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

Reserved on: 28th October, 2026
Pronounced on: 23rd November, 2026
Uploaded on: 23rd November, 2026

\+ W.P.(C) 815/2024
PRATEEK MALIK AND ORS. .....Petitioners

versus

UNION OF INDIA AND ORS. .....Respondents

With

W.P.(C) 820/2024, W.P.(C) 941/2024, W.P.(C) 1069/2024, W.P.(C) 1831/2024, W.P.(C) 7654/2024, W.P.(C) 7962/2024, W.P.(C) 9083/2024, W.P.(C) 6192/2025, CONT.CAS(C) 863/2024, CONT.CAS(C) 895/2024 and CONT.CAS(C) 689/2025

For Petitioners: Mr. Shanker Raju, Senior Advocate with Mr. Nilansh Gaur, Ms. Prerna Deep, Advocates for P-6,8,9,16,18,19,26, 29,31,34,36,40 & 42 in W.P.(C) 7654/2024
Mrs. Avnish Ahlawat and Ms. Latika Chaudhary, Advocates in CONT.CAS(C) 863/2024, CONT.CAS(C) 689/2025.
Mr. Tushar Sannu, Ms. Priyanka Tiwari, Mr. Shrey Bhardwaj, Advocates in CONT.CAS(C) 895/2024, W.P.(C) 941/2024, W.P.(C) 1831/2024 & W.P.(C) 7962/2024.

For Respondents: Mr. Sanjay Khanna, SC with Ms. Pragya Bhushan, Mr. Saurabh Pandey, Mr. Harsh Katheeiya, Ms. Meemansa Dixit, Ms. Giridharan P., Advocates for NTA in W.P.(C) 815/2024, W.P.(C) 820/2024, W.P.(C) 941/2024, W.P.(C) 1069/2024, W.P.(C) 1831/2024, W.P.(C) 7654/2024, W.P.(C) 7962/2024, W.P.(C) 9083/2024, W.P.(C) 6192/2025, CONT.CAS(C) 863/2024,

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CONT.CAS(C) 895/2024 and CONT.CAS(C) 689/2025.

Mr. Aly Mirza, Advocate for IGNOU in W.P.(C) 815/2024, W.P.(C) 820/2024, W.P.(C) 941/2024, W.P.(C) 1069/2024, W.P.(C) 1831/2024, W.P.(C) 7654/2024, W.P.(C) 7962/2024, W.P.(C) 9083/2024, W.P.(C) 6192/2025, CONT.CAS(C) 863/2024, CONT.CAS(C) 895/2024 and CONT.CAS(C) 689/2025.

Mr. Devvrat Yadav, Mr. Kartik Sharma, Mr. Srikrishna Kumar Yadav and Ms. Ragini Kumari, Advocates for UOI in W.P.(C) 1831/2024.

Mr. Vedansh Anand, SPC with Mr. Shivam Kumar, GP for UOI in W.P.(C) 1069/2024, W.P.(C) 1831/2024, W.P.(C) 7654/2024.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

JUDGMENT

SANJEEV NARULA, J.:

The controversy

1. These proceedings concern recruitment to 200 posts of Junior Assistant-cum-Typist[1] in the Indira Gandhi National Open University[2]. The National Testing Agency[3] conducted the written examination and typing test, and declared 199 candidates provisionally successful. IGNOU questioned the reliability of the selection. An additional written examination was proposed and stayed by this Court. IGNOU thereafter cancelled the recruitment process itself. More than three years after the examinations, the candidates remain uncertain whether their efforts will culminate in appointment or whether they must compete afresh. IGNOU maintains that

[1] "JAT"
[2] "IGNOU"
[3] "NTA"

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credible concerns about the integrity of the recruitment justified cancellation. NTA maintains that the integrity of the examination was never compromised. The institutions also differ over responsibility for the errors in assessment and the difficulties which followed. The Court must examine these competing positions and determine whether the recruitment can lawfully be carried forward. The connected contempt petitions concern compliance with directions issued during these proceedings for production of records and verification of documents.

2. The dispute has two connected dimensions. The first concerns whether the examination and selection process remained sufficiently reliable to be acted upon. IGNOU relies on the concentration of successful candidates at certain centres, discrepancies in candidate records and what it describes as NTA's failure to meaningfully answer repeated requests for information and clarification. It maintains that its doubts were reinforced by the substantially altered merit list subsequently supplied and NTA's explanation of the criteria used to prepare the results. NTA denies malpractice or alteration of the underlying examination data and attributes the different results to the assessment criteria applied. The second dimension concerns the legality of those criteria: the original result applied a qualifying speed lower than the advertised 40 words per minute[4] in English or 35 WPM in Hindi, while the revised result counted words by a method different from the one notified before the test. These questions require separate findings, but must also be considered together. An error in assessment may admit of correction; whether correction is sufficient depends on the nature and extent of the defects established in the process as a whole.

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3. The Petitioners are united in challenging the cancellation of the recruitment process, but differ in the basis and extent of the relief sought. Some petitioners seek appointment on the strength of NTA's original list of 199 candidates, arguing that NTA assessed them by the method it had announced before the typing test. A group of 116 candidates seeks appointment on a different footing. They claim that they meet the advertised typing speed of 40 WPM in English or 35 WPM in Hindi. A separate submission seeks, in the alternative, a fresh typing test for the Petitioners concerned and the remaining candidates within the disputed group of 83. The Court must therefore determine both whether cancellation was justified and what relief, if any, can lawfully follow for the candidates concerned.

Recruitment and the notified scheme

4. IGNOU's Board of Management, at its 154th meeting held on 27th February, 2023, approved recruitment through NTA to 200 JAT posts in its Group 'C' non-teaching cadre. The advertisement was published on 21st March, 2023. Online applications were invited from 22nd March to 20th April, 2023. The essential qualification was 10+2 or its equivalent, with a typing speed of 40 WPM in English or 35 WPM in Hindi on computer. The advertised age cut-off was 31st March, 2023.

5. Under Rule 7.2(c) of the Recruitment and Promotion Rules, 2010, candidates who qualify in the written examination are ranked by merit and called for the skill test in that order, at the rate of ten candidates for each post. The Rules permit IGNOU to entrust recruitment activities to an outside agency. In conducting the examination on IGNOU's behalf, NTA was bound to apply the essential qualifications prescribed for the post.

