

*Before Vijender Jain, C.J., Rajesh Bindal & H.S. Bhalla, JJ*

SIRANDEEP SINGH PANAG,—*Petitioners*

*versus*

STATE OF PUNJAB AND OTHERS,—*Respondents*

C.W.P. No. 1626 of 2003

27th May, 2008

*Constitution of India, 1950—Art. 226—Punjab Civil Services (Judicial Branch) Rules, 1951—Part ‘D’ R1.7(2)—Termination en masse of Judicial Officers—Appointment to P.C.S. (JB) on recommendations made by PPSC—Some petitioners passing their Departmental Exams in ‘Higher Standards’—High Court also assigning higher responsibilities and conferring them with powers of JMIC—Allegations of corruption against Chairman of PPSC—Committee constituted by High Court finding certain irregularities and illegalities in selection and recommending termination of officers belonging to all four batches of 1998—2001—Challenge thereto—A sitting Judge of High Court under rules was also a member of Interviewing Committee—Committee without following principles of natural justice giving findings that all candidates are tainted—No notice or opportunity of hearing to petitioners at any stage—Selection of petitioners does not smack of mala fide or arbitrariness particularly in absence of any material on record against them it was possible to separate tainted with non-tainted candidates—Merely because Chairman of PPSC had been arrested or some officers have been named in FIR it cannot be said that entire selection process of all batches is tainted—Report of Committee is based on no evidence and is result of suspicion—Committee violating all norms fixed for re-evaluation of answer sheets of all candidates—Result of re-evaluation could have been corroborative/supporting evidence on charges of corruption but certainly not be primary evidence to label a candidate as tainted—Entire selection process cannot be vitiated merely on ground that some of officers have been named in FIR—None of candidates belonging to 1998 batch named in FIR—Petitions allowed while*

*setting aside orders dispensing with services of petitioners—However, petitioners against whom case has been registered not entitled to any relief at this stage—Investigation is not only slow pace but it is stand still—State failing to assign any reason not to complete investigation for 6 years—Violation of constitutional right to speedy trial of a fair, just and reasonable procedure—State directed to complete investigation at the earliest preferably within 6 months.*

Held, that the present petitioners, who belong to 1998—2000 batches and the petitioners of 2001 batch are neither named by any of the approvers nor any of the approvers nor any conclusive evidence has been brought on record by the committee regarding any irregularity in their selection. The members of the committee, without following the principles of natural justice, on the basis of allegations of corruption against Ravinderpal Singh Sidhu, have given findings that all the candidates are tainted. The findings recorded by the Committee cannot at all be accepted, inasmuch as the petitioners were not associated with the inquiry at any stage and have been condemned unheard merely on the ground that the all selections made by Shri Ravinderpal Singh Sidhu are the result of extraneous considerations and *mala fides*.

(Para 30)

*Further held,* that there was no material what to talk of sufficient material before the committee on which it could be demonstrated that the Committee was right in its conclusion in making recommendations of termination of the services of the petitioners, which were, later on, approved by the Full Court. The innocent candidates should not be penalized for the misdeeds of others, particularly when no accusing finger on the basis of any material was raised against the petitioners relating to first set of cases. The respondents have not been able to point out as to how the entire selection of 1998—2001 batches is stinking.

(Para 31)

*Further held*, that in the absence of any material against the present petitioners, it was possible to separate tainted with non-tainted candidates, but even then the committee recommended the termination of services of all the present petitioners. Merely on the ground that the Chairman of the Commission had been arrested by itself does not speak of the fact that the entire selection process of 1998—2001 batches, who are not even named during the course of investigation by the approvers on whose statement much stress has been laid by the committee does not clothe the committee with the power to pass such an order which has a devastating effect on the service career of the petitioners who have lost their bread on one fine morning without any rhyme or reason in spite of the fact that they had successfully completed more than two and a half years' service at the time of passing of the impugned order. No controversy took place at the relevant time regarding their selection. The report of the committee is based on no evidence and is the result of suspicion. Thus, we do not find any justification to place reliance on the report of the committee with regard to the cancellation of selection of all the petitioners.

(Para 33)

*Further held*, that if the re-evaluation result is applied to all the candidates, i.e. selected as well as non-selected, even then the already selected 8 candidates belonging to the general category of 1999 batch would remain in the select list. There is absolutely no material, on the basis of which the two Hon'ble members of the Committee have given the findings that the selected candidates (other than 8 candidates named by the approvers) were helped in the written examination and they were awarded pre-determined marks by the Commission's Examiners. In the absence of any specific allegation or charges of corruption against a candidate, the Committee could not have re-evaluated his answer scripts or make an inquiry against the candidate. The result of re-evaluation of answer scripts could have been the corroborative/supporting evidence on the charges of corruption, but certainly not be the primary evidence to label a candidate as 'tainted'. On the answer scripts of eight named candidates could have been scrutinized to corroborate the statements of the approvers and to arrive at a decision whether they are really tainted or not. There is no taint

in the selection of the petitioners, pertaining to 1998—2000 batches and also of the petitioners belonging to 2001 batch against whom no case has been registered nor they have been named by any of the approvers nor any evidence whatsoever has been brought on record by the Committee regarding any irregularity in their selection.

(Para 47)

Gurminder Singh, Advocate for the petitioners in CWP Nos. 16616, 16942, 20663, 17495 of 2002, 1625, 1626, 1726, 2361, 3541, 3542, 10165, 12248, 1972, 2011 of 2003 and C.M. No. 7067 of 2008 in CWP No. 12248 of 2003.

G. S. Dhaliwal, Advocate for the petitioner in CWP No. 2203 of 2003.

Ashok Aggarwal, Senior Advocate with S. S. Rangi, Advocate, for the petitioners in CWP Nos. 16941, 17309, 17961, 17963 of 2002 and 2810 of 2003.

Jatin Salwan, Advocate, for the petitioners in CWP Nos. 16943 and 17310 of 2002.

R. C. Chatrath and Mr. Vikas Chatrath, Advocates, for the petitioners in CWP Nos. 16615 and 16870 of 2003.

Dinesh Kumar, Advocate, for the petitioner in CWP No. 18506 of 2002.

K. L. Goel, Advocate, for the petitioner in CWP No. 18950 of 2002.

R. K. Chopra, Senior Advocate with Amit Chopra, Advocate, for petitioner No. 1—Anil Kumar Jindal and Ashok Aggarwal, Senior Advocate with Vivek Sharma, Advocate, for petitioner Nos. 2 to 4, namely, Ram Saran, Preetwinder Singh and Rajinder Bansal in CWP No. 17347 of 2003.

Amol Rattan Singh, Additional Advocate General, for the State of Punjab.

Karminder Singh, Advocate, for the High Court.

**H. S. BHALLA, J.**

(1) Through this common judgment, we shall be disposing of number of petitions filed by the petitioners belonging to 1998–2001 batches, being Civil Writ Petition Nos. 1625, 1626, 1726, 2203, 2361, 3541, 3542, 10165, 12248 of 2003 and Civil Misc. Application No. 7067 of 2008 in Civil Writ Petition No. 12248 of 2003 (10 petitions) relating to 1998 batch as also 09 petitions, being Civil Writ Petition Nos. 16615, 16616, 16870, 16941, 16942, 16943, 17309, 17310 of 2002 and 2810 of 2003 in respect of 1999 batch and 05 petitions, being Civil Writ Petition Nos. 17961, 17963, 18506, 18950 and 20663 of 2002 of 2003 pertaining to 2000 batch and 04 petitions, being Civil Writ Petition Nos. 17495 of 2002, 1972, 2011 and 17347 of 2003 relating to 2001 batch together since common questions of fact and law involved therein are indetical in nature. However, it is apt to mention here that Writ Petition (C) No. 14 of 2004 filed by **Dinesh Kumar Mittal and Suresh Kumar Goyal** directly before the Hon'ble Supreme Court has been remanded to this Court, but the said file has not been received. They have filed Civil Misc. Application No. 7067 of 2008 in Civil Writ Petition No. 12248 of 2003 before this Court for adopting the objections filed in Civil Writ Petition No. 16941 of 2002 titled as **Jasvir Singh versus State of Punjab and others**.

(2) For deciding the issues arising in these petitions, we may briefly notice the facts narrated in Civil Writ Petition No. 1626 of 2003 relating to 1998 batch, Civil Writ Petition No. 16615 of 2002 in respect of 1999 batch, Civil Writ Petition No. 17961 of 2002 of 2000 batch and Civil Writ Petition No. 17495 of 2002 pertaining to 2001 batch as the facts of all the above mentioned petitions filed by the present petitioners are almost identical in nature.

(3) Before advertising to the facts of the present petitions, we would like to observe that the plight of all the petitioners is akin to the passengers, who have been forced to board a ship, which is surrounded by stormy winds, having a ray of hope to reach its destination safely and in order to dispel those stormy winds, the writ petitioners in all these four batches, in order to revive their bread on judicial side, which has been snatched by a decision taken in a Full Court meeting

on administrative side, have knocked at the door of this court by filing the instant writ petitions.

