



CWP No. 22945-2021(O&M)

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CWP No. 22945-2021 (O&M)

Ankit Dahiya

....Petitioner

versus

Union of India and anr.

...Respondents

Date of Reserve: 17.07.2026

Date of Pronouncement: 27.07.2026

Uploaded on:- 27.07.2026

Whether only the operative part of the judgment is pronounced? *No*
Whether full judgment is pronounced? *Yes*

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. L.K. Gollen, Advocate, (Through VC)
 for the petitioner.

None for respondent No. 1.

Mr. K.K. Gupta, Advocate
for respondent No. 2.

SUDEEPTI SHARMA, J.

1. The present writ petition is filed under Article 226 of the Constitution of India for issuance of writ in the nature of certiorari for quashing result dated 27.07.2019 issued by respondent No. 1

2. Learned counsel for the petitioner contends that despite the fact that the petitioner secured 99.50 marks out of 120 marks and selected candidates have secured lesser marks than the petitioner, still the result of the petitioner is withheld. He, therefore prays that the present petition be allowed.

3. Per contra, learned counsel for respondent No. 2 argues on the lines of written statement and prays for dismissal of the writ petition.



4. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

5. Before proceeding further, it would be apposite to reproduce the relevant portion of the written statement dated 16.10.2023 filed by respondent No. 2. The same reads as under:-

“PRELIMINARY OBJECTION

1. That a wrong doer has no right to seek a writ of mandamus for legalizing the wrong committed by him. In fact, the result of the petitioner was withheld as the petitioner was found to be involved in the use of unfair means by the recruiting agency engaged for making recruitment to the advertised posts. Vide Advertisement No.01/2019 (Annexure P-1), total 1998 Category III posts were advertised for making recruitment in the North Zone of the Food Corporation of India. The petitioner applied for the post of Assistant Grade-III (Depot) under Registration No. 43486039 and was allotted Roll No.1571004199. The selection process consisted of Online Test in two phases. The 1st phase of Online Test was common for all the posts and consisted of 100 Multiple Choice Objective Questions which were to be solved in 60 minutes. The marks obtained in the 1st phase Online Test was not to be considered in the final merit ranking. The 2nd phase Online Test for the post of AG-III (Depot) for which the petitioner had applied consisted of 120 Multiple Choice Questions which were to be solved in 90 minutes. After the 2nd phase Online Test, the selected candidates in order of merit were to be called for verification of documents. For the recruitment to the aforesaid posts, the FCI utilized the services of Institute of Banking Personnel Selection (IBPS) which is one of the most



experienced and reputed organization and has conducted recruitment for various Banks / Public Sector undertakings. The IBPS is an autonomous body and is registered as a public trust under the Bombay Public Trust Act, 1950 and has been designated as a Scientific & Industrial Research Organization by the Department of Scientific & Industrial Research, Ministry of Science and Technology, Government of India. It is an independent entity at the behest of Reserve Bank of India and Public Sector Banks. IBPS envisages a self-governed Academic & Research Oriented Institute, with the object of enhancing Human Resource Development through personnel assessment. It is known for assessing candidates with accuracy which is time tested and validated. IBPS has developed time tested scientific and theoretical method for detection of unfair means / malpractices by the applying of which, a report / analytical data of merit listed pairs of candidates suspected to have copied / used unfair means is prepared. In the present case also, IBPS has reported the suspected use of unfair means by the petitioner on finding identical wrong answers by indulging in unfair means / malpractices. The FCI has withheld the result of all such candidates including the petitioner. IBPS's document titled as "detection of use of unfair means /malpractices in objective tests" giving detailed methodology for detection of use of unfair means inter-alia provides as under:-

"PROCESS FOLLOWED AT IBPS FOR IDENTIFYING CASES OF USE OF UNFIAR MEANS:

(i) *IBPS has practice of analyzing the responses of all candidates who have appeared in objective tests of all the examinations at a*



particular center (city/town) for identifying cases of use of unfair means.

(ii) IBPS has indigenously developed software for identifying such cases based on an internationally accepted method. The responses of each candidate are compared with the responses of all the remaining candidates at each center (city/town) and matched for identical responses. The software generates report of all pairs of cases which have identical responses mainly identical wrong responses.

