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GOVERNMENT RECRUITMENT EXAMINATION IRREGULARITIES AND CONSTITUTIONAL REMEDIES

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ABSTRACT

Competitive examinations are the principal gateway to public employment in India, and public service is the most prominent setting where the constitutional ideal of equal opportunity is tested. In recent years, various instances of misconduct have undermined the integrity of these exams, ranging from paper leaks and impersonation to tampered answer sheets and insider collusion, from the TNPSC Group 4 scam in Tamil Nadu, the cancellation of the Rajasthan Sub-Inspector recruitment in 2021, and controversies surrounding the NEET-UG exams in 2024 and 2026.This paper explores the constitutional basis for fair recruitment, categorizes the types of irregularities, examines the Supreme Court's evolving doctrine regarding the cancellation of tainted selections, and analyses the remedies available under Articles 32, 226, 136, and 142 of the Constitution. It also considers the statutory response under the Public Examinations (Prevention of Unfair Means) Act, 2024, and the rights of innocent candidates. The paper contends that Indian law has established a principled but stringent standard for cancellation, requiring proof of systemic taint. However, the real constitutional failure lies not in the legal doctrine itself but in delayed action, weak institutional accountability, and the lack of compensation for honest candidates. The paper concludes with a proposed framework for remedial measures.

Keywords: Public recruitment; Competitive Examinations; Public Employment; paper leak; judicial review; tainted and untainted candidates; Public Examinations Act, 2024.

INTRODUCTION

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A public service examination is not just a government procedure for selecting candidates for public jobs. It is the process through which the State provides limited government job opportunities to millions of candidates, giving everyone a fair chance to succeed through their hardwork, ability and merit, not on the basis of money, influence or personal connections. When this process is compromised, the consequences go beyond those who are unfairly disadvantaged. It reduces public confidence in the government when people are selected unfairly for government jobs. It also weakens the belief that success should depend on talent and hard work rather than money, influence or favouritism.

The scale of the problem is now difficult to dismiss as episodic. In January 2025, legal representatives informed the Supreme Court that question paper leaks had become common,[2]and in April 2025, the Court itself noted that nearly every examination in the country was facing challenges, a pattern it urged to be stopped.[3] In May 2026, the National Testing Agency had to cancel the NEET-UG exam, which was taken by about 22 lakh candidates, just days after the investigators found that a widely circulated guess paper closely matched the actual test questions.[4] At the same time, the Supreme Court decided not to intervene in the cancellation of the Rajasthan Sub-Inspector recruitment that was announced in 2021.[5]

These events raise a constitutional issue with two important aspects. The first concerns the substantive remedy: what rights do candidates and the public have when a recruitment process is vitiated? The second aspect is a practical concern how far courts should go in cancelling an examination or recruitment process, because doing so may affect honest candidates, delay government appointments and waste years of their hard work and preparation. This paper explores the current legal responses in India. Enhance the clarity of your paragraphs by rewriting them using a powerful free paragraph rewriter. Revise an existing passage to make it sound more natural and human-like.

CONSTITUTIONAL FOUNDATIONS OF FAIR PUBLIC RECRUITMENT

[2]BPSC Paper Leak: SC Declines to Entertain Plea Against BPSC Exam, ETV Bharat (Jan. 7, 2025).
[3]Supreme Court Rejects Plea to Cancel BPSC Mains Exam, Patrika (Apr. 23, 2025).
[4]NEET-UG 2026 Cancelled Amid Paper Leak Allegations; Probe Handed Over to CBI, Onmanorama (May 12, 2026).
[5]Rajasthan SI Recruitment Row: No Relief for Selected Candidates as SC Upholds Cancellation, IANS (May 4, 2026).

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1. Equality and equality of opportunity. The constitutional anchor is Article 16(1), which ensures equal opportunity for employment or appointment to any position under the State. This is supported by the general equality principle in Article 14. Together, these articles demand that the selection process be fair, transparent, and applied equally to everyone. A leaked document undermines this principle from the start, as it gives certain candidates an unfair advantage that is not based on merit and that others cannot achieve through their efforts. In Indian legal terms, arbitrariness means the lack of a reasonable and fair process, and a flawed examination is the clearest example of this.

