



2026:AHC:51266

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2607 of 2026

Bhoopendra

.....Petitioner(s)

Versus

The State Of U.P. And 4 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Atipriya Gautam, Mohammad Fahad, Sr. Advocate, Vinod Kumar Mishra
Counsel for Respondent(s)	: C.S.C.

Court No. - 33

HON'BLE VIKAS BUDHWAR, J.

1. Heard Sri Vijay Gautam, learned Senior Counsel assisted by Sri Navneet Yadav holding brief of Ms. Arya Gautam, learned counsel for the writ petitioner and Sri Promad Kumar Srivastava, learned Additional Chief Standing Counsel for the State.

2. This Court entertained the writ petition on 23.02.2026. Instruction have been produced under the signatures of respondent no. 2 dated 05.03.2026.

3. Sri P.K. Srivatava, learned Additional CSC has made a statement at bar that he is possessed with the instructions and he is in a position to argue the matter and he does not propose to file any affidavit, the writ petition be decided on the basis of the documents available on record. With the consent of the parties, the writ petition is being decided at the fresh stage.

4. The case of the writ petitioner is that an advertisement came to be published on 06.01.2022 by the second respondent for selection and appointment on the post of Assistant Operator in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment Rules, 2022. The writ petitioner applied in pursuance thereof, he was declared qualified in the written examination vide notification dated 07.08.2024 and thereafter, he was allowed to appear in the document verification and physical standard test (DV/PST) on 01.02.2025 and he qualified the physical efficiency test (PET) on 08.03.2025 and a final merit list came to be published on 26.03.2025 in which last cut off merit under OBC male category is 363.28735 and the petitioner secured 370 marks. However, according to

the writ petitioner though he secured higher marks under OBC (Male) Category) for the post of Assistant Radio Operator but he has not been treated as selected candidate. Notices came to be issued to the writ petitioner on 24.02.2025, 25.02.2025, 26.02.2025 with an allegation that the writ petitioner had indulged in an unfair means and the writ petitioner was directed to show cause. The writ petitioner thereafter, preferred Writ-A No. 17090 of 2025 in which on 04.12.2025, the following orders have been passed.-

"1. Heard Shri Rishabh Kesarwani, learned counsel for the writ petitioner and Shri R.S. Umrao, learned Additional Chief Standing counsel for the State-respondents.

2. This Court on 15.11.2025 has sought instructions from the Standing Counsel, which has been produced today under the signature of the Additional Secretary Recruitment, U.P. Police Recruitment and Promotion Board, Lucknow dated 27.11.2025, which is taken on record as Appendix 'A'.

3. Grievance of the writ petitioner is that he secured higher marks in OBC (Male) Category for the post of Assistant Radio Operator as per advertisement for Assistant Operator in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022 dated 06.01.2022 but he has not been treated as a selected candidate despite attempting 148 answers out of 160 questions.

4. Learned Standing Counsel, on the basis of instructions, submits that the writ petitioner has indulged in unfair practice for which notices were issued on 24.02.2025, 25.02.2025 and 26.02.2025 but he has not replied.

5. Upon such statement, learned counsel for the writ petitioner has invited the attention of this Court to Paragraph no. 32 of the paper book and stated that on 24.02.2025, the writ petitioner appeared before the office of Respondent No. 2 and furnished his documents to the officer present in the office. After verifying the documents, the officer sent the writ petitioner and, thereafter, he was not served with any further notice.

6. Considering the submissions so made across the Bar and taking into account the overall facts and circumstances, the writ petition stands disposed of with the direction to the writ petitioner to appear before Respondent No. 2, who shall, not later than 18.12.2025, serve him with notices 24.02.2025, 25.02.2025 and 26.02.2025. The writ petitioner shall then submit his reply and Respondent No. 2 shall take a final decision thereon within a period of two months thereafter."

5. According to the writ petitioner, a notice came to be issued to the writ petitioner on 05.02.2025 under the signature of the Additional Secretary (Recruitment) Uttar Pradesh Police Recruitment and Promotion Board, Lucknow requiring the writ petitioner to submit his reply by 24.02.2025

thereafter on 19.02.2025 against the writ petitioner was served with a copy of the notice dated 04.02.2025 and the writ petitioner tendered its reply on 21.12.2025, however, no by virtue of the order dated 08.01.2026 passed by second respondent, the reply so submitted by the writ petitioner to the show cause notice have been held to be unsatisfactory negating the claim set up by the writ petitioner.

