspectors 2021 recruitment process's integrity. Babu Lal Katara advised Ramuram Raika to meet RPSC Chairman Sanjay Shrotriya to ensure favorable interview panels for his children. Ramuram Raika met Chairman Sanjay Shrotriya, who participated in Devesh Raika's interview panel (awarding 28 marks) and ensured Babu Lal Katara's involvement in Shobha Raika's panel. Chairman Sanjay Shrotriya was thus actively involved in prejudicing the interview stage. Ramuram Raika also interacted with members Manju Sharma, Sangeeta Arya, and Jaswant Rathi regarding his children's interviews. These members' participation suggests systemic corruption within the RPSC, compromising the recruitment process's credibility at both interview and written examination stages.

c) The inclusion of Babu Lal Katara in the interview panel for the impugned recruitment process, in itself constituted a grave malpractice, particularly in light of an ongoing investigation against Babu Lal Katara pertaining to FIR No. 227/2022 registered at Udaipur.

d) A total of 6 members of the RPSC, including the then Chairman, were involved in systematically undermining the



credibility of the impugned recruitment process from within the institution, over and above the external paper leakages.

e) The RPSC's conduct of the examination on the 13th, 14th, and 15th of September was filled with significant flaws and replete with administrative and organizational loopholes. These deficiencies facilitated paper leakages and enabled malpractices including substitution of dummy candidates, copying, and utilization of electronic and Bluetooth devices during the examination.

f) In regard to the examination's conduct, several deviations from protocols and security lapses compromised the examination's integrity. Specifically: (1) exams were held in additional districts (Alwar, Pali, Bhilwara, Rajsamand) beyond initial 7 divisional headquarters; (2) use of private schools/invigilators diminished security; (3) mandated security measures (internet shutdown, biometrics, CCTV) weren't effectively implemented, enabling paper leaks and cheating via mobiles/Bluetooth; (4) non-randomized duty allocation allowed manipulation and paper leaks via groups like Kaler and Bishnoi Gang; (5) marks normalization issues led to unequal outcomes across exam days; and (6) RPSC lacked transparency, withholding normalization details and RTI Act information.

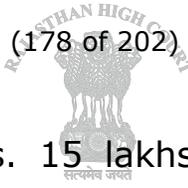
g) The current RPSC Chairman, Mr. Utkal Rajjan Sahoo, via an additional affidavit dated 14.08.2025, has admitted and disclosed that a candidate photographed the OMR Sheet during the examination and circulated it on social media,



causing it to become viral. This incident reveals two grave shortcomings: firstly, the presence of handheld devices and internet connectivity during the examination despite norms mandating the use of jammers; secondly, the dissemination of the OMR sheet on social media, thereby impeding investigation authorities from ascertaining the extent of beneficiaries of this breach across examination centers in the state.

(v) In addition to the internal systemic irregularities and shortcomings emanating from the RPSC and its members itself, as noted above, several external forces also operated to vitiate the impugned recruitment process of 2021. The cancellation of the recruitment process was necessitated by the following additional reasons, namely:-

a) The SIT in its report dated 13.08.2024 highlighted that for the examination conducted on 13.09.2021, the investigation revealed a sophisticated paper leak operation orchestrated by the Kaler Gang in collusion with others including Raju Matrix and Dinesh Singh Chauhan, Director/Owner of Shri Ramsahay Adarsh Secondary School, Bikaner. Utilizing Bluetooth devices, the gang facilitated cheating by transmitting leaked question papers and answers to candidates during the Rajasthan Police Sub-Inspector Recruitment 2021 examination held on 13th-15th September 2021. The leak occurred at Shri Ramsahay Adarsh Secondary School, Bikaner, and was also disseminated to parties in Pali. Dinesh Singh Chauhan



leaked papers for Rs. 15 lakhs. Charge-sheets were filed against accused persons including Tulcharam Kaler, Paurav Kaler, Raju Matrix, and Dinesh Singh Chauhan under various sections of IPC, Rajasthan Public Examination (Prevention of Unfair Means) Act, and IT Act, while several candidates with links to said leakage were arrested. The SIT report noted the possibility of large-scale circulation of leaked papers across the State, accurate investigation with regards to which would be extremely difficult, noting the possibility of widespread beneficiaries.