2. Independence of the selecting body. Part XIV, Chapter II (Articles 315 to 323), which establishes the Union and State Public Service Commissions and grants them a constitutional status.This ensures that the process of recruitment is protected from the influence of the executive branch.Article 320 outlines that the Commissions are responsible for conducting examinations for appointments to various services, while Article 309 allows the legislature or executive to create rules for recruitment.The structure of the system is based on the assumption that the Commissions are free from corruption.However, this assumption was challenged in the Rajasthan Sub-Inspector Recruitment 2021 Paper Leak Case.In that case, a single judge found that members of the Rajasthan Public Service Commission were themselves involved in corrupt practices, leading the court to conclude that the recruitment process could not be saved.[6]

3. Article 21 and the candidate's interest. The Supreme Court has consistently treated education and livelihood as essential components of a dignified life. While there is no fundamental right to appointment, a candidate does have a right that can be enforced to ensure fair consideration. In Tej Prakash Pathak v. Rajasthan High Court, a Constitution Bench confirmed that a chosen candidate does not have an unconditional right to appointment, even if there are available positions. However, the Bench stressed that the appointment process should be open and not based on random or unfair decisions. [7]This difference is significant because the law protects the process more than it guarantees specific results.

[6] Rajasthan Paper Leak: HC Cancels 2021 Sub-Inspector Recruitment Exam, The Mooknayak (Aug. 28, 2025); Press Trust of India, Rajasthan HC Cancels 2021 Police Recruitment Exam, The Week (Aug. 28, 2025).
[7] Tej Prakash Pathak v. Rajasthan High Court, 2024 INSC 847 (India) (Constitution Bench, Nov. 7, 2024).

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4. **Early judicial recognition.**The primary authority on cancelling a vitiated examination is Bihar School Examination Board v. Subhas Chandra Sinha, where the Supreme Court upheld the Board's decision to cancel an examination due to widespread copying and held that individual hearings were not necessary when the entire examination was compromised.[8] In Ashok Kumar Yadav v. State of Haryana, the Court, addressing the Haryana Public Service Commission, emphasized that a Commission must be, and be perceived as, free from suspicion.[9] These two principles that mass vitiation justifies collective action without individual hearings, and that selection bodies have a duty to maintain institutional integrity form the basis of every subsequent decision discussed below.

THE ANATOMY OF RECRUITMENT IRREGULARITIES

Recruitment irregularities are not a single issue, and the legal actions taken depend on the type of misconduct involved. Reported cases can be broadly categorized into five groups.

(a) Pre-examination leakage.

Question papers sometimes leave the printing press, the secure storage area, or the exam center and are sold to test-takers. The 2021 Rajasthan Sub-Inspector recruitment, which had 859 positions, is a well-documented case of such an incident. The State's Special Operations Group discovered that the exam paper was leaked in Jaipur and sold to candidates at high prices, leading to the arrest of more than fifty trainee sub-inspectors.[10] Similarly, the Uttarakhand Subordinate Services Selection Commission had to cancel its graduate-level exam on September 21, 2025, which was being taken by over a hundred thousand candidates for 416 posts, after it was reported that pages of the exam paper had been leaked from a center in Haridwar. The state government then recommended a probe by the Central Bureau of Investigation.[11]

(b) Impersonation and solver gangs.

[8]Bihar Sch. Exam'n Bd. v. Subhas Chandra Sinha, (1970) 1 SCC 648 (India).
[9]Ashok Kumar Yadav And Ors. Etc. Etc vs State Of Haryana And Ors. 1987 AIR 454
[10]Rajasthan HC Cancels Sub-Inspector Recruitment 2021 Exam over Paper Leak Scandal, Careers360 (Aug. 28, 2025); Press Trust of India, supra note 5.
[11]Press Trust of India, UKSSSC Paper Leak: Uttarakhand Government Cancels Graduate-Level Examination; to Be Held Within 3 Months, Careers360 (Oct. 11, 2025).

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Here the candidate does not write his or her own paper. In the Delhi Subordinate Services Selection Board, the Supreme Court observed a pattern of impersonation, with candidates seated in a sequence due to the absence of randomisation, and an unusual concentration of candidates from a single area of Delhi.[12] The Rajasthan High Court similarly found that a large number of fake candidates had been inserted into the 2021 examination.

(c) Tampering with answer sheets.

The Tamil Nadu Group 4 case is the paradigm. The TNPSC exam held on 1 September 2019, for 9,398 positions, attracted over thirteen lakh candidates.When the rank list showed an unusual number of top ranks from two centres, Rameswaram and Keelakarai, the Commission discovered that 99 candidates, acting on the guidance of agents, had selected those centres and had first filled their OMR sheets with ink that faded, after which the sheets were supposedly altered during transit with the help of TNPSC staff.[13] The Commission banned these 99 candidates for life, and the CB-CID arrested several staff members, including a record clerk, a typist, and a parcel van driver, and launched a separate inquiry into the 2017 Group 2A examination.[14]

(d) Institutional failure and insider collusion.

