$~58

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

\# **CNR No. DLHC010119742026**

Date of Decision: 04.11.2026

\+ W.P.(C) 3944/2026, CM APPL. 19251/2026

RAJ JAIN .....Petitioner

Through: Mr. Rahul Bajaj, Mr. Amritesh Mishra and Ms. Sarah, Advocates.

versus

THE INSTITUTE OF BANKING PERSONNEL SELECTION .....Respondent

Through: Mr. Ravindra Vikram Singh, SPC with Mr. V.K. Singh and Mr. Ajay Rathore, Advs.

HON'BLE MR. JUSTICE A. J. BHAMBHANI

J U D G M E N T

A. J. BHAMBHANI, J

CM APPL. 71418/2026

By way of the present application filed under section 151 of the Code of Civil Procedure 1908, the respondent seeks condonation of about 33 days' delay in *filing* the counter-affidavit.

2. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.

3. The delay in *filing* the counter-affidavit is condoned.

4. The counter-affidavit is taken on record.

5. The application stands disposed-of.

Signature Not Verified
Signed By:VIKAS RAWAT
Signing Date:06.11.2026 15:55

W.P.(C) 3944/2026

6. By way of the present application filed under Article 226 of the Constitution of India, the petitioner seeks quashing of debarment order-cum-memorandum dated 24.02.2026 issued by the respondent.

7. Notice on the present petition was issued on 27.03.2026. Counter-affidavit has been taken on record, as above.

8. The court has heard Mr. Rahul Bajaj, learned counsel appearing for the petitioner, as well as Mr. Ravindra Vikram Singh, learned senior panel counsel appearing for the respondent.

9. Mr. Bajaj argues that *vidé* impugned debarment order-cum memorandum dated 24.02.2026, the petitioner's candidature for the main examination for the post of Customer Service Associate has been cancelled, premised on the allegation that the petitioner had indulged in unfair means/malpractice/cheating while appearing in the said examination. Resultantly, the petitioner has also been debarred from appearing in the Common Recruitment Process for a period of 01 year (12 months) from the date of the concerned examination *i.e.*, 29.11.2025.

10. Learned counsel submits that the petitioner is a visually challenged person, who was allowed the help of a 'scribe' for purposes of sitting the examination, and *vidé* a show-cause-notice dated 06.02.2026 issued to the petitioner, the respondent institute alleged that the petitioner's:

> "…… *candidature for the examination has been withheld because it has been reported/detected that despite a clear warning before the start of the examination and during the examination, your Scribe was solving and answering the questions independently or prompted answers to you*".

Signature Not Verified
Signed By:VIKAS RAWAT
Signing Date:06.11.2026 15:55

A copy of show-cause-notice dated 06.02.2026 has been appended to the petition.

11. Mr. Bajaj argues that, in response to the said show-cause-notice, the petitioner submitted a reply *vidé* e-mail dated 10.02.2026, denying the allegations in the notice, and asserting that he had independently attempted and solved all the questions in the examination, and that the petitioner's scribe only performed the permitted role of reading out the questions and marking the answers strictly as dictated by the petitioner.

12. Counsel submits that, at no stage did the scribe solve any questions independently or provide any form of assistance beyond the scope prescribed under the respondent's examination guidelines for Person with Benchmark Disability ('PwBD candidates') using the services of a scribe.

13. Mr. Bajaj submits that, most significantly, show-cause-notice dated 06.02.2026 issued to the petitioner is purportedly based on a report dated 29.11.2025 submitted by the invigilator, a copy of which has been appended by the respondent as Annexure R-5 to the counter-affidavit, which report sets-out the following as the acts that would comprise unfair means or malpractice or cheating in the course of the examination, which have been set out, in format, as a list in the report:

> "***Methods of use of Unfair Means/Malpractice/Cheating***
>
> *1. Scribe was openly/independently answering the questions with no input from the candidate.*
>
> *2. Scribe is only reading out the answer options of his/her choice multiple times and the candidate is hence mentioning the answer which scribe is mentioning multiple times.*

Signature Not Verified
Signed By:VIKAS RAWAT
Signing Date:06.11.2026 15:55

3. Scribe is reading out all the options and nudging the candidate either by hand, leg or sign language when he/she is reading out the answer option of his/her choice.

