

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL Nos.4701-4704 OF 2017
(SPECIAL LEAVE PETITION (CIVIL)NOS. 27464-27467 OF 2015)

UNION OF INDIA AND ORS. . . . APPELLANT(S)

VERSUS

MUKESH RAO AND ORS. AND ETC. ETC. . . . RESPONDENT(S)

O R D E R

Leave granted.

Heard learned counsel for the parties.

The appellant(s) conducted limited departmental competitive examination for promotion to the post of Sub-Inspector (GD) in August, 2013. On finding that there were mal practices in the form of copying etc., the examination was cancelled in December, 2013 and the fresh examination was conducted in February, 2014. As a result of fresh examination, 56 candidates were found to be successful in the examination.

The order of cancellation of examination has been interfered by the High Court on the ground that mal practices were not of such magnitude so as to vitiate the whole examination.

We find that the view taken by the High Court is not sustainable. The impugned order affects the successful candidates in the second round but they have not been

impleaded as party and were not heard. In the absence of malafides or illegality, it was not open to the High Court to interfere with the decision to cancel the exam in exercise of power of judicial review.

Accordingly, we set aside the impugned order and allow the appeals. No costs.

.....J.
[ADARSH KUMAR GOEL]

NEW DELHI
30TH MARCH, 2017

.....J.
[UDAY UMESH LALIT]

ITEM NO.5

COURT NO.13

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal(C)No(s). 27464-27467/2015

(Arising out of impugned final judgment and order dated 20/02/2015 in WPC No. 182/2014 20/02/2015 in WPC No. 194/2014 20/02/2015 in WPC No. 323/2014 20/02/2015 in WPC No. 552/2014 passed by the High Court Of Delhi At New Delhi)

UNION OF INDIA AND ORS.

Petitioner(s)

VERSUS

MUKESH RAO AND ORS. AND ETC. ETC.

Respondent(s)

(With appln. (s) for impleadment and interim relief and office report)

Date : 30/03/2017 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ADARSH KUMAR GOEL

HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s) Mrs.B.Sunita Rao,Adv.
Mr. Sanyat Lodha,Adv.
Ms. Sushma Suri,Adv.

For Respondent(s) Mr. Soumya Chakraborty,Adv.
Mr. Sujit Kumar,Adv.
Mr. Anjani Kumar Mishra,Adv.

UPON hearing the counsel the Court made the following
O R D E R

I.A. for impleadment is dismissed.
Leave granted.
Heard learned counsel for the parties.
The appeals are allowed in terms of the signed
order.

(Madhu Bala)
Court Master
(Signed order is placed on the file)

(Veena Khera)
Court Master