In many cases, the individuals enabling fraud are within the system: a Commission member, a printing press employee, a translator, or an invigilator. The 2026 NEET-UG investigation reportedly resulted in the arrests of individuals involved in the examination process, including a school headmistress who was allegedly working as a physics translator, and officials from the testing agency.[15]

(e) Procedural manipulation and administrative failure.

Not every irregularity is criminal. Altering eligibility criteria or cut-offs during the process, delaying the examination for several years after the advertisement, and changes such as

[12]Sachin Kumar v. Delhi Subordinate Servs. Selection Bd., (2021) 4 SCC 631 (India); Supreme Court Upholds Cancellation of DSSSB Head Clerk Selection Process in Light of "Systematic Irregularities," SCC Online Blog.
[13]TNPSC Confirms Malpractices in Exams, 39 Top Rank Holders Engaged Brokers, The News Minute (Jan. 2020); Explained: The Allegations Against TNPSC Group 4 Exams in Tamil Nadu, The News Minute (Jan. 2020).
[14]CB-CID to Probe 2017 Group 2A Exam, DT Next (2020).
[15]SC Refuses to Accept Plea to Conduct NEET-UG Retest in CBT Mode, Deccan Chronicle (June 2026).

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restricting admit cards to electronic mode can all affect fairness. In the DSSSB case, the Court considered several of these as contributing factors.

This classification is important because the Supreme Court's approach to remedies, which is discussed next, depends on whether the issue is isolated and can be separated, or systemic and deeply embedded. Leaks that affect a small number of identifiable candidates require a different response than leaks that spread across an entire state or involve the selecting authority itself.

THE JUDICIAL TEST FOR CANCELLING A TAINTED SELECTION

The classical position. Before 2021, the law could be summarized through a few key principles derived from the cases of Subhas Chandra Sinha, Inderpreet Singh Kahlon v.State of Punjab and Union of India v.Rajesh P.U.In the case of Inderpreet Singh Kahlon, the Court overturned appointments that were made through a process where selection was improperly influenced by those involved, and ruled that appointments obtained through fraudulent means cannot be justified simply because time has passed.[16]In the case of Rajesh P.U., which concerned a selection process for a postal service where the documents were tampered with, the Court stated that if the entire selection process is compromised and it is not possible to distinguish between those who were affected and those who were not, the whole process may be invalidated.However, if it is possible to separate the affected from the unaffected, then those who were not involved should not be penalized.[17]

Sachin Kumar v. DSSSB (2021). The Delhi Subordinate Services Selection Board cancelled a recruitment for 231 Head Clerk posts following complaints about impersonation, lack of randomized seating arrangements, and a concentration of candidates from a single area. Both the Central Administrative Tribunal and the High Court considered cancellation as a last resort and questioned whether the affected candidates could be separated. However, the Supreme Court overturned this decision and upheld the cancellation. The court emphasized that the key issue was not whether each affected candidate could be identified, but whether there was sufficient evidence of malpractice. It also stressed that recruitment for public

[16]Inderpreet Singh Kahlon v. State of Punjab, (2006) 11 SCC 356 (India).
[17]Union of India v. Rajesh P.U., (2003) 7 SCC 285 (India).

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services must maintain public trust.[18] Additionally, the court outlined a range of possible responses, with cancellation being one extreme and segregation being the other, depending on the nature of the evidence.

State of West Bengal v.Baishakhi Bhattacharyya (Chatterjee) (2025). This is the most significant recent ruling on this matter.The Supreme Court affirmed the decision of the Calcutta High Court from 22 April 2024, which invalidated the entire West Bengal School Service Commission recruitment for Groups C and D staff and assistant teachers conducted in 2016.This recruitment involved over 25,000 appointments.[19]The Court found the process to be seriously compromised by systematic fraud, including alterations to OMR sheets and attempts to conceal the misconduct, and concluded that cancellation was necessary.Referring to previous cases like DSSSB, Inderpreet Singh Kahlon and State of Tamil Nadu v.A.Kalaimani, where cancellation was upheld following tampering of OMR sheets in Tamil Nadu, the Supreme Court outlined a framework based on four principles:[20]

1. Cancellation of an entire recruitment process should be considered only as a last resort.If it is possible to identify and exclude those who were affected by the fraud, this should be done rather than cancelling the entire process.

2. When the fraud is extensive and the integrity of the process is completely undermined, the need to protect the purity of the process takes precedence over the inconvenience to those who were not involved in the fraud.

3. When the evidence clearly shows a large-scale illegal activity that cannot be corrected, there is no need to provide individual notice and a hearing for each candidate.

4. The decision to cancel should be made in good faith and in the public interest, based on the facts that were available to the authority at the time.

