



2026:CGHC:13853

**AFR**

**HIGH COURT OF CHHATTISGARH AT BILASPUR**

**Order reserved on 13.3.2026**

**Order delivered on 23/03/2026**

**WPS No. 813 of 2026**

1. Manohar Patel S/o Santosh Patel Aged About 26 Years R/o Gurkhapali, Dist.- Sakti C.G.
2. Vivek Dubey S/o Damodar Dubey Aged About 24 Years R/o Takhatpur, Dist.- Bilaspur C.G.
3. Mritunjay Shrivastava S/o Santosh Shrivastava Aged About 27 Years R/o Ward No. 10, Near Mata Chowk, Sarridih, Dist.- Bilaspur C.G.
4. Kameshwar Prasad S/o Chunnu Ram Aged About 21 Years R/o Ward No. 10, Near Mata Chowk, Sarridih, Dist.- Bilaspur C.G.
5. Gajraj Patel S/o Dolnarayan Patel Aged About 29 Years R/o Ranisagar, Karsiya, District Raigarh C.G.
6. Ajayt Kumar Korale S/o Yukut Ram Aged About 27 Years R/o Nipaniya, Hirri, District Bilaspur C.G.
7. Jitesh Baghel S/o Rakesh Baghel Aged About 28 Years R/o Tikrapara, District Bilaspur C.G.
8. Ashwini Kumar Yadav S/o Sudan Lal Aged About 29 Years R/o Lapti, Navadih, Lormi, District Mungeli C.G.
9. Ishan, S/o Ashok Aged About 31 Years Mahamaya Para, Devgaon, District Mungeli C.G.

**... Petitioners**

**versus**

1. State of Chhattisgarh Through Its Secretary, Home Department, Mahanadi, Mantralaya, Atal Nagar, District Raipur C.G.
2. Under Secretary, Home Department, Mahanadi, Mantralaya, Atal Nagar, District Raipur C.G.
3. Director General Of Police, Chhattisgarh, Head Quarter Nava Raipur, Atal Nagar, District Raipur C.G.
4. Timing Technologies India Private Limited, Through Its Director, Office At 3rd Floor West Wing, Block- 1 My Home Hub, Madhapur, Hyderabad.
5. Vilash, Through The Secretary, Home Department, Mahanadi, Mantralaya, Atal Nagar, District Raipur C.G.
6. Shivratan, Through The Secretary, Home Department, Mahanadi, Mantralaya, Atal Nagar, District Raipur C.G.
7. Jaganath Through The Secretary, Home Department, Mahanadi, Mantralaya, Atal Nagar, District Raipur C.G.
8. Vishal Kumar, Through The Secretary, Home Department, Mahanadi, Mantralaya, Atal Nagar, District Raipur C.G.

**... Respondents**

For Petitioners	: Mr. Mateen Siddiqui, Advocate
For Respondents No. to 3	: Mr. Gary Mukhopadhyaya, Additional Advocate General
For Respondent No.4	: Mr. Raja Sharma, Advocate
For Respondents No.5 to 8	: None though served.

**S.B.: Hon'ble Shri Parth Prateem Sahu, Judge**

**CAV Order**

1. Petitioners, who are applicants in the recruitment process initiated by respondent State for appointment of Constables of different trades, have filed this writ petition pleading therein that at the time of conducting Physical Efficiency Test (for short 'PET'), respondent No.4-agency deputed by the respondent

State for conducting PET, had completed PET by adopting corrupt means, benefiting some candidates and thereby there was irregularity in the selection process. They also pleaded that written examination was also not conducted in a fair and transparent manner. Hence, prayed for following reliefs:-

“10.1. The Hon’ble Court may kindly be pleased to quash & set aside the whole selection process thereby also quash the impugned Final select list dated 9/11/2025 for the post of Constable (GD).

[ANNEXURE P/1]

10.2. The Hon’ble Court may kindly be pleased to direct the respondent authority to initiate and conduct a fresh selection process in a proper and fair manner for recruitment on the post of Constable.

10.3. The Hon’ble Court may kindly be pleased to issue writ/ writs, directing a thorough independent investigation through CBI into the concerned matter and scam that has been done in the selection process for the post of Constable (GD).

10.4. The Hon’ble Court may kindly be pleased to grant any other relief which this Hon’ble Court deems fit and proper in favour of the petitioner as per the facts & circumstance of the present case, in the ends of justice.”

