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IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) Nos. 14056, 16050, 16273, 16284, 16447,
16460, 16461, 16466, 16557, 16588, 16595, 16839,
17241, 17311, 17504, 17710, 18179, 18413, 18476,
19076, 19345, 20427, 21214, 21240, 21767, 27400,
27423, 28709 & 29178 of 2025**

W.P.(C) No. 14056 of 2025

In the matter of an application under Articles 226 & 227 of the
Constitution of India.

.....

Gopal Krishna Behera

....

Petitioners

-versus-

State of Odisha & Anr.

....

Opposite Parties

For Petitioners : Mr. B. Routray, Sr. Advocate
along with
Mr. J. Biswal, Advocate

For Opp. Parties : Mr. M.R. Mohanty,
Addl. Govt. Advocate
Mr. S. Swain, Advocate
(Opp. Party No. 2)

PRESENT:

THE HON'BLE JUSTICE BIRAJA PRASANNA SATAPATHY

Date of Hearing: 29.10.2025 & Date of Judgment: 20.01.2026



Biraja Prasanna Satapathy, J.

Since the issue involved in the present batch of writ petitions is identical, all the matters were heard analogously and disposed of by the present common order.

2. All the writ petitions have been filed inter alia challenging order dtd.12.05.2025 so passed by the authorities of Odisha Staff Selection Commission (in short Commission), whereby Petitioners have been debarred to appear in any examination conducted by the Commission for a period of 6 years starting from 16.07.2023 to 15.07.2029 and with a further order to cancel the candidature in all examination in which Petitioners have approached w.e.f.16.07.2023 to the date of passing of the order.

3. Learned Sr. Counsel appearing for the Petitioners in the present batch of writ petitions, contended that initially the Commission issued an advertisement on 02.11.2022 inviting applications to fill up 1008 posts of Junior Engineer (Civil) through direct recruitment. In pursuance of the said advertisement, all the Petitioners participated in the preliminary examination so held on 04.06.2023.

3.1. While Petitioner in W.P.(C) No. 14056 of 2025 qualified in the preliminary examination, result of which was published on



17.06.2023, Petitioners in W.P.(C) Nos. 16050, 16595 & 19076 of 2025 could not qualify in the preliminary examination.

3.2. It is contended that after publication of the result of the preliminary examination so held on 04.06.2023 on 17.06.2023, in terms of the advertisement, the qualified candidates appeared the main written examination so held on 16.07.2023. However, the Commission vide its notice dtd.23.07.2023, cancelled the main written examination held on 16.07.2023 and in the said notice it was proposed to hold the main written examination afresh on 03.09.2023.

3.3. However, prior to such conduct of the main written examination afresh so fixed to 03.09.2023, basing on the report submitted by the Superintendent of Police, Balasore and further report submitted by the Superintendent of Police on 28.07.2023, basing on the report of the Inspector-in-Charge, Sahadevkhunta Police Station dtd.27.07.2023 regarding involvement of 17 nos. of accused persons with regard to leaking of the question papers of the Main written examination so held on 16.07.2023, all the Petitioners were issued with the show-cause on 28.07.2023 in terms of the provisions contained under Rule 18 of the Odisha Staff Selection Commission Rules, 1993 (in short Rules).



3.4. It is contended that such a show-cause was issued inter alia with the allegation that the Petitioners have illegal access of the question papers of the main written examination held on 16.07.2023.

3.5. It is contended that Petitioners even though submitted their reply to the show-cause notice dtd.28.07.2023 before the Secretary of the Commission and in their replies, it was clearly indicated that Petitioners are having no illegal access to the question papers of the main written examination held on 16.07.2023, but without proper appreciation of the reply so submitted, the main written examination was conducted afresh on 03.09.2023. Those of the candidates who had qualified the preliminary examination, result of which was published on 17.06.2023, were allowed to take part in the main written examination conducted afresh on 03.09.2023. However, after publication of the result of the main written examination on 30.09.2023 and verification of the documents of the selected candidates on 11.10.2023, the Commission published the final result of 1008 selected candidates as against 1008 posts of Junior Engineer (Civil) so advertised. Even though the Commission published the final select list of 1008 candidates, but 950 selected candidates were issued with the order of appointment and result of 58 candidates including the Petitioners was kept withheld.



3.6. It is contended that even though result of 58 selected candidates was kept withheld including that of the Petitioners because of their alleged involvement in leakage of the question paper of the main written examination held on 16.07.2023, but the I.O. in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 while submitting the final form on 10.11.2023, never charge-sheeted the present Petitioners.