b) The thorough and commendable investigation conducted by the SIT also highlighted rampant malpractices wherein the Jagdish Bishnoi Gang leaked exam papers for both shifts on 14.09.2021 at Ravindra Bal Bharti Senior Secondary School, Shanti Nagar, Hasanpura, Jaipur. Jagdish Bishnoi, a habitual offender with over 13 criminal antecedents related to paper leaks, led the gang. The modus operandi involved collusion with Rajesh Khandelwal (center superintendent), Pankaj Chaudhary (invigilator), and others to leak papers via WhatsApp. Solved papers were distributed to candidates through site handlers across Rajasthan. The gang used encrypted communication, destroyed evidence post-exam, and operated across Rajasthan. Notorious members include Harshvardhan Meena, Anil Kumar Meena (involved in other paper leaks), and others. Papers were sold to candidates for cheating.



Several arrested, while the beneficiaries of said leak were manifold.

c) The Jagdish Bishnoi Gang leaked papers for both shifts on 15.09.2021 as well at Ravindra Bal Bharti Senior Secondary School, Jaipur, using a modus operandi similar to 14.09.2021. The Kaler Gang also leaked papers for both shifts on 15.09.2021 at Shri Ramsahay Adarsh Secondary School, Bikaner, but obtained the solved papers from Praveen Bishnoi (Jagdish Bishnoi gang) for Rs. 10 lakh. Notably, Jagdish Bishnoi and Kaler Gangs have no established connection, highlighting the coming together of disparate groups to collaborate for paper leaks. The SIT emphasized the difficulty in tracing or limiting dissemination of leaked papers due to the gangs' modus operandi.

d) Sub-Inspectors were also selected through a scheme involving dummy candidates on 13.09.2021-15.09.2021. Dummy candidates, paid large sums (up to Rs. 8 lakh), appeared in exams for actual candidates using innovative methods like fake wigs with electronic devices and earpieces with Bluetooth technology. Kingpins like Bhanwarlal Bishnoi arranged dummy candidates for actual candidates across Rajasthan. The Special Investigation Team (SIT) noted cheating via Bluetooth required access to solved leaked papers from unknown sources, highlighting the extensive and complex paper leakage network.

(vi) In connection with the Sub-Inspector Recruitment Examination 2021, more than 10 First Information Reports



(FIRs) were lodged by authorities concerning serious allegations of paper leakage, utilization of dummy candidates, and employment of unfair means during the conduct of the examination. In addition to these numerous FIRs, 3 more were specifically filed before the Special Operations Group (SOG), a unit tasked with investigating and addressing significant and complex cases. These FIRs highlight the extent of the irregularities and malpractices that were investigated in relation to the examination.

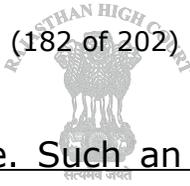
(vii) Pursuant to the investigation conducted by the Special Investigation Team (SIT), as reflected in their report dated 13.08.2024, and the charge-sheets submitted, authorities effected approximately 100 arrests. The investigation revealed involvement of numerous tainted successful candidates, dummy candidates, subject experts, site handlers, kingpins, and officials, with many remaining at large or absconding. For the 859 advertised posts, roughly every 1 in 8 selected candidates utilized unfair means. The number of beneficiaries is likely to increase as the SIT noted that the exact number could not be ascertained until absconding individuals are apprehended and interrogated. Due to time elapsed and poor RPSC infrastructure, thorough investigation after 4 years is proving difficult, making it extremely challenging to capture all irregularities, which shows how deep-rooted they are, making it improbable for all to be uncovered, even if further investigation is carried out.



(viii) Even the prospect of 1 in every 8 candidates being tainted in the recruitment of Sub-Inspectors in the police force is alarming, given the critical role of Sub-Inspectors in controlling crime, maintaining law and order, and serving as pivotal figures in society as Station Officers. It would be inappropriate and unfair to permit Sub-Inspectors recruited through unfair means to remain in service. Sub-Inspectors, who may be promoted up to Additional Superintendent of Police, must be selected through a transparent and sanctified process. Candidates selected through wrongful means are unlikely to discharge duties properly, with requisite dedication, softness, generosity, and sensitivity towards the public, thereby undermining the justice system and impairing police functioning.

(ix) The prospect of the Rajasthan Police Department retaining tainted candidates in service, should the Sub-Inspector recruitment examination of 2021 not be cancelled in light of the Special Investigation Team's (SIT) recommendations and the ongoing investigation's status, would be detrimental and harmful to society at large. Allowing individuals selected through unfair means to serve in critical police positions has profound and far-reaching implications.