2. Learned counsel for petitioners would submit that in the year 2023 respondent State had issued an advertisement for initiating recruitment proceedings for appointment on the post of Constable of different trades. Petitioners submitted application forms for their appointment as Constable and also participated in the selection process. First stage of selection process was PET. As the petitioners are residents of Bilaspur range, their PET was organized at Sakri, District Bilaspur. According to petitioners, in conduct of PET at Sakri Centre, mass irregularities have been committed by respondent No.3 and certain officials of the Selection Committee, by increasing distance in long jump and short-put; increasing height in high jump and by reducing the time to complete the race, which adversely affected result of PET. Petitioners and others have submitted representation pointing irregularities so submitted in conducting PET, but no heed was paid to the same. In District Rajnandgaon also similar allegations were made and further allegation of giving undue advantage to some of the candidates / aspirants were also levelled. Taking note of several representations made questioning selection process as adopted during PET, a letter was forwarded by respondent No.3 to the Superintendent of Police of all the districts within the State of Chhattisgarh seeking clarification/report on the allegations made in the representations. In the letter dated 19.12.2024 (Annexure P-8)

written by the Superintendent of Police, Bilaspur-cum- Chairman, Constable Selection Committee Centre-1, Bilaspur, there is mention about commission of grave irregularities by respondent No.4. Thereafter also letters were issued elaborating irregularities which were found by the Superintendent of Police, Bilaspur and in letter dated 21.1.2025, roll numbers of 54 candidates, who were found involved in irregularities, have been mentioned which shows that in what manner corruption has been done by respondent no.4. He submits that in the facts of case where the Superintendent of Police, Bilaspur -cum- Chairman, Constable Selection Committee Centre-1, Bilaspur found that grave irregularities have been committed, it was for respondent No.3 to cancel the entire recruitment proceeding initiated by respondent No.1 to 3 pursuant to advertisement of the year 2023. In support of his contention, he referred Rules 7 (6) (viii) of the Chhattisgarh Police Executive Force, Constables (Recruitment and Conditions of Service) Rules, 2007 to submit that it provides for cancellation of process. He also placed reliance on the decision of Hon'ble Supreme Court in case of **State of West Bengal vs. Baishakhi Bhattacharyya (Chatterjee) and others**, reported in **(2025) SCC OnLine SC 719**.

3. Learned Additional Advocate General for respondent State opposing submissions of learned counsel for petitioners, would

submit that the advertisement for recruitment of Constables of different trades was published in the month of October 2023. Applications were invited from 1.1.2024 mentioning last date for submission of application form as 6.3.2024. PET was conducted from 16.11.2024 to 19.1.2025 in the center identified for Bilaspur range. Petitioners were declared successful in PET and till then they did not question the manner in which PET was conducted by respondent No.4. Petitioners thereafter appeared in written examination held on 19.4.2025 and they could not pass written examination. After long lapse of being declared unsuccessful in written examination, petitioners have filed this writ petition on 20.1.2026. It is further contention of learned Additional Advocate General that earlier a public interest litigation bearing WP(PIL) No.82/2025 was filed and after its dismissal, one more writ petition bearing WPS No.11126/2025 was filed in the month of September 2025, which was also dismissed by the Division Bench of the High Court. Similar grounds, as have been raised in this writ petition also, which were raised in WPS No.11126/2025, therefore, when once the Division Bench has considered and decided the identical issue, this writ petition is liable to be dismissed.

4. Learned Additional Advocate General next contended that from the pleadings made in writ petition, main challenge, which appears to have been made, is to the selection process of PET.

Petitioners have not filed writ petition immediately after noticing alleged irregularities in the PET or before appearing in written examination. This writ petition is filed only when petitioners were declared unsuccessful and therefore, when petitioners have taken calculated risk to participate in further process of recruitment for appointment on the post of Constable, they cannot be permitted to question first stage of selection proceeding i.e. PET, after participating and became unsuccessful finally. In support of his contention, he placed reliance upon decisions in cases of **Vijendra Kumar Verma vs Public Service Commission Uttarakhand and others, (2011) 1 SCC 150; Chandigarh Administration & others vs Jasmine Kaur and others, (2014) 10 SCC 521; Pradeep Kumar Rai vs Dinesh Kumar Pandey, (2015) 11 SCC 493.**