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[4] "WPM"

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6. Section D of the Information Bulletin prescribed two tiers. Tier I was a bilingual computer-based objective examination, carrying 150 marks and of two hours' duration. Candidates were to be shortlisted for Tier II on the basis of the CBT and the notified ratio. Tier II was a typing test, qualifying in nature. The relevant stipulation was:

> *"The candidates qualified in the CBT of Tier I, will have to undergo skill (Typing) test which will be of Hindi or English language and will be qualifying in nature subject to minimum qualifying speed as mentioned in the eligibility conditions."*

7. Under the scheme set out in the Information Bulletin, candidates were ranked by their CBT scores, subject to qualifying in the typing test and meeting the other eligibility requirements. The typing test was qualifying only. The marks recorded on the typing evaluation sheets neither counted towards merit nor dispensed with the requirement to attain the prescribed typing speed.

8. The typing-test admit card contained a specific instruction concerning the meaning of a word. Condition 4 stated:

> *"In the Typing Test, the formula of counting of strokes including the space bar will be on an average of 5 keys depression for each word. The criterion of 'characters with space' for calculating the typing speed will be adopted and total number of mistakes permissible will be 3% of the total words typed."*

9. The evaluation scheme specified what counted as a mistake, including spelling and punctuation errors and omissions, and set out the corresponding deductions. Whether a candidate qualified thus depended on the typing speed calculated under the notified counting and error rules.

10. NTA received 59,146 registrations. Of these, 25,094 candidates appeared in the CBT held on 31st July, 2023. The result published on 31st

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August, 2023 shortlisted 2,440 candidates for the skill test. 1,985 candidates appeared in the typing test on 19th September, 2023.

11. On 5th October, 2023, NTA published a list of 199 provisionally qualified candidates. The notice stated that their candidature remained subject to document verification and fulfilment of the eligibility conditions in the Information Bulletin. No appointments were made on the basis of that list.

IGNOU's objections and the proposal for another examination

12. On 9th October, 2023, IGNOU asked NTA for an official copy of the result and category-wise lists of selected and waitlisted candidates. NTA sent the list of 199 candidates on 11th October, 2023 and later shared a link to their application records. By its letter dated 17th November, 2023, IGNOU asked NTA to examine two matters: why about 20 successful candidates from Haryana had opted for Jammu as their first choice of examination city, and why a candidate whose application indicated 'Meritorious Sportsperson' had been shown as selected under OBC (NCL).

13. NTA replied on 1st December, 2023. It described its safeguards, including random allocation, question randomisation, observers, surveillance, biometric verification and secure processing of responses. It stated that no anomalies had been reported during the examination or before declaration of the result and that a subsequent review of the independent observers' reports had not revealed anomalies.

14. In its reply, NTA also pointed out that Haryana accounted for roughly a quarter of all registrations. Its table showed that 30 of the 199 successful candidates were from Haryana and had taken the written examination across three centres and two shifts in Jammu. As for Sumit Kumar, NTA explained

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that he had qualified on his own merit within the OBC category and was also eligible for horizontal reservation as a meritorious sportsperson.

15. NTA stood by the conduct of the examination and offered to assist in holding a further examination for the 199 candidates to address IGNOU's concerns. The concluding part of its communication stated:

> "*However, in order to address any doubts or concerns held by IGNOU, NTA can assist in conducting the second stage of Junior Assistant-cum-typist (JAT) examination for the finally selected 199 candidates with transparency and fairness*."

16. NTA suggested that the syllabus could remain the same, that the examination could be held in Delhi NCR and that IGNOU could nominate its own observers. The offer cannot fairly be detached from the denial which preceded it and treated as an admission that malpractice had occurred.

17. Discussions followed. IGNOU's account is that it preferred a fresh examination for all applicants, or at least the 2,440 shortlisted candidates, whereas NTA proposed testing only the 199 already declared successful. The minutes of meeting dated 19th December, 2023 recommended a qualifying written examination for those 199 candidates. The proposed minimum marks were 60% for unreserved candidates, 55% for EWS/OBC candidates and 50% for SC/ST/PwD candidates. The exchange continued into January, 2024. Whatever the earlier differences over scope, the correspondence records IGNOU's eventual acceptance of the proposal to examine the 199 candidates.

18. NTA's notice dated 12th January, 2024 scheduled that examination for 31st January, 2024. It was described as a second-stage written examination, although the advertised written and skill stages had already been held. The

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first group of writ petitions challenged the notice. On 23rd January, 2024, its operation was stayed. NTA thereafter issued the notice dated 25th January, 2024 postponing the examination until further orders.

19. IGNOU thereafter sought further records and explanations from NTA. Its communications dated 15th and 21st February, 2024 sought application forms, CBT and typing responses, the method used to calculate qualifying typing speed, centre-wise particulars, seating plans, computer IP addresses and examination footage. IGNOU also asked NTA to explain the safeguards against interference with applications and answer scripts, and to certify that the digital records supplied remained in the form originally received. By its letter dated 4th March, 2024, IGNOU reiterated these requests, stating that the information remained pending.

20. IGNOU's committee met on 1st April, 2024 to review the examination and its results. It recorded twelve observations. It noted that 83 of the 199 candidates on NTA's list had recorded an English typing speed below 40 WPM and that many of the higher-ranked candidates had appeared at Jammu or Jaipur. Of the 32 selected from the Jammu centres, 30 were from Haryana.

21. The committee also flagged missing certificates, Sumit Kumar's selection under OBC (NCL), differences in parentage particulars and photographs and signatures missing from electronic copies but present in later hard copies. It referred to the wording of the third-ranked candidate's email, two candidates mentioning their marks before publication, a complaint alleging criminal cases against another candidate, and similarities in the candidates' representations and choice of litigation.

22. On this basis, the committee concluded:

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> *"On the basis of above observations, the Committee is of the opinion that the entire process of conduction of exam and declaration of result by the NTA seems to be faulty. Hence, the committee proposed for scrapping of the aforesaid recruitment process of 200 JATs vide advertisement dated 21.03.2023 through the NTA."*

23. IGNOU communicated the decision to NTA on 22nd April, 2024 and subsequently issued notice dated 15th May, 2024, which reads:

> *"With the approval of the competent authority, the University has scrapped the recruitment process of 200 posts of Junior Assistant cum Typists vide Advertisement dated 21.03.2023 through the National Testing Agency."*

24. The later writ petitions challenge IGNOU's notice dated 15th May, 2024 cancelling the recruitment. IGNOU defends its decision on the basis of the committee's recommendation of 1st April, 2024 and the material the committee considered.