3.7. It is however contended that challenging such action of the Commission in cancelling the main written examination held on 16.07.2023, various writ petitions were filed in W.P.(C) No. 28269 of 2023 & batch. This Court vide order dtd.31.08.2023 while permitting the Petitioners therein to appear the main written examination to be held afresh on 03.09.2023, observed that their result shall be subject to the final outcome of W.P.(C) No. 28269 of 2023. In the said order this Court further observed that the Commission shall continue with the proceeding initiated against the candidates with issuance of the show-cause so issued, but no final order shall be passed by the Commission without leave of this Court.



3.8. It is however contended that W.P.(C) No. 28269 of 2023 & batch were disposed of finally vide order dtd.06.03.2024 with the following direction so contained in Para 10:-

“10. In the aforesaid factual backdrop, this Court permits the I.O. to continue with the investigation with a direction to conclude the same as expeditiously as possible by covering all angles of conspiracies. Further, this Court also directs the OSSC to finalize the proceeding initiated by issuing show cause notice to the Petitioners to which the Petitioners have already filed their reply. In the event, it is found that the Petitioners are in no way involved in the leakage of the question papers, then such proceeding be dropped and the results of the examination which was held on 03.09.2023 in respect of the present petitioners be published within a six weeks from the date of communication of a copy of this order. Furthermore, in the event it is found that the Petitioners have come out successfully in the written examination and the proceeding against them are dropped as directed hereinabove, then the OSSC shall proceed in their matter for publication of their final result by taking the necessary and consequential steps to conclude the recruitment process in respect of those Petitioners. Consequently, if it is found that the Petitioners are finally selected, then the pendency of the criminal case shall not stand in the way of the Petitioners being considered for appointment to the post of Junior Engineer (Civil).”

3.9. It is contended that challenging the common order passed by this Court on 06.03.2024, the Commission filed Writ Appeal No. 1296 of 2024. The Writ Appeal in question was disposed of without



interfering with order dtd.06.03.2024 vide order dt.30.04.2025 with the following observation so contained in Para 8 & 9:-

“8. The language used in the aforementioned paragraphs leaves no ambiguity that the Court refused to interfere with the show cause notice and directed the authorities to proceed in investigating such serious issues and in pursuit thereof, such observation came to be made. Since there was a serious allegation of the leakage of the question papers and an access to the leaked question papers, the Single Bench observed that it does not appear prima facie case is made out for involvement in leakage of the question papers. Such observation is tentative in nature and cannot receive any sanctity being susceptible to non-interference at the investigation stage. The observation made by the Single Bench expressing the prima facie opinion is never regarded as final which would further be evident from the observations made in paragraph-10 of the impugned order wherein it is held that in the event the writ petitioners are found in no way involved in the leakage of the question papers, then the proceeding should be dropped.

9. In such view of the matter, since the finding on leakage of question papers and its involvement is still left open to the Investigating Officer, we do not find that such observation would create an absolute bridle and/or fetter on the part of the authorities in deciding the issues in accordance with the statutory provisions applicable in this regard.”

3.10. It is contended that on the face of the order passed by this Court on 06.03.2024 in W.P.(C) No. 28269 of 2023 & batch and further order passed in Writ Appeal No. 1296 of 2024 and the fact that the



Petitioners were not charge-sheeted by the I.O. in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023, those of the Petitioners who have qualified the main written examination held afresh on 06.09.2023, should have been provided with the order of appointment with dropping of the proceeding so initiated vide show-cause dt.28.07.2023. Instead of doing so, when the Commission issued a fresh advertisement on 14.03.2024, Petitioners also participated in the said selection process by appearing the preliminary examination. But, in the meantime vide the impugned order dtd.12.05.2025, so impugned in the present batch of writ petitions, Petitioners have been debarred to take part in any examination conducted by the Commission for a period of 6 years for the period from 16.07.2023 to 15.07.2029 and the examination they have taken w.e.f.16.07.2023 were declared as cancelled.

3.11. Because of the nature of the impugned order passed on 12.05.2025, final result of the Petitioners pursuant to the fresh advertisement issued on 14.03.2024 was also not published, even though Petitioners after qualifying the preliminary examination so held on 18.05.2025, were allowed to take part in the main written examination.



3.12. While assailing the impugned order dtd.12.05.2025 so impugned in the present batch of writ petitions, it is contended that pursuant to the advertisement issued initially by the Commission on 02.11.2022, the main written examination held on 16.07.2023 was cancelled because of initiation of Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 and the report submitted by the Superintendent of Police, Balasore on 23.07.2023 as well as 28.07.2023. Because of the initiation of the proceeding in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023, the main written examination held on 16.07.2023 was cancelled by the Commission vide notice dtd.28.07.2023 and the main written examination was held afresh on 03.09.2023.