5. It is also contention of learned Additional Advocate General that after receipt of complaint by way of representations, CCTV footages were called for and corrective measures were taken. The officials of police department during period of PET have given surprise visit to PET centre at Bilaspur and upon finding entries showing that candidates were given 2-3 attempts, explanation was called from respondent No.4, considering reply that in earlier recruitment proceedings more than one attempt given to the candidates, was due to some technical glitch in the computer software more than one entries are made, this was

cross-checked with the help of CCTV footages and after verification of CCTV footages, it appeared that not a single candidate was given more than one attempt. Hence, after verification of CCTV footage, entries were rectified/corrected. He also contended that even if some irregularities were found to have been committed by respondent No.4, then also the Courts have to adopt the principle of "separation of grain from chaff", by segregating the tainted candidates from those who are without stigma instead of cancelling the entire recruitment proceedings. In support of his contention, he placed reliance upon the decisions of Hon'ble Supreme Court in cases of **Union of India and others vs. Rajesh P.U. Puthuvalnikathu and another**, reported in (2003) 7 SCC 285; **Joginder Pal vs. State of Punjab**, reported in (2014) 6 SCC 644; **Sachin Kumar vs Delhi Subordinate Service Selection Board**, reported in (2021) 4 SCC 631; **Tajvir Singh Sodhi vs. State of Jammu and Kashmir**, reported in 2023 SCC OnLine SC 344.

6. Learned Additional Advocate General further contended that one of the grounds raised by petitioners is that one candidate has applied for his selection by submitting application forms from more than one District (by submitting multiple application forms) as shown in the select list. Submission of multiple application forms by one candidate is not in contravention of any condition / clause of advertisement/governing rules. In the advertisement,

there was no bar in submitting applications from more than one district by one candidate and therefore, when the select list was published name of the candidates have been mentioned in the select list of districts from where he had submitted application form based on their merits/rank and category. After issuance of appointment order and joining at a particular place, the post on which candidate has been shown to be selected in other district will be declared vacant and it will be filled -up from the wait list candidates and therefore, there is no error in the procedure of selection adopted by respondents nor it is contrary to any of the conditions of advertisement. He further contended that pleadings of bribery made in writ petition is baseless, without any material and proof, therefore, it is unsustainable. Petitioners cannot make allegation of grievous nature like bribery in the selection process without there being any specific pleading of name of candidate who offered or official who accepted bribe. Therefore, relief regarding direction to CBI to investigate into allegations, as claimed by petitioners, is also not sustainable. In support of his contention, he relied upon decision in case of **Secretary, Minor Irrigation & Rural Engineering Services, UP vs Sahngoo Ram Arya**, reported in (2002) 5 SCC 521; **Legislative Council UP Lucknow vs Sushil Kumar and others**, reported in 2025 SCC Online SC 2254.

7. Learned Additional Advocate General further submitted that total 5984 posts were advertised, out of which 3162 appointments were made as of now following due process of law. This writ petition is filed after publication of list of successful candidates and therefore, the petitioners were required to implead the candidates who became successful and finding place in the select list, If it was not possible to implead all selected candidates of select list, then the petitioners ought to have impleaded the candidates participated and selected from each of the police ranges / PET centers in order to say that selected candidates are made party respondents in representative capacity.
8. Learned counsel appearing on behalf of respondent No.4, would submit that allegations of committing irregularities and corruption by respondent No.4 at the time of PET is not correct. He submits that submissions in this regard of respondent No.4 is identical to submissions made by learned State Counsel and therefore, he is adopted the arguments advanced by learned State Counsel.
9. In reply to submissions made by learned counsel for respective respondents, learned counsel for petitioners submits that objection raised by learned counsel for respective respondents with regard to maintainability of writ petition on the ground that petitioners after participating in selection process cannot challenge the same on alleging irregularities and mal practices

by respondents, will not apply to the facts of the case, because by participating in the selection process, candidate like petitioners accepted the prescribed procedure and not the irregularities in it. In support of his contention, he placed reliance on the decision in case of **Dr. (Major) Meeta Sahai v.s Union of India** reported in **(2019) 20 SCC 17**. He further submitted that petitioners have also made the selected candidate as party respondent in the representative capacity. In the facts and circumstances of the case where by specific pleadings and supporting documents, mass corruption and irregularities have been projected by petitioners, impleadment of all the selected candidates is not necessary. In support, he relied upon decisions in case of **Anar Devi (Smt.) Vs. Nathu Ram**, reported in **(1994) 4 SCC 251**.

