

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFERRED CASE (CRIMINAL) NO. 2 OF 2017

SUMAN ... Petitioner

VERSUS

THE STATE OF HARYANA & ORS. ... Respondents

WITH

SPECIAL LEAVE PETITION (CRIMINAL) DIARY NO. 31339 OF 2017

O R D E R

The writ petition filed by the petitioner in the High Court of Punjab and Haryana alleging leakage of question paper of the Preliminary Examination for recruitment to the post of HCS (Judicial Branch) conducted on 16.07.2017 was entertained by the High Court. We also find from the record that after examining the matter from all relevant angles, the High Court passed orders dated 15.09.2017 whereby various directions were given to different authorities. Looking into the gravity of the issue involved, the High Court has also deemed it appropriate to get the matter investigated from an independent agency and for this purpose it has constituted a Special Investigating Team (SIT). The SIT has already started functioning and has already started investigating the matter. Status report of the case showing the progress of the said investigation is filed today in a sealed cover in this Court which was opened in the Court.

As per the said Status Report, the SIT has summoned as many as 20 persons and has recorded their statements. Certain *prima facie* observations are also made in this Report. However, it is stated that certain records, which are crucial for carrying out further investigation, are required, details whereof are given in paragraph 5 of the said Report. The Registry of the High Court may supply those documents to the SIT for carrying out further investigation.

Since we find that the High Court has taken up the matter in all earnest in order to find out as to whether there was any leakage in the examination paper or not and has also taken steps as mentioned above, we are of the opinion that the High Court would be best suited to monitor the investigation which is being carried out by the SIT.

Insofar as the present case is concerned, it has served its purpose and stands disposed of.

We may also place on record the statement of Mr. Gopal Subramaniam, learned senior counsel appearing for the High Court, that the High Court has even cancelled the examination in question.

SLP Diary No. 31339 of 2017

After some arguments, the learned counsel for the petitioner seeks permission to withdraw the special leave petition. The special leave petition stands dismissed as

withdrawn.

However, it would be open to the petitioner to make representation against the suspension order to the High Court. As and when such a representation is made, the High Court would be free to consider the same.

We make it clear that insofar as this Court is concerned, no opinion on the merits of such representation is expressed.

....., J.
[A.K. SIKRI]

....., J.
[ASHOK BHUSHAN]

New Delhi;
December 08, 2017.

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

Transferred Case (Criminal) No. 2/2017

SUMAN

Petitioner(s)

VERSUS

THE STATE OF HARYANA & ORS.

Respondent(s)

WITH

Diary No. 31339/2017

(With IA No.100274/2017-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No.100271/2017-PERMISSION TO FILE SLP/TP, IA No.100927/2017-PERMISSION TO FILE ADDITIONAL DOCUMENTS, IA No.100934/2017 and IA No.119617/2017-APPROPRIATE ORDERS/DIRECTIONS)

Date : 08-12-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI
HON'BLE MR. JUSTICE ASHOK BHUSHAN

For Petitioner(s)

Mr. Vikrant Singh Bais, AOR
Mr. Yogesh Tiwaria, Adv.
Mr. Arvind Kumar, Adv.

Mr. Alok Bachawat, Adv.
Mr. Abhishek Baid, Adv.
Mr. Praneet Das, Adv.
Mr. Anup Jain, AOR

For Respondent(s)

Mr. Gopal Subramaniam, Sr. Adv.
Mr. Nikhil Nayyar, AOR
Mr. N. Sai Vinod, Adv.
Mr. Dhananjay Baijal, Adv.
Ms. Smriti Shah, Adv.
Mr. Divyanshu Rai, Adv.

Mr. A.N.S. Nadkarni, ASG.
Ms. Asha Gopalan Nair, AOR
Ms. Nivedita Nair, Adv.

Mr. R. S. Suri, Adv.
Mr. Gaurav Srivastava, Adv.

Mr. Anil Grover, Adv.
Mr. Ajay Bansal, Adv.
Mr. Sanjay Kr. Visen, Adv.

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

Transferred Case No. 2/2017 is disposed of and SLP
(Crl.)Diary No. 31339/2017 is dismissed as withdrawn in
terms of the signed order.

(NIDHI AHUJA)
COURT MASTER

(MALA KUMARI SHARMA)
COURT MASTER

[The report got re-sealed in the Court and was handed over
to the concerned Dealing Assistant.]

[Signed order is placed on the file.]