3.13. In the main written examination, result of which was published on 30.09.2023, even though Petitioners qualified and allowed to take part in the verification of documents, but on the face of the publication of the final result on 04.11.2023, appointment of 58 selected candidates including that of the Petitioners was withheld because of the show-cause notice issued by the Commission on 28.07.2023.

3.14. It is contended that result of the Petitioners was withheld because of their implication in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023. However, since in the charge-sheet so filed,



Petitioners have not been charge-sheeted, the ground on which the impugned order dtd.12.05.2025 has been passed is not sustainable in the eye of law.

3.15. It is further contended that since Petitioners have not been charge-sheeted by the I.O. after completion of the investigation, it is to be held that Petitioners are not involved in the alleged leakage of the question paper of the main written examination initially held on 16.07.2023.

3.16. It is also contended that pursuant to order dtd.16.09.2025 in W.P.(C) No. 14056 of 2025, I.O. in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 while appearing before this Court on 22.09.2025 clearly contended that no material has been found against the present Petitioners. Not only that pursuant to order dtd.22.09.2025, the I.O. filed an affidavit before this Court on 26.09.2025. In the said affidavit it was clearly indicated that Petitioners have not been charge-sheeted in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023. Order passed by this Court on 22.09.2025, 25.09.2025 and 26.09.2025 in W.P.(C) No. 14056 of 2025 reads as follows:-

“22.09.2025

2. Heard.



3. Pursuant to the order dtd.16.09.2025, Mr. Bikash Ranjan Behura, I.O of the case appeared in person and contended that since some of the accused persons are resident of Andhra Pradesh and Bihar final charge sheet could not be filed and accordingly preliminary charge sheet was filed by keeping the investigation open.

4. However, it is contended that during course of investigation, no material has been found against the present petitioner till now. I.O is directed to file an affidavit in that regard.

5. List this matter on 25th September, 2025. Personal appearance of the Officer concerned is dispensed with.

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xxx

xxx

25.09.2025

2. Heard learned counsel appearing for the Parties.

3. Pursuant to the order dtd.22.09.2025, learned Addl. Government Advocate produced the memo enclosing the letter issued by the I.O of the case on 23.09.2025. This Court is of the view that I.O. was directed to file an affidavit, taking into account the submission made by him before this Court on 22.09.2025.

4. In view of the nature of order passed by this Court on 22.09.2025, this Court is not inclined to accept the memo with the letter enclosed thereto.

5. Considering the nature of order passed by this Court on 22.09.2025, this Court directs for personal appearance of the I.O. tomorrow (25.09.2025).

6. List this matter tomorrow (26.09.2025).



xxx

xxx

xxx

26.09.2025

2. *Heard learned counsel for the parties.*

3. *Pursuant to order dated 25.09.2025, Mr. Bikash Ranjan Behura, I.O. in CID, CB P.S. Case No.15 of 2023 corresponding to Sahadevkhunta PS Case No.303 of 2023, files an additional affidavit incorporating the submission made by him before this Court on 22.09.2025. Copy of the affidavit so filed in Court be kept in record. Copy of the affidavit is also provided to the learned counsel for the petitioner in Court.*

4. *In view of the affidavit filed, this Court is inclined to list this matter on 15.10.2025.*

Personal appearance of the officer is dispensed with."

3.17. Making all these submissions, learned Sr. Counsel appearing for the Petitioners contended that since Petitioners have not been charge-sheeted with regard to their alleged involvement in leakage of the question papers of the main written examination held on 16.07.2023, those of the Petitioners who have qualified and whose names find place in the final select list so published on 04.11.2023, be provided with the order of appointment. Those of the Petitioners who have not qualified in the main written examination held afresh on 06.09.2023 with publication of the result on 04.11.2023, their result be published in respect of the subsequent recruitment held pursuant to



advertisement dtd.14.03.2024 with quashing of the impugned order dtd.12.05.2025.

4. Mr. S. Swain, learned counsel appearing for the Commission on the other hand made his submission basing on the stand taken in the counter affidavit so filed by Opp. Party No. 2. It is contended that pursuant to the advertisement issued on 02.11.2022, the preliminary examination was held on 04.06.2023. Result of the preliminary examination was published vide notification dtd.17.06.2023 and in the preliminary examination so held, 5014 candidates were short listed to take the main written examination to be held on 16.07.2023. It is contended that the main written examination was also held on 16.07.2023 in 14 different examination centers of the State.

4.1. However, because of the initiation of Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 and the report submitted by the Superintendent of Police, Balasore vide his letter dtd.23.07.2023, the main written examination held on 16.07.2023 was cancelled by the Commission vide notification dtd.23.07.2023. After such cancellation of the main written examination held on 16.07.2023, the same was held afresh on 03.09.2023.