(x) To uphold the Rajasthan Police's motto of "**Trust in the Public and Fear in the Criminals,**" cancelling the 2021 Sub-Inspector recruitment examination is imperative. This is necessitated by the fact that the tainted examination, plagued by malpractices yet to be fully uncovered, would erode public



confidence in the police. Such an outcome would alarm both the public and State machinery, indicating a breakdown in trust crucial for effective policing and law and order maintenance.

(xi) A corruption-free administration requires individuals with transparent and impeccable images in critical roles. Candidates selected through corrupt means, leveraging unfair advantages and malpractices, cannot reasonably be expected to embody integrity, honesty, and transparency. Cancelling this recruitment would ensure a corruption-free process and convey authorities commitment to upholding integrity in public service. Given the passage of four years since the examination and the complexities of the investigation coupled with systemic failures, all discussed above, differentiating between fairly selected candidates and those benefiting from malpractices is extremely challenging, if not practically impossible.

(xii) At the risk of repetition, but in conclusion, it is noted that the latest position of law on the subject is sufficiently made clear by the dictum of the Hon'ble Apex Court enunciated in **Baishakhi Bhattacharyya (Supra)**, wherein it was held that when a meticulous factual inquiry unveils systemic infirmities, such as malaise or fraud, that pervasively undermine the integrity of the selection process, the inevitable consequence must be the cancellation of the selection in its entirety. The decision to cancel the selection *en masse* must be predicated upon sufficient material



garnered through investigation, wherein the standard of proof is not necessarily one of unassailable certainty but rather one grounded in preponderance of probabilities. Although the resultant inconvenience to unblemished candidates is undoubtedly lamentable, it cannot be permitted to eclipse the profound manipulation that has sullied the selection process, thereby vitiating its sanctity.

(xiii) It is of paramount importance to emphasize that due to the widespread irregularities and malpractices, both external and internal, occurring from before the printing of papers through the examination and interview stages, attempting to separate tainted from untainted candidates in the Sub-Inspector Recruitment Examination of 2021 would be a futile endeavor filled with insurmountable challenges. Such an attempt would compromise the systemic integrity of the examination especially when the investigation indicates that no conclusive statistic regarding the precise number of tainted candidates can be determined due to systemic lapses and deficiencies in the examination's conduct. After four years, rectifying or remedying these lapses to restore process integrity is impossible due to the passage of time, complexities, and extent of uncovered malpractices.

(xiv) That even the learned Advocate General, upon being solicited for an opinion regarding the proposal by the Additional Director General of the ATS/SOG, Rajasthan, and Chairman of the SIT, which was accepted by the Director General of Police, Rajasthan, expressed his opinion via letter



dated 14.09.2024. In this opinion, the learned Advocate General also noted that given the extensive malpractices in the Sub-Inspector Recruitment Examination of 2021, it is not feasible to segregate candidates selected through tainted means from those selected without taint. The Advocate General accepted the SIT's proposal in its report dated 13.08.2024 regarding the future course of action concerning the examination, which was categorically noted to be cancellation, and not segregation of tainted and untainted candidates.

(xv) Similarly, the Director General of Police, vide letter dated 22.08.2024, concurred with the recommendations of the Additional Director General of Police-SOG and ATS, as well as the Chairman of the Special Investigation Team (SIT), pertaining to the cancellation of the Sub-Inspector Recruitment Examination of 2021.

(xvi) That even the Cabinet Ministers' committee (constituted on 01.10.2024) recommended via 10.10.2024 recommendations to cancel the 2021 Sub-Inspector Recruitment Examination. The Committee agreed with the Director General's opinion (based on the SIT investigation report) that the recruitment process was tainted from the start with unfair means. Such candidates may not uphold the Rajasthan Police oath ("Trust in the common man and fear in the criminals"). For a corruption-free administration, personnel with clean records are needed for vital Sub-Inspector posts. The Committee's decision to cancel the examination was



based on recommendations from the Additional Director General of Police (ATS/SOG and SIT), to which the Director General of Police consented.