The Court also provided a remedy for the impact on affected individuals.Candidates who were found to be involved in the fraud had to return the salaries they received along with

[18]Sachin Kumar, (2021) 4 SCC 631; see supra note 11.
[19]State of W.B. v. Baishakhi Bhattacharyya (Chatterjee), 2025 INSC 437 (India) (Apr. 3, 2025) (affirming Calcutta High Court judgment of Apr. 22, 2024).
[20] State of Tamil Nadu v. A. Kalaimani (India) 2019 INSC 884

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interest at 12 per cent per annum.However, those who were not involved in the fraud, although their appointments were cancelled, did not have to refund their salaries.Furthermore, those who had previously held government posts were allowed to return to their previous roles with preserved seniority but without receiving salary for the time between their last appointment and the new one.[21]

Where the threshold is not met: NEET-UG 2024 and BPSC 2025.

The same framework guided the Court's decision not to cancel the recruitment processes.In Vanshika Yadav v.Union of India, decided on 23 July 2024, the Court refused to order a re-test for the NEET-UG 2024 examination, which was held on 5 May for approximately 24 lakh candidates.During the hearing, the Chief Justice emphasized that cancellation should be considered only as a last resort in extreme situations.The Court requested the agency to determine when the leak occurred, how long before the exam, and whether data analysis could effectively distinguish between affected and unaffected candidates.[22]The Court found no evidence of a systemic breach, with the CBI reporting that the leak was limited to a few centers and a small group, with about 155 direct beneficiaries, and no evidence of widespread distribution before the exam.In April 2025, the Court dismissed challenges to the BPSC's 70th Combined Competitive Examination.[23]Justice Manmohan noted that even if a leak were assumed, it occurred after most candidates had already arrived at the examination centers, which did not indicate a large-scale conspiracy.Therefore, the entire process could not be cancelled based solely on allegations.[24]

This contrast illustrates an important distinction.The Rajasthan SI and WBSSC cases involved fraud that reached the selection body and affected a wide range of individuals, leading to the process failing.However, in NEET 2024 and BPSC, the allegations, based on available evidence, were limited in scope, so the Court decided not to penalize the majority for the errors of a few.The doctrine is therefore based on the evidence rather than the

[21]Baishakhi Bhattacharyya, 2025 INSC 437 (refund with 12% interest; treatment of untainted candidates); see supra note 18; SSC Judgment Synopsis, Patra's Law Chambers.
[22]NEET Paper Leak Row: "Re-exam Last Resort, Can't Dispute Paper Leak," Indian SC Hounds NTA, WION (July 8, 2024).
[23]Vanshika Yadav v. Union of India (India Sup. Ct. July 23, 2024); 2024 NEET Controversy, Wikipedia.
[24]Court Rejects Plea to Cancel BPSC Mains Exam, supra note 2.

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outcome, and the practical effect is that it places significant emphasis on thorough forensic investigations.

CONSTITUTIONAL FORUMS AND THE SCOPE OF JUDICIAL REVIEW

Article 226 as the primary forum. Challenges related to recruitment irregularities are typically brought before constitutional courts through writ petitions. The High Courts, under Article 226 of the Constitution, have the authority to cancel a selection process, order an investigation, stop appointments, or require new examinations. The Supreme Court has made it clear that it will not generally act as the first court to hear such disputes. On 7 January 2025, a bench that included Justices Sanjay Kumar and K.V. Viswanathan refused to consider a petition against the BPSC preliminary examination and instructed the petitioners to approach the Patna High Court under Article 226.[25]This is considered proper constitutional practice. High Courts are more suited to examine factual evidence, request records, and ensure that all affected candidates are given a chance to present their case.

Article 32 allows direct access to the Supreme Court when a fundamental right is involved on a national level, as seen in cases involving NEET-UG. In 2024 and again in 2026, petitions under Article 32 were filed seeking the cancellation of exams, a court-supervised probe, and replacement of the National Testing Agency. The Court's openness to such petitions, however, is balanced by its desire to avoid disrupting examination schedules, reflecting a cautious approach.[26]

Article 136 and Article 142. Appeals to the Supreme Court come through special leave under Article 136, as seen in cases like DSSSB, WBSSC, and Rajasthan SI. Article 142, which empowers the Court to do complete justice, has been used to issue equitable directions, such as age relaxation for clean candidates and a salary refund scheme in the case of Baishakhi Bhattacharyya. The Rajasthan SI case also demonstrates the Court's use of supervisory timelines: in January 2026, the Supreme Court directed the Rajasthan High Court's division bench to resolve pending appeals by 31 March 2026.In a special sitting on 3 April 2026, it

[25]BPSC Paper Leak, supra note 1.