Proceedings before this Court

25. On 3rd May, 2024, before publication of IGNOU's cancellation notice, this Court considered the conflicting positions of the institutions and directed IGNOU to undertake document verification within six weeks, commencing from 8th May, 2024. The order recorded IGNOU's position concerning cancellation. It did not finally decide whether the examination was valid or whether cancellation was justified. It also made clear that the verification exercise would create no special equity in favour of the candidates.

26. On 27th May, 2024, in the proceedings challenging cancellation, IGNOU stated that it would not initiate action to fill the 200 posts forming the subject matter of the petitions.

27. The Division Bench disposed of IGNOU's appeal, LPA No.

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501/2024, on 22nd August, 2024 after IGNOU confined its request to the records needed for verification. It directed NTA to supply, within two days, the applications of the 199 successful candidates, their attachments and digital copies of their CBT answer scripts. IGNOU was to complete verification within one week of receiving those records.

28. NTA says it sent IGNOU the application confirmation pages and copies of the candidates' CBT and typing responses in August 2024. IGNOU continued to ask for the complete applications and supporting documents. NTA explained that the only documents candidates had been asked to upload were their photographs and signatures. It later provided access to the application records again. The dispute over the supply of records and access to the archived applications surfaced in the contempt proceedings.

29. On 9th March, 2026, the Court noted that document verification remained incomplete and directed IGNOU's Vice-Chancellor to coordinate with NTA's Director within seven days to resolve the issue. Officials of both institutions met on 17th March, 2026. By a letter of the same date, IGNOU requested the complete applications of the 199 candidates, copies of the CBT and typing responses, and revised combined and category-wise merit lists applying the prescribed typing speed of 40 WPM in English or 35 WPM in Hindi.

30. NTA furnished part of the material on 24th March, 2026 and undertook to provide the revised lists by 2nd April, 2026. In its affidavit dated 8th May, 2026, IGNOU stated that document verification had been conducted in batches between 23rd March and 6th April, 2026. According to the affidavit, of the 199 candidates called for verification, 135 attended and

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64 remained absent.

31. On 2nd April, 2026, NTA supplied a revised combined list of 109 candidates, category-wise lists, revised typing assessments, the status of the original 199 candidates and consolidated particulars of the 1,985 candidates who had appeared in the skill test. IGNOU stated in its affidavit that only 16 candidates from the original list figured in the revised list, while the remaining 93 were newly included. The revised list also included one candidate treated as exempt from the skill test.

32. The discrepancies between the original and revised lists prompted this Court to require the Director (Legal), NTA, and the Registrar, IGNOU, to appear personally. Both officers appeared on 14th May, 2026. NTA's Director (Legal), Mr. Binod Kumar Sahu, explained that the original list had applied a typing threshold of 35 WPM in English and 30 WPM in Hindi, relying on the DoPT model recruitment rules forwarded with IGNOU's communication dated 4th February, 2023. He attributed the change in the revised list to the requirement of 40/35 WPM specified in IGNOU's communication dated 17th March, 2026, and denied any manipulation or alteration of the underlying data. The Court required NTA to explain on affidavit how the revised list had been prepared, whether the yardstick for calculating typing speed differed between the two assessments, and whether the results conformed to Condition 4 of the admit card.

33. Pursuant to the directions issued on 14th May, 2026, NTA filed an additional affidavit dated 30th July, 2026, explaining the methods used to prepare the original and revised results. It stated that the original assessment treated five key depressions, including spaces, as one word and calculated net typing speed after deducting mistakes. For the revised result, it applied

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the threshold of 40 WPM in English or 35 WPM in Hindi and calculated net speed by deducting mistakes from the total words typed and dividing the balance by ten minutes. NTA maintained that the revised assessment followed the Information Bulletin. In its response dated 19th August, 2026, IGNOU disputed NTA's reliance on the communication dated 4th February, 2023, maintaining that the prescribed speed had throughout remained 40/35 WPM and that its later communication merely reiterated that requirement. It also contended that neither the Recruitment Rules nor the Information Bulletin prescribed conversion of five key depressions into a word. The Petitioners, in turn, relied on Condition 4 of the admit card to contend that the revised assessment departed from the counting method expressly notified before the test.

Rival submissions

34. The Petitioners submit that IGNOU cancelled the recruitment on suspicion, without material establishing a systemic breach of examination integrity or showing that any affected candidates could not be identified separately. They rely on NTA's examination safeguards and its statement that the observers reported no anomalies. They contend that IGNOU's geographical comparison treats examination cities as individual centres, overlooks differences in attendance and disregards the substantial proportion of applicants from Haryana. Candidates could indicate a preferred city, but the particular centre and shift were allotted by NTA. According to the Petitioners, neither the choice of a distant city nor the concentration of successful candidates at northern centres establishes misconduct. They further contend that the additional written examination introduced a stage absent from the advertised scheme and that the subsequent cancellation

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notice disclosed no reasons for abandoning the completed examinations.

35. The Petitioners point out that the Information Bulletin did not require candidates to upload educational certificates. They rely on NTA's explanation that Sumit Kumar qualified on his own merit in the OBC category and was also eligible for horizontal reservation as a meritorious sportsperson. They attribute the differences in the particulars of two candidates to the use of a father's name in one record and a husband's name in another. They rely on the confirmation pages and admit cards bearing the photographs and signatures said to be missing, and submit that IGNOU verified the candidates' identities when they appeared for document verification. The marks mentioned in the two emails, they say, were estimates based on the published answer key and differed from the official scores. They also dispute any inference of collusion from similar representations or from candidates pursuing common relief. In their submission, any outstanding discrepancies could have been checked individually and did not justify cancelling the recruitment.