10. Learned counsel for petitioners further contended that submission of learned Additional Advocate General for the State that after receipt of representation, inquiry was conducted is not correct, more so when allegations of committing irregularities in all PET centres has been made. There is no pleading in reply that inquiry was conducted ni respect of all the PET centres. According to the procedure for test, one candidate is to be given only one chance, but in case at hand, many of the candidates have been given more than one chance and thereby undue advantage is extended to them to get selected in PET. He also

submitted that the reply submitted by respondent State before this Court mentions that only 32570 candidates participated to show minor defect of 0.39%, whereas in the reply submitted by respondent State in WPS No.799/2025, with regard to same process of selection, figure mentioned is 97071.

11. Learned Additional Advocate General for the State submitted that number of applicants, as it is submitted by learned counsel for the petitioners from the pleadings made in reply filed in WPS No.799/2025, in present writ petition is very clear. '97071' is mentioned only to show total number of candidates applied for and '32570' is the figure of applicants who participated in PET and as such, there is no discrepancy in the figures, as mentioned in the reply filed in other writ petition with this writ petition.

12. Heard learned counsel for respective parties and perused the documents available in record of writ petition.

13. Perusal of relief clause, as prayed for in writ petition, would show that under Clause No.10.1 of relief clause, petitioners have prayed for quashing of entire selection proceedings, final select list dated 9.11.2025 for the post of Constable (GD). Second relief sought by petitioners is with regard to issuance of a direction to respondent authorities to initiate and conduct a fresh selection process in a fair and transparent manner for recruitment on the post of Constables (GD). Aforementioned two reliefs are prayed for by petitioners making the basis letters

written by the Superintendent of Police, Bilaspur-cum- Chairman, Constable Selection Committee Centre-1 Bilaspur, dated 19.12.2024, 20.12.2024 and 26.12.2024.

14. Perusal of pleadings made in writ petition as also documents enclosed by petitioner in support i.e. reply submitted by respondent State in WPS No.799/2025, would reveal that around 97071 candidates submitted their application forms, out of which only 32570 candidates participated in PET. From the pleadings in reply as also documents annexed therewith it is appearing that after receipt of representations with allegations of irregularities in proceeding of PET, the Superintendent of Police, Bilaspur inspected test centers by surprise visit, found some irregularities committed in conduct of PET, which were reported to respondent No.3 giving details of candidates like Chest No. / Batch No. etc. In the letter dated 21.12.2025 number of such candidates is mentioned as '54'. An inquiry was conducted by the Deputy Superintendent of Police (AZAK), Bilaspur and according to his report, he found variation of marks in physical test of 129 candidates only. At the time of inquiry, CCTV footage along with mark list and entries made in computer system were verified. In the inquiry, it revealed that only 28 candidates have been found to be wrongly declared qualified. It is also pleaded in reply that from those 0.39% candidates, only 03 candidates have become successful in final select list and one of the candidates finds

place in wait list. Their names have also been mentioned in reply to be “Vilas, Bedprakash and Kamlesh Kumar Banjare”. By conducting PET through the agency under surveillance of CCTV shows that the intention of the respondent State authorities is to conduct the selection process with transparency, fairness and to avoid any chance of giving undue benefit/advantage to undesirable candidates.

15. Hon'ble Supreme Court while considering the issue of cancellation of entire selection process in case of Rajesh P.U. (supra) has observed thus:-

“6...In the light of the above and in the absence of any specific or categorical finding supported by any concrete and relevant material that widespread infirmities of all pervasive nature, which could be really said to have undermined the very process itself in its entirety or as a whole and it was impossible to weed out the beneficiaries of one or other of irregularities, or illegalities, if any, there was hardly any justification in law to deny appointment to the other selected candidates whose selections were not found to be, in any manner, vitiated for any one or other reasons. Applying an unilaterally rigid and arbitrary standard to cancel the entirety of the selections despite the firm and positive information that except 31 of such selected candidates, no infirmity could be found with reference to others, is nothing but total disregard of relevancies and allowing to be carried away by irrelevancies, giving a complete go bye to contextual considerations throwing to winds the principle of proportionality in going farther than what was strictly and

reasonably required to meet the situation. In short, the Competent Authority completely misdirected itself in taking such an extreme and unreasonable decision of canceling the entire selections, wholly unwarranted and unnecessary even on the factual situation found too, and totally in excess of the nature and gravity of what was at stake, thereby virtually rendering such decision to be irrational.