[26]"Sanctity of NEET-UG 2024 Has Been Affected, We Need Answers": Supreme Court Seeks NTA's Response on Plea to Cancel Exam over Alleged Paper Leak, LiveLaw (June 11, 2024); SC Rejects Urgent Hearing on Pleas Related to NEET-UG 2026, ETV Bharat (June 19, 2026).

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altered an interim order that had allowed some candidates to take part in the 2025 recruitment.[27]

Evidentiary threshold. Constitutional courts do not cancel an examination based on mere allegations. In the BPSC case, the Supreme Court refused to halt the process solely on the basis of allegations, and in NEET-UG 2024, it required proof of when the leak happened and how widespread it was before considering cancellation as appropriate. The key takeaway for petitioners is that a writ seeking cancellation must be backed by evidence indicating a systemic issue, and courts are justified in asking for an investigation if the question is whether the examination was conducted fairly.

Investigation. Since proof of systemic issues is crucial for granting relief, the selection of an investigator is important.Courts have directed or supported the transfer of investigations to central agencies when the state machinery is doubted or the offense involves multiple states.In the cases of NEET-UG 2024 and 2026, the investigations were handed over to the CBI, and the Uttarakhand government itself recommended a CBI probe following the 2025 leak.The Public Examinations Act, 2024 now offers a legal basis for such transfers, as explained further below.

THE RULES OF THE GAME AND THE LIMITS OF EXECUTIVE DISCRETION

Not all constitutional challenges related to recruitment involve fraud. A significant number of cases deal with whether the State can modify eligibility criteria, cut-off scores, or selection methods once the process has started. These changes can be used to benefit certain candidates and have been considered by the Supreme Court as a form of arbitrariness.

In the case of K. Manjusree v. State of Andhra Pradesh, the Court ruled that introducing a minimum marks requirement for interviews after the selection process had already begun was not permissible, as it altered the terms of the process midway.[28] This issue was later referred to a Constitution Bench in Tej Prakash Pathak v. Rajasthan High Court, which arose from a

[27]Supreme Court Holds Good Friday Sitting to Modify Order on Rajasthan SI Selection Exam, LiveLaw (Apr. 3, 2026).

[28]K. Manjusree v. State of Andhra Pradesh, (2008) 3 SCC 512 (India).

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recruitment process for translator positions where a 75 per cent cut-off was imposed after the examination had taken place. On 7 November 2024, the Bench decided that the recruitment process for public service cannot be changed once it has started, unless the relevant rules explicitly allow such a change and it meets the non-arbitrariness test under Article 14.The Bench also clarified that the process begins with the advertisement and ends with the filling of the advertised posts.[29]

This principle was applied in 2025 in Parimal Kumar v. State of Jharkhand, where the Court overturned a High Court decision that permitted candidates with CTET and STET qualifications from other States to participate in an ongoing teacher recruitment. The Court observed that the State's amendment to its recruitment rules, introduced after the advertisement, constituted changing the rules of the game after the game had started.[30]
This legal line of reasoning supports the cancellation doctrine. When the irregularity involves a change in rules rather than a leak, the usual remedy is to restore the original criteria, not to cancel the entire process. This distinction helps courts choose appropriate and proportionate remedies: a procedural error can often be corrected, whereas fraud that affects the entire selection process may not be fixable in the same way.

THE STATUTORY RESPONSE: THE PUBLIC EXAMINATIONS (PREVENTION OF UNFAIR MEANS) ACT, 2024

Background:

Before 2024, India did not have a unified central law addressing malpractice in examinations. Cases were handled using general provisions of the penal code and state laws, such as the Rajasthan Public Examination (Measures for Prevention of Unfair Means in Recruitment) Act, 2022.The Public Examinations (Prevention of Unfair Means) Bill, 2024 was introduced in the Lok Sabha on 5 February 2024, passed by both houses in the same month, and came

[29]Tej Prakash Pathak & Others v. Rajasthan High Court and Others (2024 INSC 847)
[30]Parimal Kumar v. State of Jharkhand, 2025 INSC 134 (India)

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into effect on 21 June 2024, with related rules issued shortly after.[31] The timing of this legislation is significant, as the Act was enacted shortly after controversies surrounding the NEET-UG 2024 and UGC-NET examinations.

Scope and Offences:

The Act applies to examinations organized by the Union Public Service Commission, the Staff Selection Commission, Railway Recruitment Boards, the Institute of Banking Personnel Selection, the National Testing Agency, central ministries and departments, and other bodies listed in the Act's schedule or notified by the central government. Section 3 outlines various unfair practices, such as leaking examination questions or answer keys, providing unauthorized assistance to candidates during exams, altering answer sheets or computer systems, and creating fake websites or conducting fraudulent examinations for financial gain.