(iii) This report is critically reviewed by group of IBPS experts. The expert group considers the following in addition to identical wrong answers while deciding on reporting use of unfair means and a final report is prepared only after the committee views other factors supporting the analysis and the cases are forwarded to the bank for taking necessary action:

- (1) Evidence of any random/pattern marking.*
- (2) Identical matches of 'intermittent' and 'end' skipped questions.*
- (3) Item which otherwise show different answer across center.*
- (4) Evidence of copying by a common group of candidates.*

IBPS removes these candidates from the result of its own examinations (CWES). For all other examinations, the report is sent to the concerned organization."

By using the aforesaid robust analytical method for detection of use of unfair means by the candidates in the online examination on the basis of analysis of responses given by the candidates, the unfair means report in respect of the petitioner found that the responses of the



petitioner were matching with six other candidates as explained below:-

a) Comparison of the Petitioner (Roll No. 1571004199) with another candidate (Roll No. 1571004068).

The scoring pattern of both the candidates in Data Analysis (20 Questions, 20 marks) have been compared. Total 19 responses of both the candidates are matching. Out of these 19 responses, 15 are right answers, which are matching, being right answers. The main analysis relates to the remaining 4 questions with matching responses. Out of these 04 questions, 4 same wrong answers have been marked by both the candidates for the remaining 4 questions. The matching responses to these 4 questions alongwith only 1 response being different for these two candidates have led to the conclusion of use of unfair means with good degree of accuracy. He has a very high match and found with many other candidates with similar responses on Data Analysis / Quantitative Aptitude.

b) Comparison of the Petitioner (Roll No. 1571004199) with another candidate (Roll No. 1571004518).

The scoring pattern of both the candidates in Test 2 i.e. English Language (20 Questions, 20 marks) have been compared. Total 20 responses of both candidates are matching. Out of these 20 responses, 17 are right answers, which are matching being right answers. Further, same wrong answers have been marked for the remaining 3 questions of these two candidates. The matching responses to these 17 questions alongwith 3 responses being wrong for these two candidates have led to the conclusion of use of unfair means with good degree of accuracy. 100% matching with the comparison.



c) Comparison of the Petitioner ((Roll No. 1571004199) with another candidate (Roll No. 1571004571).

The scoring pattern of both the candidates in RE (Reasoning) (30 Questions, 30 marks) have been compared. Both the candidates have answered 29 questions correctly. Out of these 29 responses 27, are right answers, which are matching being right answers. Remaining 2 are wrong responses and 1 is different matching. The scoring pattern in the English Language (20 Questions, 20 Marks) has also been compared. Total 20 responses of both the candidates are matching. Out of these 20 responses, 17 are right answers, which are matching, being right answers. And same wrong answers have been marked by both the candidates for the remaining 3 questions. The scoring pattern of both the candidates in Test 2 i.e. Computer Proficiency (20 Questions, 20 marks) have been compared. Total 20 responses of both the candidates are matching. Out of these 20 responses, 18 are right answers, which are matching being right answers. The main analysis relates to the remaining 2 questions with matching responses. Out of these 2 questions, the same questions have been left blank by both the candidates, which again are not End Blanks but Intermediate Blanks. The scoring pattern in the Test 3, Data Analysis (20 Questions, 20 marks) has also been compared. Total 18 responses of both the candidates are matching. Out of these 18 responses, 13 are right answers, which are matching, being right answers. The main analysis relates to the remaining 5 questions with matching responses. Out of these 5 questions, 3 same questions have been wrong answers marked by both the candidates. The matching responses to these 5 questions



alongwith only 2 responses being different for these two candidates have led to the conclusion of use of unfair means with good degree of accuracy.

d) Comparison of the Petitioner ((Roll No. 1571004199) with another candidate (Roll No. 1571004649).