(Facts - 1998 Batch)

(4) The petitioners, who appeared in the written examination for the year 1998 were appointed to the Punjab Civil Services (Judicial Branch) (for short, "PCS Judicial Branch") on recommendations made by the Punjab Public Service Commission (for short, "the Commission") during the tenure of Shri Ravinderpal Singh Sidhu as its Chairman. They have prayed for quashing orders, dated 6th November, 2002 (Annexure P-2) passed by the Governor of Punjab dispensing services of the petitioners under Rule 7 (2) of Part 'D' of the Punjab Civil Services (Judicial Branch) Rules, 1951 (hereinafter referred to as "the 1951 Rules") and removal of their names from the Register of this Court under Rule 4 of Part D of the 1951 Rules on the basis of the recommendations made by this Court-respondent No. 3. The petitioners have further prayed for issuance of a writ in the nature of *mandamus* directing the respondent-State to grant all other consequential reliefs that flow therefrom, i.e., continuity in service, seniority etc. and arrears of pay along with interest at the rate of 12% per annum.

(5) The other facts required to be noticed for the disposal of these petitions are that the Punjab Public Service Commission (hereinafter referred to as "the Commission") advertised 24 vacancies for PCS (Judicial Branch) in the month of October, 1998. Written examination was held in December, 1998 and the result was declared in April, 1999, wherein 57 candidates qualified the written examination. Interview was held by the Commission at Patiala for all 57 candidates, who qualified their examination in the month of May, 1999. The panel consisted of Shri Ravinderpal Singh Sidhu, the then Chairman of the Commission and other members, namely, Shri T. C. Gupta, I.A.S. (retired) and Mrs. H. K. Randhawa (Educationist). One of the Hon'ble Judges of this Court was also associated with the selection process as an Expert. His advice with regard to the suitability of the candidate was to prevail in accordance with Rule 4, Part C of the 1951 Rules. In May 1999, 21 candidates were declared successful by the Commission and were recommended for appointments to the State Government. In December, 1999, 18

candidates were offered appointments and names of 3 candidates were detained by this Court as per the administrative policy, inasmuch as they secured less than 50% marks. All the 18 candidates joined their services as Civil Judge (Junior Division)-cum-Judicial Magistrate II Class and were posted in different districts of the State of Punjab.

(Facts - 1999 Batch)

(6) On 26th May, 1999, the Commission advertised 19 vacancies for PC.S. (Judicial Branch). Written examination was conducted by the Commission. The result of written examination was declared on 11th March, 2000, wherein 45 candidates qualified. On 27th/29th March, 2000, interviews were held by the Commission at Patiala. The panel consisted of Shri Ravinderpal Singh Sidhu, the Ex-Chairman of the Commission and other members, namely, Shri Amarjit Singh Sidhu, I.A.S. (retired) and Mrs. H.K. Randhawa (Educationist) and one of the Hon'ble Judges of this Court was associated with the selection process as an Expert. On 31st March, 2000, 14 Candidates were declared successful by the Commission and were recommended for their appointment to the State Government. On 23rd October, 2000, 13 candidates were issued appointments letters and after giving them the posting orders, they joined their services as Civil Judge (Junior Division)-cum-Judicial Magistrate II Class in different districts of the State of Punjab.

**(Facts - 2000 batch)**

(7) In October 2000, the Commission advertised 08 posts inviting applications for recruitment to the posts of PCS (Judicial Branch). Written examination was conducted by the Commission and thereafter successful candidates were called for interview. They were interviewed by a Board consisting of one of the Hon'ble Judges of this Court besides other members of the Commission. Eight candidates were selected, appointed and posting orders were issued to them. It has been further averred in the petitions that the petitioners performed their duties with utmost devotion and sincerity. On 13th August, 2002 judicial work of the petitioners alongwith other Officers of 1998, 1999 and 2000 batches were withdrawn. On 27th September, 2002 services of the petitioners were dispensed with by the State Government on the

recommendations of this Court, which have been challenged by way of filing the instant writ petitions. However, it is relevant to mention here that out of 08 appointees, only against one candidate, namely, Ms. Amol Gill, FIR has been registered on the basis of media reports. She has not been named by any of the alleged approvers. That apart, she is not the petitioner before this Court and as such no further discussion qua her case is required in any manner.

(8) As per Rule 5 of Part D of the 1951 Rules, the newly appointed Judicial Officers had to pass the Departmental Exams in 'Higher Standards' within a period of two years from the date of their appointments. All the appointees passed their departmental exams in 'Higher Standards' (66% marks) or 'with Credit' (75% Marks) as per Rule 8 of Part E of the 1951 Rules. Almost all the newly appointed Judicial Officers were assigned higher responsibilities by this Court conferring them with the powers of Judicial Magistrate I Class except for the officers of 2000 batch. As per Rule 7(1) of Part D of the 1951 Rules, the probation period of a Subordinate Judge is of two years which is extendable upto one year. The work and conduct of the petitioners was directly under the control and supervision of this court. During the tenure of their services, the petitioners worked efficiently and discharged their duties entirely to the satisfaction of their superiors. None of them was conveyed any adverse ACR for the said period.

(Facts—2001 batch)

(9) The Commission invited applications for recruitment to 21 posts of P.C.S. (Judicial Branch). In response to the advertisement, the petitioners applied for the said posts. The petitioners appeared in the written examination conducted by the Commission on 16th, 17th and 18th August, 2001. On 21st November, 2001 the Commission declared the result of the successful candidates. All the 18 successful candidates were called for interview. There was a sitting Judge of this Court as an expert at the time of interview. The names of the successful candidates were recommended for appointments to the Punjab Civil Services (Judicial Branch). The State of Punjab issued appointment letters to them. This Court issued letters to 18 candidates, including the petitioners asking them to furnish their particulars in the proforma enclosed therewith,



within a period of 7 days, so that the matter regarding their postings as Civil Judge (Junior Division) in the State of Punjab may be taken up, but on account of some alleged PPSC scam, postings orders could not be issued to the petitioners since there were allegations of corrupt practices against some of the candidates who were selected and appointed along with the petitioners. On 27th August, 2002 the petitioners received the impugned orders by virtue of which their appointments were dispensed with and their names were removed from the register of this Court under Rule 4 of Part D of the 1951 Rules on the basis of the recommendations made by this Court-respondent No. 3.

(Common facts of all 1998—2000 batches)

(10) In the Full Court meeting held on 23rd May, 2002, a resolution was passed, whereby a Committee consisting of four Hon'ble Judges of this Court was formed in the light of the disturbing reports appearing in the press and the electronic media containing allegations against certain Hon'ble Judges of this Court and their wards. The Committee perused the answer scripts of only nine candidates (01 from 1999 batch, 01 from 2000 batch and 07 from 2001 batch who were named by the approvers) and made the following observations :—

- “(1) The performance of most of the candidates is below average.
- (2) The marks awarded to the candidates for the PCS (Judicial) are apparently disproportionate to the answers given by them. Even by the most liberal standards, the awards cannot be justified.
- (3) The marks of many candidates have been substantially increased from those originally awarded to them. This appears to have been done to ensure their selection.”

(11) On 12th August, 2002 the Full Court accepted the report dated 30th May, 2002 of the First Committee and recommended the termination of officers belonging to all the four batches. On 27th September, 2002 the State Government dispensed with the services of officers belonging to 1999, 2000 batches and also of the candidates of 2001 batch, which was a pipeline batch as posting orders were yet to be issued to that batch. On the same day, the State Government

referred back the case of 1998 batch to this Court for re-consideration. For examining the case of 1998 batch, second Committee of Five Hon'ble Judges of this Court was constituted by the then Hon'ble Acting Chief Justice on 10th October, 2002. The Second Committee again considered the statements of the approvers and other witnesses recorded under Section 164 of the Code of Criminal Procedure as also other documents placed before it and came to the following conclusions :

- “(1) performance of most of the selected candidate was below average and the marks awarded to them were disproportionate to the answers given by them.
- (2) The marks originally given to the candidates were scored off and unjustifiably increased obviously with a view to ensure their selection and
- (3) Another feature which was noticed that the answer sheets of some of the non-selected candidates were qualitatively better than some of those who had been selected but they had been awarded lesser marks, presumably with a view to push them down.”

(12) It is worth mentioning that the Second Committee again recommended the termination of all the officers of 1998 batch. The State Government on the recommendations made by this Court dispensed with the services of the officers belonging to 1998 batch on 6th November, 2002.

(13) The petitioners belonging to 1998—2001 batches challenged their orders of termination by filing several writ petitions. The matter came up before the Full Bench of this Court, which heard the writ petitions of the Judicial Officers as also the writ petitions filed by the Executive Officers collectively and through a common judgment dated 7th July, 2003, those writ petitions were dismissed.

(14) Feeling dissatisfied with the judgment delivered by the Full Bench of this Court, the aggrieved officers filed SLPs before the Hon'ble Supreme Court in August, 2003. These appeals were decided by the Apex Court on 3rd May, 2006. The Hon'ble Supreme Court set

aside the impugned judgment dated 7th July, 2003 of the Full Bench of this Court and the matter was remitted back to this Court for fresh consideration with the direction that “two independent scrutiny committees-one relating to the Executive Officers and the other relating to the Judicial Officers be constituted with a view to segregate between the tainted with non-tainted candidates.”

(15) In view of the aforesaid directions of the Hon’ble Supreme Court, this Court constituted a committee on 25th May, 2006 under the chairmanship of Hon’ble Mr. Justice K.S. Garewal and the other two members of the committee, namely, Hon’ble Mr. Justice Ashutosh Mohunta and Hon’ble Mr. Justice Jasbir Singh. To the majority report, Hon’ble Mr. Justice K.S. Garewal added a post script recording his reasons of dissent, which reads as under :—

“Post Script

I had completed a draft of this report and placed it before the Committee in early December, 2006 and the proceedings were concluded. However, the joint report of my learned brothers Hon’ble Mr. Justice Ashutosh Mohunta and Hon’ble Mr. Justice Jasbir Singh refers to certain earlier judicial proceedings between the Chairman and the members of the PPSC (pages 15 to 20). This record was summoned by my learned brothers after proceedings were concluded but was never discussed before the Committee. I do not think it is at all relevant to the terms of reference of the Committee. I also feel that my learned brothers have placed far too much emphasis on the wealth of Ravi Sidhu (pages 21 to 28). I fail to see how this helps to identify the tainted candidates.”