Punishment:

Under Section 10, engaging in unfair practices or committing the listed offenses may result in imprisonment for a period of three to five years and a fine of up to Rs 10 lakh. A serviceprovider found involved could face a fine of up to Rs 1 crore, be required to cover a proportional share of the examination costs, and be barred from conducting public examinations for four years. If a director or senior manager of the service provider is found to have been complicit, they could face imprisonment for three to ten years along with a fine of Rs 1 crore. Organized crime, defined as an illegal act carried out by an individual or group to achieve a shared goal for wrongful gain in relation to public examinations, may result in a sentence of five to ten years of imprisonment and a fine of at least Rs 1 crore. Additionally, the property of an institution found guilty of organized crime may be confiscated.[32]

Candidates:

It is important to note that the Act does not impose its stricter penalties on candidates who simply appear for exams; they remain subject to the policies of the examination authorities

[31]The Public Examinations (Prevention of Unfair Means) Bill, 2024, PRS Legis. Rsch. (Feb. 2024); Centre Notifies Rules of Anti-Paper Leak Law, Mandates NRA to Prepare Guidelines for Exams, Careers360 (June 25, 2024).

[32]Public Examinations (Prevention of Unfair Means) Act, 2024, §§ 3, 10 (India); The Public Examinations (Prevention of Unfair Means) Bill, 2024, supra note 31; What Is the Public Examinations (Prevention of Unfair Means) Act, 2024?, Sabrang India.

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regarding unfair practices.[33]This reflects a deliberate decision to target individuals and networks involved in facilitating malpractice rather than the candidates themselves.

Assessment:

The Act represents a major step forward, but it has three notable limitations.

First, it acts as a deterrent but does not provide remedies.A conviction may come years after the examination, and the Act does not address the impact on the recruitment process or on the candidates who were not selected.These gaps are filled by judicial interpretations.

Second, the Act applies only to centrally recognized bodies, leaving State Public Service Commissions and State educational boards under a variety of state laws.Many recent major scandals, such as those involving the TNPSC Group 4, BPSC, and Rajasthan SI recruitment, occurred at the state level.

Third, the Act has not prevented the recurrence of such issues.For example, NEET-UG 2026, which fell within the scope of the Act, was cancelled after investigators uncovered a leak network spanning multiple states.Deterrence relies on prosecution, and effective prosecution requires investigators who are independent from the organizations they are investigating.

PROTECTING THE INNOCENT: RESTITUTION, AGE RELAXATION AND THE PROBLEM OF DELAY

The largest financial burden from cancelling exams typically affects genuine candidates, and the Constitution's promise of equality applies to everyone.A solution that corrects the unfair treatment of many who were wronged by dishonest practices should not, in itself, cause unfairness to those who succeeded through honesty.Recent court decisions demonstrate that judges are exploring ways to reduce the impact of such cancellations.

Separating the tainted from the untainted:

The first approach involves separating those involved in misconduct from those who were not.

Both Baishakhi Bhattacharyya and DSSSB argue that when evidence is clear, the guilty should be identified and the innocent protected.However, NEET-UG 2024 illustrates the challenges: the court questioned whether data analysis could determine which candidates were actually benefited, and the absence of proof of systemic dishonesty was enough to

[33]The Public Examinations (Prevention of Unfair Means) Bill, 2024, supra note 31.

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prevent cancellation.Therefore, segregation is not a choice but a matter of evidence, dependent on forensic analysis that selection bodies are often unwilling to undertake.

Different consequences:

The second approach is to apply different consequences.In West Bengal, those who were found to have engaged in misconduct must return the salaries they received with interest, while those who were honest lose their positions without any refund.If they had prior government service, they may return to those positions.However, subsequent legal cases show that drawing this distinction is not easy.The Calcutta High Court ruled that dishonest candidates could not participate in fresh recruitment, and later, the Supreme Court was asked to halt an order that provided age relaxation to an unappointed candidate, arguing that the High Court had misunderstood the meaning of "untainted" candidates.[34]This case highlights the need for court judgments to clearly define the categories involved.