The scoring pattern of both the candidates in the English Language (20 Questions, 20 Marks) has also been compared. Total 20 responses of both the candidates are matching. Out of these 20 responses, 17 are right answers, which are matching, being right answers. And same wrong answers have been marked by both the candidates for the remaining 3 questions which are 100% Matching. The scoring pattern of both the candidates in Data Analysis (20 Questions, 20 marks) have been compared. Total 19 responses of both the candidates are matching. Out of these 19 responses, 15 are right answers, which are matching, being right answers. The main analysis relates to the remaining 4 questions with matching responses. Out of these 04 questions, 4 same wrong answers have been marked by both the candidates for the remaining 4 questions. The matching responses to these 4 questions alongwith only 1 response being different for these two candidates have led to the conclusion of use of unfair means with good degree of accuracy. He has a very high match and found with many other candidates with similar responses on Data Analysis /Quantitative Aptitude.

e) Comparison of the Petitioner (Roll No. 1571004199) with another candidate (Roll No. 1571005106).

The scoring pattern of both the candidates in RE (reasoning) (30



Questions, 30 marks) have been compared. Both the candidates have answered 29 questions correctly. Out of these 29 responses, 27 are right answers, which are matching being right answers. Remaining 2 are wrong responses and 1 is different matching. The scoring pattern in the English Language (20 Questions, 20 Marks) has also been compared. Total 20 responses of both the candidates are matching. Out of these 20 responses, 17 are right answers, which are matching, being right answers. And same wrong answers have been marked by both the candidates for the remaining 3 questions. The scoring pattern of both the candidates in Test 2 i.e. Computer Proficiency (20 Questions, 20 marks) have been compared. Total 20 responses of both the candidates are matching. Out of these 20 responses, 18 are right answers, which are matching being right answers. The main analysis relates to the remaining 2 questions with matching responses. Out of these 2 questions, the same questions have been left blank by both the candidates, which again are not End Blanks but Intermediate Blanks. The scoring pattern in the Test 3, Data Analysis (20 Questions, 20 marks) has also been compared. Total 19 responses of both the candidates are matching. Out of these 19 responses, 14 are right answers, which are matching, being right answers. The main analysis relates to the remaining 5 questions with matching responses. Out of these 5 questions, 5 same questions have been wrong answers marked by both the candidates. The matching responses to these 5 questions alongwith only 1 responses being different for these two candidates have led to the conclusion of use of unfair means with good degree of accuracy.



f) Comparison of the Petitioner (Roll no. 1571004199) with another candidate (Roll No. 1571007345).

The scoring pattern of both the candidates in RE (Reasoning) (30 Questions, 30 marks) have been compared. Both the candidates have answered 30 questions correctly. Out of these 30 responses 28 are right answers, which are matching being right answers Remaining 2 are wrong responses which is 100% matching. The scoring pattern in the English Language (20 Questions, 20 Marks) has also been compared. Total 20 responses of both the candidates are matching. Out of these 20 responses, 17 are right answers, which are matching, being right answers. And same wrong answers have been marked by both the candidates for the remaining 3 questions, which is 100% matching. The scoring pattern of both the candidates in Test 2 i.e. Computer Proficiency (20 Questions, 20 marks) have been compared. Total 20 responses of both the candidates are matching. Out of these 20 responses, 18 are right answers, which are matching being right answers. The main analysis relates to the remaining 2 questions with matching responses. Out of these 2 questions, the same questions left blank by both the candidates, which again are not End Blanks but Intermediate Blanks. The scoring pattern in the Test 3, Data Analysis (20 Questions, 20 marks) has also been compared. Total 19 responses of both the candidates are matching. Out of these 19 responses, 14 are right answers, which are matching, being right answers. The main analysis relates to the remaining 5 questions with matching responses. Out of these 5 questions, 5 same questions have been wrong answers marked by both the candidates. The matching responses to these 5



questions alongwith only 1 response being different for these two candidates have led to the conclusion of use of unfair means with good degree of accuracy".

In view of the aforesaid analysis made by the Experts of the Recruiting Agency i.e. IBPS, the result of the petitioner has rightly been withheld in view of the categorical provisions contained in recruitment advertisement Clause 38 at page 36 of CWP and highlighted Note contained at page 41 of CWP. In fact, exactly similarly proposition came up for consideration before the High Court of Delhi in the case of Varun Bhardawaj Vs. State Bank of India and others in LPA No. 155 of 2013 decided on 24.11.2015 wherein by a detailed judgment, the aforesaid procedure and the action taken there upon has been upheld. The operative part contained in para no. 24 of the said judgment is reproduced as under:-

