

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.839 of 2025

1. Monu Kumar S/o Sri Sanjay Prasad, R/o Village-Silauta, P.S.-Chand, District-Kaimur (Bhabhua).
2. Pravin Kumar, S/o Ajay Prasad, R/o Village-Panchawati Nagar Rajgir, P.S.-Rajgir, District-Nalanda.
3. Kumar Sudhanshu Ray, S/o Medni Prasad, R/o Village-Bavhari, P.S.-Akbarpur, District-Nawada.
4. Amitabh Kumar, S/o Munil Paswan, R/o Village-Gauri, P.O.-Raisa, P.S.-Chand, District-Nalanda.
5. Rohit Kumar, S/o Suraj Deo Chaudhary, R/o Village-Bhandari P.S.O. Rahui, District-Nalanda.
6. Jatashankar Kumar, S/o Yogendra Prasad, R/o Village-Munger, P.S.-Mork, District-Khagaria.
7. Samarjeet S/o Sri Ramdeo Thakur, R/o Village-Maner, P.S.-Morkahi, District-Khagaria.
8. Riya Kumari, D/o Prabesh Kumar Singh, R/o Village-Chapra, P.S.-Barahat, District-Banka.
9. Soni Kumari, W/o Rajeev Singh, R/o Village-Brijpur, P.S.-Noorsarai, District-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary Human Resources Department, New Secretariat, Patna.
2. The Director, Primary Education, Bihar, New Secretariat.
3. The Chairman, Bihar Public Service Commission, Nehru Path (Baily Road), Patna-01.
4. The Examination Controller, Bihar Public Service Commission, Nehru Path (Baily Road), Patna-01.
5. The Additional Director General of Police, Economic Offence Unit, Bihar Rajbansi Nagar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Awadhesh Kumar Mishra, Adv.
Miss Shivani Mishra, Adv.
Mrs. Pragati Singh, Adv.



		Mr. Shashank Shekhar, Adv.
		Miss. Vidhi Shree, Adv.
For the State	:	Mr. Arvind Ujjwal, SC-4
For the BPSC	:	Mr. Vikash Kumar, Adv.
For the EOU	:	Mr. Vishwanath Prasad Sinha, Sr. Adv.
		Mr. Vijay Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
CAV JUDGMENT

Date : 31-03-2026

Heard the parties.

The petitioners in the present writ application have prayed for following reliefs:

“i. Respondent no.03 be directed to delete/expunge the star mark given against the names of petitioners and further wrongly observed that their result shall be given effect after disposal of economic offence PS Case No.6/2024.

ii. Writ of Mandamus be issued against the respondents to take further action in respect of their joining on the post of primary teacher in government elementary schools and further to grant consequential benefits to the petitioners.”

2. Learned counsel for the petitioners submits that the petitioners, being fully qualified and eligible candidates, had applied pursuant to Advertisement No. 22/2024 dated 07.02.2024 issued by the Bihar Public Service Commission for appointment of teachers in Elementary and Middle Schools. It is urged that the



petitioners participated in the selection process and appeared in the written examination conducted by the Commission. Although an Economic Offence P.S. Case No. 06/2024 came to be instituted wherein the petitioners were named, it is pointed out that the petitioners were granted bail by the learned ACJM, Patna on 02.04.2024, there being no substantive evidence indicating any wrongdoing on their part.

3. It is the specific case of the petitioners that thereafter they were issued admit cards and duly appeared in the examinations held on 19.07.2024 and 20.07.2024. Learned counsel submits that the petitioners performed meritoriously and secured marks above the prescribed cut-off, which fact stands admitted from the OMR answer sheets issued by the respondent authorities themselves. It is further contended that the Commission, having conducted the examination afresh, declared the results wherein the petitioners were shown as successful candidates.

However, learned counsel submits that in a wholly arbitrary manner and with a biased approach, the respondent Commission has affixed a “star mark” against the names of the petitioners and withheld the effect of their result under the pretext of pendency of the aforesaid criminal case. It is argued that such an action is de hors the statutory provisions and amounts to placing



the result in a sealed cover without any authority of law. According to learned counsel, the pendency of a criminal case, particularly one unconnected with the examination process, cannot be a valid ground to deny or defer appointment to a candidate who has otherwise succeeded on merit.