(xvii) The Cabinet Committee's revised recommendations dated 28.06.2025 stipulate that the SIT continue investigating malpractices in the 2021 Sub-Inspector Recruitment Examination and that the candidates selected through fraud should be apprehended, face action, have services terminated if involved in malpractices, and be debarred from future government exams. Clause 3 of the said recommendation notes that it's premature to decide on cancelling the examination 'at this stage', while Clause 4 suggests advertising sufficient posts in the next recruitment exam with age relaxation for affected candidates.

(xviii) This Court's present judicious decision to cancel the Sub-Inspector Recruitment Examination of 2021 harmonizes with the tenor of Clause 3 of the recommendations dated 28.06.2025, emanating from the State Government, which contemplates the possibility of cancelling the impugned recruitment process after further investigation, at a subsequent stage. In light of the manifest and patent systemic infirmities and malpractices that plague the conduct of the said examination, coupled with the effluxion of a considerable period of four years since the examination's date, and taking into account the SIT report dated 13.08.2024, which underscores the challenges in investigating the matter further and the diminished prospects of accurately ascertaining the



number of candidates who resorted to divers unfair means to secure a position, any further procrastination in cancelling the examination would constitute an exercise in futility.

(xix) This particular cancellation at this stage is apposite when the State Government's recommendations themselves envisage the possibility of cancellation, albeit tempered by the qualification "at this stage" in Clause 3. Prolonging the uncertainty in such circumstances would merely serve to exacerbate the anxiety of the candidates and those awaiting the outcome of the present litigation, without any corresponding benefit, as the SIT has explicitly averred that ascertaining the precise number of candidates who employed illegal means to secure a Sub-Inspector position would be extremely difficult even with further investigation. The cancellation of the examination at this juncture would thus relieve candidates from the burden of uncertainty, preserve the sanctity of the recruitment process for the post of Sub-Inspector, a position of significant public trust, and uphold the sacrosanct principle that fraud vitiates all proceedings.

(xx) Therefore, this Court exercising its judicious powers under Article 226 of the Constitution of India, deems it appropriate to interpret Clause 3 of the recommendations to effect the cancellation of the Sub-Inspector Recruitment Examination of 2021 at this stage, based on the investigation conducted thus far. Cancelling the examination, at this present stage, is beneficial for several reasons: it relieves candidates from prolonged uncertainty, preserves the sanctity



of the recruitment process for a position demanding public confidence, ends a four-year wait since recruitment initiation, and upholds the principle that 'fraud vitiates everything'. Hence, given systemic failures in the examination's conduct and impediments to thorough investigation, cancelling the examination now is the viable solution to end prolonged litigation, aligning Clause 3 of the 28.06.2025 recommendations with this direction.

(xxi) The present contextual framework harmoniously aligns itself with the judicial pronouncements enunciated in the cases of **Baishakhi Bhattacharyya (Supra)** and **Vanshika Yadav (Supra)**, thereby warranting the cancellation of the examination in question. The Special Investigation Team's (SIT) meticulous and in-depth factual inquiry into the malpractices attendant to the Sub-Inspector Recruitment Examination of 2021 has sufficiently substantiated the allegations of fraud, corruption, and the widespread internal and external leakage of question papers and model answers. The Hon'ble Apex Court, in both of the aforementioned judicial pronouncements, has elucidated with clarity that the standard of evidence requisite to reach a conclusion qua cancellation of the recruitment process need not be unduly strict or require evidence conclusive beyond any doubt. Rather, a preponderance of probabilities shall suffice to subject the impugned recruitment process to cancellation, owing to the reasons noted above, which establish the existence of systemic malaise in the conduct of the examination. This



alignment with the judicial dictum, coupled with the findings of the SIT, fortifies the basis for cancellation of the examination.

(xxii) The argument advanced by the learned counsel for the respondents regarding the consideration of principles of materiality and proportionality to preclude the cancellation of the recruitment in its entirety is wholly misconceived. This is because the leakage of the question paper and its model answer key in the present factual matrix was perpetrated not only by gangs and anti-social elements on a large scale but also by members of the RPSC themselves. These members, entrusted with the responsibility of safeguarding the examination, were ironically complicit in the malpractices. The cost of cancelling the recruitment process is counterbalanced by the imperative of reinstating public confidence in State institutions, which suffers a cascading effect of erosion due to paper leaks. A significant counter to the respondents arguments lies in the fact that the systemic vitiation of the examination was not an isolated incident. Firstly, the leakage was not confined to a single center or city but extended to almost all divisional headquarters and additional centers where the examination was conducted. Secondly, paper leakage involving RPSC members and external gangs is not a singular occurrence, as evidenced by the Bakaria Bus incident involving RPSC Member Babu Lal Katara, amongst others. In these circumstances, cancellation of the examination in its entirety is the only efficacious solution to reinstate the faith of the public in vital State institutions such as the Police Force.

