



CGHC010204212026

2026:CGHC:27628-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****WA No. 548 of 2026**

- 1** - Manohar Patel S/o Santosh Patel Aged About 26 Years R/o Gurkhapali, District Sakti, Chhattisgarh (Petitioner No. 1)
- 2** - Vivek Dubey S/o Damodar Dubey Aged About 24 Years R/o Takhatpur, District - Bilaspur Chhattisgarh (Petitioner No. 2)
- 3** - Mritunjay Shrivastava S/o Santosh Shrivastava Aged About 27 Years R/o Ward No. 10, Near Mata Chowk, Saridhi, District Bilaspur Chhattisgarh (Petitioner No. 3)
- 4** - Ashwini Kumar Yadav S/o Sudan Lal Aged About 29 Years R/o Lapti, Navadih, Lormi, District Mungeli Chhattisgarh (Petitioner No. 8)

... Appellant**versus**

- 1** - State Of Chhattisgarh Through Secretary, Home Department, Mahanadi Bhawan, Naya Raipur, District Raipur Chhattisgarh
- 2** - Under Secretary Home Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh
- 3** - Director General Of Police Chhattisgarh, Head Quarter Nava Raipur, Atal Nagar, District Raipur, Chhattisgarh
- 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 Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh
- 6** - Shivratna Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh

7 - Jaganath Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh

8 - Vishal Kumar Through The Secretary, Home Department, Mahanadi Bhawan, Mantralaya, Atal Nagar, District Raipur Chhattisgarh

9 - Kameshwar Prashad S/o Chunnu Ram Aged About 21 Years R/o Ward No. 10, Near Mata Chowk, Sarridih, District Bilaspur Chhattisgarh (Petitioner No. 4)

10 - Gajraj Patel S/o Dolnarayan Patel Aged About 29 Years R/o Ranisagar, Karsiya, District Raigarh Chhattisgarh (Petitioner No. 5)

11 - Ajayt Kumar Korale S/o Yukut Ram Aged About 27 Years R/o Nipaniya, Hirri, District Bilaspur Chhattisgarh (Petitioner No. 6)

12 - Jitesh Baghel S/o Rakesh Baghel Aged About 28 Years R/o Tikrapara, District Bilaspur Chhattisgarh (Petitioner No. 7)

13 - Ishan S/o Ashok Aged About 31 Years R/o Mahamaya Para, Devgaon, District Mungeli, Chhattisgarh (Petitioner No. 9)

... Respondents

(Cause-title taken from Case Information System)

For Appellants	: Mr. Ravi Kumar Bhagat, Advocate
For Respondents-State	: Mr. Vivek Sharma, Advocate General assisted by Mr. Priyank Rathi, Government Advocate
For Respondent No.4	: Mr. Raja Sharma, Advocate

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

06.07.2026

1. Heard Mr. Ravi Kumar Bhagat, learned counsel appearing for the appellants as well as Mr. Vivek Sharma, learned Advocate General assisted by Mr. Priyank Rathi, learned counsel appearing for the State and Mr. Raja Sharma, learned counsel appearing for

respondent No.4 on I.A. No.01, which is an application for condonation of delay of 08 days in filing the instant appeal.

2. After hearing the learned counsel for the appellants and considering the reasons mentioned in the application, we are of the considered opinion that sufficient cause has been shown in the application and accordingly, I.A. No.01 is **allowed** and delay of 08 days in filing the instant appeal is hereby condoned.
3. The present intra Court appeal has been filed against the order dated 23.03.2026 passed by the learned Single Judge in WPS No.813/2026, whereby the writ petition filed by the appellants/writ petitioners before the learned Single Judge has been dismissed.
4. The facts of the case before learned Single Judge was that in the year 2023, the respondent-State issued an advertisement initiating the recruitment process for appointment to the post of Constable in different trades. Pursuant thereto, the appellants/writ petitioners submitted their applications and participated in the selection process. The first stage of the selection process was the Physical Efficiency Test (PET). Since the appellants/writ petitioners are residents of Bilaspur Range, they appeared in the PET conducted at Sakri Centre, District Bilaspur.
5. It was the case of the appellants/writ petitioners before the learned Single Judge that in the conduct of the PET at Sakri Centre, large-scale irregularities were committed by respondent No.3 and certain officials of the Selection Committee, inasmuch

as the distance prescribed for long jump and shot-put was allegedly increased, the height prescribed for high jump was increased, and the time prescribed for completion of the race was reduced, thereby materially affecting the result of the PET to the detriment of the appellants/writ petitioners. According to them, representations were submitted pointing out the aforesaid irregularities in the conduct of the PET, but no remedial action was taken thereupon.

