



2026:DHC:8459-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
CNR No. DLHC010462272026
+ **W.P.(C) 14222/2026, CM APPL. 66562/2026 and CM APPL. 66563/2026**

STAFF SELECTION COMMISSION & ANR.Petitioners
Through: Mr. Akash Vajpai, CGSC along
with Mr. Vipul Kumar, GP and Mr. Ashesh
Chaudhary, Under Secretary (Legal),
SSC(NR)

versus

DURGESH KUMARRespondent
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MS. JUSTICE NIVEDITA ANIL SHARMA

JUDGMENT (ORAL)

% **28.09.2026**

C. HARI SHANKAR, J.

1. We express, at the outset, our unhappiness at the very filing of the present writ petition.

2. As we did not want to enter such strong observations without an opportunity, we requested Mr. Akash Vajpai, learned CGSC for the SSC, to seek instructions from his client as to whether they were serious in pursuing this writ petition.

3. Mr. Vajpai is accompanied today by Mr. Ashesh Chaudhary,

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Under Secretary (Legal).

4. Their only information is that the observations of this Court have been sent to higher formations for consideration.

5. This is, to say the least, is an extremely unhappy state of affairs.

6. The Tribunal has merely directed compliance with the principles of natural justice before passing a drastic order of cancellation of the candidature of the respondent and penalizing him with a bar of three years from appearing in any examination conducted by the petitioner Staff Selection Commission¹. If such an order is considered to be objectionable, we may as well consign justice itself to oblivion.

7. We are completely at a loss as to how the SSC can claim to be aggrieved by such an order. Indeed, had the SSC complied with the order, and issued a show cause notice to the respondent, this litigation itself could have been avoided.

8. This is all the more bewildering as we have, before us, several cases in which the SSC, in similar matters, has issued show cause notices to the candidates who have participated in examinations held on a large scale and against whom there were allegations of using unfair means. A whole batch of such cases are pending before us, of which the lead case is WP (C) 15273/2025², in which we have

¹ "SSC" hereinafter

² Union of India v. Himanshi & 34 Ors



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pronounced judgment on 24 September 2026. The other matters are still pending before this Court.

9. Apparently, the SSC is selective in the procedure which it follows. For certain candidates in certain examinations, it takes care to comply with the principles of natural justice and provide a show cause notice to the candidates before taking punitive action against them. In certain other cases, for reasons which may best be regarded as recondite, the requirement of issuing a show cause notice and complying with the most basic principles of natural justice are completely dispensed with.

10. In the present case, the respondent appeared in the examination conducted by the SSC for the Multi-Tasking Staff Examination 2016. He was issued a memorandum on 29 September 2017, informing him that his candidature had been cancelled and that he had been debarred from appearing in any examination conducted by the SSC for three years.

11. Aggrieved thereby, the respondent approached the Tribunal by way of OA 3779/2017.

12. By judgment dated 7 January 2026, the Tribunal has allowed the OA.

13. Before the Tribunal, the SSC sought to contend that the respondent had been assisting his neighboring candidate sitting adjacent to him who was undertaking the examination. This allegation



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was apparently founded on what the Central Supervisor/Hall Invigilator purports to have seen, in respect of which the Supervisor is supposed to have issued a report to the SSC.

14. As resort to unfair means by a candidate would suffice to cancel his candidature and debar him from undertaking further examinations conducted by the SSC for three years, an order of cancellation and debarment of candidature was passed against the respondent on 29 September 2017.

15. The Tribunal has allowed the OA filed by the respondent, observing that, given the ground on which the respondent's candidature was cancelled, he was required to have been issued a show cause notice before any such action was taken.

16. The Tribunal has also noted that though, in the counter affidavit filed before the Tribunal, it was stated that examination had been videographed, no videography had been produced before it.

17. It is in these circumstances that the Tribunal has proceeded to quash the decision to cancel the respondent's candidature and debar him from undertaking any further examination by the SSC for a period of three years.

18. Aggrieved by the aforesaid decision, the SSC has preferred the present writ petition before us.

19. To a query from the Court as to how an action of cancellation of



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candidature and debarment from undertaking any further examination conducted by the SSC for a specified time period could be passed without even issuing a notice to the concerned candidate, Mr. Vajpai's only response is that the decision was taken on the basis of the report provided by the Supervisor, who was invigilating the examination.

20. The report of the Supervisor cannot be treated as gospel. At the very least, the respondent was required to be visited with a show cause notice, inviting his comments on the report and afforded an opportunity of being heard before an action for cancellation of candidature was taken.

21. The consequences of cancellation of candidature of a candidate and debarment in an examination cannot be forgotten. It results in far more than a mere road block in the career of the candidate concerned. The news spreads. The candidate is tarnished as one who does not play fair. The decision results in long-lasting social stigma which, perhaps, may haunt the candidate for the remainder of his life. To a candidate at the cusp of his professional career, it is almost akin to civil death.

22. In the present case, there was no material to indicate that the respondent had resorted to any unfair means, except the report of the Supervisor, which was stated to have been based on what he claims to have seen. The Supervisor claimed to have seen the respondent talking to his neighbouring candidate.

23. In view of the fact that the allegation was based merely on

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visual assessment, without any documentary or other material to support it, the respondent was required, at the very least, to explain the circumstance concerned, assuming that it had at all taken place.

24. The SSC did not deem it appropriate to extend the courtesy of granting such an opportunity to the respondent.

25. The Tribunal has, therefore, rightly set aside the decision of the SSC.

26. In the circumstances, the present writ petition is completely devoid of merit.

27. It is, accordingly, dismissed in *limine*.

C. HARI SHANKAR, J.

NIVEDITA ANIL SHARMA, J.

SEPTEMBER 28, 2026

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