



2026:DHC:8074-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**# **CNR No. DLHC010231492026**+ **W.P.(C) 7108/2026, CM APPL. 34816/2026 & CM APPL. 34817/2026****UNION OF INDIA & ORS**

.....Petitioners

Through: Ms. Swati R.K., CGSC and Mr. Mohnish Balu, Adv.

versus

JATIN

.....Respondent

Through: Mr. Samarth Luthra, Adv.

CORAM:**HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE VINOD KUMAR****JUDGMENT (ORAL)**% **16.09.2026****C. HARI SHANKAR, J.**

1. This writ petition assails judgment dated 18 December 2025 passed by the Central Administrative Tribunal¹ in OA 2402/2025. We have heard Ms. Swati, learned CGSC for the petitioner and Mr. Samarth Luthra for the respondent at length.

2. The respondent participated in the Combined Graduation Level Examination, 2024² conducted by the Staff Selection Commission³ for recruitment to Central Services. By Memorandum dated 20 June 2025,

¹ "the Tribunal", hereinafter

² "CGLE 2024" hereinafter

³ "the SSC", hereinafter



the respondent's candidature was cancelled on the ground that he had resorted to unfair means in the examination hall. The Memorandum invoked Clause 18.1(15) of the Notification of the CGLE 2024, which envisaged debarment, for the period of seven years, of candidates found using unfair means in the examination hall such as copying from unauthorised sources, etc.

3. Admittedly, the Memorandum was based solely on CCTV footage of the examination hall which, allegedly, indicated that the respondent was found peeping into the screen of a neighbouring candidate and interacting with him.

4. Prior to the issuance of the abovesaid memorandum, the SSC issued show cause notice dated 26 March 2025 to the respondent, which may be reproduced, in its entirety, thus:

"F. No.: 14/1/2024 EA (NR) part 1
Government of India
Staff Selection Commission
(Northern Region)

Office of Regional Director, SSC(NR)
5th Floor, Block No. 12, CGO Complex
Lodhi Road, New Delhi-110003

Dated: 26th March, 2025

SHOW CAUSE NOTICE

Whereas Mr./Ms. JATIN SATPAL DHILLON, R/o H.NO. 103 SEC-2 HSIDC IMT BAWAL REWARI, 123501, Haryana, was a candidate of Combined Graduate Level Examination, 2024 held by the Staff Selection Commission on 20-01-2025 at Digital Zone IDZ Bawal, Haryana.

2. Whereas upon reviewing the CCTV footage the Commission has found that Mr./Ms. JATIN roll no. 2201280333 was peeking into the screen of the candidate with roll no(s)



2201289450 and also making notes and interacting with the candidate with roll no(s) 220129450.

3. Whereas as Para 16.1(15) if a candidate found using unfair means in the examination shall like copying from unauthorized sources such as written material on any paper or body parts etc., then he/she can be debarred for a period of 7 years.

4. Whereas the above shows that Mr./Ms. JATIN Roll No. 2201280333 has used unfair means in the examination by copying from other candidate.

5. Now therefore, Mr./Ms. JATIN, a candidate of Combined Graduate Level Examination, 2024 held on 20-01-2025 hereby given an opportunity to show within 10 days from the date of issue of this notice as to why his/her candidature should not be cancelled for this examination and he should not be debarred from appearing in the Commission's examinations. Further, explanation is to be submitted by candidate as to why criminal proceedings should not be initiated against him, considering his/her act of doing malpractice in the examination, in which he/she is included. It may be noted that reply to the Show Cause Notice must be send in physical form or by post only to SSC (NR) on the address mentioned in this mail. Besides, no correspondence should be done from outside through e-mail.

6. If Mr./Ms. JATIN Roll No. 2201280333 fails to respond to this Notice within the time limit specified, his candidature shall be cancelled and he/she will also be debarred from appearing in the Commission's examinations in accordance with the provisions of the Notice of the said examination.

7. This issue with the approval of the Competent Authority.

SSC (NR)”

5. Thus, the only allegation against the respondent was that he was peeping into the screen of his neighbouring candidate, making notes and interacting with his neighbouring candidate in the examination hall. This, according to the show cause notice, amounted to use of unfair means in terms of Clause 18.1 (15) of the notification.

6. The entire case of the petitioner against the respondent, therefore, turned on the CCTV footage.



7. The respondent, in his reply dated 1 April 2025 in response to the show cause notice, objected to the aforesaid allegation having been leveled without any copy of the CCTV footage having been provided. The respondent, needless to say, denied the allegation in its entirety.