6. Questioning the said order, the present writ petition has been preferred.

7. This Court entertained the writ petition on 23.02.2026 while passing the following orders.-

"1. Contention of the learned Senior Counsel for the writ petitioner is that post passing of the order dated 04.12.2025, the petitioner was served with a notice, which is dated 05.02.2025, which came to be replied by the writ petitioner on 21.12.2025. However, there is no consideration of the reply submitted by the petitioner, and a major portion of the impugned order recites certain facts which are based on inputs which have never been served upon the writ petitioner.

2. Shri Gaurav Singh, learned Standing Counsel to seek instructions.

3. Put up this case on 12.03.2026 as fresh."

8. Learned Senior Counsel for the writ petitioner has sought to argue that the order impugned cannot be sustained even for the simple reason that though the writ petitioner responded to the notice on 21.12.2025 but none of the contentions so raised by the writ petitioner replied to the show cause notice has been considered and the same has been held to be unsatisfactory by a single stroke of pen. Submission is that reliance has also been placed upon the report of the IIT Kanpur but the said report was at no point of time served upon the writ petitioner, thus, the writ petitioner is in complete dark with regard to contents of the same.

9. Sri P.K. Srivastava, learned Additional CSC while countering the submission so raised by the learned counsel for the writ petitioner submits that there has been procedural fairness in passing the order particularly when post issuance of a notice and submission of a reply, an order came to be passed.

10. I have heard the submissions so made across the bar and perused the record.

11. In the instructions as well as order impugned, reference has been made to the fact that on 04.12.2025, a notice came to be issued to the writ petitioner to tender his reply on 24.02.2025 and the copy of the same was served upon the writ petitioner on 19.12.2025, the notice dated 05.02.2025 is extracted hereinbelow.-

"पक्ष प्रस्तुत करने हेतु नोटिस

अभ्यर्थी का नाम श्री भूपेन्द्र
पत्ता-ग्राम-नगला परमल, पोस्ट-अकौला
जनपद-आगरा उ०प्र०-283102

आप रेडियो संवर्ग सीधी भर्ती 2022 के अर्न्तगत सहायक परिचालक पद के अभ्यर्थी है तथा आपका अनुक्रमांक 14129320081 तथा रजिस्ट्रेशन नम्बर REGA0331256 है। आप इस भर्ती हेतु न्यू एरा कॉलेज ऑफ एजुकेशन परीक्षा केन्द्र पर दिनांक 07.02.2024 को ऑनलाइन लिखित परीक्षा में सम्मिलित हुये थे। उ०प्र० पुलिस भर्ती एवं प्रोन्नति बोर्ड द्वारा इस लिखित परीक्षा के परिणाम का परीक्षण कराया गया है, जिसमें परीक्षा अवधि में आपका प्रश्नपत्र हल करने सम्बन्धी व्यवहार अत्यन्त संदिग्ध पाया गया तथा इसके कम में आपके सम्बन्ध में अग्रेतर विश्लेषण कराने का निर्णय लिया गया है।

2-उक्त सम्बन्ध में आपको अवसर प्रदान किया जाता है कि आप दिनांक 24-02:25 को समय प्रातः 10:00 बजे उ०प्र० पुलिस भर्ती एवं प्रोन्नति बोर्ड, के 19. सी तुलसी गंगा काम्पलेक्स, विधान सभा मार्ग, लखनऊ स्थित कार्यालय में व्यक्तिगत रूप से उपस्थित होकर अधोहस्ताक्षरी की अध्यक्षता में गठित समिति के समक्ष अपना पक्ष / कथन प्रस्तुत करें। इस अवसर पर आप अपने आवेदन पत्र में उल्लिखित समस्त शैक्षिक अर्हता सम्बन्धी मूल प्रमाण पत्र और अंक तालिकायें भी साथ लायें तथा समिति के समक्ष प्रस्तुत करें।

3- यदि उपरोक्त निर्धारित तिथि एवं समय पर आप समिति के समक्ष उपस्थित नहीं होते हैं तो यह समझा जायेगा कि आपको इस सम्बन्ध में अपने पक्ष में कुछ नहीं कहना है और उपलब्ध साक्ष्य के आधार पर उपयुक्त निर्णय ले लिया जायेगा।

