

RAJASTHAN HIGH COURT

सत्यमेव जयते

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 13434/2022
CNR: RJHC020727542022 | URN: CW / 26792U / 2022

Ankit Kumar Chaudhary S/o Chhidda Singh, Aged About 24
Years, R/o Mangal Vihar Colony, Saipau Road, Dholpur (Raj.)

-----Petitioner

Versus

1. The State Of Rajasthan, Through Its Home Secretary,
Secretariat, Rajasthan, Jaipur.
2. The Director General Of Police, Police Headquarter,
Rajasthan, Jaipur.
3. Rajasthan Public Service Commission, Through Its
Secretary, Ajmer.
4. Deputy Secretary, Rajasthan Public Service Commission,
Jaipur Road, Ajmer (Raj.)

-----Respondents

For Petitioner(s)	:	Ms. Pratyushi Mehta
For Respondent(s)	:	Mr. Somitra Chaturvedi, DyGC with Mr. Munendra Singh Fauzdar

HON'BLE MR. JUSTICE GANESH RAM MEENA

Order

03/09/2026

1. This writ petition has been filed by the petitioner with a challenge to the letter dated 01.06.2022 issued by the Rajasthan Public Service Commission, Ajmer (for short 'the Commission') whereby the petition has been debarred from appearing in the Competitive Exams conducted by the Commission.
2. Learned counsel for the petitioner submits that the allegation against the petitioner is that he submitted two different application forms for appearing in the Police Inspector Joint Competitive Examination, 2021 and appeared on two separate

dates at two separate centers, which is a misconduct and an act of using unfair means. She further submits that the petitioner was issued a Show Cause Notice dated 17.01.2022 without even disclosing under which provision the respondents are taking action against petitioner. She also submits that in the Show Cause Notice, the respondents have not disclosed the proposal for debarring the petitioner.

3. Learned counsel for the petitioner further submits that Section 11 of the the Rajasthan Public Examinations (Measures for Prevention of Unfair Means in Recruitment Act, 2022), (for short 'the Act of 2022) provides for debarring of an examinee from taking any public examination up to a maximum period of two years, but in the present case, the petitioner has been debarred for five years. Hence, the action of respondents is contrary to the provisions of the Act of 2022.

4. Learned counsel for the respondent-RPSC submits that the petitioner has been debarred from appearing in the competitive exams being conducted by the RPSC in view of the resolution of the Full Commission. He further submits that the petitioner has used unfair means in taking undue advantage and such act of the petitioner is misconduct and for that his debarment is justified.

5. Considered the submissions made by the counsels for the respective parties and also perused the material made available on record.

6. The allegation against the petitioner is that he used unfair means for seeking undue advantage in the recruitment to the post of Police Sub-Inspector through the competitive examination of 2021 by appearing at two places by submitting two separate

application forms and thereafter appearing at two separate places on separate dates.

7. The Act of 2022 has been promulgated to provide for effective measures to prevent and curb the offenses of leakage of question papers and use of unfair means at a public examination for the purpose of recruitment to any post under the State Government, including the autonomous bodies, semi-authorities, board/corporation.

8. Section 2(f) of the Act of 2022 provides for definition of unfair means, which is quoted as under;-

"(f) unfair means? Includes,-

(I) in relation to an examinee, to take unauthorized help in public examination from any person or group directly or indirectly or from any material written, recorded, copied or printed, in any form whatsoever, or use of any unauthorized electronic or mechanical instrument or gadget;

(ii) in relation to any person,-

I. to impersonate or leak or attempt to leak or conspire to leak question paper; or

II. to procure or attempt to procure or possess or attempt to possess question paper in unauthorized manner; or

III. to solve or attempt to solve or seek assistance to solve question paper in unauthorized manner; and

IV. directly or indirectly assist the examinee in the public examination in unauthorized manner.

Explanation.- Any person also includes an examinee; and (g) the words and expressions used herein and not defined, but defined in the Indian Penal Code, 1860 (Central Act No. 45 of 1860), shall have the same meanings respectively assigned to them in that code."

9. Section 10 of the Act of 2022 provides for penalties in case of any examinee indulge in unfair means and Section 11 of the Act provides for debarment of an examinee for an actual period of two years.

10. One of the submission of the counsel for the petitioner is that the respondents have not given out that under which provision the impugned action has been taken against the petitioner and the impugned order has been passed.

11. Learned counsel appearing for the respondents submits that action has been taken against the petitioner in view of Full Commission Resolution.

Once a statutory Act has been promulgated by law making authority as regards action for using unfair means or any conduct of examinee than action has to be taken under the provisions of that Act i.e. Act of 2022

12. As per the submission of the counsel for the petitioner that the respondents have not disclosed the proposal of penalty of debarment in the Show Cause Notice, this Court is of the view that the respondents while issuing the Show Cause Notice, clearly stated the gist of allegations against the petitioner and also stated that the action would be taken against the petitioner in accordance with law. Taking action in accordance with law clearly speaks and includes of the penalties and action, which are provided under the Rules.

13. Hon'ble Apex Court in case of ***Gorkha Security Services Vs Government (NCT of Delhi) & Ors., reported (2014) 9 SC Cases 105***, as cited by the learned counsel for the petitioner has observed that, if it is not mentioned specifically in the notice but from the reading of the Show Cause Notice, it can be clearly inferred that such an action was proposed that would fulfill the requirement.

14. In the Show Cause Notice issued to the petitioner, the respondents have proposed the action against the petitioner in accordance with the Rule and the same, in opinion of this Court, is sufficient.

15. Section 11 of the Act of 2022 provides for debarment of the examinee, using unfair means up to a maximum period of two years, but in the present case the petitioner is debarred from the public examination to be conducted by the RPSC for a period of five years.

16. In opinion of this Court, the interim order of the respondents debarring the petitioner from appearing in the public examination beyond the period of two years is contrary to the law and deserves to be interfered.

17. In view of the above, the present writ petition is allowed and the action of the respondents in debarring the petitioner for appearing in the public examination conducted by the Rajasthan Public Service Commission for more than two years is set aside and the debarment of the petitioner for the period of two years from date of issuance of the order is held to be justified.

18. Stay application as well as pending application, if any, stands disposed of.

(GANESH RAM MEENA),J