(16) In the written statement filed on behalf of the High Court respondent No. 3, it has been specifically pleaded that Article 311 of the Constitution is not attracted since the impugned order does not impose any penalty, much less the penalty of dismissal. It is a case of simple dispensing with the services of the petitioners during the period of their probation; that when the entire selection is vitiated on account

of fraud and manipulation of results, principles of natural justice are not attracted and therefore, no opportunity was to be given to the affected candidates before declaring the selection void; that all the affected candidates are being granted a fresh opportunity to compete for the posts in a fresh selection, which clearly shows that the impugned order is not punitive and no prejudice is intended to be caused to any of the candidates who deserved to be selected on merit; and that the services of the petitioners have been dispensed with in accordance with terms and conditions of their appointments. On merit, it has been specifically pleaded that the process of selection suffered from substantial irregularities. It has further been averred in the written statement that this Court had come across various allegations made in the press and the electronic media regarding gross irregularities in the process of selection as also examination conducted for the selection of PCS Judicial Officers. A sub committee was formed to look into the matter, which found that the examination process/result/selection suffered from such substantial irregularities as to render the entire process of selection tainted. Keeping in view the report of the committee, the Full Court recommended the termination of the services of the petitioners. It has been further averred in the written statement that the State of Punjab referred back the recommendations made by this Court with respect to the 1998 batch. However, a sub committee was again constituted after taking a decision in the Full Court meeting, which re-examined the matter with respect to 1998 batch officers. On the basis of the report submitted by the Committee, the Full Court again recommended the termination of the 1998 batch candidates. It is only after the recommendations of this Court, the State Government dispensed with the services of the 1998 batch officers. Since the entire process of selection was found to be tainted, it was not necessary to issue a notice to each candidate before declaring the selection void. In the end, it was prayed that the writ petitions filed by the petitioners are liable to be dismissed.

(17) We have heard learned counsel for the parties at length and have also gone through the entire record produced before us meticulously with the assistance of the learned counsel representing the parties.

(18) The moot question that emerges for consideration before this court is, as to whether the action of the respondent-State in dispensing with the services of the petitioners belonging to 1998—2000 batches and in cancelling the appointment letters issued to the candidates of 2001 batch by the State Government and in whose favour posting orders were yet to be issued by this Court on the basis of the recommendations made by the Hon'ble members of the two committees constituted by this Court on administrative side and approved by the Full Court, especially when no material was available with them, is illegal, arbitrary and against the principles of natural justice ? If so, its effect ? If this court, after appreciation of material available on the record, arrives at a conclusion that no illegalities or irregularities had been committed during the selection process/appointments of the candidates relating to 1998—2001 batches by indulging in corrupt practices or by unfair means or by using extraneous consideration, then the answer of this question would certainly be in the affirmative and as a consequence thereof, the decision taken in the Full Court meeting on the basis of the recommendations made by the committees of this Court, whereby the whole selection process and the appointments made thereunder of all the Judicial Officers pertaining to 1998—2001 batches were declared to be the result of extraneous considerations/corrupt practices and unfair means are liable to be quashed and in that eventuality, writ petitions filed by the petitioners have to be accepted. In this backdrop, the cases of the petitioners, as projected in the writ petitions, have to be examined minutely relating to all the four batches (1998—2001) on the basis of the material available on the record.

(19) During the course of arguments, learned counsel appearing for the petitioners, has urged before us that before the recommendation for terminating the services of the petitioners was made by the Full Court on the basis of the findings recorded by the Hon'ble Judges of the two committees of this Court while submitting their reports, no notice or opportunity of hearing was given to them, nor the State Government offered the opportunity of hearing to the petitioners before the orders for dispensing with their services were issued, thereby violating the principles of natural justice. Learned counsel has further contended that the petitioners had not earned any adverse report during

the period they remained in service. Learned counsel, in order to lend support to his contention, further submitted that the petitioners were also assigned higher responsibilities by this court by conferring them with the powers of Judicial Magistrate I Class and finally, it was argued that the impugned orders are stigmatic and punitive in nature, even though a fresh chance was given to all the candidates, who had appeared in the examinations held during the period 1998—2001 (whether selected or not) to appear in the special examination to be conducted by this Court. Learned counsel has vehemently contended that the procedure adopted by the Committee of this Court in the absence of the original KEY ANSWERS, in re-evaluating the answer scripts of the candidates by preparing their own summary KEYs is erroneous and bad in law. Lastly, learned counsel has further valiantly argued that the petitioners, namely, Gurkirpal Singh, Taran Taran S. Bindra, Ms. Parveen Bali, Ms. Manisha Jain, Avtar Singh Barda, Mahesh Kumar, Balwinder Kumar, Harprit Singh and Rajwinder Kaur Bhatti (since deceased) pertaining to 2001 batch, against whom no FIR has been registered, nor they have been named by any of the approvers, are also on the same footing as the petitioners belonging to 1998–2000 batches are and as such, the findings recorded by the Hon'ble members of the Committee of this Court that all the petitioners of 1998-2001 batches are tainted, are without any basis and liable to be set aside.

(20) We have considered the submissions, as noted here-in-above. Before we dealt with the contentions raised by the learned counsel for the petitioners, we would at this stage, like to discuss the cases of the petitioners of 1998-2000 batches and also of the petitioners of 2001 batch against whom no case has been registered nor any of the approvers has named them, in as much as the cases of those petitioners, namely, Gurkirpal Singh, Taran Taran S. Bindra, Ms. Parveen Bali, Ms. Manisha Jain, Avtar Singh Barda, Mahesh Kumar, Balwinder Kumar, Harprit Singh and Rajwinder Kaur Bhatti (since deceased) are on the same footing along with the candidates of other batches and therefore, a common discussion is being made with regard to all the petitioners. It is further made clear that the cases of the petitioners, namely, S/Shri Ram Saran, Rajinder Bansal, Preetwinder Singh and Anil Kumar against whom a criminal case under F.I.R. No. 64 dated

3rd September, 2002 has been registered, would be taken up by us in the later part of the judgment.

(21) Firstly, we would like to discuss the cases of the petitioners against whom no case has been registered nor any of the approvers has named them. So far as the point involved herein with regard to affording an opportunity of being heard to the petitioners is concerned, it may be apt to mention here that it is an element of the principles of natural justice that no person should be condemned without affording him an opportunity of hearing. It is no doubt true that in the instant case, no opportunity of being heard was given to the petitioners at any point of time. It is also not in dispute that most of the petitioners had also passed their Departmental Exams in 'Higher Standards' or with Credit (75% Marks) as per Rule 8 of Part E of the 1951 Rules. The contention of the learned counsel appearing for the State that no opportunity was required to be afforded to the petitioners since they were on probation, is not countenanced by this court, especially when some of the Judicial Officers had almost completed the requisite probation period, as is evident from the record.

(22) Learned counsel for the petitioners, during the course of arguments, have pointed out that much stress has been laid down in the report submitted by a Committee of this Court that a huge amount by way of illegal gratification was taken by the then Chairman of the Commission Shri Ravinderpal Singh Sidhu for selecting the candidates pertaining to 1998-2001 batches. In order to appreciate this point in controversy, we have gone through FIR No. 64 dated 3rd September, 2002 registered under Sections 8, 12 of the Prevention or Corruption Act, 1988 (for short "the Act") and 120-B of the Indian Penal Code at Police Station Vigilance Bureau, Patiala against Shri Ravinder Pal Singh Sidhu and seven candidates, namely, S/Shri Monika Sethi, Ram Saran, Rajinder Bansal, Preetwinder Singh, Anil Kumar, Mandeep Kaur and Navdeep Singh (all are 2001 batch) on the basis of the statements made by the approvers and the witnesses under Section 164 of the Code of Criminal Procedure and find that none of the candidates belonging to 1998 batch has been named in the FIR. Even though, the selection process held in the year 1998 was not the subject matter of the inquiry, yet the committee recommended for cancellation of appointments of the

candidates of 1998 batch also and the Full Court without any basis, whatsoever, approved the recommendations of the committee for termination of the services of all the Judicial Officers relating to 1998 batch.

(23) There is nothing on the record which could spell out that the entire selection process of 1998 batch was vitiated on account of mala fides or biasness or that the petitioners had acted in such a manner from the very beginning that the whole selection process was camouflage. No such allegations have been made against the present petitioners nor any complaint was received while they were serving as Judicial Officers. The petitioners had earned good and satisfactory reports during the period they remained in service. The High Court committee, without there being sufficient and adequate material on record, recommended cancellation of the appointments of the petitioners. The committee arrived at its findings merely on the statements of the approvers and other witnesses and even if they are taken to be correct, there is nothing to spell out that the selection process made in the year 1998 was so tainted so as to vitiate the entire selection process. Having gone through the statement of the approver, namely, Jagman Singh, it transpired that he had only stated and that too in the year 1999, that Shri Ravinderpal Singh Sidhu, the then Chairman of the Commission, after taking him into confidence, disclosed that he has surplus amount with him, but he has not implicated any candidate in respect of 1998 batch. It was only in these circumstances that the State Government requested this Court to reconsider the matter afresh in respect of 1998 batch. No evidence was put forward before the Committee that the examinations held in 1998 were also tainted.