Fresh opportunity:

The third approach is to maintain the opportunity to compete again.When the Rajasthan High Court cancelled the 2021 SI recruitment, it instructed that the positions be included in the 2025 recruitment and allowed candidates from the cancelled process, including those who had since exceeded the age limit, to apply.[35]This relief is reasonable but not complete.Candidates who took the 2021 exam waited more than four years for a resolution, and those who had already been selected and trained ended up with neither a position nor a remedy.The statements made by these selected candidates before the Division Bench, which initially halted the single judge's order in September 2025 but later upheld it in April 2026, and before the Supreme Court, which rejected their special leave petition in May 2026, reflect the personal impact of these decisions.[36]

Delay as a constitutional injury:

[34]Supreme Court Stays Calcutta HC Order Granting Age Relaxation Benefit to Unappointed Candidate of 2016 West Bengal SSC Recruitment, LiveLaw (Jan. 19, 2026).
[35]Press Trust of India, supra note 5; Rajasthan SI 2021 Exam Cancelled, Careers360 Hindi (Aug. 28, 2025).
[36]Press Trust of India, Rajasthan HC Stays Order Quashing Sub-Inspector Recruitment Exam, Careers360 (Sept. 8, 2025); Raj SI Recruitment Row: Selected Candidates Move SC Against Cancellation, Seek Action Against Guilty, SocialNews.XYZ (Apr. 18, 2026); supra note 4.

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The timeline of the Rajasthan case is instructive.The exam was held in September 2021, a cabinet sub-committee advised against cancelling it, and the single judge issued a decision in August 2025.The matter was finally resolved by the Supreme Court in May 2026.This long delay denies the right to a timely and fair process under Article 14 of the Constitution and the broader protection under Article 21.It also tends to favour those who gained positions through dishonest means, as time passes and creates new advantages for them.The Supreme Court's practice of setting time limits for decision-making, as seen in January 2026, is a small but helpful correction to this issue.

INSTITUTIONAL ACCOUNTABILITY: EXAMINATION BODIES, TESTING AGENCIES AND THE STATE

A common issue in recent cases involves the responsibility of the organization conducting the exams.In the case of DSSSB, the Supreme Court pointed out that the Board's actions were questionable, as its officials were unable to answer the questions raised by the inquiry committee.In Rajasthan, a single judge concluded that six members of the Public Service Commission were involved and referred the matter to a Division Bench, although the Division Bench later overturned the suo motu investigation initiated against the Commission. In Tamil Nadu, the TNPSC's own staff were accused of altering exam materials.

NEET-UG and the testing agency:

The National Testing Agency has come under the most intense scrutiny.Following the 2024 controversy, a high-level committee led by K.Radhakrishnan was formed to suggest improvements for the agency.When NEET-UG 2026 was cancelled, the agency informed the Court that the cancellation and the decision to refer the matter to the CBI showed its commitment to integrity.It also stated that re-examining the students would involve enhanced security measures, including the involvement of Chief Secretaries, Directors General of Police, and District Magistrates.[37] However, the Court remained concerned that despite the lessons from 2024, integrity issues had re-emerged.On 29 May 2026, the Court called for establishing accountability, calling the situation very distressing for students and their families.[38] Petitions asking for the restructuring or replacement of the agency, along with a move towards computer-based testing, were assigned to a bench led by Justice

[37]NEET-UG 2026 Cancelled to Protect Students' Interests: NTA in SC, Eastern Mirror (June 2026).
[38]Supreme Court Refuses to Stay NEET-UG Re-test Scheduled for June 21, Tribune India (June 2026).

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P.S.Narasimha.The Court did not order a computer-based re-test, as the agency was already dealing with many challenges.In July 2026, the Court dismissed one challenge to the cancellation as moot, since the re-examination had already taken place, while noting that these ongoing issues highlight the need for major structural changes and clear accountability.[39]

TOWARDS A GRADED REMEDIAL FRAMEWORK

The cases suggest that Indian law already has the necessary elements of a fair and balanced framework.However, what is missing is a clear and consistent set of steps that examination bodies and courts can follow.The following is a suggested, well-reasoned approach, not a statement of current legal rules.

Stage one: immediate containment.

Upon having reliable information that a leak has occurred, the examining body should stop further steps in the process, keep all digital and physical evidence safe, and report to the investigating agency quickly.The Public Examinations Rules, 2024 already outline a method for reporting unfair practices, and this should be made into an actual working system.[40]

Stage two: forensic determination.

The main issue to be addressed, per the case of Baishakhi Bhattacharyya, is whether the issue is limited to a few cases or affects the entire system.An independent technical committee, with the ability to look into OMR sheets, performance patterns across exam centers, seating arrangements, and communication data, should answer this question by a set deadline.The committee's report should be shared with the courts and, if needed for the investigation, with the candidates.The kind of statistical analysis suggested by the Supreme Court in NEET-UG 2024 should become the standard practice, rather than something done on an ad-hoc basis.

Stage three: calibrated relief.

[39]Supreme Court Rejects Plea Against NEET 2026 Retest, Says Matter Now Infructuous, Medical Dialogues (2026); SC Refuses to Accept Plea, supra note 14.

[40]The Public Examinations (Prevention of Unfair Means) Bill, 2024, PRS Legis. Rsch. (Feb. 2024); Centre Notifies Rules of Anti-Paper Leak Law, Mandates NRA to Prepare Guidelines for Exams, Careers360 (June 25, 2024).

