

**(2013) 01 AHC CK 0158**

**Allahabad High Court**

**Case No:** Civil Miscellaneous Writ Petition No. 67757 of 2011

Arvind Kumar and Another

APPELLANT

Vs

State of U.P. and Others

RESPONDENT

**Date of Decision:** Jan. 11, 2013

**Citation:** (2013) 1 ADJ 697 : (2013) 2 AWC 1160 : (2013) 136 FLR 1014 : (2013) 1 UPLBEC 295

**Hon'ble Judges:** Uma Nath Singh, J; Ran Vijai Singh, J

**Bench:** Division Bench

**Advocate:** Saroj Yadav, for the Appellant; Gautam Baghel and Pushpendra Singh, for the Respondent

**Final Decision:** Allowed

### **Judgement**

@JUDGMENTTAG-ORDER

1. We have heard learned counsel for parties and perused the pleadings of writ petition. Learned counsel for petitioners submitted that on account of furnishing incorrect information regarding the chances availed by the petitioners, they were debarred from appearance in that examination as well as from all examinations to be conducted by the U.P. Public Service Commission for a period of further ten years vide the order dated 22.10.2011 (Annexure 1). Learned counsel also submitted that a coordinate Division Bench of this Court in Writ-A No. 30002 of (Ajit Kumar Singh v. State of U.P. and others) has held that debarring a candidate for furnishing wrong information from appearing in the examination he had applied for would be justified but to debar him for further ten years from all examinations to be held by the Commission could be disproportionate to the charge of furnishing incorrect information. Thus, the Court quashed that part of the order which related to debarring for further ten years as aforesaid. The relevant portion of the order, on reproduction, would read as:

... No legal strength could be put forward on behalf of the respondents as to why such practice is prevalent. Thus the order of the U.P. Commission deserves to be set

aside. The order is otherwise also is not sustainable as previous discussion makes it clear that the proportionate punishment for furnishing incorrect information in the application form was debarring him in the concerned examination only.

In view of the discussion made above, the writ petition deserves to be partly allowed with the following conditions. The order passed by respondent No. 3 dated 15.2.2010 in so far as it relates to debarring the petitioner from the Civil Services Main Examination, 2009 is hereby upheld.

The remaining part of the order debarring the petitioner from all the examinations conducted by the Commission from 11.2.2010 for a period of ten years is hereby quashed.

The order and the memo passed by respondent No. 2 U.P. commission whereby the order of the Commission dated 15.2.2010 and the memo dated 12.4.2010 whereby the decision was communicated to the petitioner has been adopted debarring the petitioner to the same tune are hereby set aside.

It is being made clear that in pursuance of the order passed by this Court, the petitioner shall not be allowed to appear in any examination or the interview which has already taken place and no examination or the interview shall be conducted for the petitioner alone.

2. As the petitioners' cases are also squarely covered by the ratio of the judgment (Annexure 1), the order as impugned herein, debarring the petitioners from appearance in the examination in question as well as for ten years further would not be sustainable. Hence, the impugned order is quashed in part to that extent.

This Writ Petition, thus, succeeds in part.