7. For all the reasons stated above, we could not find any infirmity whatsoever in the judgment of the High Court which adopted a practical, pragmatic, rational and realistic solution to the problem. The appeal, therefore, fails and shall stand dismissed. The interim order earlier granted thus automatically stands revoked. The appointments shall be made within 60 days from this day, without any further delay. No costs.”

16. In case of Tajvir Singh Sodhi (supra), Hon'ble Supreme Court while considering prayer for quashing of entire selection process has observed thus:-

“51. In light of the pertinent selection procedure that was followed, we are unable to hold that the same was mechanical or casual or suffered from irregularities which were so grave or arbitrary in nature so as to justify quashing the entire selection process. Further, we are unable to trace the requirement of individual rolls being signed and verified by the members of the Selection Board, to any statute or rule. Therefore, we cannot sustain the finding of the High Court that the entire selection process was vitiated by such irregularity. The High Court was not justified in quashing and setting aside the entire selection process, more so when sixty-

four candidates including the appellants had been serving on the said post for over a decade. Reliance in this regard may be placed on *Trivedi Himanshu Ghanshyambhai*<sup>8</sup>, wherein it was held that merely because the records could not be produced since they were lost and not available, the appointment could not be cancelled.”

17. In case of *Joginder Pal (supra)* Hon'ble Supreme Court has held that tainted candidates to be segregated from those who are without stigma. In the above case, Hon'ble Supreme Court has considered three principles to be adhered while cancelling appointment; (i) there must be satisfaction regarding the sufficiency of material collected so as to enable the State to conclude that selection process was tainted; (ii) to determine whether illegalities committed go to the root of the matter and vitiates the entire selection process, such satisfaction should be based on reasons and thorough investigation conducted in a fair and transparent manner; (iii) there must be sufficient material to support the conclusion with the majority of appointments were part of fraudulent purpose or that the system itself was corrupted. In this case, Hon'ble Supreme Court while satisfying the order of termination has observed that, termination order should only be issued in cases where it is found to be impossible or highly improbable to separate tainted cases from un-tainted ones. Relevant paras of the said decision are extracted below for ready reference:-

“39.It becomes crystal clear that the concern of the Court was that for the misdeeds of some candidates, honest and meritorious candidates should not suffer. Therefore, endeavour should be made to segregate the tainted candidates from those who were without any stigma and had been selected because of their sheer merit and not on account of any illegal considerations. We would also like to reproduce some of the parts of the concurring judgment authored by Justice Dalveer Bhandari (as His Lordship then was) with the aforesaid message, eloquently and impeccably:

“118.Undoubtedly, in the selection process, there have been manipulations and irregularities at the behest of R.S. Sidhu, the then Chairman, Punjab Public Service Commission. On careful scrutiny of the facts and circumstances of the case, in my considered opinion, the High Court ought to have made a serious endeavour to segregate the tainted from the non-tainted candidates. Though the task was certainly difficult, but by no stretch of imagination, it was not an impossible task.

124. The High Court has not considered the case in the proper perspective. The consequences of en masse cancellation would carry a big stigma particularly on cancellation of the selections which took place because of serious charges of corruption. The question arises whether for the misdeeds of some candidates, honest and good candidates should also suffer on en masse cancellation

leading to termination of their services? Should those honest candidates be compelled to suffer without there being any fault on their part just because the respondents find it difficult to segregate the cases of tainted candidates from the other candidates? The task may be difficult for the respondents, but in my considered view, in the interest of all concerned and particularly in the interest of honest candidates, the State must undertake this task. The unscrupulous candidates should not be allowed to damage the entire system in such a manner where innocent people also suffer great ignominy and stigma.

125. This Court had an occasion to examine a similar controversy in the case of Onkar Lal Bajaj's case (supra). In that case, there were serious allegations of political patronage in allotment of retail outlets of petroleum products, (LPG distributorships and SKO-LDO dealerships). This Court laid down that how could a large number of candidates against whom there was not even insinuation be clubbed with handful of those who were said to have been allotted dealerships/distributorships on account of political connection and patronage? This Court clearly stated that the two were clearly unequals. Equal treatment to unequals is nothing but inequality. This is the most important principle which has been laid down in this case by this Court. The Court further observed that to put both the categories,

tainted and the rest, on par is wholly unjustified, arbitrary and unconstitutional, being violative of Article 14 of the Constitution. In somewhat similar circumstances, in this case, the Government, instead of discharging its obligation, unjustly resorted to the cancellation of all the allotments *en masse* by treating unequals as equals without even prima facie examining their cases. Those officers whose services were affected because of en masse cancellation have not been given an opportunity to represent before the concerned authorities. In the case of Onkar Lal Bajaj there were 413 cases and the task was indeed difficult to segregate the cases of political connection and patronage with other cases. But, even then, this Court while, setting aside the order of the Government cancelling the allotment, appointed a Committee of two retired Judges, one of this Court and another from the Delhi High Court, and they were requested to examine all 413 cases and decide the matter after getting the report from that Committee appointed by the Court.”