4.2. It is contended that taking into account the report submitted by the Superintendent of Police, Balasore vide his letter dtd.23.07.2023 and 27.07.2023, Petitioners herein were issued with the show-cause by the Commission on 28.07.2023 inter alia in terms of the provisions contained under Rule 18 of the 1993 Rules. Rule 18 of the Rules reads as follows:-

*“18. **Penalty.**- A candidate who is or has been declared by the Commission to be guilty of-*

(i) obtaining support for his candidature by any means; or

(ii) impersonation; or

(iii) procuring impersonation by any person; or

(iv) submitting fabricated documents, or documents which have been tampered with; or

(v) making statements which are incorrect or false or suppressing material information; or

(vi) resorting to any other irregular or improper means in connection with his candidature for the examination; or

(vii) adopting unfair means during the examination; or

(viii) writing obscene language or pronographic matter, in the scripts; or

(ix) misbehaving with the fellow examiners or the invigilators in any manner in the examination hall; or

(x) harassing or causing bodily harm to the staff employed/engaged by the Commission for the conduct of the examination; or

(xi) violating any of the instructions contained in the admission certificates; or

(xii) attempting to commit or, as the case may be, abetting the Commission of all or any of the acts specified in the foregoing clauses shall be liable-



(a) to be disqualified by the Commission from the examination for which he is candidate;

(b) to be debarred, either permanently or for a specified period-

(i) by the Commission, from appearing in any examination or selection held by them; or

(ii) by the State Government, from entering to any employment under them; or

(c) if he is already in service under Government to disciplinary action under the appropriate rules :

Provided that no penalty under this rule shall be imposed except after-

(i) giving the candidate an opportunity of making such representation to the Commission or Government, as the case may be, in writing as he may wish to make in that behalf; and

(ii) taking into consideration the representation, if any, submitted by the candidate within the period allowed to him by the Commission or the Government, as the case may be."

4.3. It is contended that Petitioners were issued with the show-cause on 28.07.2023 in terms of the provisions contained under Rule 18(i)(vi)(vii) of the Rules. It is further contended that after receipt of the reply to the show-cause notices issued on 28.07.2023, in terms of the provisions contained under Rule 18(a) & (b) of the Rules, all the Petitioners have been debarred to appear in any examination conducted by the Commission for a period of 6 years vide the impugned order dtd.12.05.2025, for the period from 16.07.2023 to 15.07.2029 and their candidature in any examination held w.e.f.16.07.2023 stand cancelled.



4.4. Learned counsel appearing for the Commission contended that since Petitioners were involved in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023, and some of the Petitioners were also found to have access to the question papers of the main written examination held on 16.07.2023 basing on the report submitted by the Superintendent of Police, Balasore on 27.07.2023, Petitioners were issued with the show-causes on 28.07.2023. Report of the Superintendent of Police, Balasore dtd.27.07.2023 reads as follows:-

“Respected Sir,

In inviting the above case and reference, I beg to report that, on 16.07.2023 at 02.00 PM informant Mukunda Murari Patra (35), S/O- Prabhakar Patra of village- Budamara, PS- Ghagarbeda, Dist- Mayurbhanj, At/Pre-SI of Police, Model P.S Sahadevkhunta Balasore, reported at P.S in writing that on 16.07.2023 at about 03.00 AM while he along with staff were performing night patrolling duty at Naharapatna Chhak on NH-60 received credible information from source that one Ayushman Bus and two numbers of other vehicles are coming from Bhubaneswar side and going towards Udaypur beach area, Talasari approaching NH-16/60 road fill with aspirants of Odisha Staff Selection Commission regarding JE (Mains) and CGL, Examination for Mal practice in previously arranged hotel at Talasari Marine area. Getting this information, he discussed with IIC, where he directed Compit to detect them and to follow them till their apprehension. They keep watch over the vehicles at NH-16 and as per information receipt could able to detect one Renault Tiber car bearing Regd. No. OD-02CE-1345