8. No formal inquiry was held against the respondent. The aforesaid events were followed by the issuance of Memorandum dated 20 June 2025, debarring him from appearing in any examination to be conducted by the SSC for a period of seven years. The memorandum reads thus:

“Whereas, a Notification for holding the Combined Graduate Level Examination, 2024 was published by the Commission on its website on 24.06.2024 thereby inviting online applications.

Whereas, Mr./Ms. JATIN S/o or D/o Shri SATPAL DHILLON R/O HNO 103 SEC-2 HSIDC IMT BAWAL REWARI, Rewari, Haryana, 123501 having Registration No. 10001033105 and Roll No. 2201280333 had applied through online mode for the said Examination.

Whereas, Mr./Ms. JATIN has appeared in the CGLE Tier II examination held on 20-01-2025 at iON Digital Zone IDZ Bahadurgarh, Patiala, Opposite Community Complex, Main Rajpura Road, Bahadurgarh, Patiala, Punjab, India, 147021.

Whereas the Commission had taken a conscious decision with a view to protecting the integrity of the selection process and prevent candidates who are prima facie found indulging in unfair means in their examination from entering into government service through such unfair means. Further, it is not out of place to mention here that Candidates appearing in various examinations being conducted by the Commission have repeatedly been warned not to resort to any unfair means/malpractices.

Whereas as Para 18.1(15) if a candidate found Using unfair means in the examination hall like copying from unauthorized sources such as written material on any paper or body parts etc., then he/she can be debarred for a period 7 years.



Whereas as per para 19 of the Notice of the said examination the decision of the Commission in all matters relating to eligibility, acceptance or rejection of the applications, penalty for false information, mode of selection, conduct of examination(s), allotment of examination centers and preparation of merit list & post allocation, debarment for indulging in malpractices will be final and binding on the candidate and no enquiry/correspondence will be entertained in this regard.

Whereas as para 14.2 of the Notice of the said examination “the Commission will not undertake detailed scrutiny of applications for the eligibility and other aspects at the time of written examination and therefore, candidature will be accepted only provisionally”.

Whereas upon reviewing the CCTV footage the Commission has found that Mr./Ms. JATIN roll no. 2201280333 was peeking into the screen of the candidate with roll no. 2201289450 and also interacting with that candidate.

Whereas the above shows that Mr./Ms. JATIN Roll No. 2201280333 has used unfair means in the examination by copying from another candidate.

Whereas, a Show Cause Notice dated 26.03.2025 was sent to Mr./Ms. JATIN having Reg. No. 10001033105, at e-mail id dhillonjatin054@gmail.com (along with details of malpractice) to furnish his/her reply within 10 days of issue of the Show Cause Notice, as to why his/her candidature should not be cancelled and why he/she may not be debarred from appearing in future Commission’s examinations.

Whereas the reply submitted by the candidate has not been found to be satisfactory by the Commission/Competent Authority.

Whereas, in view of all above, the candidature of Mr./Ms. JATIN having Reg. No. 10001033105 stands cancelled for the above cited examination. Besides, he/she is hereby debarred from appearing in any of the examination(s) to be conducted by the Commission for a period of seven years as per details given below:

Candidate Name	Reg. No.	DOB	Category	Address	Period of debarment -	
					From	To
Jatin	1000 1033105	29- 07- 2000	UR	H No 103 Sec-2 HSIDC IMT Bawal Rewari,	20-01- 2025	19-01- 2032



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				Rewari, Haryana, 123501		
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This issue with the approval of Competent Authority.

SSC(NR)”

9. Aggrieved by the issuance of the aforesaid Memorandum, the respondent approached the Central Administrative Tribunal by way of OA 2402/2025.

10. By judgment dated 18 December 2025, the Tribunal has allowed the OA filed by the respondent.

11. The Tribunal has gone in great detail into the concepts of evidence under the Evidence Act, burden of proof and the like. Among the grounds on which the Tribunal has set aside the cancellation of the respondent’s candidature is the failure, on the part of the SSC, to provide, to the respondent, any copy of the CCTV footage on the basis of which it was alleged that the respondent had resorted to unfair means.

12. Aggrieved by the decision of the Tribunal, the SSC has approached this Court by means of the present writ petition.

13. We have heard Ms. Swati, learned CGSC for the petitioner and Mr. Luthra for the respondent.

14. Ms. Swati has placed reliance on the judgment of the Supreme



Court in *S. Janaki Iyer v. Union of India*⁴, from which she has particularly drawn our attention to the following paras:

“21. The principles of natural justice are founded on three fundamental rules that ensure fairness in legal and administrative proceedings. Firstly, the Hearing Rule (*Audi Alteram Partem*) which mandates that no person should be judged without being given a fair opportunity to present his case. Secondly, the Bias Rule (*Nemo Judex in Causa Sua*) which asserts that no one should act as a judge in its own case, thereby safeguarding impartiality and preventing any form of bias. Lastly, the principle of Reasoned Decision, also known as Speaking Orders, requires every decision to be supported by valid and clearly stated reasons to promote transparency and accountability in the decision-making process.