(24) Learned counsel appearing for the petitioners has further assailed the report of the Committee on the question of awarding of marks at the time of interview by pointing out that a Sitting Judge of the High Court, being an Expert, was a Member of the interviewing Committee and as per rules, his advice with regard to the suitability of the candidates was to prevail and in such like circumstances, there could be no irregularity or illegality in the matter of allotment of marks at the time of interview. We find considerable force in the contention raised by the learned counsel. That apart, no such allegations with



regard to holding of the interview, had been levelled by anyone against the members of the Committee qua 1998 batch. It is settled law that the suspicion is not substitution of proof. The petitioners of 1998 batch in the writ petitions filed separately by them worked for more than two and a half years and their services were terminated on the basis of suspicion and passing of orders of termination ruined their entire future career without there being any fault on their part.

(25) Dealing with the specific and candid mandate of the Hon'ble Supreme Court rendered in Civil Appeal against the judgment of the Full Bench of this Court in **Inderpreet Singh Kahlon and others versus State of Punjab and others (1)**, the Committee of this court was required to conduct an inquiry on the scope of "segregation of tainted and non-tainted candidates", meaning thereby that, "the task assigned to the Committee was to scrutinize the appointments of PCS Judicial against the posts advertised in 1998, 1999, 2000 and 2001 ".....with a view to segregate between the tainted and non-tainted....."

(26) The other two Hon'ble members of the Committee, while acting upon directions of the Hon'ble Apex Court, enlarged the scope of the Committee instead of restricting the exercise to only segregating the tainted and non-tainted candidates, included in its scope the question as to whether the entire selection process was vitiated with fraud.'

(27) As per the report of the two other Hon'ble Judges, being the members of the Committee formed by this court, the scope of the enquiry was formulated, which is reproduced as under :-

"This committee is now to decide, as to whether, in view of the material available and supplied to it, by the concerned officers, is it possible to segregate the tainted out of the non-tainted candidates ? or whether, the entire process of selection was vitiated, in view of the facts mentioned hereinafter ?

(28) All this clearly spells out that two Hon'ble members of the committee of this Court had cast a doubt regarding the possibility of segregation of tainted and non-tainted candidates that had been held

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(1) J.T. 2006(5) S.C. 352

to be not impossible even though difficult, as expressed by the Hon'ble Supreme Court. To our mind, the scope of the exercise to be conducted by the Committee could not exceed the parameters fixed by the Hon'ble Supreme Court.

(29) In the facts and circumstances discussed above, it would be expedient to peep through the conclusions contained in the majority report dated 23rd February, 2007 submitted by the two Hon'ble members of the Committee consisting of Ashutosh Mohunta, J. and Jasbir Singh, J., which reads as under :-

**Conclusion :**

“In view of the material produced before us during scrutiny, we are of the opinion that it is not possible to segregate tainted from the non-tainted. The entire process was illegal and actuated with fraud. It appears that the material, which has now been placed before us, was not available to their Lordships of Hon'ble Supreme Court for scrutiny. Earlier, two reports made by 4-5 Judges respectively of this Court, were discarded because those reports did not discuss the facts which we have referred to in our reports, in its earlier part. It is a case where everybody, i.e., selected candidates, Shri Ravi Sidhu, some of his officers, his family members, examiners and friends were the beneficiaries. Some of the culprits have been declared proclaimed offenders and are not available. Some of the selected candidates are on interim bail. Even then, on the basis of the limited material, which has been placed before us, we can safely say that the entire process of selection was a nullity. It was virtually a fraud with the system. Three conduits of Shri Ravi Sidhu have given a vivid description of the manipulations, being done for selecting the candidates, in Executive/Judicial departments of the State of Punjab. Shri Randhir Singh Dhira and Jagman Singh were closely associated with Shri Ravi Sidhu. It is not possible for us to discard their statements because most of the facts stated by them, after investigation, were found to be correct. Assertion of Shri Jagman Singh

that the question papers were being shown to the intending candidates, examiners were giving excess marks at the asking of Shri Ravi Sidhu, are clearly established when we look into the contents of the Preliminary Scrutiny Report (Annexure A1). Further assertion of above said person and also of Prem Sagar that Shri Sidhu had been accepting huge amounts, by way of gratifications, was proved to be correct, after recovery of vast amount and acquisition of immovable properties worth crores by Shri Ravi Sidhu and his family members. As has been noticed earlier, none of the family members of Shri Ravi Sidhu was an income tax assessee. It has not come on record from where they had purchased the properties. Two are residing in USA and there is nothing on record to show that any amount was transferred by them from USA to India to Shri Ravi Sidhu, to justify the acquisition of immovable properties and other amount by them. In view of this, it can safely be said that the immovable properties and the amount possessed by family members of Shri Ravi Sidhu, were actually extracted by them from the candidates, to appoint them in service of the State. The Commission had turned into a one man institution and the entire process of selection was being manipulated by Shri Ravi Sidhu for his personal gains or to oblige some important personalities in the State. In view of the material supplied by the investigating Agency to us, we arrive at only one conclusion, that the entire process of selection, to the PCS (Judicial Branch), was nothing but a fraud upon the deserving candidates and the system. We recommend that the entire process of selection deserves to be set aside. Observation made above is subject to the decision, which may be arrived at by this Court on judicial side.”

(30) In the context of the report aforementioned submitted by the two Hon’ble Judges of this Court, we would also like to observe that after the registration of FIR No. 64 of 2002 by the Vigilance Bureau and the statements of the approvers, no further material has come forth to establish any taint against any of the petitioners belonging to 1998–

2000 batches. The petitioners, namely, S/Shri Gurkirpal Singh Sekhon, Tarantaran Singh Bindra, Ms. Parveen Bali, Ms. Manisha Jain, Avtar Singh Barda, Mahesh Kumar (Physically handicapped), Balwinder Kumar and Harprit Singh belonging to 2001 batch are also sailing in the same ship. To our mind, the percentage of taint in the selection of 1998-2000 batches and of the petitioners of 2001 batch mentioned above is 0% (zero per cent) as no body is named in the First Information Report nor figures in the statements of the witnesses. Having gone through the report of the Committee and record put forward before it, we find that the present petitioners, who belong to 1998-2000 batches and the petitioners of 2001 batch mentioned above are neither named by any of the approvers nor any conclusive evidence has been brought on record by the committee regarding any irregularity in their selection. The members of the committee, without following the principles of natural justice, on the basis of allegations of corruption against Ravinderpal Singh Sidhu, have given findings that all the candidates are tainted. In our considered opinion, the findings recorded by the Committee cannot at all be accepted, inasmuch as the petitioners were not associated with the inquiry at any stage and have been condemned unheard merely on the ground that all the selections made by Shri Ravinderpal Singh Sidhu are the result of extraneous considerations and *mala fides*.

(31) The Courts have also invoked the rules of natural justice for invalidating administrative actions taken and orders passed by the State and its agencies/instrumentalities in relation to service conditions of employees. In a number of cases involving challenge to the termination of service, the violation of the rule of audi alteram partem has been made a ground for nullifying the impugned decision/action/order. The principles of natural justice have also been invoked for quashing the decision taken by the State Government and its functionaries to cancel the selections made by the competent authority. But it is not possible to lay down a strait jacket formula for dealing with the cases in which the administrative action/decision taken by the government is questioned on the ground of violation of the rules of natural justice. Every case has to be decided on the basis of its peculiar facts. There was no material what to talk of sufficient material before the committee on

which it could be demonstrated that the Committee was right in its conclusion in making recommendations of termination of the services of the present petitioners, which were, later on, approved by the Full Court. In our considered opinion, the innocent candidates should not be penalised for the misdeeds of others, particularly when no accusing finger on the basis of any material was raised against the petitioners relating to first set of cases. The respondents have not been able to point out as to how the entire selection of 1998—2001 batches is stinking.

(32) The petitioners cannot be made to suffer on the platform of suspicion. No irregularities could be pointed out in the report of the committee in order to show that the selection of the present petitioners was not objective and fair. At the cost of repetition, this court is of the view that the procedure adopted by the Committee is not justified and is in violation of the principles of natural justice. In fact, by adopting the procedure, which has been followed by the committee, the deserving candidates would suffer adversely. The committee in its fairness was bound to scrutinize the nature and extent of illegalities and irregularities committed in conducting the selection by the commission and we find that with regard to the selections/appointments of the petitioners, no illegalities or irregularities in their selection could be pointed out in any manner, nor any mischief could be shown on the part of the petitioners and in such like circumstances, the way out is not to cancel the whole selection. The selection of the petitioners does not smack of *mala fide* or arbitrariness particularly in the absence of any material on record against them. To our mind, by adopting such a procedure, the committee has violated all the norms fixed for re-evaluation of the answer sheets of all the candidates. In the absence of keys, illegalities and irregularities have been so intermixed by the committee that the whole process of selection vitiated on the basis of arbitrariness and in such like circumstances, the report of the committee cannot be relied or acted upon.