36. In the consolidated submissions, the Petitioners argue that IGNOU entrusted NTA with devising and applying the method of assessment and could therefore not reject candidates whom NTA had declared qualified on the ground that they had fallen short of 40 WPM in English. The submissions on behalf of the group of 116 proceed on the basis that those candidates met the advertised speed under Condition 4 of the admit card, which counted five key depressions, including spaces, as one word. They challenge NTA's departure from that method in the revised assessment and seek appointment on the strength of the original assessment. The Petitioners who seek relief for the disputed group of 83 ask to be declared qualified and

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appointed on applying Condition 4 or, in the alternative, for a fresh typing test for that group.

37. The Petitioners rely on ***Durgacharan Misra v. State of Orissa***[5]; ***Praveen Singh v. State of Punjab***[6]; ***Ramesh Kumar v. High Court of Delhi***[7]; ***Shankarsan Dash v. Union of India***[8]; and ***Tej Prakash Pathak v. Rajasthan High Court***[9]. On cancellation, they rely on ***Vanshika Yadav v. Union of India***,[10] ***Staff Selection Commission v. Sudesh***[11], and ***Hemant Sharawat v. University of Delhi***[12]. Additionally, reliance is also placed upon ***U.P. Jal Nigam v. Ajit Singh Patel***[13].

38. IGNOU submits that the irregularities must be considered cumulatively. Its objection is not confined to the concentration of successful candidates at certain examination centres. It contends that 83 of the original 199 selectees had failed to attain the mandatory typing speed, although some occupied high positions in the merit list. The geographical pattern, discrepancies in parentage particulars, missing photographs and signatures in the material initially supplied, the alleged category change and the emails mentioning marks before their official display further undermined its confidence in the selection. According to IGNOU, these concerns arose from NTA's own records and constituted objective grounds for scrutiny, rather than conjecture or unsubstantiated complaints.

39. IGNOU maintains that it repeatedly sought records and clarification

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[5] (1987) 4 SCC 646
[6] (2000) 8 SCC 633
[7] (2010) 3 SCC 104
[8] (1991) 3 SCC 47
[9] (2025) 2 SCC 1
[10] (2024) 9 SCC 743
[11] 2014 SCC OnLine Del 7534
[12] 2025:DHC:4677

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from NTA before deciding to cancel the recruitment. It relies on NTA's own proposal for another examination and states that it initially sought fresh written and typing tests for all candidates or, alternatively, for the 2,440 candidates shortlisted after the CBT. NTA, however, insisted on restricting the exercise to the original 199 selectees. IGNOU submits that its eventual acceptance of that proposal demonstrates that cancellation was not predetermined. It was only after further scrutiny of the material supplied and consideration by the committee constituted for that purpose that cancellation was recommended.

40. IGNOU relies on the revised list of 109 candidates, largely different from the original 199, as further confirmation that the earlier selection could not safely be acted upon. It rejects NTA's explanation for applying the lower typing threshold. The communication dated 4th February, 2023, it submits, forwarded the DoPT model rules in the context of changes concerning educational qualifications and age relaxation; it did not authorise a reduction in typing speed. The earlier correspondence, committee proceedings, Board approval, revised draft and published Information Bulletin consistently prescribed 40 WPM in English or 35 WPM in Hindi. IGNOU also points out that NTA's own application confirmation pages referred to that requirement. Its communication dated 17th March, 2026 merely reiterated the existing standard. Separately, IGNOU contends that neither its Recruitment Rules nor the Information Bulletin prescribed conversion of five key depressions into a word.

41. IGNOU submits that it had to consider the interests of all candidates who participated in the recruitment. The 199 candidates acquired no right to

[13] (2019) 12 SCC 285

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appointment merely by being named in the provisional list, particularly when NTA later acknowledged that it had applied a typing speed lower than the advertised requirement. IGNOU argues that it was for the University, as the recruiting authority, to decide whether the process could continue. It maintains that the committee's findings and NTA's own records justified cancellation and that the Court should therefore decline to interfere.

42. IGNOU relies on the absence of an indefeasible right to appointment and on the latitude available to an employer to protect recruitment integrity. Its reliance of authorities include ***Nehru Yuva Kendra Sangathan v. Yogendra Singh***[14]; ***Gohil Vishvaraj Hanubhai v. State of Gujarat***[15]; ***Union of India v. Anand Kumar Pandey***[16]; ***Kerala Solvent Extractions Ltd. v. A. Unnikrishnan***[17]; and ***Roshan v. Union of India***[18]. Reliance is also placed on the Division Bench decision in ***University of Delhi v Deepak***[19].

43. NTA maintains that the examination was conducted with safeguards, including random allocation of candidates, randomisation of questions, biometric checks, surveillance and independent observers. It relies on its letter dated 1st December, 2023, stating that no anomalies were reported during the examination or before declaration of the result, and that a review of the observers' reports disclosed none. It also points to the distribution of the selected Haryana candidates across three centres and different shifts at Jammu. According to NTA, the proposed additional examination was intended to allay IGNOU's concerns and was scheduled with its

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[14] 2000 SCC OnLine Del 1014
[15] (2017) 13 SCC 621
[16] (1994) 5 SCC 663
[17] (2006) 13 SCC 619
[18] W.P.(C) 10630/2024, decided on 2nd July, 2026 (DHC).
[19] 2026:DHC:7413-DB

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concurrence; it did not reflect a finding that the original examination had been compromised.

44. As regards the typing assessment, NTA attributes the original threshold of 35 WPM in English and 30 WPM in Hindi to the DoPT model rules forwarded with IGNOU's communication dated 4th February, 2023. It states that the revised result applied 40/35 WPM in accordance with IGNOU's later communication dated 17th March, 2026, and maintains that the revised calculation followed the Information Bulletin. NTA thus attributes the difference between the two lists to the assessment criteria applied and denies any manipulation or alteration of the underlying examination data.

45. NTA also disputes the allegation that it withheld the records required for document verification. It states that, following the Division Bench's order dated 22nd August, 2024, it supplied the application confirmation pages and digital copies of the CBT and typing responses of the original 199 candidates, and subsequently facilitated access to the application material again. It emphasises that candidates were required to upload photographs and signatures, but not educational certificates or other supporting testimonials. It could not, therefore, furnish documents never collected through the application process. NTA maintains that it complied with the record-production directions to the extent of the material available with it and disputes IGNOU's reliance on non-receipt of documents as the reason for delaying verification. Verification of eligibility and the decision on appointment, it submits, remained IGNOU's responsibility.