"Para 24. The Court is conscious that technology often empowers citizens: at the same time it has the potential to facilitate misuse. In the context of the facts of this case, this court is not persuaded with the appellant's submission that without tangible material or evidence, the SBI could not have inferred the employment of "unfair means" by candidates generally and the petitioner in particular. Use of electronic devices to transmit information- either in the form of text messages or by use of hidden listening devices which go undetected may be hard to establish. That does not mean that LPA 155/2013 page 17 patterns which are discernible and are thrown up on application of scientific formulae or statistical



models, which leads to further examination of the primary material should be eliminated by the Courts. In the present case, the pattern which emerged showed that he appellant's results in respect of wrong answers matched with some other candidates who also appeared in the New Delhi Center. On further scrutiny, the reasonableness of the suspicion was strengthened by the manner of his attempting the answers. These, in the opinion of the court, were sufficient basis for the SBI to conclude that unfair means had been employed and withhold his result. The directions sought are, therefore, unavailable in exercise of judicial review discretion under Article 226 of the Consultation. As a result, this Court finds that the impugned judgment and order of the learned Single Judge does not call for interference. The appeal is, therefore, dismissed without any order as to costs."

6. A perusal of the above referred to written statement filed by respondent No. 2 shows that the respondents utilised the service of Institute of Banking Personnel Selection (IBPS) which is most experienced reputed Organization for conducting recruitment of various banks/public sector undertakings. It further shows that a detailed comparison analysis of the answer sheet of the petitioner with other candidates is drawn. And as per IBPS, the result of the petitioner was withheld on the conclusion that he was held guilty of using unfair means with good degree of accuracy.

7. A division Bench of Delhi High Court in a case of **Varun Bhardwaj vs. State Bank of India and others, 2015:DHC:9594-DB** has upheld the system



of Institute of Banking Personnel Selection (IBPS), which is scientific and theoretical method of detection of unfair means of malpractices. The relevant portion of the judgment is reproduced as under:-

14. As is evident from the discussion in the previous portion of this judgment, the appellant applied for recruitment to the post of Clerk in the SBI pursuant to a public advertisement issued by the latter. He appeared in the written test on 15.11.2009. Significantly the written test was a multiple choice objective type question paper which required the candidate to indicate or choose one among 5 options for each question that had to be attempted by her or him. This meant that the candidate had to be sure of the answer or instead, guess the correct answer from amongst the 5 choices. Obviously four of the options are incorrect. The petitioner's result was not declared: rather, it was withheld by the SBI. He sought information under the [RTI Act](#), unsuccessfully. He therefore approached this Court in writ proceedings. Before the learned single judge, SBI's position was that the LPA 155/2013 Page 8 manner in which the appellant attempted the questions was such that his pattern of incorrect answers matched entirely with the incorrect answers of 2 other candidates. Both the other candidates, like the appellant, had attempted the written test in the same zone - though in separate centers. Looking at the pattern of incorrect answers obtained, SBI decided to cancel the result of the appellant and the other 2 candidates. The SBI also deposed in its affidavit before the learned single judge that as many as 976 candidates had



similarly adopted unfair means in the written test conducted by it. The SBI informed the Court that this could be ascertained by the adoption of the methodology evolved by IBPS, uniformly to detect the pattern of incorrect answers beyond a certain number. The learned single judge was satisfied that SBI's action was not arbitrary and that the court in exercise of its judicial review jurisdiction, would not substitute the opinion of experts with their own.

15. The appellant's objection to the cancellation of his result and candidature is primarily based on the adoption of a statistical method; he contends that without any tangible material or proof of his using unfair means, SBI could not have validly cancelled his test and withheld the result. His argument, in other words, is that in order to say that a candidate is guilty of using unfair means, the authority (public employer or examining body) should have material in the form of a report of an invigilator who sees or finds something wrong in the behavior of the candidate, or recovers something or object from a candidate or notices the use of unfair means by her or him. SBI, on the other hand, highlights that in the recent past, candidates have been known to receive answers from other source(s) through modern communication devices like cell phone. The detection of such irregularity therefore, is inbuilt in the multiple choice objective test LPA 155/2013 Page 9 process, which is tailor made to find out - through post examination test analysis - whether a few or a group of candidates used unfair



means. The disclosure of a pattern, found through a time tested statistical sample method, leads to scrutiny of the answer sheets after which the SBI finally decides whether the candidate or candidate's test should be cancelled.