(xxiii) In concluding the foregoing observations, this Court acknowledges the undeterred, resilient, thorough, and painstaking investigation undertaken by the SIT, SOG, as reflected in the report dated 13.08.2024 and the charge-sheets filed. This investigation has lent significant support in unearthing the nefarious racket of paper leakage gangs and their collusive partnership with internal members of the RPSC, aimed at vitiating a fair and transparent recruitment process, thereby rendering it a systemically flawed endeavour, such as the present one. This Court also acknowledges and appreciates the promise made by the current ruling political party in the State, as contained in its manifesto released prior to the 2023 State Elections. The party had pledged to make all endeavours to curb the issue of paper leaks and ensure that all recruitment processes are untainted. The corresponding investigation, aligned with the said promise in the manifesto, has enabled the widespread corrupt practices to be exposed in the public eye.

(xxiv) **The Hindi idiom, "Ghar ka Bedi Lanka Dahay", aptly encapsulates the egregious circumstances surrounding the Sub-Inspector Recruitment Examination 2021, wherein the very guardians entrusted with safeguarding the sanctity of the process, namely the members of the RPSC, were instrumental in its vitiation. It is a travesty of monumental proportions that six members of the RPSC, tasked with the sacrosanct duty of protecting the interests of the public**



**and masses, chose to betray that trust. Through their active participation in, or knowledge of, the leakage of papers and prejudicing of the interview process, RPSC Members Babu Lal Katara, Ramuram Raika, Manju Sharma, Sangeeta Arya, Jaswant Rathi and Chairman Sanjay Shrotiya enabled the systemic and large-scale compromise of the examination's integrity. The attack on the examination's sanctity was not solely the handiwork of external anti-social elements but was significantly birthed and spread by these very members of the RPSC. This betrayal of public trust from within the RPSC has precipitated a crisis of confidence in the recruitment process and the institutions meant to uphold it, underscoring the idiom Ghar ka Bedi Lanka Dahay's relevance in highlighting the devastating impact of internal complicity and corruption.**

133. Accordingly, for the reasons noted herein-above, the present batch of writ petitions are allowed, in above terms. Pending applications, if any, stand disposed of.

#### **VI. DIRECTIONS**

134. In furtherance of the noted conclusion regarding the inherent and absolute need for the cancellation of the process undertaken by the RPSC for recruitment of candidates on the post of Sub-Inspector in pursuance of Advertisement No. 08/2021 dated 03.02.2021, this Court, in agreement and in the same breath as the recommendations deemed necessary by the learned



Advocate General in his opinion dated 14.09.2024, deems it fit to direct as under:-

(i) That the Government should prepare a detailed report with supporting material, in consonance with the shortcomings noted in the preceding discourse, and on that basis and along with that report and corroborating material, recommend to the RPSC to cancel the whole recruitment process conducted till date including the result/recommendations of the Sub-Inspector Police/Platoon Commander Recruitment Examination 2021.

(ii) That the RPSC should also be instructed to re-conduct the whole process under the same advertisement dated 03.02.2021, or by making alternative arrangements in the novel advertisement so issued vide notification dated 17th July 2025, on the basis of valid applications received in pursuance of that advertisement, deadline of which is September 08 2025. It would be expected from the RPSC, that in confirmation with Clause 4 of the recommendations dated 28.06.2025, to protect the interests of the candidates involved in the present recruitment process, sufficient number of posts should be advertised in the upcoming new recruitment examination and relaxation in age eligibility should also be considered positively.

(iii) That to be fair to the applicants, reasonable time for preparation and appearing in the examination should be allowed.



(iv) That the RPSC should be instructed to ensure fairness and transparency in the re-conducting of the process as to avoid any further lapses.

(v) That as soon as the RPSC decides and cancels the process as mentioned above, the appointments made on the basis of the previous process should be immediately cancelled by the government with all legal consequences, as noted above.

(vi) That in case of termination of the candidates appointed, if any one of them have resigned their Government services to join the new post, order should be issued for their reinstatement to their original posts in Government Service, in above terms.