पत्र संख्या-पीआरपीबी-बी (रेडियो संवर्ग) 15/2024
दिनांक-फरवरी 05.2025

अपर सचिव, भर्ती

उ०प्र० पुलिस भर्ती एवं प्रोन्नति बोर्ड,

लखनऊ।।"

12. The reply so submitted by the writ petitioner is extracted as under.-

"To,

Dated 21/12/2025

The Chairman / Additional Secretary, Uttar Pradesh Police Recruitment & Promotion Board, Tulsi Ganga Complex, 19-C, Vidhan Sabha Marg, Uttar Pradesh Lucknow,

Ref: Applicant's Aspect / Reply to the Notice dated 05/02/2025.

Respected Sir,

The applicant begs to submit as under:

1. That, in pursuance of the Notice dated 05/02/2025, the applicant submitting his Reply before your honour for considering his claim with regard to appointment of the applicant under the OBC (Male) Category as he secured higher marks under the OBC (Male) Category for the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, pursuant to the Advertisement dated 06/01/2022 and in pursuance of the cut-off merit issued vide Notification dated 26/03/2025.

2. That, by means of this Representation the applicant prays before your goodself may be pleased, to treating the applicant as a selected candidate and to allow him to participate in the next stage of selection in pursuance of the cut-off merit issued vide Notification dated 26/03/2025.

3. That, it is further prayed by the applicant, before your goodself may be pleased, to add the name of the applicant in the final select list dated 26/03/2025 under the OBC (Male) Category as he secured higher marks under the OBC (Male) Category for the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, pursuant to the Advertisement dated 06/01/2022 and in pursuance of the cut-off merit issued vide Notification dated 26/03/2025.

4. That, it is further prayed by the applicant, before your goodself may be pleased, to allow the applicant to participate in the next stage of selection i.e. Medical Examination and declared the applicant as a finally selected candidate for the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, pursuant to the Advertisement dated 06/01/2022 and in pursuance of the cut-off merit issued vide Notification dated 26/03/2025.

5. That, the applicant is a candidate for selection on the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, under the OBC (Male) Category pursuant to the Advertisement dated 06/01/2022 issued by the Authority.

6. That, the grievance of the applicant is, that he has applied under the OBC (Male) Category for the selection on the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, pursuant to the Advertisement dated 06/01/2022, issued by the Authority and he was declared qualified in the written examination, vide on Notification dated 07/08/2024, thereafter, he was qualified in the Document Verification & Physical Standard Test (DV/PST) on 10/02/2025, thereafter, he was qualified in the Physical Efficiency Test (PET) 08/03/2025, thereafter Authority issued the final merit list vide notification dated 26/03/2025 in which the last cut-off merit under the OBC Male category is 363.28735 and the applicant has

secured 370 Marks but the name of the applicant was not mentioned in the final merit list by the way of wholly illegal and arbitrary manner.

7. That, the applicant is eligible candidate and he fulfilled all the terms and conditions of the Advertisement dated 06/01/2022, and he had applied under the OBC (Male) Category for the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, pursuant to the Advertisement dated 06/01/2022, issued by the Authority.

8. That, the brief fact of the case is that, the Additional Secretary, (Recruitment)/Examination Controller the Uttar Pradesh Police Recruitment & Promotion Board Lucknow, issued a Advertisement on 06/01/2022, for the Selection of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, in U.P. Police Department.

9. That, the applicant criteria given in the submitted his On-line fulfilled the eligibility Advertisement dated 06/01/2022, therefore, he has Application Form to appear in the selection procedure for the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022.

10. That, by the aforesaid advertisement total Number of 1374 Posts of Assistant Operator (Radio Department) have been advertised vide Advertisement dated 06/01/2022.

11. That, the date of Registration was mentioned in the Advertisement was 06/01/2022, and the last date for Registration was mentioned as 28/02/2022. The applicant has applied within time along with the necessary formalities and Fees and his application was processed and accepted.

12. That, the age of the candidates prescribed in the aforesaid Advertisement that they must be between 18-22 years for male candidates as on 01/07/2022 and relaxation in age will be extended as per the Rules.