4. It is further submitted that the adverse remark made in the result dated 15.11.2024 is per se illegal, arbitrary, and unsustainable in the eyes of law. Learned counsel emphasizes that criminal proceedings, by their very nature, take considerable time to conclude, and if such a ground is permitted to stall appointments, it would lead to grave injustice and irreparable harm to deserving candidates. The petitioners, having successfully cleared the examination on their own merit, cannot be made to suffer on account of an unproven allegation.

5. Learned counsel also contends that the action of the respondents in withholding the appointment of the petitioners amounts to violation of their fundamental rights guaranteed under Articles 14, 16, and 21 of the Constitution of India, as similarly situated candidates have not been subjected to such discriminatory treatment. It is thus submitted that the impugned action reflects malafide intent and is liable to be set aside.



6. *Per Contra*, learned counsel appearing on behalf of Respondent Nos. 3 and 4, namely the Bihar Public Service Commission, submits at the outset that the instant writ petition is misconceived and has been filed seeking, inter alia, a direction for expunging the “star mark” indicated against the names of the petitioners in the result dated 15.11.2024 and for issuance of appointment letters on the basis of their purported success in the examination. It is contended that the said marking merely reflects an administrative decision to keep the result of certain candidates in abeyance owing to their implication in Economic Offences P.S. Case No. 06/2024, and does not, in itself, amount to any final denial of appointment.

7. Learned counsel further submits that the Commission is only a recommending body and functions strictly in accordance with the requisitions received from the State Government and the applicable rules and regulations. It is submitted that pursuant to requisition received from the Education Department, Advertisement No. 22/2024 dated 07.02.2024 was issued for large-scale appointment of school teachers. The petitioners, like other candidates, participated in the selection process, which culminated in a re-examination (TRE-3.0) conducted between 19.07.2024 and



22.07.2024 following the cancellation of the earlier examination due to question paper leakage.

8. It is the stand of the respondents that during the course of investigation into the said leakage, the Economic Offences Unit, Bihar, informed the Commission regarding registration of an FIR and involvement of several candidates, including the present petitioners. Learned counsel points out that as per the communication received, a substantial number of accused persons were found to be candidates of the re-examination. In such circumstances, the Commission, acting with due caution, decided to seek legal opinion regarding the treatment of such candidates in the selection process.

9. Learned counsel submits that in its meeting dated 11.11.2024, the Commission resolved to act upon the advice of the competent authorities, and accordingly sought opinion from the Law Department and thereafter from the General Administrative Department. It is contended that the General Administrative Department, vide its letter dated 17.01.2025, advised that in cases where a candidate is otherwise eligible but is facing criminal proceedings and has been charge-sheeted, the result should be kept in a sealed cover so that the overall selection process is not impeded.



In light of the aforesaid legal opinion, learned counsel submits that the Commission adopted a uniform and non-discriminatory approach by placing the results of such candidates, including the petitioners, in a sealed cover, which is denoted by the “star mark” in the result sheet. It is emphasized that this action has been taken in good faith and strictly in compliance with the directions of the competent Government Department, and not out of any arbitrariness or malafide intent.

10. It is further submitted that the recommendation of other successful candidates has already been forwarded to the concerned department, and the selection process stands completed. However, in respect of candidates implicated in the said criminal case, the publication and effect of their results have been deferred till the conclusion of the proceedings, in order to maintain the integrity of the recruitment process. Learned counsel thus contends that the Commission has acted within the bounds of law and in adherence to the applicable rules and governmental instructions. It is, therefore, urged that the writ petition, being devoid of merit and substance, is liable to be dismissed at the threshold.

11. In rejoinder to the counter affidavit, learned counsel for the petitioners submits that their appointment has been unjustly withheld solely on account of their being named in an FIR lodged



by the Economic Offence Unit, Bihar, which is wholly unrelated to their performance in the selection process. Reliance is placed upon the judgments of the Hon'ble Supreme Court in ***Joginder Singh vs. Union of India*** (Civil Appeal No. 10126 of 2014) to contend that appointment of the candidates cannot be withheld and they cannot be debarred from their appointments on the ground of pendency of criminal case.