40. In view of the above, the issue of entire selection process having been vitiated would have arisen only if the findings of the Committee were that it was not possible to distinguish the cases of tainted from the non-tainted ones and there was a possibility that all of them would have got the benefit of wrong doings of Mr. Sidhu and his accomplices. Fortunately for these appellants, it is not so as they have been found

innocent. The appellants get ensconced, earning a safe place, once they are removed from the category of nefarious persons. Though the tainted candidates have rightly received their comeuppance, but the innocent persons cannot be punished with them. Thus, it is difficult to accept the fallibilistic conclusion of the High Court.”

18. In case of Sachin Kumar (supra), Hon'ble Supreme Court has observed that “where it is possible to segregate persons who were indulged in mal practices and to penalize for their wrong doing, it would be unfair to impose the burden of their wrong doing on those who are free from taint. To treat the innocents and wrong doers equally by subjecting the former to the consequences of cancellation of entire selection process would be contrary to Article 14 of the Constitution of India because unequals would then to be treated equally.

19. From the aforementioned decisions of Hon'ble Supreme Court it is apparent that Hon'ble Supreme Court has adopted the principle of segregating tainted candidates from those who are without stigma instead of cancelling the entire selection process. In case at hand, from the pleadings made in the writ petition and submissions advanced by learned counsel for the petitioner, present one does not appear to be case of commission of mass irregularities so as to take harsh step of cancellation of entire selection process, in the facts of the case, where according to letters written by the Superintendent of Police, Bilaspur and in

- the inquiry thereafter conducted by Deputy Superintendent of Police, Bilaspur only 129 candidates, whose marks were found to be suspicious, were found to be involved in the act of irregularities, out of 32,517 candidates participated in selection process, according to pleadings made in writ petition.
20. Reasonable requirement to meet out the situation wherein some irregularities have been committed at some stage to give undue benefit to some of the candidates among large number of participated candidates, is to identify such candidates and to take appropriate steps against them in stead of cancelling the entire selection process.
21. So far as decision in case of Baishakhi (supra), which is relied upon by learned counsel for petitioners, is concerned, the same is on different facts wherein Hon'ble Supreme Court after threadbare analysis of the facts of the case, reached to the conclusion that the case therein was a case where selection process was vitiated and tainted beyond resolution. Manipulation and frauds of a large scale coupled with the admitted covers-up have denuded the selection process beyond repairs and particularly redemption. Credibility and legitimacy of selection is denuded.
22. For the foregoing discussions, this Court does not find any good ground to grant relief as claimed by petitioners under Relief

Clause No.10.1 and 10.2 of writ petition. Accordingly, the same are rejected.

23. So far as relief claimed under prayer clause No.10.3 is concerned, the pleadings available in writ petition would show that upon receipt of complaint, respondent No.3 issued letters to the Superintendent of Police of all the Districts to give information along with all relevant documents if any irregularity has been found in the PET within their territorial jurisdiction to the Inspector General of Police. The Superintendent of Police, Bilaspur-cum-Chairman, Constable Selection Committee Centre-1 Bilaspur had sent information about irregularities came to his knowledge vide letters dated 19.12.2024, 20.12.2024 and further detailed and descriptive letter dated 26.12.2024.