13. That, as per the provisions of Rule 5 of the Uttar Pradesh Police Radio Subordinate Service Rules-2015., the source of Recruitment for the post of Assistant Operator is 90% through Direct Recruitment made by the Board and the minimum Qualification for the post of Male Assistant Operator is prescribed as 10th & 12th Standard by the Board in India or a qualification recognized by the Government as equivalent thereto.

14. That, the process of Recruitment for the post of Assistant Operator has been prescribed under Rule 14 & 15 of the Uttar Pradesh Police Radio Subordinate Rules-2015.

15. That, pursuance of the aforesaid Rules, the advertisement dated 06/01/2022, has been published which also contains the similar methods of selection as mentioned in Rule 14 & 15, of the Uttar Pradesh Police Radio Subordinate Rules-2015.

16. That, Rule 14 of the Uttar Pradesh Police Radio Subordinate Rules 2015, provides that the appointing authority shall determined and intimate to the Head of the Department the number of vacancies to be filled during the course of the year of recruitment and also the number of vacancies reserved for candidates belonging to Scheduled Tribes and other categories under Rule 6 and subsequently the board shall notified the vacancies both male and female candidates separately.

17. That, the selection and appointment on the post of Assistant Operator in Radio Department is governed by the set off Rules known as the Uttar Police Radio Subordinate Rules 2015, which has been Pradesh subsequently amended.

18. That, as per the number of vacancies of the Assistant Operator in Radio Department which has been published in the aforesaid Advertisement COURT dated 06/01/2022. is as follows:

Sl. No.	Category	Total Number of Vacancies (Constable in C.P.)
1.	General	552
2.	EWS	137
3.	OBC	370
4.	SC	288
5.	ST	27
Total		1374

19. That, as per the process of selection for the Posts of Assistant Operator, there is a provision of written examination thereafter Document Verification (DV) & Physical Standard Test (PST) thereafter Physical Efficiency Test (PET) and thereafter declaration of Final Select List & thereafter there is a provision of Medical Examination and Character Verification.

20. That, as per the aforesaid Advertisement for selection of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, issued by Uttar Pradesh Police Recruitment and Promotion Board Lucknow, the criteria of reservation and relaxation in age has been prescribed in Clause-5 of the aforesaid Advertisement.

Vertical Reservation

- (i) OBC is 27%,
- (ii) SC 21%,

(iii) ST 2%

Horizontal Reservation

(i) Home Guard 5%,

(ii) Freedom fighter 2%,

(iii) Ex-service man 5%,

(iv) Female Constable (only in Civil Police Constable) 20%.

21. That, after receiving the applications of the candidates they have been verified by the UP Recruitment and Promotion Board and the said verification process pertaining to the candidates' Age, Eligibility as per Posts, Objections related to Photo of uploading/rejected /accepted etc., and it is circulated in the official Web-site of the Recruitment Board. The candidates were required to visit the Official Web-site again to view the "Application Status" after the last date of Form submission on the Web-site, under the option "view application status" for ensuring the acceptance of application. The said directions have been issued in the official Web-site.

22. That, the necessary process of scrutiny of the application form were made by the Authorities and after evaluation of the application form of the applicant the same was accepted for the further process of selection.

23. That, thereafter, Online written examination was held on 1,2,3,4,5,6,7 & 8, February 2024 in 16 Shifts.

24. That, it is mentioned in the clause 4.1 of the Advertisement that the Online written examination must consist of 400 Marks.

25. That, the written /computer based examination consisted of four sections Goof 100 marks each, for subjects, namely General Hindi, Science/General Science, Numerical & Mental Ability Test, Mental Aptitude Test/Intelligence Test/ Logical Reasoning Test. Each question consisted of 2.5 marks and no negative marking for wrong answer.

26. That, It is stated in the notification that the online written examination will be held on 04 different subjects in which 40 questions of each subject carrying 100 marks each will be there, thus total 160 question would be carrying 400 marks. It was further stated that the online written examination would be based on objective type questions.

27. That, it is provided in the Clause 4.1(c) of the advertisement that minimum qualifying marks in the on-line written Examination each candidate must obtain 50 percent marks in each subject.

28. That, vide Notification dated 07/08/2024, the cut-off merit for calling upon the candidates to appearing in the next stage of selection Document Verification and Physical Standard Test (DV/PST) has been issued in each categories. Against the vacancies 3 times total 4,216 candidates were called for the next stage of selection for Document Verification and Physical Standard Test (DV/PST).