12. Learned Senior Counsel appearing on behalf of the Economic Offence Unit, Bihar, vehemently opposes the writ petition and submits that the petitioners do not deserve any relief in the facts and circumstances of the present case. It is contended at the outset that all the nine petitioners are named accused in Economic Offence P.S. Case No. 06 of 2024, and their identities have been specifically recorded in the FIR with distinct accused numbers. Learned counsel further submits that the petitioners were not only named in the FIR but were also arrested during the course of investigation and remanded to judicial custody.

It is further submitted that upon completion of investigation, sufficient incriminating materials were found against the petitioners, and accordingly, they have been charge-sheeted under Charge Sheet No. 05 of 2025 dated 18.02.2025. Learned counsel points out that the offences alleged are serious in nature,



involving Sections 420, 467, 468, 471, 120-B, and 34 of the Indian Penal Code, along with provisions of the Bihar Conduct of Examinations Act, 1981, and Section 66 of the Information Technology Act. It is contended that the case pertains to a large-scale organized conspiracy involving leakage of the question paper of the Bihar Public Service Commission Teacher Recruitment Examination (TRE-3), thereby compromising the sanctity of a public recruitment process.

13. Learned counsel elaborates that the investigation has revealed the existence of an inter-state organized syndicate engaged in leaking examination papers and providing undue advantage to candidates in exchange for substantial illegal gratification. It is submitted that acting upon credible intelligence, the investigating agency conducted raids at multiple locations, leading to recovery of leaked question papers, documents, and other incriminating materials. Several accused persons were apprehended, and it was found that hundreds of candidates were being tutored with the leaked question papers and answers in various locations, including hotels and banquet halls.

14. It is further submitted that during investigation, key accused persons made disclosures regarding the modus operandi of the syndicate, including transportation of candidates, distribution



of question papers, and organized coaching sessions prior to the examination. The seized question papers were subsequently matched with the actual examination papers conducted on 15.03.2024 and were found to be identical, thereby conclusively establishing the occurrence of the leak.

Learned counsel submits that in total, a large number of FIR-named accused persons were apprehended, many of whom were caught red-handed while participating in the illegal activities connected with the paper leak. The present petitioners, being part of the said group of candidates, were also implicated during the course of investigation and have been charge-sheeted based on evidence collected by the agency. In light of the aforesaid facts, learned counsel contends that the involvement of the petitioners in a serious criminal conspiracy relating to examination malpractice disentitles them from claiming any equitable relief from this Hon'ble Court. It is thus submitted that the writ petition, being devoid of merit and seeking to overlook grave allegations supported by investigation, is liable to be dismissed.

15. Learned counsel for the respondent State submits that the State does not have a role to play in this matter for the reason that the respondent State only acts upon the recommendation made by BPSC and since in this case, the results



of the petitioners and recommendation for their appointment has not been received, therefore the respondent State cannot be held responsible in any manner.

ISSUES IN QUESTION:

(i). Whether the action of the respondent authorities in invoking the doctrine of “sealed cover” to withhold the result and consequential appointment of the petitioners is legally sustainable, particularly in the absence of any formal framing of charges on or before the date of the result by a competent court in the criminal proceedings arising out of Economic Offence P.S. Case No. 06/2024.

(ii). Whether the mere pendency of a criminal case, without adjudication of guilt and in a matter not directly impinging upon the petitioners’ performance in the selection process, can justify denial or deferment of appointment to candidates who have otherwise qualified on merit in a public recruitment examination.

FINDINGS:

Issue (i): Whether the action of the respondent authorities in invoking the doctrine of “sealed cover” to withhold the result and consequential appointment of the petitioners is legally sustainable, particularly in the absence of



any formal framing of charges on or before the date of the result by a competent court in the criminal proceedings arising out of Economic Offence P.S. Case No. 06/2024?

While examining the first issue, this Court is required to consider the legality of the action of the respondent authorities in resorting to the “sealed cover” procedure for withholding the result and consequential appointment of the petitioners.