and stopped there. In that vehicle they found three numbers of suspects and two job aspirants are sitting inside the car. Being asked the suspect they disclosed their name and address namely 1. Biswaranjan Mohapatra (39), S/o- Abhinna Ku.Mohapatra, Vill- Mangalanagar, PS- Khurda Town, Dist- Khurda, 2. MD K Sidhique (38), S/o- LI. Md. Mustafa Sidique, Vill- Mulagada, PS- Gajuwaka, Dist- Vishakhapatna, Andhra Pradesh and 3. Saina Parwin (29), W/o- Abdul Sarbar Khan, Vill-Sonpur, PS- Kishore Nagar, Dist-Cuttack along. Being asked both the job seekers disclosed their name and address as (i) Susama Behera (38), D/O- Kannduri Charan Behera of Sidheswarpur, Cuttack and (ii) Himanshu Bhusan Samal (33), S/o- Harekrushna Samal of village- Jaripal, Dhenkanal stated that these three accused persons taking them to a lonely place near Talasari Marine beach to provide question paper and answer sheets for today's JE (Mains)/CGL examination identifying as they are high ranked Govt. officer in Odisha Govt and they will provide Govt. Job under Odisha Government. Also stated that other co accused and nearly more that hundreds job seekers are also present at the destination point ie near Talsari Marine Beach. Further, they stated that accused Biswaranjan Mohapatra has forcefully kept their original certificates to provide job. Hence on personal search of accused Biswaranjan Mohapatra found one original Matric certificate vide Srl No. M 0559659, Matric mark sheet, one original diploma certificate with mark sheet and admit card of OSSC Main Written examination of combined Technical Services Recruitment Examination to be held on today, 16.07.2023 of Job seeker namely Sushama Behera and one original Matric Certificate vide Srl No. M 1672228 and original Diploma Certificate (Civil Engineering) vide Srl No. 10/223858 of job seeker Himanshu Bhusan Samal. Hence he seized the above certificate from the possession of accused Biswaranjan Mohapatra in presence of witnesses and prepared



seizure list. Intimated this fact to IIC and other senior officers and requested to IIC to send two more teams as well as to inform IIC Talasari Marine P.S to assist me for apprehension of the culprits at Talasari area. Then our police teams along with the accused persons proceeded to Talasari Marine beach area and could able to caught hold 6 accused persons and also found hundreds of job aspirants there. Being asked the culprits, they disclosed their name and address as 4. Bijendra Kumar (39), S/o- Baleswar Sah of Serpur, PS- Vidyapatinagar, Dist-Samastipur, 5. Deepak Kumar (25), S/O- Late Devnibas Kumar, At- Hanuman Nagar, Po- Lohiya Nagar, PS- Patrakarnagar, Dist- Patna, 6. Ajay Kumar (31), S/o- Jagrish Prasad, Vill- Devria, PS-Ghosi, Dist- Jalanabad, 7. Raj Kumar Singh (36), S/o- Sitaram Singh, Vill- Mathurapur Colony, PS-Dalmianagar, Dist- Rohatas, all of State-Bihar 8. Md. Kamiruddin (38), S/o- Md. Kalimuddin, and 9. Mustakim Khan, S/o- Abu Mutahar Khan both of Dumduma, PO/PS- Khandagiri, Dist- Khurda. Then personal search of accused persons was conducted and found Blank Rs. 10/- India Non Judicial stamp paper which seems to be forge one, blank signed Cheques of aspirants and huge numbers of valuable documents from their possession. Seized one Renault Triber Regd. No- OD-02-CE-1345, Suzuki Ignis Car-Regd. No-BR-01FT-701, Scorpio Black color-BR 01-FZ-7272, Alto Regd. No-OD-21-3067, etc from the possession of accused persons. All the accused persons demanded Rs. 18 Lakhs per aspirants to provide Govt. Job under Govt. Of Odisha. After verifying the documents of the aspirants, left them at spot. Hence, he returned to P.S along with accused persons, seized materials and submitted this written report before IIC for taking necessary legal action at this end.

Basing on this written report, Shri Subhranshu Sekhar Nayak, IIC Model P.S Sahadevkhunta registered P.S Case No.



303 Dt. 16.07.2023 U/S-419/420/467/468/34 IPC and directed me to take up investigation of the case.

During course of investigation, I have examined the Complt. and other witnesses, visited the spot and examined the other seizure witnesses who well proved the occurrence. On examination of job aspirants, they supported the entire fact and further added that, they were brought to Talasari beach for discussion for proving the govt. Job under Govt. of Odisha, for ongoing examinations under OSSC, etc. For that reason, the accused persons were took their original certificates and demanded Rs. 18 Lakhs per persons. As such the original documents, blank signed cheques, blank India Non judicial stamp paper, vehicles, mobile phones, cash of the job seekers were seized from the possession of accused persons in presence of witnesses. During interrogation of accused Biswaranjan Mohapatra and others they confessed their guilt and stated that they conjointly came to Talasari and called the job seekers to provide the Govt. Job introducing themselves as high positioned Govt. officials with intension to cheat them and to dope their money.