24. From the aforementioned proceeding and measures adopted by respondent No.3, it is appearing that respondent No.3 being an employer was vigilant and taken immediate steps. It is also not disputed by learned counsel for petitioners that the Superintendent of Police, Bilaspur has directed the Deputy Superintendent of Police (AZAK) Bilaspur -cum- Member of Constable Selection Committee to inquire into the matter, who upon inquire has found that out of 32570, there is variation of marks in respect of only 129 candidates. Hence, it is not a case of mass irregularities or corruption committed by respondent No.4 agency deputed to conduct PET or there is any specific

allegation against any of the officials of the Police Department in this regard. Direction for CBI inquiry is not be issued in a routine manner on prayer made by a party making some allegations. Hon'ble Supreme Court in case of **Sahngoo Ram Arya** (supra) has observed thus:-

“5.While none can dispute the power of the High Court under Article 226 to direct an inquiry by the CBI, the said power can be exercised only in cases where there is sufficient material to come to a prima facie conclusion that there is a need for such inquiry. It is not sufficient to have such material in the pleadings. On the contrary, there is a need for the High Court on consideration of such pleadings to come to the conclusion that the material before it is sufficient to direct such an inquiry by the CBI. This is a requirement which is clearly deducible from the judgment of this Court in the case of Common Cause (supra). This Court in the said judgment at paragraph 174 of the report has held thus:

“174. "The other direction, namely, the direction to CBI to investigate "any other offence" is wholly erroneous and cannot be sustained. Obviously, direction for investigation can be given only if an offence is, prima facie, found to have been committed or a person's involvement is prima facie established, but a direction to CBI to investigate whether any person has committed an offence or not cannot be legally given. Such a direction would be contrary to the concept and philosophy of "LIFE" and "LIBERTY" guaranteed to a person under Article 21 of the Constitution. This direction is in complete negation of various decisions of this Court in which the concept of "LIFE" has been

explained in a manner which has infused "LIFE" into the letters of Article 21."

6. It is seen from the above decision of this Court that the right to life under Article 21 includes the right of a person to live without being hounded by the Police or the CBI to find out whether he has committed any offence or is living as a law-abiding citizen. Therefore, it is clear that a decision to direct an inquiry by the CBI against a person can only be done if the High Court after considering the material on record comes to a conclusion that such material does disclose a prima facie case calling for an investigation by the CBI or any other similar agency, and the same cannot be done as a matter of routine or merely because a party makes some such allegations. In the instant case, we see that the High Court without coming to a definite conclusion that there is a prima facie case established to direct an inquiry has proceeded on the basis of 'ifs' and 'buts' and thought it appropriate that the inquiry should be made by the CBI. With respect, we think that this is not what is required by the law as laid down by this Court in the case of Common Cause<sup>1</sup>."

25. Recently, in case of Sushil Kumar (supra), it is observed that an order directing an investigation to be carried out by the CBI should be treated as measure of last resort, justified only when the constitutional Court is convinced that integrity of process has been compromised or reason to belief that it may get compromised to a degree that shakes conscience of the Courts or public faith in the justice delivery system. It was observed as under:-

“14. In view of the precedents of this Court referred herein above, it is evident that while issuing directions to CBI to hold an investigation, pleadings and material sufficient for CBI inquiry are required to be looked into. It is further required to be seen that based on such material, whether the involvement of the persons is prima facie established. This Court while issuing directions observed that no inflexible guideline can be laid down to decide whether or not such power should be exercised, but it has been reiterated that the order of CBI investigation or enquiry should not be passed in routine manner on mere allegations levelled by the parties. The exercise of such power by the High Court or by this Court must be made sparingly, cautiously and in an exceptional situation when credibility of investigation is in question and to repose confidence in investigation. The Court may exercise such discretion, where the incident may have national or international ramifications and with intent to do complete justice or for enforcing the fundamental rights. Mere sweeping remarks are not enough to direct for CBI investigation, until prima facie disclosure of commission of criminal offence is made out. It is further said that in the matters relating to recruitment, it would not be appropriate to direct CBI investigation in routine course unless the facts brought on record are so abnormal that shake the conscience of the Court.

22. An order directing an investigation to be carried out by CBI should be treated as a measure of last resort, justified only when the Constitutional Court is convinced that the integrity of the process has been compromised or has reasons to believe that it may get

compromised to a degree that shakes the conscience of Courts or public faith in the justice delivery system. Such compelling circumstances may typically arise when the materials brought in notice of the court prima facie point towards systemic failure, the involvement of high-ranking State officials or politically influential persons, or when the local police's conduct itself creates a reasonable doubt in the minds of the citizenry regarding their ability to conduct a neutral probe. In absence of such compelling factors the principle of judicial restraint demands that the Court must refrain from interfering. In other words, Constitutional Courts must exercise some degree of judicial restraint in unnecessarily burdening a specialized central agency with matters that do not satisfy the threshold of an exceptional case.