(33) In view of the discussions made above, it is amply clear that in the absence of any material against the present petitioners, it was possible to separate tainted with non-tainted candidates, but even then the committee recommended the termination of services of all the present petitioners. Merely on the ground that the Chairman of the

Commission Shri Ravinderpal Singh Sidhu had been arrested by itself does not speak of the fact that the entire selection process of 1998—2001 batches, who are not even named during the course of investigation by the approvers on whose statement much stress has been laid by the committee does not clothe the committee with the power to pass such an order which has a devastating effect on the service career of the petitioners who have lost their bread on one fine morning without any rhyme or reason in spite of the fact that they had successfully completed more than two and half years' service at the time of passing of the impugned order. No controversy took place at the relevant time regarding their selection. The report of the committee is based on no evidence and is the result of suspicion. Thus, we do not find any justification to place reliance on the report of the Committee with regard to the cancellation of selection of all the petitioners. Similar view is expressed by their Lordships of the Hon'ble Supreme Court in para 83 of the Judgment rendered in **Inder Preet Singh Khalon's case** (*supra*), which is reproduced as under :—

“83. The materials supplied to the Committee, having regard to the fact that most of the officers named in the First information report were of 2001 batch, cannot be held to be sufficient so as to come to the conclusion that the entire selection process for 1999 and 2000 was vitiated. Despite the fact that the selection process for the year 1998 was not the subject matter of the enquiry, recommendations had been made by the Committee for cancellation of appointment of the candidates of 1998 batch also. The Full Court without any basis whatsoever recommended dismissal of all the Judicial Officers. Only when the Additional Secretary of the Government of Punjab,—*vide* a letter dated 27th September, 2002 which was received by the High Court on 28th September, 2002, drew its attention in that behalf, another committee was constituted by the then Acting Chief Justice on 10th October, 2002 evidently, after the said matter was discussed in the Full Court. Two of the five member Committee were also the members of the first Committee. The Second Committee again considered the statements of

the approver and one other witness recorded under Section 164 of the Code of Criminal Procedure as also other documents placed before it and came to the opinion : (1) Performance of most of the selected candidates was below average and the marks awarded to them were disproportionate to the answers given by them. (The aforementioned opinion was made on the basis of some of the answer sheets of some of the selected candidates and those who had not been selected). (2) the marks originally given to the candidates were scored off and unjustifiably increased obviously with a view to ensure their selection. (3) Another feature which was noticed that the answer sheets of some of the non-selected candidates were qualitatively better than some of those who had been selected but they had been awarded lesser marks, presumably, with a view to push them down...”

(34) A persual of the aforequoted paragraph of the judgment of the Hon’ble Supreme Court, clearly spells out that the entire selection process of the other batches cannot be vitiated merely on the ground that some of the officers belonging to 2001 batch have been named in the First Information Report.

(35) It would be relevant to mention here that Maninder Singh, a candidate of 1999 batch, whose name was added after the registration of FIR No. 64, dated 3rd September, 2002 is not at all connected with the matter involved herein since he is not the writ petitioner before us. Said Maninder Singh has not challenged his termination order in any court of law nor his selection was ever challenged by any of the non-selected candidates. At this stage, we would like to observe that while terming the entire selection as vitiated, the Hon’ble majority members of the Committee have relied upon the statements of the alleged approvers, namely, Prem Sagar, Randhir Singh Gill @ Dhira and Jagman Singh. The alleged approver Prem Sagar named only one candidate, i.e., Monika Sethi (2001 batch) as is clear from the report of Hon’ble Mr. Justice K.S. Garewal. The alleged approver Randhir Singh Gill @ Dhira named only seven candidates of 2001 batch and one candidate namely, Maninder Singh, of 1999 batch. The alleged approver Jagman

Singh has not named any candidate belonging to PCS (Judicial Branch). Admittedly, he has stated about the *modus operandi* regarding 2001 examination and that too without any specific reference to the PCS (Judicial Branch) examination. He has not said anything about the examinations held during the years 1998, 1999 and 2000. The report of the two Hon'ble members of the Committee of this Court is based only upon presumptions and suppositions and that too on the statement of the alleged approver Jagman Singh, who has not said anything about PCS (Judicial Branch) examination. The two Hon'ble members of the Committee again on the basis of the same material, have termed the entire selection as vitiated instead of making any effort *qua* segregation of the tainted and non-tainted candidates. The contention of the learned counsel for the respondents that since Maninder Singh has been named by the alleged approver Randhir Singh Gill @ Dhira, therefore, during the course of investigation, some material is bound to be collected against the other candidates is again liable to be noticed only for the sake of rejection. Moreover, the only candidate of 1999 batch, namely, Maninder Singh, who has been named by the alleged approver Randhir Singh Gill @ Dhira, has been examined as a prosecution witness in the on going trial of Shri Ravinderpal Singh Sidhu in the case FIR No. 24 dated 30th April, 2000 registered under Sections 420/467/468/471/409, 120-B of the Indian Penal Code and under Sections 7, 13 (i) read with Section 17, 13 (2) 88 of the Act, Police Station, Vigilance Bureau, Patiala. On 13th November, 2003 in his examination-in-chief (at page 107 of the Annexure P-1), he has stated thus :

“In the year 1997-98, Maninder Singh has come to me for his selection in PCS Cadre (Judicial). Then I talked to Ravi Sidhu about his appointment. Maninder Singh had total me that he had cleared the papers and he was to appear for interview. Ravi Sidhu had demanded Rs. 40 lacs for the appointment of Maninder Singh. Maninder Singh agreed to pay the money. I got arranged the meeting between Maninder Singh and Ravi Sidhu. Then on the fixed time, Maninder Singh went to Ravi Sidhu and make the payment. Consequently, Maninder Singh was selected in PCS (Judicial) cadre.”



(36) From the above statement of approver Randhir Singh @ Dhira, it is crystal clear that the only candidate named by the approver, in the first three batches, Maninder Singh is alleged to have approached Shri Ravinderpal Singh Sidhu after he qualified/cleared the written exams, meaning thereby that, he was not helped in the written exams in any manner as is being presumed by the majority members on the basis of the statement of approver Jagman Singh. There is no allegation of any kind against any of the petitioners pertaining to first batch of cases. Neither they have been named by any of the alleged approvers nor any FIR has been registered against any of the petitioners. In the absence of any specific allegation or charges of corruption against a candidate, the Committee could not have made any enquiry against any candidate. No material was put forward before the committee in order to label the present petitioners as tainted.

(37) Dealing with the most important issue of segregating the non-tainted from the tainted candidates by getting the answer sheets of only selected candidates re-evaluated relating to all four batches (1998-2001), we find that this was not in consonance with the direction of the Hon'ble Supreme Court. As per the direction of the Hon'ble Supreme Court, in our considered opinion, the two Hon'ble members of the committee fell in error in not appreciating the directions contained in the Apex court's judgment in its correct perspective and adopted a method to sort out the matter in controversy and relied upon the additional material while recording the findings of taint against all the candidates. The additional material looked into by the Committee is the result of re-evaluation of the answer scripts of law papers of the selected candidates only which is given in Annexure A-1 annexed with the majority report. The re-evaluation of the answer scripts was done by the Committee Examiners with the aid of their own prepared KEYS in absence of the original key supplied by the paper setter to the examiners who had actually evaluated the answer sheets.

(38) At this stage, we would like to find out what are the keys and what is the relevance thereof. The purpose of formulating a key to the question paper by the paper setter is that the model answers expected from the examinees by the paper setter may in certain cases, not match with the answers as expected by the paper evaluators/

examiners. Furthermore, where there are more than one examiners, their *inter se* evaluation may not be uniform as the answers are subjective and involve the interpretation of the Statutes and propositions culled out from Judgments. Therefore, with a purpose to maintain uniformity for the advantage of the examinees, the keys are supplied by the authorities to the evaluators/examiners. Admittedly, the original KEY ANSWERS, with the aid of which the Examiners of the Commission evaluated the answer scripts of the selected candidates, were not available. The Committee delegated the task of re-evaluation/re-assessment of the papers of all the candidates (only selected) to two Judicial Officers, who belong to the Superior Judicial Service of the State of Punjab. The officers attempted the question at their own level and prepared summary KEYS for re-evaluating the answer scripts, which are on record as Annexure 'C' (1998 batch) of the report of Hon'ble Mr. Justice K. S. Garewal.

(39) On re-evaluating the answer scripts, the marks awarded for the attempt made by the candidates were found to be broadly marred by the following lapses :—

- (i) Marks wrongly awarded to incorrect answers ;
- (ii) Marks deprived of for correct answers ; and
- (iii) Excessive marks were given.”

(40) This result was common in respect of all selected candidates. The obvious conclusion, which can be drawn, is that the KEY as formulated by the examiners of the committee was not matching with the KEY formulated by the paper setters of the Commission.