4. Before submitting the exam, the scribe is checking all the answers and correcting the answers without consultation of the candidate.

5. For candidates where, dominant hand is an issue, the scribe is moving the mouse at the answer of his/her choice to help the candidate.

6. Candidate appears to be normal i.e., without any disability for using the services of a Scribe.

7. Any other Malpractice (To be stated clearly)."

14. Mr. Bajaj submits that, as would be seen, the invigilator/TCS representative (venue in-charge)/VBO (center coordinator) have not marked-out any of the aforementioned so-called acts while alleging that the petitioner used unfair means at the examination, *except* for a number having been mentioned in one of the columns at the top of the report. Counsel submits that accordingly, in the invigilator's report there is no specificity as to what exactly the petitioner is alleged to have done during the examination.

15. Mr. Bajaj argues that the invigilator's report is the basis of the show-cause-notice and all subsequent actions taken by the respondent, but that report is a mere template in which no specific allegation or imputation is contained insofar as the petitioner or his scribe are concerned.

16. It is further submitted that no material was ever furnished by the respondent to the petitioner along with the show-cause-notice though the impugned order narrates that the committee of experts have

Signature Not Verified
Signed By:VIKAS RAWAT
Signing Date:06.11.2026 15:55

concluded that the petitioner indulged in malpractice in the course of the examination:

> "…… *after carefully go* [sic] *through the report submitted by the invigilator at the venue on the date of examination and other supporting materials on record …… ".*

17. Upon being queried as to the relevance of the present challenge, considering that the one-year period of debarment is almost over, Mr. Bajaj explains that though the petitioner is now employed as a Probationary Officer at the Bank of Maharashtra, the stigma of debarment still stands against his name.

18. On the other hand, learned counsel appearing for the respondent submits that the invigilator's report sets-out with sufficient clarity the unfair means/malpractice adopted by the petitioner in the course of the examination, which is the basis for canceling the petitioner's candidature and for debarring him for 01 year (12 months), as has been done by way of the impugned order-cum-memorandum.

19. Upon a conspectus of the documents on record, and after hearing learned counsel appearing for the parties, this court is of the view that the genesis of the respondent's action against the petitioner is report dated 29.11.2025 submitted by the invigilator which is being read as setting-out the unfair means/malpractice adopted by the petitioner and/or his scribe in the course of examination.

20. Though, as pointed-out by the learned counsel appearing for the petitioner himself, the invigilator's report contains the serial number '1' at the top of the report as the observation of the unfair means

Signature Not Verified
Signed By:VIKAS RAWAT
Signing Date:06.11.2026 15:55

resorted-to, in the opinion of this court, the mere mentioning of a number is not sufficient description of the unfair means/malpractice alleged. Moreover, a perusal of the impugned order would show that the basis on which that order has been passed is not restricted to the unfair means/malpractice that is referred to under No. '1' in the format list in the invigilator's report.

21. On an overall consideration of the matter, this court is of the view that the basis cited in the invigilator's report and in the impugned order, for holding that the petitioner had indulged in unfair means or malpractice in the course of the examination, is insufficient.

22. It may also be observed that, in accordance with the rules of examination, if at any stage during the course of examination, the petitioner and/or his scribe were found to be indulging in any unfair means or malpractice, the petitioner's examination session could have been cancelled then and there, which however, was not done.

23. All told, in the opinion of this court, the material on record is not sufficient to cast upon the petitioner the stigma that he used unfair means or indulged in malpractice at the examination conducted by the respondent.

24. Accordingly, the prayers in the petition are allowed. The impugned order-cum-memorandum dated 24.02.2026 is quashed and set-aside.

25. The petition is disposed-of in the above terms.

26. Pending applications, if any, also stand disposed-of.

A. J. BHAMBHANI, J

NOVEMBER 4, 2026/*V.Rawat*

Signature Not Verified
Signed By:VIKAS RAWAT
Signing Date:06.11.2026 15:55