23. What is coming out from the above discussion is that the directions of High Court that are impugned in the present appeals were issued on basis of some 'doubt', 'assumption' and 'inexplicable details' qua master data of external agency. However, the impugned order fails to specifically point out these 'doubts' and 'inexplicable details' that led the High Court to pass such directions. In this context, we are of the opinion that the prima facie threshold that is required for passing a direction of CBI investigation has not been satisfied. Furthermore, all the petitioners before the High Court (Respondent Nos. 1 to 3 herein) have also fairly stated before us that they have not sought relief for any CBI enquiry before the High Court."

26. In case at hand, from the arguments advanced by learned counsel for petitioners, pleadings made in writ petition, as discussed above in preceding paras, in the opinion of this Court, even if some irregularities have been found by the

Superintendent of Police, Bilaspur cum Chairman, Constable Selection Committee Centre-1 Bilaspur as well as Deputy Superintendent of Police (AZAK) Bilaspur-cum- Member of Selection Committee, who conducted inquiry on the allegations, but present is not the case to conclude and direct for an inquiry by CBI. There is no material to suggest or reason to believe that integrity of the process has been compromised or there is systematic failure or involvement of high ranking State officials or politically influential persons, therefore, in the facts and circumstances of the case, petitioners are also not entitled for relief as claimed by them in Prayer Clause No.10.3. Accordingly, prayer made by petitioners for CBI inquiry is also rejected.

27. From the above discussions, pleadings made in writ petition and reply submitted on behalf of the State, one thing is clear that some irregularities have been committed at the time of conduction of PET in Bilaspur Centre, which was also noticed by Superintendent of Police Bilaspur cum Chairman, Constable Selection Committee Centre-1 Bilaspur during his visit/surprise visit of the Centre-1 Bilaspur. Commission of irregularities at the time of PET; its intimation given to the Inspector of General vide letters dated 19.12.2024, 20.12.2024 and 26.12.2024; inquiry conducted by Deputy Superintendent of Police (AZAK) Bilaspur, who also mentioned in his report about variation of marks in PET of about 129 candidates. However, at the conclusion in the

report, he mentions that only three candidates have been given undue advantage/benefit by committing irregularities and they have also been shown to be in select list; one of the candidates has been shown to be in waiting list.

28. Maintaining faith of public at large in recruitment proceeding/selection proceeding initiated by the State Government or its instrumentality as also in the justice delivery system, is paramount consideration of the Court when the candidates or persons approach the Court making allegation of irregularities committed during selection process. It is also not in dispute that the police authorities/respondents after getting knowledge have taken steps to visit the centre, noted some irregularities, informed higher authorities like respondent No.3 with particulars of candidates and upon inquiry, Deputy Superintendent of Police (AZAK) Bilaspur noticed variation in marks awarded to about 129 in PET. Thereafter, even if writ petition is filed by the candidates participated in the recruitment process after publication of select list, in the opinion of this Court as also in the larger public interest to maintain faith of people in working and functioning of the State Government and its instrumentality, in recruitment / selection process, I am of the view that, an inquiry, with respect to candidates whose roll numbers/batch numbers etc. are mentioned in the letters written by the Superintendent of Police, Bilaspur-cum- Chairman,

Constable Selection Committee Centre-1 Bilaspur, in particular letter dated 21.1.2025 and also of those 129 candidates who are identified by the Deputy Superintendent of Police (AZAK) Bilaspur in the course of inquiry conducted by him, be conducted by some higher police official like Senior Superintendent of Police, and upon inquiry, if selection of such candidates is found tainted, then to take appropriate action against them of cancelling their appointment, after granting opportunity of hearing to them.

29. Except Bilaspur Range Examination Centre, petitioners could not able to produce before this Court any material to suggest that any irregularity has been committed in any other examination centre also.
30. Accordingly, respondent No.3 is directed to depute some senior official to conduct inquiry, as directed above, with respect to the candidates as mentioned in the letter dated 21.1.2025 and 129 candidates, whose details are forming part of report of the Deputy Superintendent of Police (AZAK) Bilaspur afresh. If the candidates description of whom are mentioned in the letter dated 21.1.2025 and description of 129 candidates mentioned in the report of the Deputy Superintendent of Police (AZAK) Bilaspur are found to have been selected/appointed by adopting illegal means, then appropriate orders shall be passed after giving them opportunity of hearing and report in this regard be submitted in the High Court.

31. In the result, writ petition is disposed of with the above observations and directions. No order as to costs.

Sd/-  
(Parth Prateem Sahu)  
Judge

**roshan/-**