At the outset, it is well-settled that the sealed cover procedure is not to be applied in a routine or mechanical manner. Its invocation is circumscribed by specific legal conditions, particularly in cases where disciplinary or criminal proceedings are said to be pending against a candidate or employee. The governing principle in this regard stands crystallized by the Hon’ble Supreme Court in ***Union of India & Others vs. K.V. Jankiraman & Others***, (1991) 4 SCC 109, relevant paragraphs of which is quoted herein:

“(1) It is only when a charge-memo in a disciplinary proceedings or a charge-sheet in a criminal prosecution is issued to the employee that it can be said that the departmental proceedings/criminal prosecution is initiated against the employee. The sealed cover procedure is to be resorted to only after the charge-memo/charge-sheet is issued. To deny promotion the disciplinary/criminal proceedings must be at the relevant time



pending at the stage when charge-memo/charge-sheet has already been issued to the employee. The pendency of preliminary investigation prior to that stage will not be sufficient to enable the authorities to adopt the sealed cover procedure. If the allegations are serious and the authorities are keen in investigating them, ordinarily it should not take much time to collect the relevant evidence and finalise the charges. Further, if the charges are that serious, the authorities have the power to suspend the employee under the relevant rules, and the suspension by itself permits a resort to the sealed cover procedure. The authorities thus are not without a remedy. This finding of the Full Bench of the Tribunal is therefore, acceptable. (Paras 16 and 17)”

[Emphasis Supplied]

It has been authoritatively held that such a procedure can be resorted to only when a charge memo in a departmental proceeding or a charge sheet in a criminal prosecution has been formally issued. In other words, mere pendency of an inquiry or registration of an FIR does not justify withholding of benefits under the sealed cover mechanism.

Applying the aforesaid principle to the facts of the present case, it becomes evident that the respondents have primarily relied upon the pendency of Economic Offence P.S. Case



No. 06/2024 and the inclusion of the petitioners' names in the said case to justify their action. However, the material on record does not disclose that, as on the relevant date 15.11.2024 when the result was published and the impugned decision was taken, any charge had been formally framed by a competent criminal court against the petitioners. In fact the admitted position is that the charge sheet was framed subsequently on 18.02.2025.

The distinction between mere implication in an FIR or investigation on the one hand, and the formal initiation of prosecution through filing of a charge sheet and cognizance/framing of charge by a court on the other, is not merely procedural but goes to the root of the matter. The doctrine of sealed cover is premised on the existence of a stage where the allegations have crystallized into formal charges warranting adjudication. In the absence of such a stage, resorting to the said doctrine would amount to penalizing a candidate on the basis of untested allegations.

In the present case, the action of the respondent Commission appears to have been guided by a general administrative instruction and a broad apprehension arising out of the alleged examination irregularities. While the objective of maintaining the integrity of the recruitment process cannot be



faulted, such objective must be pursued within the confines of established legal principles. The sealed cover procedure, being an exception to the normal rule of declaration of results and grant of consequential benefits, must be applied strictly and not on the basis of mere suspicion or pendency of investigation.

This Court is, therefore, of the considered view that in the absence of a formally framed charge by a competent court at the relevant stage, the invocation of the sealed cover doctrine by the respondents cannot be said to be legally sustainable. The action, thus, travels beyond the permissible limits laid down by the Hon'ble Supreme Court and is liable to be held arbitrary to that extent.

Issue (ii): Whether the mere pendency of a criminal case, without adjudication of guilt and in a matter not directly impinging upon the petitioners' performance in the selection process, can justify denial or deferment of appointment to candidates who have otherwise qualified on merit in a public recruitment examination?

While dealing with the second issue, this Court is called upon to examine whether the mere pendency of a criminal case, without any adjudication of guilt, can be a valid ground to deny or



defer appointment of candidates who have otherwise been found successful on merit in a public recruitment process.

At the outset, it must be borne in mind that public employment is governed not only by statutory rules but also by settled constitutional principles, particularly those flowing from Articles 14 and 16 of the Constitution of India. A candidate who has successfully cleared all stages of selection acquires a legitimate expectation of appointment, subject, of course, to eligibility and suitability as per law. However, such expectation cannot be defeated on the basis of mere allegations which have not attained any degree of legal finality.

The law in this regard is no longer *res integra*. The Hon'ble Supreme Court in ***Joginder Singh vs. Union Territory of Chandigarh*** (Civil Appeal No. 10126 of 2014) has clearly held that the mere involvement of a candidate in a criminal case, particularly when there is no concealment and no adjudication of guilt, cannot by itself operate as a disqualification for appointment. The Court emphasized that denial of appointment in such circumstances reflects lack of proper application of mind and cannot be sustained in law.