6. The appellants/writ petitioners further pleaded that similar allegations were also raised in District Rajnandgaon, including allegations of undue advantage being extended to certain candidates. It was their case that, upon receipt of several representations questioning the manner in which the PET was conducted, respondent No.3 addressed a communication to the Superintendents of Police of all districts in the State of Chhattisgarh seeking clarification/reports with regard to the allegations made in the representations. In that backdrop, reliance was placed on the letter dated 19.12.2024 (Annexure P/8) issued by the Superintendent of Police, Bilaspur-cum-Chairman, Constable Selection Committee, Centre-1, Bilaspur, wherein grave irregularities on the part of respondent No.4 were stated to have been noticed. It was also pointed out that subsequent communications were issued elaborating the irregularities detected by the Superintendent of Police, Bilaspur, and in the letter dated 21.01.2025, the roll numbers of 54 candidates

allegedly found involved in the irregularities were specifically mentioned.

7. On the basis of the aforesaid pleadings and documents, the appellants/writ petitioners contended before the learned Single Judge that once the Superintendent of Police, Bilaspur-cum-Chairman, Constable Selection Committee, Centre-1, Bilaspur himself had found grave irregularities in the conduct of the PET, it was incumbent upon respondent Nos.1 to 3 to cancel the entire recruitment process initiated pursuant to the advertisement issued in the year 2023. In support of such contention, reliance was placed on Rule 7(6)(viii) of the Chhattisgarh Police Executive Force Constables (Recruitment and Conditions of Service) Rules, 2007, to contend that the said Rule empowers cancellation of the selection process in the event of such irregularities.
8. Feeling dissatisfied with the inaction on the part of the authorities, the appellants have filed WPS No.813/2026, which was dismissed by the learned Single Judge vide order dated 23.03.2026.
9. Aggrieved by the order dated 23.03.2026 passed by the learned Single Judge, the appellants have preferred the present writ appeal.
10. Learned counsel for the appellants/writ petitioners submits that the entire recruitment process has been conducted in gross violation of the provisions of the Chhattisgarh Police Executive Force, Constable (Recruitment and Conditions of Service) Rules,

2007, which have statutory force and are binding upon the respondent-authorities. It is contended that Rule 7(6)(viii) of the Rules of 2007 specifically mandates that after preparation of the select list, the Range Inspector General of Police is required either to approve the list in toto or to cancel the entire recruitment proceedings upon noticing any error or irregularity therein. According to learned counsel, once grave irregularities in the conduct of the Physical Efficiency Test (PET) were noticed and acknowledged by the authorities themselves, particularly in the enquiry reports and communications placed on record, it was incumbent upon the respondent-authorities to cancel the recruitment process in its entirety instead of allowing the same to proceed further. He would submit that the continuation of the selection process despite such admitted irregularities is wholly contrary to the statutory Rules and, therefore, unsustainable in law.

- 11.** It is further submitted that the action of the respondent-authorities is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India, inasmuch as candidates who had allegedly resorted to unfair and corrupt practices during the PET were permitted to qualify and to participate in the next phase of selection, namely, the written examination, to the serious prejudice of the appellants/writ petitioners and other bona fide candidates. Learned counsel would contend that the materials placed on record, including the enquiry report and the

communications issued by the competent authorities, clearly reveal that serious irregularities were committed in the conduct of the PET and that certain candidates, despite being unsuccessful in the physical tests, were awarded marks so as to enable them to qualify. According to him, if such candidates are allowed to participate in the subsequent stages of the recruitment process, the appellants/writ petitioners, who have participated in the selection process fairly and honestly, would suffer irreparable prejudice.

- 12.** Learned counsel also submits that the appellants/writ petitioners belong to the lower strata of society and are aspiring for public employment through a fair and transparent recruitment process. It is urged that if candidates who have allegedly secured qualification by illegal means are permitted to continue in the selection process, the same would not only defeat the rights of genuine candidates but would also erode public confidence in the fairness of the recruitment system.
- 13.** On the strength of these submissions, it is argued that the materials on record unmistakably disclose grave irregularities affecting the sanctity of the selection process and, therefore, the learned Single Judge ought to have directed cancellation of the entire recruitment proceedings instead of permitting the process to continue. As such, the order passed by the learned Single Judge deserves to be set aside.