(41) We find that the conclusions arrived at by the committee of this court are based upon insufficient material put-forth before the committee. This is on account of two reasons (1) That the answer scripts of only selected candidates were re-evaluated by the Examiners. In the event if the answer scripts of the non selected candidates were also re-evaluated by the Examiners, it would have come forth that the conclusions regarding wrong/excessive marks wrong denial of marks is not candidate specific but uniform to all the candidates whether

selected or non selected. In order to lend support to their submissions, the petitioners carried out an exercise to obtain the answer scripts of the non-selected candidates and furnished a statement (which is Annexure OA-10 attached with C.M. No. 1042 of 2008 filed in CWP No. 16941 of 2002 titled (**Jasvir Singh versus State of Punjab and others**) regarding the wrong/excessive marks, wrong denial of marks in respect of non-selected candidates on the basis of the KEY supplied by the Examiners of the Committee. The result clearly shows that the inaccuracy in the marking of the answer scripts followed a uniform pattern in all candidates, whether selected or non-selected. So all the selected and non-selected candidates have been allegedly benefited/lost marks uniformly and there is no favour shown to the selected candidates. It is admitted by the Hon'ble majority members at page 58 of their report that "..... There is no allegation that any examiner was ever approached by any candidate. Further, there is no allegation that any examiner has ever accepted bribe from any candidate." The Committee has further observed that the examiners of the Commission were qualified persons from field of law. There petitioners obtained the model answers to the question papers of the batches in question. The late Justice P. K. Jain is an authority on the publication of solved question papers of various processes pertaining to the judicial services. He had been writing the publication in respect of solved papers of Punjab, Haryana, Himachal and Delhi since 1961. The key prepared by the examiners of the Committee, when compared with the model answers published under the research work of the late Justice P.K. Jain (retired) also shows that there are discrepancies *inter se* the KEYS prepared by him and the Examiners of the present Committee. This fact fortifies the argument that mere difference of answers in analytical and subjective type questions of Law may not be enough to give a finding of taint, especially when it is an admitted fact that there is no allegation that any examiner was ever approached by any candidate or there was any material that Ravinderpal Singh Sidhu influenced the examiners nor there is any allegation that any examiner has ever accepted bribe from any candidate. The answers, which differ as per the solved answers based on the work of late Justice P.K. Jain (retired) and the KEY of the Examiners of the Committee have been placed on record from Annexure 0-6 to 0-8 (which are attached with C.M. No. 13503 of 2007 filed in CWP No.

16941 of 2002 titled as **Jasvir Singh versus State of Punjab and others** as a matter of illustrations only. The irregularities pointed out in the reports of the Committee regarding wrong marking/evaluation in the answer scripts of the selected candidates have no bearing as out of a total 256 questions solved by the Committee Examiners 78 questions (i.e. 1.3rd questions) differ with solved answers of the late Justice P.K. Jain (retired). The same could have been the *bona fide* position in regard to the discrepancy between the marking by the examiners of the PPSC and the Committee. Their Lordships of the Hon'ble Supreme Court in **Kanpur University and others versus Samir Gupta, and others (2)**, have observed that ..... "it would be unfair to penalize the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong." The relevant paras of the judgment passed by the Apex Court are reproduced as under :—

“(1) These appeals raise a somewhat awkward question : If a paper-setter commits an error while indicating the correct answer to a question set by him, can the students who answer that question correctly be failed for the reason that though their answer is correct, it does not accord with the answer supplies by the paper-setter to the University as the correct answer ? The answer which the paper-setter supplies to the University as the correct answer is called the ‘key answer’. No one can accuse the teacher of not knowing the correct answer to the question set by him. But it seems that, occasionally, not enough care is taken by the teachers to set questions which are free from ambiguity and to supply key answers which are correct beyond reasonable controversy. The keys supplied by the paper-setters in these cases, raised more questions than they solved.”

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“(16) Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is

wrong. We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged text-books, which are commonly read by students in U.P. Those text-books leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.”

“(17) Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the Medical Colleges In U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those text-books. Those text-books support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalize the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong.”

(42) In view of the findings of the Hon’ble Supreme Court in **Kanpur University’s case** (supra), the candidates herein also cannot be penalized on the basis of Committee’s report, which is based on re-evaluation of the answer scripts with the help of KEYS, which have discrepancies in more than 33% answers. Furthermore, the answers of the selected candidates, which tallies with KEYS of the Committee Examiners, have also been in some instances inadvertently shown as marks wrongly awarded to the incorrect answers’. The petitioner herein has correctly attempted the question No. 6 (b) of Civil Law-I paper, which also tallies with the Key of the Committee Examiners, but in Annexure A1 (page 10), the petitioner has been shown to have been

awarded marks wrongly for incorrect answer. The question No. 6 (b) of Civil Law-I paper of 1998 batch, the KEY ANSWER of the Committee and the photocopy of the relevant pages of the answer script of the petitioner are Annexure OA-6, which are annexed with C.M. No. 1042 of 2008 filed in Civil Writ Petition No. 16941 of 2002 titled as **Jasvir Singh versus State of Punjab and others.**

(43) Following the directives laid down by their Lordships of the Hon'ble Supreme Court in **Kanpur University's case** (*supra*), we are of the view that the findings recorded by K.S. Garewal, J., in the report submitted him are absolutely correct, the relevant paras 18, 20, 29 and 31 whereof, are reproduced as under :—

“18.....In the case of almost all candidates, the Committee's examiners had found that they had been either wrongly deprived of marks even if the answer was correct or wrongly awarded marks for wrong answers. There is hardly any answer script where both factors—no marks for correct answer and high marks for wrong answer—did not co-exist. Indeed this pattern presents itself in answer scripts relating to other batches as well. Not one answer script contained the stamp of perfection. Candidates were either awarded undeservedly high marks for questions wrongly answered or undeservedly low or no marks for questions correctly answered.”

“20.....Nevertheless, unless and until there was concrete direct evidence that candidates had approached them for awarding high marks to them, the successful candidates cannot be said to be tainted in any manner. A striking feature of the re-evaluation by the Committee's examiners has been that all the candidates, without exception had been given excessive marks for wrong and incorrect answers. It is not as if only some candidates had been favoured and others were not. **The wrong marking of answer scripts was all pervasive and not candidate specific.** (Emphasis supplied).

Persons who appear in competitive examinations, like the ones conducted by the Commission for entry to PCS

(Judicial), are young people who have just completed their education. They are unemployed and are looking for a steady job in the judicial service to provide them security and stability. Such candidates are unlikely to possess Rs. 35-40 lacs for bribes to clear the entrance examination. They would necessarily have to borrow money from their parents or relatives. Most candidates belong to middle class and would find it difficult to convince their parents or relatives to come up with Rs. 35-40 lacs of their hard earned money to be paid as bribe.

Prudent parents would tell their wards that instead of paying Rs. 35 lacs as bribe they would invest a much less amount, of say Rs. 2-3 lacs, to help them set up a good law practice.”

“It may be recalled that as per Annexure M (2003 batch), six candidates of 1998 batch, five of 1999, three of 2000 and six of 2001-a total number of 20 candidates-are now members of the Punjab Civil Service (Judicial) and posted as Civil Judges (Junior Division) in different districts of Punjab. It would be a disaster for them to be now declared tainted on the basis of the re-examination carried out by Committee’s examiners. If any or all of these Judges are picked as tainted, it would damage their morale and would constitute a huge question mark on their character and integrity. I feel their reputation must be protected.”

“For all the above reasons ; the report of the Committee’s examiners is not being treated as evidence of “taint” against the successful candidates.”

“29-31.....Earlier the Full Bench had acted on the reports of the two Committees and upheld the decision of the Court scrapping all the four batches. The Hon’ble Supreme Court disagreed and directed that the matter be re-examined by two committees. However, the Committee’s examiners examined the answer scripts of the three law papers of only the selected candidates. The answer scripts

of none of the unsuccessful candidates were examined by the Committee's examiners, therefore, it cannot be definitely deduced that all the selected candidates were tainted, unless all the papers of all the candidates had been re-examined. If the pattern of faulty marking-no marks for correct answer and high marks for wrong answer-had also become apparent in the case of unsuccessful candidates, this would be an additional reason to say that wrong marking of answer scripts was all pervasive and uniform in respect of the unsuccessful candidates as well. Therefore, wrong marking was not candidate specific. The same pattern of marking of answer scripts of successful and unsuccessful candidates would never have been present if successful candidates had been selected by payment of bribe. In such an eventuality the answer scripts of the unsuccessful candidates would also have exhibited the same low standard of marking.

**Conclusion :**

1. No individual candidate can be considered to be tainted on the basis of the scrutiny of the answer scripts done by the Committee's examiners.
2. No candidate can be considered to be tainted on the basis of the police investigation as no candidate has been prosecuted by the Vigilance Department in respect of the case registered against them. (FIR 64).
3. Candidates who can be termed tainted, on the basis of the statements of the approvers, are the eight candidates whose names appeared in the statements of Prem Sagar (PW-1) and Randhir Singh Gill @ Dhira (PW-2). These candidates are as under :—

(i) Maninder Singh	(1999 batch)
(ii) Ram Saran	(2001 batch)
(iii) Preetwinder Singh	(2001 batch)
(iv) Mandeep Kaur	(2001 batch)



- (v) Monika Sethi (2001 batch)
- (vi) Navdeep Singh (2001 batch)
- (vii) Rajinder Bansal (2001 batch)
- (viii) Anil Jindal (2001 batch).”