During investigation so far it established that, the question paper was leaked by Birendra Singh one of the workers of the printing press where the question paper was being printed. Virendra Singh, who originally belongs to Bihar & is working as a Machine operator in Janaki image Printing press, Kolkata, which was being used by OSSC for printing the question papers. He came in contact with the mastermind Vishal Kumar, who belongs to the same place as Birendra Singh. Accused Birendra and Vishal have known to each other since 2 months, during which Vishal proposed to Birendra to supply him any relevant information regarding the question papers being printed at his printing press. On 11th July, 2023, when Vishal received



confirmation that the question paper related to JE (Mains) Civils examination to be conducted by OSSC on 16th July, 2023 is available, he contacted Bijendra Kumar (his main associate), who has already been apprehended from the spot on 16th July, while distributing the question papers.

The Modus Operandi of the racket is trying to get their hands on the question paper after the final copy is printed and before it is sent to the respective examination controller by the printing press. They then take away the original certificates of the candidates and provide them with the leaked question paper. After the exams were over, if the questions matched, the candidates were asked to pay half the amount instantly and the other half after the results are declared. In this instance, the initial investigation reveal that there was no money transaction occurred between the accused and the candidates, as at the time of the raid the examination was yet to be conducted.

In this connection total 17 numbers of accused persons were arrested including mastermind for leaking the OSSC question papers and forwarded them to court.

During raid at Talasari area, found the below noted OSSC JE Mains civil aspirants were at present with the arrested accused persons on 15-16/07/2023 and got question papers of JE mains examination before attending the examination, which was held on 16.07.2023.”

4.5. It is also contended that even though in the charge sheet so submitted by the I.O. in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023, Petitioners have not been charge-sheeted, but the investigation has been kept upon and the charge sheet so filed is in the



nature of a preliminary charge sheet. It is accordingly contended that even though Petitioners have not been charge-sheeted in the final form so submitted on 10.11.2023 and the I.O. accordingly made his statement before this Court on his appearance on 22.09.2025, but since the investigation has been kept upon, it cannot be held that Petitioners are not involved with regard to leakage of the question paper of the main written examination held initially on 16.07.2023.

4.6. Learned counsel appearing for the Commission also contended that taking into account the involvement of the Petitioners with regard to leakage of the question papers of the main written examination held on 16.07.2023 and after going through the reply so submitted by the Petitioners to the show-cause notice dtd.28.07.2023, the Commission has rightly passed the impugned order dtd.12.05.2025, by debarring the Petitioners to appear in any examination conducted by the Commission for a period of 6 years for the period 16.07.2023 to 15.07.2029. It is accordingly contended that Petitioners are not eligible and entitled to get the benefit of selection and appointment, if any, either pursuant to the initial advertisement issued by the Commission on 02.11.2022 or in respect of the subsequent advertisement issued by the Commission on 14.03.2024. It is also contended that pursuant to the interim order passed by this Court,



Petitioners have not taken part in the main written examination pursuant to the advertisement issued on 14.03.2024.

4.7. Learned counsel appearing for the Commission in support of his aforesaid submission, relied on a decision rendered by the Bombay High Court reported in **2008 SCC Online Bombay 476**. The High Court at Bombay in Para 57 and 78 of the judgment has held as follows:-

“57. In this case, sufferance of prejudice has been vehemently argued. That prejudice is that the petitioners are blacklisted and debarred from appearing and hence, will not be public servants in future. Sufferance is not shown to be based upon any act of the MPSC by which, their innocence, hitherto concealed, could have been otherwise brought out. Every candidate who follows dubious means must suffer his fate by punishment. That is not sufferance of prejudice. The entire concept is completely misconceived. Sufferance of prejudice essentially requires the petitioners to show the evidence which, if seen by the departmental authority, would have proved their innocence. The specimen handwriting in this case shows otherwise. It has seen that the petitioners' specimen handwritings have, in fact, sealed their fate. They have got the punishment they deserved upon the evidence being considered. The punishment is not prejudice. The Supreme Court has laid down the test of prejudice suffered by a party by non-compliance of rules of natural justice as the only reason to merit interference by Courts. No prejudice suffered is shown in this case. No interference is merited.

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78. The petitioners do not deserve to be public officers. The petitioners have indulged in malpractice. They have colluded with the other public officers of the same hue and colour. The least punishment that can be meted out upon the petitioners is to keep them away from public service. The MPSC has been more than fair. The MPSC has acted upon anonymous complaints. It has conducted a preliminary enquiry. It has removed the chaff from the grain. It has issued notices only upon the candidates who have been found to be tainted. It has not held back the results of those who did not indulge in any malpractice. It has issued not one, but three notices upon the petitioners until now. It has considered not one, but three replies of the petitioners. It has passed a reasoned order as directed. The order shows how the original answer sheets have been changed at the instance of the petitioners and for their own benefit; that the marks have been increased; that there is a difference in the handwriting in the answer sheets and the samples of their handwritings; that the petitioners have acted in collusion with certain officers mentioned therein; that the petitioners have admitted the payment of illegal gratification. The order further shows not only the act of the answer sheets having been changed but the intention of the petitioners behind the act and the benefit they sought to derive therefrom and the consequent presumption which follows as "a common course of natural events and human conduct" by "applying a process of intelligent reasoning of the mind of a prudent man under similar circumstances", as cited in the case of T. Shankar Prasad (supra)."

