

ITEM NO.17

COURT NO.6

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

Petitions for Special Leave to Appeal (C) Nos. 12326-12327/2017

(Arising out of impugned final judgment and order dated 18-04-2016 in RA No. 151/2015 in WPC No. 4355/2014 and 11-02-2015 in WPC No. 4355/2014 passed by the Gauhati High Court)

UNION OF INDIA N.F. RAILWAY & ORS.

Petitioner(s)

VERSUS

REKHA MONI CHUTIA

Respondent(s)

Date : 25-07-2018 These matters were called on
for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.A. BOBDE
HON'BLE MR. JUSTICE L. NAGESWARA RAO

For Petitioner(s) Mr. Maninder Singh, ASG
Mr. Anish Kumar Gupta, Adv.
Mr. R. Balasubramanian, adv.
Mr. Uday Pratap Singh, Adv.
Mr. Raj Bahadur, Adv.
Mr. Chandra Shekhar Suman, Adv.
Mr. Prabhas Bajaj, Adv.
Ms. Aarti Sharma, Adv.
Mr. Mukesh Kumar Maroria, AOR

For Respondent(s) Mr. Vijay Hansaria, Sr. Adv.
Ms. Sneha Kalita, AOR

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

These special leave petitions are directed against the impugned judgment of the High Court dated, 11.02.2015 whereby the High Court affirmed the order of the Central Administrative Tribunal, Guwahati Bench (for short, "the Tribunal") by which

the Tribunal had set aside the cancellation of the examination, i.e. written test held on 23.03.2013 for selection to the post of Assistant Signal-and-Telecommunication Engineer (ASTE) (Grade-B) against 30% LDCE quota vacancies. The Review application filed against the said judgment and order was also dismissed by the High Court vide order dated 18.04.2016.

The authorities had cancelled the examination for two reasons (i) evaluation of answer sheets was not proper and uniform and (ii) candidates resorted to malpractice of copying.

It is apparent from the afore-mentioned two reasons that the first reason pertains to the lapse on the part of the authorities which conducted the examination and the second reason pertains to the candidates.

As a matter of fact it is an undisputed position that only two candidates, i.e., Dilip Kumar Sarma and Apurba Roy have been found to have resorted to the malpractice of copying. The Respondent- Rekha Moni Chutia or any other candidate had not been found to have resorted to the malpractice of copying.

In the circumstances, we find that it was not necessary for the authorities to cancel the entire

examination when it was possible to disqualify the afore-mentioned two candidates who were found copying. In other words, the impact of copying was clearly identifiable and did not go beyond two candidates.

As a result having regard to the law laid down by this Court in the case of Union of India & Ors. vs. Rajesh P.U. Puthuvalnikathu & Anr., (2003)7 SCC 285 and the observations made in the case of Nidhi Kaim vs. State of Madhya Pradesh & Ors. (2016) 7 SCC 615, we find that the impugned judgment is not liable to be interfered with. We, however, make it clear that any of the two candidates who found to have resorted to the malpractice of copying, as per the report, will not be entitled to the benefit of this order.

The special leave petitions are, accordingly, dismissed.

[Charanjeet Kaur]
A.R. -cum-P.S.

[Indu Kumari Pokhriyal]
Asstt. Registrar