16. SBI relies on IBPS's document entitled "Detection of use of unfair means/Malpractices in objective tests". Part III of the said document states that IBPS consider two important criteria; one, where a pair of candidates answer 12 or more identical wrong answers; and the mismatches (number of questions with different answers) being small, i.e 5 or less. The other, criteria is to detect those scoring high in tests, but having used unfair means, discernable by application of a two pronged filter (a) criteria by which pairs of candidates have more than 90 % number of questions, containing wrong answers are picked up. Identical wrong answers (IWWs) should be a minimum number for a different set of total number of questions: (i) for a 50 item test, IWW should be more than 5 or more; (ii) where the total number of questions is 75, the identical wrong answers should be minimum 7, etc and so on. The document further states as follows:

"It can be concluded that the candidates under criteria (A) have used unfair means beyond all reasonable doubts. It can be inferred based on the very low probability of such an event occurring by chance with good degree of accuracy that the candidates under Criteria (B) have resorted to use of



unfair means."

Other material parts of the said document are extracted below:

*"PROCESS FOLLOWED AT IBPS FOR
IDENTIFYING CASES*

OF USE OF UNFAIR MEANS :

(i) IBPS has a practice of analyzing the responses of all candidates who have appeared in objective tests of all the examinations at a particular centre (city/town) for identifying cases of use of unfair means.

(ii) IBPS has indigenously developed software for identifying such cases based on an internationally accepted method. The responses of each candidate are compared with the responses of all the remaining candidates at each centre (city/town) and matched for identical responses. The software generates report of all pairs of cases which have identical responses mainly identical wrong responses.

(iii) This report is critically reviewed by group of IBPS experts. The expert group considers the following in addition to identical wrong answers while deciding on reporting use of unfair means and a final report is prepared only after the committee reviews other factors supporting the analysis and the cases are forwarded to the bank for taking necessary



action:

- (1) Evidence of any random/pattern marking*
- (2) Identical matches of 'intermittent' and 'end' skipped questions*
- (3) Item which otherwise show different answer across centre*
- (4) Evidence of copying by a common group of candidates.*

IPBS removes these candidates from the result of its own examinations (CWEs). For all other examinations, the report is sent to the concerned organization."

17. In the petitioner's case, the answer sheet contained 7 or more identical wrong answers, compared to two other candidates who also appeared in Centre/Code No.28. The petitioner's answer sheet itself discloses a revealing tale: one, traces of penciled numerals (which correspond with the answers actually attempted by him, including the wrong answers, all in one place) which were sought to be erased and two, the fact that he attempted a large LPA 155/2013 Page 11 number of mathematical problems, which would be humanly impossible to solve, without some manual calculation. The giveaway here is that no candidate is allowed to attempt the answer by prior rough calculation in any other piece of paper; he or she has to carry out the rough calculation on the question paper itself; the question paper was taken away from each



candidate after she or he attempted the test. The absence of any calculation, on the one hand, and the correct answers by the petitioner of a large number of such mathematical problems (involving complex multiplication of numerals in several digits, finding out square root, etc) rule out the possibility of coincidence.

18. In [Union of India v Anand Kumar Pandey](#) 1994 (5) SCC 663, the authority had conducted a post examination analysis of the results, albeit manually, and directed cancellation of results of some candidates. The Supreme Court held as follows:

"The inquiry report and the noting on the file show that the railway authorities rightly came to the conclusion that there was large-scale copying at Centre No. 115 Katihar. The inquiry report reveals that overall pass percentage in the written examination for all the centers at Katihar was 0.6% whereas the pass percentage in two rooms at Centre No. 115 alone was 45.4%.

8. *The railway authorities, relying upon the material placed on the record by the inquiring agency came to the conclusion that it was not safe to make appointments based on the written examination wherein unfair means were adopted on a large scale. We see no ground to differ with the conclusions reached by the railway authorities. The Tribunal was wholly unjustified*



in LPA 155/2013 Page 12 interfering with the order of the appellants calling upon the respondents to sit in the written examination again.