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If the problem is limited to a few cases, the examination process should continue, with the affected candidates identified and removed, as was done in NEET-UG 2024 and BPSC outcomes.If the issue is systemic but affects only a particular stage, such as a single paper or a few centers, that specific stage should be repeated, as the Uttarakhand Commission did when it cancelled and rescheduled a graduate-level exam within a promised time frame.If the issue is widespread or reaches the authority responsible for selection, the entire process should be cancelled, as seen in the Rajasthan SI and West Bengal cases.

Stage four: restitution and finality.

When an exam is cancelled, the order should clearly state which candidates are liable for refunds, which are protected, and how age relaxation will apply, following the guidance from Baishakhi Bhattacharyya.States should set clear and fixed timelines for completing new recruitment to prevent cancellation from turning into an indefinite delay.Those who committed wrongdoing should face prosecution and financial consequences as outlined in the 2024 Act, and public officials who helped should face disciplinary action.

Stage five: institutional follow-up.

Courts should require examining bodies to report on the steps taken to fix the problem, including secure exam logistics, randomised seating, biometric verification, and, where appropriate, computer-based exams with strong security measures.Judicial oversight should be limited in time and focused on results, as ongoing and unfocused supervision can cause delays.

Two caveats are necessary. First, a stepped-up framework relies on the courts being willing to closely examine government bodies that may prefer not to cancel exams for political reasons.For example, the Rajasthan cabinet sub-committee advised against cancelling the 2021 exam, and the state resisted cancellation before the Division Bench, yet the courts ultimately decided that the fraud was too serious to ignore.[41]Second, the framework must not be used by examination bodies to avoid cancellation when it is necessary, simply because it is

[41]Rajasthan Paper Leak: HC Cancels 2021 Sub-Inspector Recruitment Exam, The Mooknayak (Aug. 28, 2025); Press Trust of India, Rajasthan HC Cancels 2021 Police Recruitment Exam, The Week (Aug. 28, 2025).

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not convenient administratively.The law genuinely cares about candidates who are not involved in wrongdoing, but this is not an excuse to keep a flawed process in place.

CONCLUSION

The jurisprudence governing recruitment irregularities within the Indian constitutional framework has evolved into a cohesive and sophisticated doctrine. Mandated by Article 14 and Article 16(1), the principles of transparency and equity are non-negotiable prerequisites for public selection processes. As elucidated by scholars Subhas Chandra Sinha, DSSSB, and Baishakhi Bhattacharyya, when a recruitment mechanism becomes irreparably compromised, judicial intervention may necessitate its cancellation even in the absence of individual hearings. Furthermore, Tej Prakash Pathak underscores the imperative to safeguard procedural integrity against mid-stream alterations, while the 2024 Act introduces criminal deterrents specifically targeted at the networks that profit from the dissemination of confidential information. However, the Supreme Court's recent decisions to uphold the NEET-UG 2024 and BPSC examinations reveal the disciplined boundaries of this doctrine; the judiciary insists upon conclusive evidence of systemic failure before imposing punitive measures that would affect a broad cohort of candidates.

However, the incidents of 2025 and 2026 expose a chasm between legal doctrine and its practical execution. Aspirants who appeared for the Rajasthan SI examination in 2021 endured a protracted five-year wait before achieving finality. Furthermore, NEET-UG, a flagship national examination, was definitively cancelled in May 2026, two years following the 2024 controversy and merely two years after the 2024 Act commenced enforcement. The Tamil Nadu Group 4 scandal of 2019 demonstrates that even when a State Commission identifies and addresses fraud, the repercussions of such improprieties can resonate through years of investigation. While the constitutional remedy of cancellation is an essential recourse, it remains a corrective measure for failure rather than a viable substitute for proactive prevention.

Three distinct conclusions emerge from this analysis.

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- First, prevention must be elevated from a mere administrative preference to a constitutional imperative for selection bodies, grounded in Articles 14 and 16; this necessitates the implementation of independent audits, robust logistical security, and an institutional culture dedicated to transparent reporting.
- Second, procedural velocity is as critical as substantive rigor: inquiries and litigation regarding recruitment must be subject to strict temporal constraints, for protracted delay inevitably undermines the very equality of opportunity the law seeks to protect.
- Third, restitution for bona fide candidatesencompassing the preservation of their opportunities, the relaxation of age restrictions, and the establishment of unequivocal rules concerning consequential liabilitiesmust be an intrinsic component of every remedial decree.A recruitment framework that nullifies a compromised process yet fails to compensate the honest participants has only partially restored the egalitarian principles the Constitution mandates.

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