## **VII. Suo-Moto Cognizance & PIL**

135. Having arrived at the aforementioned conclusion and pursuant to having issued directions in connection therewith, this Court, whilst exercising its jurisdiction under Article 226 of the Constitution of India, cannot remain a passive observer and permit the RPSC to perpetrate a travesty of the system through its repeated and continued breach of the public trust. This breach, evidently, emanates from the active involvement of its members in undermining the integrity of an esteemed public institution, which, when functioning at its envisioned capacity, plays a pivotal role in the governance of the State of Rajasthan. The RPSC, by virtue of its mandate, administers the recruitment process for virtually all significant public posts within the State, thereby occupying a position of considerable importance in the administrative



framework of Rajasthan. In light of the grave improprieties and malpractices that have been brought to light, involving members of the RPSC itself, this Court is duty-bound to ensure that the sanctity of the recruitment process is preserved and that the public trust reposed in such an institution is safeguarded. It is incumbent upon this Court, in wielding its constitutional powers, to uphold the rule of law and to ensure that institutions like the RPSC conduct themselves with the utmost integrity, probity, and transparency, thereby fostering confidence in the public institutions that serve as the backbone of the State's administrative machinery.

### **Framework of the RPSC**

136. The RPSC, a constitutional body established pursuant to Article 315 of the Constitution of India, is vested with mandates as delineated under Article 320. The paramount objective of the RPSC is to conduct recruitments for various civil services and government posts within the State of Rajasthan in a manner that is fair, efficient, transparent, and timely, adhering scrupulously to the prescribed and established Recruitment Rules. In essence, the RPSC orchestrates competitive examinations, screening tests, and interviews, whilst also tendering advice to the State Government on matters pertaining to recruitment, including but not limited to appointments, promotions, transfers, professional standards, and disciplinary actions. In order to uphold the constitutional objective underlying its very formation and organization, for which purpose it was constituted, the RPSC has, in theory, undertaken various measures to secure the integrity of the examinations it conducts.



These measures are designed to ensure that the processes of recruitment are insulated from malpractices, thereby fostering confidence in the outcomes of such recruitments and upholding the principles of meritocracy and fairness that are foundational to the functioning of a constitutional body such as the RPSC. Some of these measures, formulated in theory, include:-

- a. Limited Examination Centers: Examinations are conducted at carefully vetted centers with two invigilators assigned per 24 candidates to ensure tight supervision.
- b. Enhanced Applicant Verification: Features such as larger photos, handwriting samples, and stricter security protocols have been introduced to deter dummy candidates, tampering, and paper leaks.
- c. Application Process Reforms: Application workflows have been tightened to seal loopholes that previously enabled cheating and the entry of dummy candidates.
- d. Structural Reforms: The Government has initiated restructuring of the RPSC to assign sensitive and confidential tasks to newly appointed members who are free from past controversies, thereby increasing accountability.
- e. Strengthened Legal Penalties: Proposals have been made to elevate penalties for paper leak offenses, including the possibility of life imprisonment, to enhance deterrence against anti-social elements.
- f. Cancelling Compromised Exams: Examinations whose integrity has been compromised are to be cancelled.



137. With regards to the constitutional framework governing the RPSC, Article 316 of the Constitution of India stipulates that the Chairman of the Commission shall be appointed by the Governor. Furthermore, it mandates that at least half of the members of the Commission must comprise individuals who have held office under the Government of India or a State Government for a minimum period of 10 years. The tenure of such members is prescribed as 6 years or until the attainment of the age of 62 years, whichever is earlier. A salient feature of Article 316 is that whilst members of the RPSC may include academicians, experts, or eminent persons, a minimum of 50 percent must be comprised of experienced civil servants.

138. In compliance of constitutional provisions and looking to the past practices, members of the Rajasthan Public Service Commission (RPSC) are appointed from amongst experienced government servants, retired senior bureaucrats, officers of services such as IAS, RAS, IPS, IFS, and individuals with domain expertise in fields like academics, law, administration, and social service. This appointment is subject to the constitutional mandate that at least 50% of the members must be past civil servants. The RPSC aims to ensure that its members maintain impartiality by not holding any office of profit under the Government or being connected with political parties during their tenure. Articles 316-319 of the Constitution of India address aspects of disqualification of members. Specifically, Article 317 outlines the grounds and procedure for the removal and suspension of a member of the Commission. A member can be removed by the President of India



for 'misbehavior' following a reference to the Supreme Court, which conducts an inquiry and reports on the justification of removal. Additional grounds for removal include engagement in paid employment outside duties or infirmity of mind or body. A member may be suspended pending the President's order on removal based on the Supreme Court's report.