Applying the aforesaid principle to the present case, it is evident from the writ application that the petitioners have



successfully qualified the examination conducted by the Bihar Public Service Commission, even after the re-examination process, which has not been controverted in the counter affidavit filed by BPSC. The sole basis for withholding their appointment is their implication in a criminal case arising out of alleged irregularities in the examination process.

At the same time, it is not the case of the respondents that the petitioners have been found guilty by any competent court. The criminal proceedings are still pending adjudication. The presumption of innocence, which is a foundational principle of criminal jurisprudence, continues to operate in favour of the petitioners unless and until proven otherwise. To deny them appointment at this stage would amount to inflicting a civil consequence on the basis of unproven allegations.

This Court is also conscious of the nature of allegations and the seriousness of the offence as projected by the Economic Offence Unit. However, seriousness of allegations cannot override settled legal principles. The employer is certainly entitled to take an appropriate view in cases where guilt stands established or where the conduct of the candidate is demonstrably such as to render him unsuitable for public employment. But such a



conclusion must be based on objective material of a conclusive nature, and not on mere pendency of proceedings.

In the present case, the action of the respondents reflects a blanket approach, whereby all candidates named in the FIR have been treated alike without any individualized assessment of their role or the stage of the criminal proceedings. Such an approach runs contrary to the requirement of fairness and reasonableness in public employment.

In view of the above, this Court is of the considered opinion that mere pendency of a criminal case, without any finding of guilt and without any material demonstrating disqualification in terms of applicable rules, cannot justify the denial or indefinite deferment of appointment of the petitioners. The impugned action, therefore, cannot be sustained in the eyes of law.

16. In view of the discussion made hereinabove, this Court finds that the action of the respondent authorities in invoking the doctrine of sealed cover cannot be sustained in law. It is an admitted position that the list of selected candidates was published on 15.11.2024, the present writ petition was instituted on 12.12.2024, whereas the charge sheet in the criminal case came to be filed subsequently on 18.02.2025. Thus, on the relevant date when the impugned action was taken and the rights of the



petitioners were affected, there was no charge sheet in existence so as to justify recourse to the “sealed cover procedure”. As already held, the said doctrine can be pressed into service only upon formal initiation of prosecution, and not at a stage when the matter is merely under investigation. Consequently, the withholding of the result and consequential benefits of the petitioners on such basis is held to be arbitrary and legally untenable.

17. In light of the findings recorded hereinabove, the writ petition stands allowed. However, this Court considers it necessary to issue specific directions so as to remove any ambiguity in implementation. During the course of oral submissions, learned counsel appearing for the Commission raised a contention that it is not conclusively established on record whether the petitioners have been finally declared successful in the examination. At the same time, this Court notes that no such specific denial has been taken in the counter affidavit, despite categorical assertions made by the petitioners regarding their success and securing of marks above the cut-off. In such circumstances, the said contention cannot be accepted at face value, but at the same time requires verification at the end of the Commission.



18. Accordingly, Respondent Nos. 3 and 4, namely the Bihar Public Service Commission, are directed to undertake a limited exercise of verification of the records to ascertain whether the petitioners have, in fact, successfully qualified the examination in accordance with the applicable criteria and have secured marks above the prescribed cut-off. In the event the petitioners are found to be successful, the Commission shall, without any further delay, declare their results and forward the requisite recommendation in favour of the petitioners to the concerned State authorities. This entire exercise shall be completed within a period of four weeks from the date of receipt/production of a copy of this order.

19. Upon receipt of such recommendation, the State respondents shall take consequential steps for issuance of appointment letters to the petitioners, as expeditiously as possible, preferably within a further period of eight weeks. It is clarified that the State shall be at liberty to incorporate an appropriate stipulation in the appointment orders to the effect that such appointments shall be subject to the final outcome of the pending criminal proceedings arising out of Economic Offence P.S. Case No. 06/2024.



20. The writ petition, therefore, is allowed in the aforesaid terms. All pending I.A.s, if any, shall stand disposed of. There shall be no order as to costs.

(Alok Kumar Sinha, J)

Prakash Narayan

AFR/NAFR	AFR
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