9. This Court has repeatedly held that the rules of natural justice cannot be put in a strait-jacket. Applicability of these rules depends upon the facts and circumstances relating to each particular given situation. Out of the total candidates who appeared in the written test at the Centre concerned only 35 candidates qualified the test. In that situation the action of the railway authorities in directing the 35 candidates of Centre No. 115 to appear in a fresh written examination virtually amounts to canceling the result of the said centre. Although it would have been fair to call upon all the candidates who appeared from Centre No. 115 to take the written examination again but in the facts and circumstances of this case no fault can be found with the action of the railway authorities in calling upon only 35 (empanelled candidates) to take the examination afresh. The purpose of a competitive examination is to select the most suitable candidates for appointment to public services. It is entirely different than an examination held by a college or university to award degrees to the candidates appearing at the examination. Even if a candidate is selected he may still be not appointed for a justifiable



reason. In the present case the railway authorities have rightly refused to make appointments on the basis of the written examination wherein unfair means were adopted by the candidates. No candidate had been debarred or disqualified from taking the exam. To make sure that the deserving candidates are selected the respondents have been asked to go through the process of written examination once again. We are of the view that there is no violation of the rules of natural justice in any manner in the facts and circumstances of this case."

19. In a very recent judgment of the Supreme Court, [Tanvi Sarval v Central Board of Secondary Education](#) 2015 (6) SCC 573, the Court held that public interest would be subserved if the entire examination were to be cancelled. There, investigations held after the exams revealed widespread LPA 155/2013 Page 13 use of unfair means, whereby "123 solved answers of a particular code and retrieved from the mobile set of one of the persons arrested i.e. Dr. Bhupender, 102 answers were found correct on a comparison with the answer key provided by the CBSE. As referred to hereinabove, 358 mobile numbers had been pressed into service and at least 300 vests fitted with electronic devices have been used." Looking into the nature and gravity of the methods, the court made the following pertinent observations:

"Having regard to the uncompromising essentiality of



a blemishless process of examination involving public participation, we have no alternative but to hold that examination involved suffers from an infraction of its expected requirement of authenticity and credence. We are conscious of the fact that every examination being conducted by a human agency is likely to suffer from some shortcomings, but deliberate inroads into its framework of the magnitude and the nature, as exhibited, in the present case, demonstrate a deep seated and pervasive impact, which ought not to 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. If such an examination is saved, merit would be casualty generating a sense of frustration in the genuine students, with aversion to the concept of examination. The possibility of leaning towards unfair means may also be the ultimate fall out. Even if, one undeserving candidate, a beneficiary of such illegal machination, though undetected is retained in the process it would be in denial of, the claim of more deserving candidates."

20. In one of the earliest decisions, [The Board of High School and Intermediate Education, U.P. and Ors. v. Kumari Chittra Srivastava and Ors.](#) (1970) 1 SCC 121 the Supreme Court had ruled that the compulsion to adhere to principles of



natural justice is dependent on the nature of the LPA 155/2013 Page 14 subject matter. The context was action taken by a State Education Board in somewhat similar circumstances. The court observed as follows:

"8. The learned Counsel for the Appellant, Mr. C.B. Aggarwal, contends that the facts are not in dispute and it is further clear that no useful purpose would have been served if the Board had served a show cause notice on the Petitioner. He says that in view of these circumstances it was not necessary for the Board to have issued a show cause notice. We are unable to accept this contention. Whether a duty arises in a particular case to issue a show cause notice before inflicting a penalty does not depend on the authority's satisfaction that the person to be penalised has no defence but on the nature of the order proposed to be passed."

21. Again, the need to be aware that natural justice is not a stereotyped principle, of unbending universal application was emphasized in Chairman, Board of Mining Examination v. Ramjee (1977) 2 SCC 256, where the Court observed that natural justice is not an unruly horse, no lurking landmine, nor a "judicial cure-all". The Courts cannot look at law in the abstract or natural justice as a mere artifact. Nor can they fit into a rigid mould the concept of reasonable opportunity. If the totality of circumstances



satisfies the Court that the party visited with adverse order has not suffered from denial of reasonable opportunity, the Court will decline to be "punctilious or fanatical as if the rules of natural justice were sacred scriptures" ([Ref Dharampal Satyapal Ltd Vs. Deputy Commissioner of Central Excise & Ors.](#) 2015 (8) SCC 519). As a result, the appellant's submissions with regard to SBI's failure to adhere to principles of natural justice have to fail.