(44) We also find that all the observations and findings given by the majority members in their report are based upon presumptions and suppositions. While relying on the statement of the alleged approver Jagman Singh the majority members of the Committee have observed in their report that all the selected candidates were helped at three stages in the selection process. Firstly, the question papers were made available to the candidates before the actual date of examination. Secondly, the Examiners helped the candidates in evaluation by awarding them high marks and thirdly, the candidates were awarded high marks in the interview by the Selection Committee, but the Committee has not brought any evidence on record that any of the innocent candidates was ever helped in any of the aforementioned ways, meaning thereby that all the findings in the report are only on the basis of presumption. Further, six candidates belonging to reserved categories (Joginder Pal, Surinder Kumari, Jarnail Singh of 1998 batch, Parveen Bali of 1999 batch, Joginder Singh Gill and Satinder Pal of 2001 batch), who secured less than 50% marks, were not given appointment. The Hon'ble two members of the committee have also labelled them as 'tainted' on the ground that the evaluation of their answer scripts is not 'fair and proper.' To our mind, there was nothing on record before the Hon'ble members of the Committee to label the present petitioners as tainted candidates. The examiners of the Committee have given a finding that the candidates were awarded excessive marks by the examiners of the commission. Learned counsel for the petitioner placed reliance on the decision rendered in **U.P. Public Service Commission versus Subhash Chandra Dixit, (3)** in which the details of difference of marks awarded by 14 different examiners in the same subject are given, will make it clear that the evaluation of every examiner is subjective and therefore if a single answer script is evaluated by two different examiners, the

marks awarded by both the examiners will vary, because some examiners are liberal in awarding marks, whereas some are moderate or strict. The relevant para of the judgment is reproduced as under :—

“29. As already noticed, the proviso to Rule 51 of the UPSC (Regulation of Procedure and Conduct of Business) Amendment Act, 1976 gives power to the Commission to eliminate variation in the marks awarded to the candidates and to adopt any method, device or formula considered appropriate for that purpose. The system of scaling was intended to remove the disparity in evaluation. In the case of Judicial Service examination, more than four thousand candidates appeared. The answer papers were evaluated by 14 examiners. Some examiners were liberal in awarding marks whereas some others were strict in awarding marks. The details given along with the Special Leave Petition show the extent of difference in marks awarded by the examiners. Table I on page 47 in SLP (c) No. 3758 of 2002 shows as follows :

Table-1

Subject : Present day				Maximum marks-150			
Examiner No.	No. of Scripts Examined	Mean marks of the examiner	Standard deviation of the marks allotted	Minimum marks	Maximum marks	After scaling Mean marks of the scaled score	After Scaling Standard Deviation of the scaled score
1	2	3	4	5	6	7	8
1	300	68.50	17.23	10	102	75.00	14.98
2	300	45.91	16.02	0	92	75.01	14.99
3	300	39.39	14.12	2	76	74.98	14.99
4	600	35.07	21.64	0	105	74.99	15.00
5	300	52.16	20.66	0	112	75.00	15.03
6	300	53.55	13.84	7	94	74.97	14.99

7	300	66.17	27.15	8	134	75.00	15.01
8	300	70.09	13.65	0	97	75.04	14.98
9	300	35.94	10.74	9	77	74.96	14.99
10	300	81.74	15.95	25	125	75.02	15.01
11	300	77.45	15.68	26	125	74.99	15.01
12	300	49.98	14.43	11	92	75.03	15.00
13	300	41.16	17.72	3	99	74.98	15.00
14	111	47.82	24.25	4	118	74.99	14.92

(45) Their Lordships of the Hon'ble Supreme Court in **Sanjay Singh and another versus U.P. Public Service Commission, Allahabad and another**, (4) have reiterated its findings given in **U.P. Public Service Commission versus Subhash Chandra Dixit** (*supra*) regarding variation of marks in evaluation by different examiners. It has been further held in para 23 of the judgment, which reads as under :—

“23. ....When more than one examiner evaluate the answer-scripts relating to a subject, the subjectivity of the respective examiner will creep into the marks awarded by him to the answer scripts allotted to him for valuation. Each examiner will apply his own yardstick to assess the answer-scripts. Inevitably therefore, even when experienced examiners receive equal batches of answer scripts, there is difference in average marks and the range of marks awarded, there by affecting the merit of individual candidates. This apart, there is ‘Hawk-Dove’ effect. Some examiners are liberal in valuation and tend to award more marks. Some examiners are strict and tend to give less marks. Some may be moderate and balanced in awarding marks. Even among those who are liberal or those who are strict, there may be variance in the degree of strictness or liberality. This means that if the same answer-script is given to different examiners, there is all likelihood of different marks being assigned. If a very well written answer-script goes to a strict examiner and a mediocre answer-script goes to a liberal examiner, the

mediocre answer script may be awarded more marks than the excellent answer script. In other words, there is 'reduced valuation' by a strict examiner and 'enhanced valuation' by a liberal examiner. This is known as 'examiner variability' or 'hawk-Dove effect' .....

(46) In the re-evaluation exercise undertaken by the Committee, it has not been considered that there is possibility that the Commission may have appointed more than one examiners for evaluation of the answer scripts of three Law papers of four different batches. Therefore, there is every likelihood that some examiners may be liberal in awarding marks, some may be moderate and some may be strict. It is also a matter of record that the alleged approver Jagman Singh has not named any candidate belonging to PCS (Judicial Branch). Admittedly the alleged approver Jagman Singh stated about the modus operandi of Shri Ravinderpal Singh Sidhu only with reference to the examinations conducted in the year 2001, that too without any specific reference to the PCS (Judicial Branch) examination (page 32 of the report of the Hon'ble two members), he has not said anything about the examinations held in the years 1998, 1999 and 2000. The detailed marks of 1998 and 1999 batches have made it amply clear that the successful candidates were, in fact, selected on the basis of marks awarded to them in the written examination (in some cases, their marks in written examination were even less than those of non-selected candidates) as well as marks awarded to them in the interview, which were on the basis of grades awarded by the sitting Judges of this Court. The merit list of 57 candidates of 1998 batch and 45 candidates of 1999 batch is the convincing proof of fairness, impartiality and neutrality on the part of the examiners of the Commission in awarding marks in the written examination as well as in the interview, to the selected as well as non-selected candidates. In the table given below the following details of the selected and non-selected candidates of 1999 batch as per the exercise conducted by the petitioners, not disputed by the respondents have been furnished. On the strength of this table, the petitioners have submitted that the key prepared under the direction of the Committee, is against the true facts and the norms applied by that key clearly spells out that the result remains the same.

**Selected Candidates (General Category) 1999 Batch**

Name	Original marks secured by the candidates	Original result of the PPSC (whether selected or non-selected)	Marks wrongly awarded for Incorrect answers	Marks wrongly deprived of for correct answers	Net benefit/ loss of marks to the candidates after re-valuation	Proposed marks after re-valuation with the aid of keys of the committee Examiners	Result after re-evaluation (whether selected or non-selected)
Arun Kumar Aggarwal	644	Selected	10	18	-8	652	Selected
Gurbir Singh	605	Selected	0	8	-8	613	Selected
Preeti Sukhija	595	Selected	44	10	34	561	Selected
Rajesh Ahluwalia	581	Selected	35	12	23	558	Selected
Krishan Kumar Singla	580.67	Selected	36	34	2	578.67	Selected
Promila Chanan-expired	573.33	Selected	50	28	22	551.33	Selected
Vijay Kumar	564	Selected	22	40	-18	582	Selected
Jasbir Singh	561.67	Selected	35	8	27	534.67	Selected

**Non-Selected Candidates (General Category) 1999 Batch**

Name	Original marks secured by the candidates	Original result of the PPSC (whether selected or non-selected)	Marks wrongly awarded for Incorrect answers	Marks wrongly deprived of for correct answers	Net benefit/ loss of marks to the candidates after re-valuation	Proposed marks after re-valuation with the aid of keys of the committee Examiners	Result after re-evaluation (whether selected or non-selected)
Vishal Wadhawan	561	Non-Selected	43	—	43	518	Non-Selected
Ravinder Pal Singh	560.33	Non-Selected	67	12	55	505.33	Non-Selected
Sanjeev Chopra	560	Non-Selected	96	—	96	464	Non-Selected
Barjinder Pal Singh	554.33	Non-Selected	86	—	86	468.33	Non-Selected
Sanjeev Sharma	554.33	Non-Selected	58	—	58	504.33	Non-Selected

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Gurpreet Kaur	545.5	Non-Selected	48	—	48	497.5	Non-Selected
Manjinder Kaur	543.33	Non-Selected	82	—	82	461.33	Non-Selected
Rupinder Jit Chahal	534.67	Non-Selected	44	—	44	490.67	Non-Selected
Manoj Kumar	533	Non-Selected	32	—	32	499	Non-Selected
Kamaljit Singh	532.67	Non-Selected	37	—	37	495.67	Non-Selected
Rajneesh K. Sharma	532	Non-Selected	76	20	56	476	Non-Selected
Krishan Kant Jain	524.33	Non-Selected	65	20	45	479.33	Non-Selected
Harvinder Pal Singh	521	Non-Selected	60	12	48	473	Non-Selected
Vandana Arora	515.67	Non-Selected	80	—	80	435.67	Non-Selected
Amrinder Pal Singh	514.5	Non-Selected	71	—	71	443.5	Non-Selected
Monika Ahuja	508.33	Non-Selected	80	—	80	428.33	Non-Selected
Jagjit Kaur Walia	503.33	Non-Selected	72	10	62	441.33	Non-Selected
Reetu	497	Non-Selected	57	24	33	464	Non-Selected
Kamal K. Thakur	492.5	Non-Selected	85	—	85	407.5	Non-Selected
Munish Kumar	487.67	Non-Selected	85	—	85	402.67	Non-Selected
Ravi Kant	481	Non-Selected	30	12	18	463	Non-Selected
Rajesh K Mehta	480	Non-Selected	95	—	95	385	Non-Selected
Sanjay Dhawan	479.33	Non-Selected	98	8	90	389.33	Non-Selected
Bhupinder Singh	476	Non-Selected	40	—	40	436	Non-Selected
Lalit Mohan	475	Non-Selected	90	—	90	385	Non-Selected
Sundeep Goel	475	Non-Selected	60	16	44	431	Non-Selected
Gurinder S Cheema	469.33	Non-Selected	55	—	55	414.33	Non-Selected
Charanjeet Arora	467.33	Non-Selected	15	—	15	452.33	Non-Selected
Gurtej Singh	466	Non-Selected	35	—	35	431	Non-Selected
Manoj Kumar	459.17	Non-Selected	57	—	57	402.17	Non-Selected

