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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 5579/2023**

RINKU

.....Petitioner

versus

UNION OF INDIA & ANR.

.....Respondents

with:

W.P.(C) 16451/2023, W.P.(C) 6197/2023, W.P.(C) 6223/2023,
W.P.(C) 7091/2023, W.P.(C) 7347/2023, W.P.(C) 7734/2023,
W.P.(C) 7779/2023, W.P.(C) 7780/2023, W.P.(C) 7960/2023,
W.P.(C) 8242/2023, W.P.(C) 11049/2023, W.P.(C) 11954/2023

For Petitioners:

Mr. Ravi Prakash Mishra, Sr. Advocate with Mr. Ankur Chhibber, Mr. Mukesh Kumar, Mr. Anurag Pandey, Mr. Srikant Singh, Mr. Srajan S. Kulshrestha, Advocates in Item Nos. 68, 70, 72, 74 and 75.

Mr. Nitin K. Gupta, Ms. Ayushi Arya, Mr. Prasoon Kumar, Ms. Samridhi Tiwari and Mr. Punit Singla, Advocates in Item Nos. 69, 77 and 78.

For Respondents:

Mr. Om Prakash, SC, FCI with Mr. Rajeev R. Pathak and Ms. Samridhi Prakash, Advocates for FCI.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.07.2026

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1. This batch of writ petitions concerns the disqualification of the



Petitioners from the recruitment process conducted by the Food Corporation of India¹ for appointment to the post of Assistant Grade-III (Depot/General). The Petitioners' candidature was cancelled on the allegation that they had resorted to unfair means/malpractices during the Phase-II examination conducted in 2019 by the recruiting agency, Institute of Banking Personnel Selection.²

2. The Petitioners had successfully qualified the Phase-I examination and were thereafter permitted to appear in the Phase-II examination. Following a series of proceedings, culminating in the judgment dated 19th January, 2023 passed by this Court in LPA 737/2022 and connected matters, FCI issued separate show-cause notices dated 7th February, 2023 to the Petitioners alleging that, as per the report furnished by IBPS, they had employed unfair means/malpractices during the Phase-II examination. The Petitioners submitted their respective replies to the show-cause notices. Upon consideration thereof, FCI passed separate orders dated 27th March, 2023 rejecting the candidature of each of the Petitioners.

3. The impugned orders record that the allegations of use of unfair means/malpractices stood established on the basis of the report submitted by IBPS, which relied upon uncontroverted evidence derived through a scientific methodology adopted by it. Proceeding on the basis of the said report, FCI concluded that the Petitioners had resorted to unfair means and, consequently, rejected their candidature.

4. Since the nature of the allegations, the material relied upon, and the methodology adopted by IBPS are substantially identical in all the

¹ FCI

² IBPS



connected matters, reference is made to the facts in W.P.(C.) 5579/2023, the lead matter, for the sake of convenience.

5. A perusal of the show-cause notice issued to the Petitioner in the lead matter reveals that the allegation of use of unfair means is founded primarily upon an analytical report prepared by IBPS. The report compares the Petitioner's response pattern with those of seven identified candidates across different components of the Phase-II examination. For instance, in respect of the English Language and Computer Proficiency section, comprising sixty questions (20 + 40), it is alleged that thirty-eight responses were identical, of which thirty-three were common correct answers and the remaining five were identical incorrect answers shared by the Petitioner and another candidate. The report further alleges complete matching of responses in the Reasoning Test in several instances. The show-cause notice also relies upon an analysis of the Petitioner's rough sheet, recording that certain questions involving mathematical calculations or pictorial representation had been answered without any corresponding rough work. On the basis of the aforesaid material, FCI concluded that the Petitioner had resorted to unfair means during the examination.

6. Similar show-cause notices have been issued to the Petitioners in the connected matters, founded on substantially identical allegations and analytical reports. Upon examining the material placed on record across the batch, this Court posed certain queries to Mr. Om Prakash, SC for FCI, with regard to the methodology adopted by IBPS and the basis on which the allegations of malpractice had been arrived at. In response, he submitted that he would require time to obtain appropriate instructions from FCI, as well as assistance from the expert agency, to adequately address the queries raised



by the Court.

7. Accordingly, FCI is directed to file an additional affidavit addressing the following aspects:

- i. Whether the identified candidates whose roll numbers find mention in the impugned show-cause notices, and whose response patterns have been relied upon for comparison with those of the Petitioners, have also been disqualified/debarred by FCI in each of the writ petitions.
- ii. Whether the Petitioners and the identified candidates, whose responses have been compared in the respective show-cause notices, appeared for the relevant examination in the same session (morning/afternoon) and at the same centre.
- iii. FCI shall explain the basis on which the comparative analysis has been undertaken. By way of illustration, in relation to Test-II (English Language and Computer Proficiency), the show-cause notice in W.P.(C.) 5579/2023 records that thirty-eight out of sixty responses matched, including five identical incorrect answers. However, the treatment accorded to the remaining responses is not discernible from the material placed on record. *Prima facie*, the non-matching responses may also constitute a relevant factor while assessing whether the response pattern is consistent with the allegation of adoption of unfair means. FCI shall, therefore, clarify whether such non-matching responses were taken into account while applying the analytical model adopted by IBPS, and, if so, the manner in which they were factored into the conclusion that the Petitioners had resorted to unfair means.
- iv. FCI shall further state whether, apart from the comparative analysis of the Petitioners' response patterns, it possesses any other contemporaneous



material in support of the allegations, including CCTV footage of the examination centres, reports of the invigilators, the seating arrangement of the Petitioners and the identified candidates, or any other material capable of assisting the Court in determining whether the Petitioners had, in fact, resorted to unfair means. If any such material exists, the same shall be placed on record along with the affidavit.

v. FCI shall also disclose the number of vacancies presently available for the post of Assistant Grade-III (Depot/General).

8. FCI has also placed on record a document titled "*Detection of Use of Unfair Means/Malpractices in Objective Tests*", issued by IBPS for online examinations and annexed as Annexure C-1 to its counter-affidavit in the lead matter. While the said document broadly sets out the methodology adopted by IBPS for detection of malpractice, the Court requires further clarification as to the manner in which the said methodology was specifically applied in the facts of the present cases. Accordingly, FCI shall ensure the presence, on the next date of hearing, of an appropriate technical expert associated with the preparation of the analytical reports relied upon in the impugned orders, so as to assist the Court on the aforesaid aspects.

9. Re-notify on 10th August, 2026.

SANJEEV NARULA, J

JULY 8, 2026/hc