46. In the contempt petitions, the Petitioners allege that IGNOU cancelled the recruitment in defiance of the Court's orders and that the Respondents

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deliberately delayed document verification. They also rely on IGNOU's statement, recorded on 27th May, 2024, that it would take no steps to fill the 200 posts. The Respondents point to the difficulty in obtaining the records, the correspondence that followed and the verification eventually undertaken.

Questions for determination

47. IGNOU's objections concern both the integrity of the examination and the reliability of the results declared by NTA. The Petitioners dispute those objections and seek different forms of relief. The following questions therefore arise:

(i) What is the effect of the earlier orders of this Court and the Division Bench? Did they finally determine any question concerning the validity of the recruitment or entitlement to appointment, and what remained open for consideration?

(ii) What requirements governed qualification in the typing test, and did the original and revised assessments conform to the prescribed speed and the counting method notified to candidates?

(iii) Did the grounds relied upon by IGNOU, considered cumulatively and in light of the explanations offered, justify cancellation of the entire recruitment?

(iv) What relief, if any, should follow, having regard to the original examination records, the differing claims of the candidates and the lapse of time?

(v) Does the conduct complained of in the connected contempt petitions establish wilful disobedience of the orders relied upon?

Governing principles

48. A candidate's inclusion in a select list does not by itself confer an

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indefeasible right to appointment, even if a vacancy remains. Unless the recruitment rules require otherwise, the State may decide how many vacancies to fill. That discretion must be exercised in good faith and for proper reasons. For the vacancies it fills, the State must respect the comparative merit of the candidates as reflected in the recruitment test and act without discrimination. The Constitution Bench stated these principles in *Shankarsan Dash*.

49. In *Tej Prakash Pathak*, the Constitution Bench held that the criteria notified at the commencement of recruitment for inclusion in the select list ordinarily bind the recruiting authority. Any change during the recruitment must be authorised by the governing rules, or by an advertisement consistent with those rules, and must satisfy Article 14. Where the rules are silent, the competent authority may supplement them by prescribing a benchmark before recruitment begins or, where the rules or advertisement so permit, before commencement of the stage to which the benchmark applies. The question here is whether the revised typing assessment merely gave effect to the notified criteria or introduced a different basis for assessing a test the candidates had already taken.

50. The validity of cancellation turns on the nature and reach of the irregularities. In ***Sachin Kumar v. Delhi Subordinate Service Selection Board***[20], the Supreme Court upheld cancellation because the irregularities disclosed by the inquiry, including those affecting equal access to the examination and random allocation of candidates, were serious enough, taken together, to compromise the selection process as a whole. Where wrongdoing can be confined to identifiable candidates, their cases can be dealt with

[20] (2021) 4 SCC 631

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separately. Where the material reasonably supports the conclusion that the process itself was compromised, the Court need not identify every candidate who benefited. In judicial review, the Court must therefore consider whether the material, viewed cumulatively, supports the authority's conclusion and whether the response adopted bears a reasonable relationship to the nature and extent of the defects disclosed.

51. An authority may cancel an examination where the material reasonably indicates widespread malpractice. It need not prove each allegation to the standard required in a trial or identify every candidate involved. In *Gohil Vishvaraj Hanubhai*, the recruitment committee initially excluded candidates whose OMR sheets bore a distinctive mark linked to the alleged malpractice. Further complaints and scrutiny brought wider irregularities to light. The Supreme Court upheld cancellation of the entire examination, taking into account that candidates unaffected by the malpractice could compete afresh and that the State had provided age relaxation.

52. In *Vanshika Yadav* the Supreme Court declined to order a fresh examination despite an undisputed leak of the question paper. The material did not indicate a systemic breach, and the tainted candidates could be segregated from those unaffected. The Court explained that systemic compromise need not be the only inference the material permits. There must, however, be a real possibility of such compromise borne out by the record. Whether the effects of the malpractice can be confined is central to deciding whether cancellation of the entire examination would be proportionate.

53. In ***State of W.B. v. Baishakhi Bhattacharyya***[21], the Supreme Court held

[21] (2025) 11 SCC 126

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that cancellation of an entire selection must rest on sufficient material gathered through a fair and thorough inquiry. Proof beyond reasonable doubt is unnecessary, but the material must demonstrate that the irregularities were sufficiently widespread or systemic to impair the reliability of the selection process. In that case, the Court upheld cancellation because large-scale manipulation, destruction of the original OMR sheets without retaining mirror copies, and attempts to conceal the irregularities together made reliable segregation impossible.

54. Supreme Court in ***State of Assam v. Arabinda Rabha***,[22] upheld cancellation of a selection conducted entirely through interviews, where the record disclosed departures from the reservation policy and indications of favouritism. The Court acknowledged that the Government could have attempted to salvage the selection. The availability of that course was relevant to proportionality, but did not entitle the High Court to substitute its preferred remedy. The question here is therefore not whether another course was available, or even preferable, but whether the defects disclosed by the record were of such nature and extent as to reasonably justify cancellation of the entire recruitment.

55. The Petitioners' reliance on the single-judge judgment in *Hemant Sharawat* must account for the recent decision in *University of Delhi v. Deepak*. The Division Bench reversed the common judgment insofar as challenged in that appeal. The university had analysed centre-wise outcomes and response sheets, identifying substantial similarity and matching incorrect answers. NTA's description of security protocols did not answer that material. The decision recognises the employer's duty to examine

[22] (2025) 7 SCC 705

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credible concerns and NTA's obligation to disclose verifiable examination records. It upheld withholding joining on the facts before it. The decision is relevant to the issues arising here, particularly the scrutiny expected of the recruiting authority and the examination agency; the question whether IGNOU's decision to cancel the recruitment was justified must, however, be determined on the material specific to this recruitment.

56. *Anand Kumar Pandey* answers an aspect of the challenge to an additional written examination. A remedial retest may lawfully be required after empanelment where the examination is shown to be compromised. In that case, vigilance material included success in particular rooms, matching wrong answers and evidence of assistance. The decision requiring the affected selectees to sit again was upheld. Consequently, the mere absence of a retest from the original advertisement does not invariably make it unlawful. The authority must nevertheless establish a sufficient connection between the defect identified and the scope of the retest proposed.