### **Framework of the RPSC: A Farce**

139. Despite RPSC possessing a rigid framework and holding significant importance in establishing public order in the State through various recruitments, ranging from the employment of teachers to police personnel, the aims, objectives, and safeguards purportedly imposed by the RPSC have repeatedly been exposed as a farce. This is particularly evident when considering the shameful state of affairs involving its members and the Chairman. In the context of the Sub-Inspector Recruitment Examination 2021 alone conducted by the RPSC, the leakage of examination papers was initiated through the joint efforts of RPSC members Mr. Babu Lal Katara and Mr. Ramuram Raika, occurring even before the papers reached the printing press. The fact that the leakage of papers was orchestrated by those very individuals who are constitutionally mandated to safeguard them to ensure a fair public recruitment process exposes the infirmities and rampant corruption within the RPSC. This has led to the lifting of the veil of credibility that the RPSC proudly boasted of, a situation that is most unfortunate for the thousands and lakhs of candidates who participate in RPSC-administered recruitments with the hope that one day they shall reap the fruits of their hard work in an



environment preclusive of fraud, where merit is the sole victor. However, through the inherent actions of RPSC members, merit has become a casualty in recruitment exercises. What is more alarming is not only the involvement of RPSC members like Babu Lal Katara and Ramuram Raika, which is in itself unacceptable, but also the active connivance and involvement of several other members of the Commission, including Manju Sharma, Sangeeta Arya, and Jaswant Rathi. As per the charge-sheet, these members had complete knowledge of the transactions and malpractices ensuing between members of the Commission for personal gains.

140. The involvement of the former Chairman of the RPSC, Mr. Sanjay Shrotriya, adds to the gravity of the situation. Mr. Shrotriya not only instructed Ramuram Raika regarding the future course of action concerning his son's and daughter's interviews but also actively participated in the interview panel himself. If the head of an institution of such esteemed public importance is inherently disobedient toward his oath and duties, it portrays an image of deceit in public employment. The mechanism employed to leak papers and prejudice the interview process resembles a spider web of compromised integrities working together to compromise the process. The biggest and most unfortunate loser in this scenario is the hard-working candidate who, with no knowledge of these mechanisms at the backbone of the institution, toils hard to pass the recruitment with hope for ensuring a better life not only for themselves but also for their families and the community at large. It is not difficult to imagine that a society in which public posts are held by individuals with



corrupt backgrounds cannot preach confidence in public institutions.

141. At the center of this distrust lies the RPSC. This situation is both alarming, unfortunate, and infuriating, to say the least. Against this backdrop, the measures adopted by the RPSC such as cancellation of exams, enhanced candidate verification, and increased readiness for exams, as outlined in the framework above, are exposed as mere farces. These measures shall not prevent any breach of examination integrity because the integrity is not being breached solely by anti-social elements of society but also by the very members of the RPSC who are entrusted to ensure that such anti-social elements cannot make a mockery of the system. The erosion of trust in the RPSC due to these malpractices has far-reaching implications for the credibility of recruitments conducted by the Commission. The participation of numerous candidates in these examinations, fueled by aspirations of securing public service positions through merit-based selection, is now tainted by the shadow of corruption. In conclusion, the revelations regarding the involvement of RPSC members in malpractices during the Sub-Inspector Recruitment Examination 2021 starkly highlight the need for stringent accountability and reforms within the RPSC to restore the integrity and credibility of its recruitment processes.

142. The shortcomings of the RPSC are not limited to the instances of corruption noted in the Sub-Inspector Recruitment Examination 2021, but also in various other examinations, and in various other forms which also challenge their competence and



ability to conduct recruitments smoothly. Some illustrations include:-

**(I) 2<sup>nd</sup> Grade Teacher Recruitment (General Knowledge)**

**Examination conducted in December 2022:** The RPSC cancelled the General Knowledge test after the police intercepted a bus in Udaipur carrying 37 students and seven “experts” with the leaked question paper. The paper leakage in this incident, pursuant to investigation, was also attributed to the very source i.e. RPSC Member Babu Lal Katara who had sold the paper for personal monetary gain of Rs. 60 lakhs to one Anil, who further distributed the same, thereby vitiating the entire examination. As a result, the examination was cancelled by the RPSC and conducted afresh subsequently.