22. No prejudice having been caused because of the non-supply of the preliminary Inquiry Report to the Appellant, the plea of violation of the principles of natural justice would not be available to the Appellant. As a matter of principle, violation of the principles of justice cannot be on the touchstone of technical infringement made the basis of setting aside the action taken by the authority against an employee unless it is established that grave prejudice has been caused to an employee because of non-supply of a particular document. Nothing has also come on record which would indicate that the Appellant had ever sought for the Preliminary Inquiry Report after the issuance of the chargesheet. Similar would be the position with regard to the other documents also which are alleged to have not been supplied to her as the nature and extent of disadvantage or handicap caused or suffered by the Appellant, in the absence of the documents, is missing in the departmental proceedings or the pleadings.

23. No grounds have been laid down indicating the prejudice which has been caused to her either during the inquiry or at the stage of projecting her response to the show cause notice given by the disciplinary authority. Mere assertion that some documents have not been supplied or even mentioning the said documents would not be enough unless the consequential prejudice which would or has been caused to a delinquent employee is put forth.

24. The Court is not bound to simply accept an assertion of a delinquent employee and proceed to question the disciplinary proceedings without being satisfied with regard to any prejudice having been caused to the employee.

25. The position in law on this aspect as has been culled out by

⁴ (2025) 8 SCC 696



the Constitution Bench of the Supreme Court in the case of *Managing Director, ECIL, Hyderabad and Others vs. B. Karunakar and Others*⁵ followed and explained thereafter by this Court expounded the doctrines of reasonable opportunity and natural justice to have been conceived and evolved not as a mechanical or a ritualistic formality, but as substantive principles intended to safeguard the rule of law and to facilitate the assertion of legitimate rights by individuals. It was categorically held that these principles are not to be invoked as mere procedural sacred words that have magical effect when said on every occasion, irrespective of context. The Court underscored the aspect as to whether prejudice has in fact been occasioned to an employee by the non-supply of the inquiry report which must be assessed with reference to the specific facts and circumstances of each case. Upon such assessment, if it is evident that no different outcome would have emerged even after the inquiry report or documents had been furnished, to reinstate the employee and grant him consequential benefits in such situation would amount to a distortion of justice. In other words, it would amount to conferring a premium upon misconduct and to stretch the doctrine of natural justice to an illogical and unwarranted extent. Such an expansive and indiscriminate application of the principle would, paradoxically, undermine the very concept of justice it seeks to uphold.”

15. The principle that mere technical violations in conducting of inquiries, which result in no prejudice to the candidate or officer in question, may not in every case vitiate the ultimate punishment which is imposed, is more or less fossilized in law. At the same time, it is equally settled that if the infraction is such as results in prejudice to the candidate, a clear case for interference is made out. *Janaki Iyer* evocatively reiterates this principle, with which there can be no cavil whatsoever.

16. We fail to see how any greater prejudice could have resulted, than has resulted to the respondent in the present case. The only basis on which the SSC was proceeding against the respondent was the

⁵ (1993) 4 SCC 727



CCTV footage. The cancellation of the respondent's candidature without even giving any access of the CCTV footage to the respondent has resulted, clearly, in manifest prejudice. We fail to understand, therefore, how the decision in *Janaki Iyer* can help the petitioner. If at all, to the extent it holds that any violation of the principles of natural justice and fair play during the conducting of an inquiry, to the extent they result in prejudice to the officer or candidate concerned would fatally imperil the proceedings, the judgment would support the approach of the Tribunal in the present case.

17. In view of the fact that the only material against the respondent was the CCTV footage, which was neither provided nor displayed to the respondent, we find no cause to interfere, in exercise of our extraordinary jurisdiction under Article 226 of the Constitution, with the decision of the Tribunal to set aside the cancellation of the respondent's candidature.

18. Accordingly, this writ petition is dismissed.

19. Before parting with this decision, we only feel that, had an inquiry been conducted against the respondent or had the CCTV footage been provided to the respondent, this litigation could have been avoided. A stitch in time, as the adage goes, saves nine.

C. HARI SHANKAR, J.

VINOD KUMAR, J.

SEPTEMBER 16, 2026/cd