57. Conversely, ***Anamica Mishra v. U.P. Public Service Commission***[23] illustrates that where the defect is confined to a subsequent stage of recruitment, the unaffected written examination need not be cancelled and may be preserved as the basis for completing the selection process. Similarly, in ***Union of India v. Rajesh P.U., Puthuvalnikathu***[24], the Supreme Court upheld the decision not to cancel the entire selection where the irregularities affecting 31 candidates had been specifically identified and could be addressed without disturbing the selections of the remaining candidates. These decisions do not lay down that cancellation is

[23] 1990 Supp SCC 692
[24] (2003) 7 SCC 285

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impermissible unless every affected candidate can be individually identified. They instead require the authority to assess the nature and extent of the established irregularity and whether its impact can be confined to the affected stage or candidates, without unnecessarily invalidating the recruitment as a whole.

58. ***Rajesh Kumar v. State of Bihar***[25] provides guidance on correcting an evaluation error. The Supreme Court preferred reassessment of preserved scripts using the correct answer key to a fresh examination. Time, expense and unequal consequences of another examination supported that course. The case does not decide allegations of systemic examination malpractice. Its relevance arises after the Court finds that the defect is capable of correction in the assessment of original performances.

59. It emerges from these authorities that the justification for cancelling a recruitment depends on the nature and reach of the defects disclosed by the record. The recruiting authority may consider their cumulative effect and, where the material reasonably indicates that the integrity of the process as a whole was compromised, cancel the recruitment without establishing individual wrongdoing. In assessing whether cancellation was proportionate, the Court must consider whether an error in assessment could be corrected using reliable original responses or whether an irregularity could be confined to particular candidates or to a particular stage.

The typing qualification

60. The qualifying typing speed was 40 WPM in English or 35 WPM in Hindi. Both the Recruitment Rules and the Information Bulletin prescribed this standard as an essential qualification for the post. NTA itself published

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the Information Bulletin inviting applications on that basis. Candidates were therefore required to satisfy the notified speed, and NTA was required to apply it when determining who had qualified in the typing test.

61. IGNOU's letter dated 4th February, 2023 forwarded the DoPT model rules for the equivalent post of Lower Division Clerk. Read alone, its reference to educational and other qualifications explains how NTA's account of 35/30 WPM arose. It does not resolve the discrepancy in NTA's favour. The subsequent draft and approval process, the Board's decision and the advertisement retained 40/35 WPM. A preliminary communication cannot override the operative recruitment conditions subsequently finalised and published.

62. NTA's own application form asked candidates whether they could type at 40 WPM in English or 35 WPM in Hindi. NTA's explanation does not account for why it applied the lower speeds of 35 WPM in English and 30 WPM in Hindi after publishing the higher requirement. The error was NTA's, but IGNOU's decision to entrust the test to NTA did not change the prescribed qualification. IGNOU was therefore entitled to insist that candidates on the original list be assessed against the advertised speed.

63. The Recruitment Rules and the Information Bulletin fixed the qualifying speed at 40 WPM in English or 35 WPM in Hindi. They left open how a 'word' was to be counted. Before the test, NTA specified in Condition 4 of the admit card that five key depressions, including spaces, would count as one word.

64. IGNOU objects that this method finds no mention in the Rules or the Information Bulletin. In specifying how a word would be counted, NTA

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[25] (2013) 4 SCC 690

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provided a uniform means of measuring speed in the test it had been entrusted to conduct. Condition 4 therefore gave effect to the prescribed qualification and governed the assessment of the candidates' responses.

65. IGNOU's letter dated 17th March, 2026 sought revised merit lists applying the advertised qualifying speeds. In explaining the revised result, NTA stated that it deducted the number of mistakes from the 'Total Typed Words' and divided the balance by ten minutes. The formula explains how net speed was calculated once the word count was known. It leaves unanswered how NTA arrived at that count.

66. The assessment sheets for one candidate illustrate the difference. For application no. 235010071563, the original sheet recorded 2,750 keystrokes, equivalent under Condition 4 to 550 words and a speed of 55 WPM. The revised sheet recorded 453 words and a speed of 45.3 WPM. Both entries recorded zero mistakes. The change was in the word count itself. The revised list of 109 candidates can therefore be acted upon only after the original responses are reassessed using the advertised qualifying speeds and the counting method prescribed by Condition 4.

67. The Petitioners cite appointments made by JNU on the basis of the same English typing test, which NTA conducted for candidates who had qualified for the IGNOU, JNU and AICTE recruitments. Those recruitments used the same counting method, but the qualifying speeds were 40 WPM for IGNOU, 35 WPM for JNU and 30 WPM for AICTE. Appointment at JNU therefore does not establish that a candidate met IGNOU's higher threshold. The question that remains is whether the errors in the typing assessment, taken together with IGNOU's other objections, justified cancelling the entire recruitment.

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Whether cancellation of the entire recruitment was justified

68. IGNOU had good reason to question the original selection list. NTA had applied a typing speed lower than the advertised requirement. Appointments could not properly be made on that list without correcting the assessment. But IGNOU went further: it cancelled the recruitment itself. Whether that decision was justified depends on its other objections and what, taken together with the typing error, they disclosed.

69. The committee's minutes dated 1st April, 2024 set out the grounds for cancellation. These included the results from particular examination centres, discrepancies in candidate particulars and differences in the records supplied by NTA. IGNOU also complained that its requests for information had not been meaningfully answered. NTA's assurance that no malpractice had been reported did not relieve IGNOU of examining those matters. Equally, the concerns had to be considered alongside the records and explanations available. They are examined below, followed by their combined effect on the recruitment.

The Jammu data

70. IGNOU identified 32 finally selected candidates who appeared at Jammu, of whom 30 were residents of Haryana, one of Delhi and one of Jammu and Kashmir. NTA's table in its letter dated 1st December, 2023 supplies the following particulars for the three Jammu centres across both shifts:

Jammu attendance and selection data supplied by NTA

Centre	Registered	Appeared in CBT	Qualified in CBT	Selected candidates from Haryana

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Eshal Institute of Technology	300	121	22	11
Eshal Online Services	350	127	17	6
Infinite Network	707	289	23	13
Total	**1,357**	**537**	**62**	**30**

71. The Petitioners emphasise that 30 selections represent only 2.21% of 1,357 registrations. That comparison does not adequately answer IGNOU's concern. The table records only 537 actual examinees. The 30 Haryana selectees alone constitute approximately 5.59% of that attendance, whereas 199 selections out of 25,094 examinees nationally represent approximately 0.79%. The geographical concentration is real and cannot be dismissed by including non-attendees in the denominator.