**(II) Senior Teacher Recruitment (Group A and B, General Knowledge)- December 2022:**

After allegations of paper leakage and irregularities in the Group A and B General Knowledge Examinations, conducted on December 21 and 22, 2022 respectively, RPSC cancelled both the papers. The rationale for the said cancellation stemmed from a SOG investigation prompted by allegations involving the active participation of RPSC Member Babu Lal Katara, which was found sufficient by the Commission to cancel the examination, and reschedule them for July 2023.

**(III) Revenue Officer Grade-II and Executive Officer Class**

**IV Exams- May 2023:** The RPSC cancelled the examinations held on May 14 2023 for the posts of Revenue Officer Grade II and Executive Officer Class IV, following serious allegations of paper leakage. The cancellation was prompted by the findings of the



SOG, seconding the allegations qua the paper leakage. In this examination, over 1.96 lakh candidates appeared.

(IV) **2018 RAS Recruitment Irregularity:** RPSC admitted manipulation in the 2018 RAS Examination, which impacted the rank of SDM Padma Chaudhary, raising questions of administrative misconduct.

(V) Other incidents of regular incorrect answer keys, challenge to the competence of experts and evident mismatches in the model and final answer keys of the RPSC, as evidenced by the numerous petitions entertained by this Court, subsequent to the conduct of various recruitment processes.

143. The essence of the foregoing discussion underscores the imperative that the RPSC cannot persist in functioning in a manner characterized by negligence and corruption as is currently evident. Such functioning results in thousands and lakhs of aspiring candidates becoming casualties to the selfish interests of a few members of the Commission. These members render the examination system inherently flawed and worthy of cancellation from within the institution itself. This situation is further compounded by the poor administration of examinations, a fault of the RPSC as highlighted by the Special Investigation Team (SIT) report dated 13.08.2024. The RPSC, as per the SIT report, exhibited several shortcomings in the conduct of the impugned recruitment process, over and above the foundational leakage of papers at the hands of its member even before they reached the printing press. The shortcomings are noted herein-under:-



(i) **Deviation from Planned Examination Centers:**

Initially planned for divisional headquarters (7 centers), but exams were held in additional districts (Alwar, Pali, Bhilwara, Rajsamand).

(ii) **Use of Private Schools and Invigilators:** Shifted from government institutions/personnel to private schools/invigilators, leading to compromised security.

(iii) **Inadequate Security Measures:** Despite norms for security (internet shutdown, biometrics, CCTV), these weren't effectively implemented, leading to paper leaks and cheating via mobiles/Bluetooth.

(iv) **Non-Randomized Duty Allocation:** Allowed potential manipulation.

(v) **Paper Leakage:** Leaks occurred before exams via groups like Kaler and Bishnoi Gang along with several others.

(vi) **Marks Normalization Issues:** Led to unequal outcomes across exam days.

(vii) **Lack of Transparency:** RPSC withheld details on normalization and under RTI Act.

144. In consideration of the foregoing discussion, this Court, cognizant of the fraud perpetrated by members of the RPSC at the grassroots level, the connivance of RPSC members in prejudicing the interview process, the involvement of over six members of the RPSC in malpractices with further investigation pending, the participation of the head of the institution in tampering outcomes, the continued involvement of accused RPSC members in various examinations, the silence of RPSC members enabling systemic



vitiating of recruitment processes, and the RPSC's inability to uphold its aims of fair and equitable recruitments; the continued breach of public trust resulting from the inability of the RPSC to manage its affairs and guided by the dictum of the Hon'ble Apex Court in **Baishakhi Bhattacharyya (Supra)** which relaxes the requirement of proof beyond doubt in civil recruitments in favor of a preponderance of probabilities; and relying upon the Special Investigation Team (SIT) Report dated 13.08.2024 and charge-sheets in FIRs related thereto, deems it appropriate and imperative to take suo-moto cognizance of the systemic malpractices within the RPSC in the State of Rajasthan, for institution of a Public Interest Litigation, in conformation of Rule 385-P and 385-Q of the Rajasthan High Court Rules 1952.

145. The Registrar (Judicial) is directed to place a copy of this order along with concerned material for perusal before the Hon'ble Chief Justice, for further proceedings and consideration.

**(SAMEER JAIN),J**