- 14.** On the other hand, learned State counsel supported the impugned order and submitted that although certain complaints with regard to the conduct of PET were received, the same were duly enquired into by the competent authorities and, on the basis of such enquiry, action was taken against the candidates found involved in irregularities. It was contended that merely because some irregularities were noticed in relation to certain candidates, the entire recruitment process, in which a large number of candidates had participated, could not have been annulled, particularly when the tainted candidates had been identified and appropriate corrective measures had been undertaken. It was, therefore, submitted that no case for cancellation of the entire recruitment process was made out and the learned Single Judge has rightly declined to grant such relief.
- 15.** Learned counsel appearing for respondent No.4 also opposed the appeal and adopted the submissions advanced on behalf of the State. It was submitted that the allegations levelled by the appellants/writ petitioners are misconceived and that no ground is made out to invalidate the entire selection process at the instance of unsuccessful candidates. He would submit that the learned Single Judge has rightly appreciated the facts and the material available on record and, therefore, the present writ appeal deserves to be dismissed.
- 16.** We have heard learned counsel appearing for the parties and have carefully considered their rival submissions. We have also

perused the records of the case, including the order dated 23.03.2026 passed by the learned Single Judge in WPS No.813/2026.

17. After appreciating the submissions of learned counsel for the parties therein as also the materials on record, the learned Single Judge has passed the impugned order in following terms:-

“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, 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 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 Cause1.”

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 is disposed of with the above observations and directions.

No order as to costs.”

- 18.** At the outset, it requires to be noticed that the principal grievance of the appellants is founded on the allegation that irregularities were committed during the conduct of the Physical Efficiency Test at Bilaspur Centre and, therefore, the entire recruitment process ought to have been annulled. However, the material placed on record does not justify such an extreme consequence. The record rather indicates that upon receipt of complaints, the authorities did not remain passive spectators; on the contrary, the matter was immediately looked into, inspections were carried out, reports were called for, and an enquiry was conducted through the competent police authorities. The Superintendent of Police, Bilaspur-cum-Chairman of the Selection Committee, on noticing

certain irregularities, informed the higher authorities, and thereafter an enquiry was undertaken by the Deputy Superintendent of Police (AZAK), Bilaspur. Thus, the case is not one where the allegations were ignored or brushed aside by the State, but one where the allegations were subjected to scrutiny and corrective steps were set in motion.

- 19.** It is equally significant that the irregularities, as noticed in the enquiry, were not found to be of such pervasive, all-encompassing or systemic nature as would justify the conclusion that the entire recruitment process stood irretrievably vitiated. Out of a very large number of candidates who participated in the PET, only a limited set of candidates were found to be under suspicion, and even from amongst them only a handful were ultimately found to have derived actual benefit affecting the final select list. The distinction between an irregularity affecting certain candidates and a fraud corroding the whole process is neither illusory nor insignificant; it lies at the heart of judicial scrutiny in matters of public recruitment. Unless the material on record demonstrates that the process as a whole has been rendered incapable of salvage, the Court would be slow to nullify an entire selection involving thousands of candidates, many of whom have no connection whatsoever with the alleged taint.
- 20.** The law in this regard is no longer res integra. The consistent line of authority of the Hon'ble Supreme Court, as noticed in detail by

the learned Single Judge, is that cancellation of an entire selection process is not to be resorted to as a matter of course merely because some irregularities or illegalities are detected in the course of selection. The controlling principle is whether the tainted candidates can be identified and segregated from the untainted candidates, and whether the irregularity is of such magnitude that it has polluted the process beyond redemption. Where segregation is possible, and where the innocent candidates can be protected by isolating and proceeding against the tainted candidates, the law leans against wholesale cancellation. This principle is rooted not only in administrative fairness but also in the constitutional mandate of equality, for to place tainted and untainted candidates in one indistinguishable class and visit both with the same consequence would itself amount to arbitrary treatment.