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(47) If the re-evaluation result is applied to all the candidates, i.e., selected as well as non-selected, even then the already selected 08 candidates belonging to the general category of 1999 batch would remain in the select list. There is absolutely no material, on the basis of which the two Hon'ble members of the Committee have given the findings that the selected candidates (other than 8 candidates named by the approvers) were helped in the written examination and they were awarded pre-determined marks by the Commission's Examiners. In the absence of any specific allegation or charges of corruption against a candidate, the Committee could not have re-evaluated his answer scripts or make an inquiry against the candidate. The result of re-evaluation of answer scripts could have been the corroborative/supporting evidence on the charges of corruption, but certainly not be the primary evidence to label a candidate as 'tainted'. Only the answer scripts of eight named candidates could have been scrutinized to corroborate the statements of the approvers and to arrive at a decision whether they are really tainted or not. There is no taint in the selection of the petitioners, pertaining to 1998-2000 batches and also of the petitioners, namely, S./Shri Gurkirpal Singh, Taran Taran S. Bindra, Ms. Parveen Bali, Ms. Munisha Jain, Avtar Singh Barda, Mahesh Kumar, Balwinder Kumar, Harprit Singh and Rajwinder Kaur Bhatti (since deceased) belonging to 2001 batch against whom no case has been registered nor they have been named by any of the approvers nor any evidence whatsoever has been brought on record by the Committee regarding any irregularity in their selection.

(48) Keeping in view the facts and circumstances of this case as discussed above, it is *ipso facto* clear that even after boarding a sinking ship, the petitioners have been able to sail through the stormy winds raised by the Committees of the Hon'ble Judges of this Court on administrative side on the platform of suspicion and as such, the bread of the petitioners is required to be revived on judicial side.

(49) So far as the cases of the petitioners, namely, S/Shri Ram Saran, Preetwinder Singh, Rajinder Bansal and Anil Kumar Jindal of 2001 batch against whom FIR No. 64, dated 3rd September, 2002 has been registered are concerned, we are of the view that the investigation is yet to be completed, meaning thereby that, till they are given a clean

chit, they are in shady zone at this stage and that they are surrounded by tainted clouds, which are yet to be cleared. Without commenting further lest it might prejudice the present petitioners and the Investigating Agency, to our mind, these petitioners are not entitled to any relief at this stage on account of the pendency of investigation. There are serious allegations in the FIR and the Investigating Agency may collect necessary evidence at a later stage and it would not be in the interest of the purity of administration of justice to grant any relief to these petitioners at this stage. In case the contention of the petitioners against whom the case has been registered is accepted, then it would hamper the investigation. It is further relevant to mention here that none of these four candidates, namely, S/Shri Ram Saran, Preetwinder Singh, Rajinder Bansal, Anil Kumar Jindal (writ petitioner in CWP No. 17347 of 2003) has qualified the competitive exams conducted by this Court during the year 2003. Accordingly, Civil Writ Petition No. 17347 of 2003, being without any merit, is liable to be dismissed.

(50) For the reasons stated above, the petitions being, Civil Writ Petition Nos. 1625, 1626, 1726, 2203, 2361, 3541, 3542, 10165, 12248 of 2003 and Civil Misc. Application No. 7067 of 2008 in Civil Writ Petition No. 12248 of 2003, filed by the petitioners pertaining to 1998 batch as also the petitions, being Civil Writ Petition Nos. 16615, 16616, 16870, 16941, 16942, 16943, 17309, 17310 of 2002 and 2810 of 2003 filed by the petitioners relating to 1999 batch and the petitions, being Civil Writ Petition Nos. 17961, 17963, 18506, 18950 and 20663 of 2002 and filed by the petitioners in respect of 2000 batch as also the petitions, being Civil Writ Petition Nos. 17495 of 2002, 2011 of 2003, and 1972 of 2003 filed by Ms. Parveen Bali, S/Shri Avtar Singh Barda, Mahesh Kumar, Gurkirpal Singh Sekhon, Tarantaran Singh Bindra, Ms. Manisha Jain, Balwinder Kumar, Harprit Singh and Rajwinder Kaur Bhatti (since deceased) in respect of 2001 batch succeed and are hereby allowed. Accordingly, impugned orders dated 6th November, 2002 and 27th September, 2002 passed by the Governor of Punjab, whereby services of the petitioners in respect of 1998 batch and that of 1999-2000 batches respectively were dispensed with under Rule 7(2) of Part 'D' of the 1951 Rules and removal of their names from the Register of this Court under Rule 4 of Part D of the 1951 Rules



on the basis of the recommendations made by the committees of the Hon'ble Judges of this Court and approved by a resolution in the Full Court meeting are set aside.

(51) So far as Civil Writ Petition No. 17347 of 2003 filed by petitioners, namely, S/Shri Anil Kumar Jindal, Ram Saran, Preetwinder Singh and Rajinder Bansal is concerned, the same has got no merit and it is hereby dismissed.

(52) The petitioners in respect of 1998, 1999 and 2000 batches are ordered to be reinstated and the appointment letters earlier issued by the State Government to the petitioners, namely, Ms. Parveen Bali, Ms. Manisha Jain, S/Shri Avtar Singh Barda, Mahesh Kumar, Balwinder Kumar, Harprit Singh, Gurkirpal Singh Sekhon and Tarantaran Singh Bindra, except for Rajwinder Kaur Bhatti (since deceased), relating to 2001 batch are ordered to be restored and thereafter, respondent-High Court is directed to issue posting orders to all the petitioners pertaining to 1998-2000 batches and also of the eight petitioners aforementioned in respect of 2001 batch, within a period of three months from today. However, it is directed that the petitioners relating to 1998-2000 batches shall not be entitled to salaries for the period they remained out of job until the date of their reinstatement, but the said period shall be counted as the period spent on duties for the purpose of determining qualifying service for pension and other purposes, including grant of increments etc. Non-performance of duties for the said period shall not be treated as a break in service.

(53) Before we part with the judgment, we would, however, like to observe that the investigation is, undoubtedly, yet to be completed in the aforementioned FIR and for the reasons best known to the State, the investigation could not be completed for the last six years. In such like circumstances, it is abundantly clear that in case investigation remains pending for such a period, the faith and confidence of the people would be shaken not only in law enforcing agency but also in the administration of justice. During the course of hearing, learned

counsel for the State has not been able to assign any reason as to why the investigation could not be completed till today. To our mind, a sword of Damocles is not to be hanged on the head of the candidates of 2001 batch for all times to come. The investigating Agency was bound to complete its investigation, within a reasonable period. The investigation is required to be completed without delay and that is why, it has been provided under section 173 of the Code of Criminal Procedure that every investigation under this Chapter shall be completed without unnecessary delay. No explanation could be submitted by the learned State counsel for delay and laches in conducting the investigation against the petitioners after the registration of the case. It is now well settled that Article 21 of the Constitution of India would include within its wide scope the renowned right to speedy trial which, indeed, is a basic human right. Undoubtedly, an expeditious trial is the very sole essence of criminal justice. In **Hussainara Khatton versus State of Bihar (5)**, with regard to delay in the context of undertrial, Bhagwati J., as his Lordship then was, categorically observed as follows :—

“Even a delay of one year in the commencement of the trial is bad enough ; how much worse could it be when the delay is as long as 3 or 5 or 7 or even 10 years. Speedy trial is of the essence of criminal justice and there can be no doubt that delay in trial by itself constitutes denial of justice. It is speedy trial by itself constitutes denial of justice. It is speedy trial which is one of the constitutionally guaranteed rights. The Sixth Amendment to the Constitution provides that :

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial.”

(54) That apart, it is the duty of this court to see that the persons accused of crime are not indefinitely harassed and the limits must be placed on the lengths of the Investigating Agency. In the instant case it appears that the investigation is not on the slow pace but it is stand

still. There has to be a limit to the period for which criminal proceedings against a person are allowed to go on at the initial stage. The constitutional right to speedy trial of a fair, just and reasonable procedure now recognized under Article 21 of the Constitution stands plainly violated in this case. The pendency of the investigation for the last six years is itself a regrettable feature and the passing of a direction for completing investigation without any further delay would meet the ends of justice. The respondent-State is directed to complete the investigation of this case at the earliest, preferably within a period of six months from today.

(55) The observations made here-in-above shall have no bearing on the final outcome of the writ petitions pending before this Court concerning the officers of the Punjab Civil Services (Executive Branch) and the trial of Ravinderpal Singh Sidhu and others pending before the trial Court.

**R.N.R.**

***Before Hemant Gupta and Mohinder Pal, JJ.***

**GURPREET SINGH BHULLAR,—Petitioners**

*versus*

**STATE OF PUNJAB AND OTHERS,—Respondents**

C.W.P. No. 12206 of 2005

10th April, 2008

***Constitution of India, 1950—Art. 226—Punjab Police Service Rules, 1959—Rl. 10—Recruitment to Deputy Superintendent of Police from two sources—Dispute in respect of fixation of seniority between direct recruit and promotee D.S.Ps—Quota of 80:20 of promotees and direct recruit prescribed—Rule of seniority—By rotation of vacancies—Quota rule not adhered to either at time of recruitment or at time of confirmation—Neither recruitment nor confirmation as per vacancies available—Determination of seniority by breaking down rotational rule—Seniors ignored for appointment to I.P.S.—Petitions allowed while issuing certain directions to State in finalization of seniority list.***