72. The table also shows a distinction between qualification in the written examination and final selection. Sixty-two out of 537 Jammu examinees qualified for the next stage, approximately 11.55%, against 2,440 out of 25,094 nationally, approximately 9.72%. Thus, the more pronounced difference is in final selection. Final selection depended on written merit, categories and the typing assessment, which NTA itself applied incorrectly. These percentages are descriptive, not a statistical finding of cheating. Without accounting for score distribution, category and the intervening qualification, the final-selection difference does not establish the cause of the concentration.

73. The 30 successful candidates from Haryana who sat the CBT in Jammu were spread across three centres and two shifts. Their concentration in one city still warranted scrutiny. Candidates were free to indicate their

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preferred examination cities, with no requirement to choose the one nearest home. The significance of the pattern therefore depends on whether other material links it to an irregularity in the examination.

74. The committee refers to disproportionate success and high ranks from Jammu and Jaipur. It does not identify common wrong answers, unusual response sequences, defective allocation, a compromised question paper or another feature linking those outcomes to unauthorised assistance. Such evidence is not indispensable in every case. Its absence is relevant here because no alternative examination of the underlying responses is shown to connect the concentration to a common defect in the CBT. The report moves from the concentration and other observations to cancellation without establishing that connection.

75. In *University of Delhi v. Deepak*, the concentration of successful candidates at particular centres was accompanied by similarities in their responses, including identical wrong answers. The Division Bench considered those circumstances together. Here, the concentration at Jammu and Jaipur warranted scrutiny. It was more pronounced in the final list, which also reflected the faulty typing assessment, than at the CBT shortlisting stage. On this record, the geographical pattern did not provide a sufficient basis for discarding the CBT results.

Application and identity records

76. The absence of educational certificates from NTA's application material is explained by the Information Bulletin itself. It did not require their upload. IGNOU remained entitled to verify the originals and eligibility particulars, but a failure to supply documents never collected cannot be treated as evidence that the examination was compromised. Incomplete

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verification and destruction or alteration of examination responses are different matters. The record establishes the former dispute; it does not, on that account, establish the latter.

77. The sports-category issue likewise received a specific answer before cancellation. NTA stated that Sumit Kumar qualified under OBC on his own merit and also fell within horizontal sports reservation. Horizontal sports status does not, merely by its existence, displace the candidate's vertical category. IGNOU's reliance on the request concerning category does not explain why the selection violated the applicable roster despite NTA's answer. Any remaining issue concerning that candidate's certificates or placement could be determined individually.

78. The Petitioners explain the differing parentage particulars of Manju and Manjeet Rani as a difference between the father's and the husband's name. The Court does not treat that explanation as conclusive. But a discrepancy between an application record and a writ petition does not establish impersonation or justify rejecting unrelated candidatures. The eligibility of these two candidates is a matter for verification of their identity documents.

79. The committee noted that the electronic confirmation pages for Dheeraj, Anil Kundu and Vikas had blank fields for photographs and signatures, although both appeared in the hard copies NTA later supplied. The Petitioners rely on the confirmation pages and admit cards bearing those particulars. The later copies leave the earlier blanks unexplained. The discrepancy warrants checking the originals against the records used to verify the candidates' identities at the examination. On its own, it does not establish that anyone appeared in their place.

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80. Taken together, these matters identify persons and documents capable of verification. The Court is not directing appointment despite an unresolved identity objection. Such an objection must be decided before appointment of the candidate concerned, with the adverse material disclosed and an opportunity to answer it. The report does not show why those identifiable issues render the responses of every examinee unreliable.

Emails and other circumstances

81. The committee placed reliance on Pintu Kumar's informal email, his high English score in the CBT and his typing speed of 35 WPM. His failure to attain 40 WPM under the applicable assessment would exclude him from selection; it would not establish that his CBT score was fraudulently obtained. An informal request written in poor English is an uncertain basis for inferring the author's objective-test performance to be false. It may prompt scrutiny, but the inference requires examination material beyond the phrasing of the email.

82. The two emails of 16th January, 2024 mentioned scores of 114 and 124. The Petitioners point to the published answer key and subsequent official scores of 117.69 and 121.75. The earlier figures therefore did not reproduce the official scores. Estimation from the answer key is a specific explanation consistent with the discrepancy. The committee did not identify access to confidential scoring information or another circumstance displacing that explanation. Mention of estimated marks before formal display cannot be treated as evidence of advance access to results.

83. The complaint regarding criminal cases against Rohit concerns antecedents and any applicable disclosure requirement. It cannot be treated as an established criminal history merely because a complaint was received.

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Even an adverse antecedent finding would ordinarily concern that candidature; the report identifies no link between the complaint and a compromise of the examination. Similar representations or the institution of common proceedings also add little. Candidates confronting a common decision may use common language and legal assistance. That conduct does not substantiate collusion in taking the examination.

Successive results and the underlying responses

84. The revised list of 109 candidates differed substantially from the original list of 199. IGNOU was entitled to question how NTA had arrived at such different results from the same recruitment. NTA's explanation, however, identifies two changes in assessment: the qualifying speed was raised to the advertised threshold, and the method of counting words was changed. Both could materially affect who qualified and consequently entered the selection list. The original assessment applied the wrong threshold; the revised assessment departed from the notified counting method. Neither list can therefore be accepted without reassessment under the governing conditions.

85. The difference between the lists does not, by itself, show that the candidates' examination responses were altered. NTA has denied any such alteration. IGNOU relies on the conflicting results and NTA's explanations, but has not identified a CBT response or typing response shown to have been changed or substituted. Its concern about NTA's handling of the results is justified. On the material before the Court, however, the errors established concern the assessment of the responses; they do not establish that the responses themselves were fabricated or altered. This conclusion must be considered with the other grounds relied upon by IGNOU when examining

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its decision to cancel the recruitment.

Cumulative assessment and proportionality

86. Taken together, the observations recorded by the Committee gave IGNOU good reason to withhold appointments on the original list. The typing assessment was materially flawed, the concentration of successful candidates at certain centres warranted scrutiny, and the discrepancies in the application records called for individual verification. Even cumulatively, however, those matters gave IGNOU no sufficient basis to treat the CBT results or the original typing responses as unreliable.