5. To the submission made by the learned counsel appearing for the Commission, learned Sr. Counsel appearing for the Petitioners made further submission contending inter alia that because of their



implication in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 not only the Petitioners those who have qualified the main written examination held afresh on 03.09.2023 have been debarred from getting the benefit of appointment basing on the final select list published on 04.11.2023, but also Petitioners on the face of the interim order passed in various writ petitions, were not allowed to appear the main written examination in terms of the advertisement issued on 14.03.2024.

5.1. It is contended that since I.O. on his appearance before this Court on 22.09.2025, clearly contended that no material has been found against the present Petitioners till now, even though the investigation has been kept upon, but since no material has been found against the Petitioners as yet, those of the Petitioners who have qualified the main written examination held afresh on 03.09.2023 with publication of the final result on 04.11.2023 are entitled to be provided with the order of appointment with quashing of the impugned order dt.12.05.2025.

5.2. It is also contended that since on the face of the interim order passed, in some of the writ petitions Petitioners were not allowed to take part in the main written examination held pursuant to the subsequent advertisement issued on 14.03.2024, the Commission be



directed to hold a special examination for them by allowing them to appear the main written examination.

5.3. It is also contended that on the face of the order passed by this Court on 06.03.2024 in W.P.(C) No. 28269 of 2023 & batch and the order passed in Writ Appeal No. 1296 of 2024 and the fact that Petitioners have not been charge sheeted, there was no occasion on the part of the Commission to debar the Petitioners to appear in any of the examination conducted by the Commission for a period of 6 years w.e.f.16.07.2023 to 15.07.2029 and by cancelling the examination undertaken by the Petitioner w.e.f.16.07.2023 till the date of order on dt.12.05.2025.

5.4. It is also contended that as alleged original certificates of the Petitioners were never seized from the possession of the main conspirators of the I.O. and Petitioners are having their original certificates in their possession. (Learned counsel appearing for the Petitioners also produced the original certificates of the Petitioners in Court for perusal).

5.5. It is accordingly contended that since nothing has been found as against the Petitioners, as yet on the face of the preliminary charge sheet submitted on 13.11.2023, there is no meaning in keeping the



investigation open. Learned Sr. Counsel accordingly contended that the Commission be directed to publish the result of the main written examination held on 03.09.2023 and provide appointment to the eligible Petitioners. Therefore, if the Petitioners who have not qualified the main written examination held on 03.09.2023, they be allowed to take the main written examination in terms of the subsequent advertisement issued on 14.03.2024.

6. Learned Addl. Govt. Advocate on the other hand contended that since investigation has been kept open, it cannot be held that Petitioners have no implicity in the alleged crime. It is also contended that some of the candidates prior to taking the main written examination so held initially on 16.07.2023, had conspired the charge sheeted accused persons for having access to the question paper of the main written examination held on 16.07.2023.

With regard to the aforesaid submission, reliance was placed to the report submitted by the I.O. of the case on 23.09.2025. Relevant extract of the report of the I.O. reads as follows:-

“Investigation conducted so far does not reveal complicity of any Govt. Officials of OSSC involved in the process of entrusting such work to the printing press. Moreover, no evidence could be elicited till now against candidates of the examination for direct involvement in the leakage of question paper and conspiracy with the



principal accused persons, although they were involved for getting access to the question paper. Further investigation is continuing on this score. Investigation is also continuing to collect more evidence relating to inter-state nexus of the crime and arrest of out of the state accused persons.”

7. Having heard learned counsel appearing for the Parties and considering the submission made, this Court finds that the Commission initially issued an advertisement on 02.11.2022 inviting applications to fill up 1008 posts of Junior Engineer (Civil). The preliminary examination pursuant to such advertisement issued on 02.11.2022 was held on 04.06.2023. Result of the preliminary examination was published vide notification dtd.17.06.2023 and 5014 candidates were short listed to appear the main written examination. The main written examination accordingly was held on 16.07.2023.

7.1. However, because of initiation of Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 and the report submitted by Superintendent of Police, Balasore on 23.07.2023, the Commission vide notification dtd.23.07.2023 cancelled the main written examination held on 16.07.2023. The main written examination was subsequently re-scheduled to be held on 03.09.2023. Basing on such main written examination held afresh on 03.09.2023, the final result of 2030 candidates was published on 30.09.2023. All those short-listed



candidates were called for certificate verification so held during the period from 09.10.2023 to 19.10.2023. The final result of the examination was published vide notification dtd.04.11.2023.