- 21.** In the present case, the learned Single Judge has examined the matter in the correct legal perspective and has rightly held that the material on record did not disclose mass irregularities of such a degree as would warrant quashing of the entire selection process. At the same time, the learned Single Judge has not permitted the matter to rest there. Conscious of the necessity of preserving public confidence in recruitment to public posts, the learned Single Judge has directed a fresh inquiry by a senior police officer with respect to those candidates specifically referred to in the communications of the Superintendent of Police, Bilaspur and the

report of the Deputy Superintendent of Police (AZAK), Bilaspur, and has further directed that, if any such candidate is found to have secured selection by illegal means, appropriate action be taken against him after affording due opportunity of hearing. The approach so adopted by the learned Single Judge, in our considered view, strikes a just balance between two competing considerations—first, the need to preserve the sanctity and credibility of public recruitment, and second, the need to ensure that the entire selection process is not uprooted to the detriment of a large body of innocent candidates for the wrongdoing of a few.

- 22.** We are also unable to accept the submission advanced on behalf of the appellants that Rule 7(6)(viii) of the Rules of 2007 compels the authorities, in every case where an irregularity is noticed, to cancel the entire recruitment process. Such an interpretation would not only be divorced from the context and object of the Rule, but would also run contrary to the settled principles laid down by the Hon'ble Supreme Court governing cancellation of selection processes. A statutory power to cancel a recruitment proceeding upon noticing grave illegality cannot be read as a statutory compulsion to obliterate the entire process regardless of the nature, extent and impact of the irregularity. The power must necessarily be exercised in a reasonable and proportionate manner, keeping in view the gravity of the taint, the possibility of segregating the tainted candidates, and the prejudice likely to be

caused to innocent participants. The appellants' interpretation, if accepted, would lead to manifestly unjust results and would render every recruitment vulnerable to complete annulment on the basis of isolated irregularities.

- 23.** We are further of the opinion that no fault can be found with the refusal of the learned Single Judge to direct an investigation by the Central Bureau of Investigation. The jurisdiction to direct a CBI inquiry is undoubtedly available to the constitutional courts, but the same is to be exercised sparingly, cautiously and only in exceptional circumstances where the material before the Court discloses a prima facie case of such magnitude that the integrity of the process appears to have been fundamentally compromised, or where the involvement of high-ranking officials, systemic failure or other compelling circumstances justify recourse to an extraordinary investigative mechanism. In the present case, the material on record, even taken at its highest, discloses irregularities at one centre which were themselves noticed and acted upon by the departmental authorities. No such material has been placed before this Court to demonstrate a systemic collapse of the entire recruitment process, involvement of higher officials in a manner necessitating transfer of investigation to the CBI, or such extraordinary circumstances as would justify invocation of that exceptional jurisdiction.
- 24.** It also deserves emphasis that the jurisdiction of this Court in an

intra-Court appeal is not to substitute one possible view for another merely because a different conclusion may also be arguable. Interference would be warranted where the view taken by the learned Single Judge is shown to be manifestly erroneous, contrary to settled principles of law, or resulting in palpable injustice. The order under appeal, however, reflects a careful analysis of the pleadings, a correct appreciation of the governing legal principles, and a balanced moulding of relief. We find no perversity, no jurisdictional error and no patent illegality in the approach adopted by the learned Single Judge so as to warrant interference by this Court.

- 25.** In view of the aforesaid discussion, we are satisfied that the appellants have failed to make out any ground to set aside the order dated 23.03.2026 passed by the learned Single Judge in WPS No.813/2026. The learned Single Judge was fully justified in declining the prayer for cancellation of the entire recruitment process and in instead directing a focused inquiry against the specifically identified candidates allegedly involved in the irregularities. The said course, in our view, subserves both fairness and proportionality and adequately protects the sanctity of the recruitment process without inflicting avoidable prejudice upon candidates against whom no taint is shown.
- 26.** Consequently, the writ appeal, being devoid of merit, deserves to be and is accordingly **dismissed**. The order passed by the

learned Single Judge is affirmed. It is, however, observed that the directions issued by the learned Single Judge for conducting inquiry against the identified candidates and for taking consequential action, if warranted in law, shall be carried out by the concerned authorities strictly in accordance with the timeline and spirit of the said order.

27. No order as to costs.

Sd/-
(Ravindra Kumar Agrawal)
Judge

Sd/-
(Ramesh Sinha)
Chief Justice

Anu