22. The appellant had relied on Palak Modi (supra). The following observations in that judgment are relevant:

"The use of unfair means in the evaluation test/confirmation test held by the Bank certainly constitutes a misconduct. The Bank itself had treated such an act to be a misconduct (paragraph 10 of advertisement dated 1.7.2008). It is not in dispute that the services of the private respondents were not terminated on the ground that there was any deficiency or shortcoming in their work or performance during probation or that they had failed to satisfactorily complete the training or had failed to secure the qualifying marks in the test held on 27.2.2011. As a matter of fact, the note prepared by the Deputy General Manager, which was approved by the General Manager makes it crystal clear that the decision to dispense with the services of the private respondents was taken solely on the ground that they



were guilty of using unfair means in the test held on 27.2.2011. To put it differently, the foundation of the action taken by the General Manager was the accusation that while appearing in the objective test, the private respondents had resorted to copying. IBPS had relied upon the analysis made by the computer and sent report to the Bank that 18 candidates were suspected to have used unfair means. The concerned authority then sent for the chart of seating arrangement and treated the same as a piece of evidence for coming to the conclusion that the private respondents had indeed used unfair means in the examination. This exercise was not preceded by an inquiry involving the private respondents and no opportunity was given to them to defend themselves against the charge of use of unfair means. In other words, they were condemned unheard which, in our considered view, was legally impermissible."

23. In the present instance, we are of the opinion that the rules of natural justice have not been contravened by the SBI. The above judgment of Palak Modi, and the facts that led to such judgment are clearly distinguishable from the case at hand. As we have seen, the application of the principles of natural justice, though vital, ultimately turns on the facts of every individual case. It is not every time a particular action has a consequence that is not LPA



155/2013 Page 16 favourable to the petitioner that the rules may be relied upon as a fallback to nullify such action. First, the petitioner has no vested right to an inquiry, he being merely an entry-level candidate and not employed in any manner by the SBI. He is therefore not entitled to the same terms of service that the petitioners in Palak Modi (supra) could claim by virtue of them actually being employed. His right extends, and is limited to, a fair opportunity to attempt the examination and therefore have a fighting chance at being employed by SBI. His decision to squander away this opportunity by employing unfair means in his attempt at the examination cannot be countenanced simply because the SBI did not first approach him when they discovered that his answers matched perfectly with two other candidates. There is in fact, no need for the SBI to do so. The object of the examination being to select the candidates suitable for such initial appointment, veritable evidence that the petitioner does not fall within that category, does not become unreliable or contrary to the principles of natural justice merely because the petitioner did not have the opportunity to represent against them.

24. The Court is conscious that technology often empowers citizens; at the same time it has the potential to facilitate misuse. In the context of the facts of this case, this Court is not persuaded with the appellant's submission that without tangible material or evidence, the SBI could not have



inferred the employment of "unfair means" by candidates generally and the petitioner in particular. Use of electronic devices to transmit information-either in the form of text messages or by use of hidden listening devices which go undetected may be hard to establish. That does not mean that patterns which are discernible and are thrown up on application of scientific formulae or statistical models, which leads to further examination of the primary material should be eliminated by the Courts. In the present case, the pattern which emerged showed that the appellant's results in respect of wrong answers matched with some other candidates who also appeared in the New Delhi centre. On further scrutiny, the reasonableness of the suspicion was strengthened by the manner of his attempting the answers. These, in the opinion of the Court, were sufficient basis for the SBI to conclude that unfair means had been employed and withhold his result. The directions sought are, therefore, unavailable in exercise of judicial review discretion under [Article 226](#) of the Constitution. As a result, this Court finds that the impugned judgment and order of the learned Single Judge does not call for interference. The appeal is, therefore, dismissed without any order as to costs.

8. In view of the above, since the petitioner is found guilty of using unfair means in the examination, therefore, I do not find any merit in the present

writ petition.

9. Accordingly, the present writ petition is *dismissed*.
10. Pending application (s) if any also stands disposed of.

July 27, 2026

Gaurav Arora

Whether speaking/reasoned

Whether reportable

(SUDEEPTI SHARMA)

JUDGE

Yes

No