7.2. However, taking into account the nature of order passed by this Court on 31.08.2023 in W.P.(C) No. 28269 of 2023 and batch, the result of 58 candidates which include the present Petitioners, was withheld. As found, vide order dtd.06.03.2024, this Court disposed of W.P.(C) No. 28269 of 2023 & batch. Vide the said order this Court held that if Petitioners are no way involved in the leakage of the question papers, then the proceeding initiated against them be dropped and result of the examination, which was held afresh on 03.09.2023 be published.

7.3. Challenging such order passed by this Court on 06.03.2024, the Commission moved this Court in Writ Appeal No. 1296 of 2024. The Writ Appeal was disposed of on 30.04.2025 with the observation that since leakage of the question paper and the involvement of the Petitioners has been left upon for further investigation, the Commission is free to decide the issue in accordance with the statutory provision so applicable. After such disposal of the Writ Appeal, the Commission passed the impugned order on 12.05.2025 by



debarring the Petitioners to appear in any of the examination conducted by the Commission for a period of 6 years i.e. 16.07.2023 to 15.07.2029.

7.4. It is found that pursuant to letter issued by the Superintendent of Police, Balasore on 23.07.2023 with cancellation of the result of the main written examination held on 16.07.2023, Petitioners were issued with the show-cause by the Commission in terms of the provisions contained under Rule 18 of the 1993 Rules. However, vide impugned order dtd. 12.05.2025 Petitioners herein have been debarred to appear in any of the examination conducted by the Commission for a period of 6 years i.e. from 16.07.2023 to 15.07.2029.

7.5. This Court taking into account the fact that Petitioners have not yet been charge sheeted in Sahadevkhunta P.S. Case No. 303 dtd. 16.07.2023, pending further investigation, is of the view that the impugned order passed by the Commission in debarring the Petitioners to appear in any of the examination conducted by the Commission for a period of 6 years from 16.07.2023 to 15.07.2029 is disproportionate to the alleged misconduct of the Petitioners. Not only that the stand that the original documents of some of the Petitioners



were seized by the I.O. on 16.07.2023 is also not acceptable as the Petitioners produced their original certificates in Court for perusal.

7.6. However, taking into account initiation of Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 and the report submitted by the Superintendent of Police, Balasore on 23.07.2023 and 27.07.2023 and the fact that investigation of the case has been kept open with submission of the preliminary charge sheet, this Court is not inclined to direct for publication of the result of the Petitioners who have taken the main written examination so held on 03.09.2023 pursuant to advertisement dtd.02.11.2022.

7.7. Similarly, since pursuant to the subsequent advertisement issued on 14.03.2024, Petitioners have not appeared the main written examination so held on the face of the interim order passed in some of the writ petitions, this Court is not inclined to direct the Commission to hold a special examination for them. However, taking into account the fact that Petitioners have not been charge sheeted and no material having been found against them as yet, this Court is of the view that the impugned order passed by the Commission on 12.05.2025 in debarring the Petitioners to appear in any examination conducted by



the Commission for a period of 6 years w.e.f.16.07.2023 to 15.07.2029 is not just and proper.

7.8. Therefore, this Court while interfering with the impugned order dt.12.05.2025 with quashing of the same, is of the view that, result of the Petitioners who have taken the main written examination held afresh on 03.09.2023 be published by the Commission, if they were not charge-sheeted with completion of the investigation so kept open in Sahadevkhunta P.S. Case No. 303 dtd.16.07.2023 by June, 2026. On such publication of the result, consequential follow-up action be taken to provide appointment to the Petitioners who come out successful in all respect.

7.9. This Court however is not inclined to direct the Commission to hold the main written examination afresh for the Petitioners in respect of the selection process initiated pursuant to the subsequent advertisement issued on 14.03.2024. Those of the Petitioners are free to take part in any further recruitment to be conducted by the Commission.

7.10. It is however observed that impugned order dt.12.05.2025 so passed by the Commission and quashed by this Court, will stand automatically revived in case of the Petitioners, who will be charge-



sheeted upon completion of the investigation in Sahadevkhunta P.S.

Case No. 303 dtd.16.07.2023.

8. All the writ petitions accordingly stand disposed of with the
aforesaid observation and direction. Interim orders of any nature
passed in all the writ petitions stand vacated.

(BIRAJA PRASANNA SATAPATHY)
Judge

Orissa High Court, Cuttack
Dated the 20th January, 2026/Sneha

Signature Not Verified

Digitally Signed
Signed by: SNEHANJALI PARIDA
Reason: Authentication
Location: High Court of Orissa, Cuttack
Date: 21-Jan-2026 10:15:15