87. IGNOU had latitude in deciding how to respond. The error affected the assessment of the typing results can be corrected by applying the notified criteria. The discrepancies could be examined in the candidatures concerned. Cancelling the entire recruitment went further than the defects disclosed by the record warranted.

88. The cancellation notice dated 15th May, 2024 must accordingly be set aside. The recruitment shall proceed on the basis of the CBT results, a fresh assessment of the original typing responses and verification of eligibility of the candidates. The fresh assessment shall supersede both lists issued by NTA.

The additional written examination

89. The notice dated 12th January, 2024 must be considered in light of the same findings. The additional examination was intended to allay doubts rather than to implement an advertised stage. However, no sufficient basis has been established for discarding or supplementing the CBT with another written hurdle confined to the original 199 candidates.

90. Such confinement also assumes the correctness of the very list which

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was prepared using the lower typing threshold. Candidates outside that list may have stronger claims once the notified criteria are applied. A further test for the original group cannot resolve that comparative-merit problem. The proposal would add a new qualifying assessment for one group while leaving the erroneous exclusion of others uncorrected. On this record, the notice dated 12th January, 2024 is therefore set aside. The postponement notice dated 25th January, 2024 has no surviving operation.

91. More than three years have passed since the examinations. The first petitions were brought promptly and remained pending during that period. The benefit of reassessment shall extend to all candidates covered by it, regardless of whether or when they approached the Court.

Connected contempt petitions

92. CONT.CAS(C) 863/2024 concerns the order dated 3rd May, 2024; CONT.CAS(C) 895/2024 invokes the interim protection and verification directions; and CONT.CAS(C) 689/2025 concerns compliance with the Division Bench's order dated 22nd August, 2024.

93. Civil contempt requires wilful disobedience. ***Ram Kishan v. Tarun Bajaj***[26] emphasises the deliberate character of the breach and the standard applicable to a punitive finding. A disputed administrative position is not a licence to disregard a clear order. Conversely, an adverse decision on the legality of cancellation does not itself establish that the officers concerned deliberately disobeyed an order prohibiting it.

94. The cancellation notice did not absolve IGNOU of compliance with the continuing verification directions. Its committee recommendation and communication to NTA preceded the order dated 3rd May, 2024, and its

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position was recorded when verification was directed. That chronology does not establish that cancellation was devised to defeat that order. Nor did the stay of the additional examination, without more, prohibit every subsequent decision about the recruitment. The legality of cancellation has been decided in the writ petitions on its own grounds.

95. The delay in verification was nevertheless considerable. The institutions repeatedly attributed non-completion to one another, and the order dated 9th March 2026 rightly required an end to that impasse. Their obligations under the earlier directions were not conditional upon resolution of the merits. The record of supply and access to material, disputes over what had been collected, and later meetings explains the course of events; it does not make the delay acceptable.

96. IGNOU has placed on affidavit the verification conducted between 23rd March, and 6th April, 2026, with attendance figures. There is no basis on record to find that the protected 200 posts were filled in violation of the undertaking. The separately advertised recruitment and internal proposals concerning staffing cannot, without proof of appointments against these very posts, establish such a breach. The Court does not decide the legality of any unrelated recruitment or promotion.

97. Having considered the scope of the directions, the Court is not satisfied that a punitive finding of wilful disobedience is warranted. The contempt petitions are accordingly closed. This does not endorse the institutional delay. The obligations necessary to conclude recruitment are now governed by the specific directions below.

Directions

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[26] (2014) 16 SCC 204

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98. The writ petitions are partly allowed in the following terms:

(i) The notice dated 15th May, 2024 cancelling recruitment to the 200 JAT posts under the advertisement dated 21st March, 2023, and the notice dated 12th January, 2024 requiring an additional written examination, are set aside. The postponement notice dated 25th January, 2024 consequently has no surviving operation.

(ii) The CBT held on 31st July, 2023 and the resulting shortlist are preserved. Neither the original list of 199 candidates nor the revised list of 109 candidates shall be treated as the final selection list. Selection shall follow the reassessment directed in this judgment.

(iii) Within two weeks of this judgment, NTA and IGNOU shall nominate their responsible officers and arrange the independent technical verification described above. The original electronic responses used for reassessment shall be identified, authenticated and preserved.

(iv) NTA shall reassess the typing responses of all 1,985 candidates who appeared in the skill test strictly in accordance with the qualifying speed of 40 WPM in English or 35 WPM in Hindi, Condition 4 of the typing-test admit card, and the notified error conditions and evaluation scheme, as construed in this judgment. Candidates lawfully exempt from the skill test shall be considered separately under the applicable rules. Within five weeks of this judgment, NTA shall publish the corrected skill-test results and consequential merit list necessary for IGNOU to apply the applicable reservation roster. Each candidate shall have secure access to his or her revised assessment and the calculation on which it rests.

(v) IGNOU shall complete the merit list and identity verification and publish the final selection lists within eight weeks of this judgment.

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Candidates due for selection whose verification remains incomplete shall be called upon to complete it within that period. IGNOU shall resolve any identity or document discrepancy against the original records, considering the candidate's explanation, and decide the candidature as per the recruitment terms and conditions.

(vi) Age and other eligibility requirements shall be assessed with reference to the original notified cut-off dates. Selection shall be confined to the original 200 vacancies and the applicable reservation roster. Upon completion of the prescribed formalities, IGNOU shall issue appointment offers within two weeks of publication of the final selection lists. Appointments shall be prospective, without back wages or retrospective seniority.

(vii) The Director General, NTA, and the Vice Chancellor, IGNOU, shall personally ensure compliance with these directions. The exercise shall be concluded with expedition and, save where an individual candidature requires determination of a documented legal or factual impediment, appointment offers shall be issued within ten weeks from the date of this judgment.

99. CONT.CAS(C) 863/2024, CONT.CAS(C) 895/2024 and CONT.CAS(C) 689/2025 are closed in the terms recorded above. Pending applications in the writ and contempt proceedings stand disposed of. There shall be no order as to costs.

SANJEEV NARULA, J

NOVEMBER 23, 2026/ab

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