29. That, a Notification dated 01/02/2025, has been issued by the Authority, by which

important information for downloading the DV/PST admit Cards and process of DV/PST has been issued.

30. That, thereafter on dated 05/02/2025 the issued Notice to the applicant to appear before the office of Pollice Recruitment and Promotion Board on dated 24/02/2025 and tell his explanation along with his Educational and Relevant documents.

31. That, thereafter, the call letter has been issued to the applicant for Document Verification and Physical Standard Test (DV/PST) for selection on the post of the Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022. The applicant is directed to be appeared on 10/02/2025, at Reserve Police Lines, District Agra, for Document Verification and Physical Standard Test (DV/PST) and the applicant qualified in the Document Verification and Physical Standard Test (DV/PST) Exam.

32. That, after qualifying in the Document Verification and Physical Standard Test (DV/PST) the applicant called for Physical Efficiency Test on dated 08/03/2025 at 35 the Bn PAC Lucknow in which the applicant qualified in the Physical Efficiency Test.

33. That, thereafter UPPRPB issued the final merit list vide notification dated 26/03/2025 in which the last cut-off merit under the OBC Male category is 363.28735 and the applicant has secured 370 Marks but the name of the applicant was not mentioned in the final merit list by the way of wholly illegal and arbitrary manner.

34. That, after qualifying in the online written Examination the Authority issued the Answer key of all the candidates, the applicant download his answer key in which out of 160 question the 148 answers of the petitioners were correct and each question carries 2.5 marks each.

35. That, the applicant filed a Representation on 07/07/2025 & 15/07/2025, before the Authorities with the prayer to declare the applicant as selected candidate and appoint him on the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, as the petitioners qualified in Computer Based Written Examination, Document Verification & Physical Standard Test (DV/PST), under the OBC (Male) Category and also fulfilled all the criteria and norms of the advertisement dated 06/01/2022, as well as Uttar Pradesh Police Radio Subordinate Rules-2015.

36. That, the applicant is fully eligible candidates under the OBC (Male) Category, and the applicant has fulfilled the criteria which has been prescribed under the Rules and Advertisement and therefore the action of the Authorities are not sustainable in the eyes of law.

37. That, the Applicant comes under the purview of the selected candidate in the Physical Efficiency Test (PET) under the OBC (Male) Category and he is fully eligible candidates and the Authorities are duty bound to declared the applicant as selected candidates and hence, the candidature of the Applicant is to be accepted by the

Authorities for the post of the Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022 in the interest of justice.

38. That, in view of the facts and circumstances of the present case, especially as the authorities have acted arbitrarily and have practiced discrimination in holding the Selection and the Applicant has clearly made out case for consideration of his candidature on the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) 407 FRecruitment-2022.

39. That, the Authorities have deprived the Applicant from his legitimate right of Recruitment/Appointment on the post of Assistant Operator in Radio Department, by way of illegal manner, without assigning any rhyme and reason nor the Applicant have committed such on offence which subjected them for non-selected to the said post and as such the entire action of the Authorities are unwarranted, illegal and without jurisdiction.

40. That, the applicant is fully eligible candidates and the applicant has fulfilled the criteria which has been prescribed under the Rules and Advertisement and therefore the action of the Authorities are not justified and the entire action on the part of the Authorities are wholly illegal, arbitrary and not sustainable in the eyes of law.

41. That, it is submitted that at all stages of examination i.e. Written Examination, Document Verification / Physical Standard Test (DV/PST), Physical Efficiency Test (PET) the petitioner had appeared along with a valid identity card, and the authorities had permitted him to appear at all stages of examination only after being satisfied with regard to her identity, and there was no material to suspect the petitioner's candidature.

42. That, the Submission of the applicant is that identity of petitioner was checked at all stages, and the allegation of impersonation made after substantially long period is not only vague and unsubstantiated, but is otherwise not established on the evidence adduced. Petitioner further stated that in the Written Examination, DV/PST and PET, bio-metric machine was used in which thumb impression of each of the petitioner was taken, but there is no report/finding on record that petitioners' thumb impression do not match.

43. That, the petitioner has produced his identity cards, before the concerned Authorities at each of the four stages, and no issue regarding his identity was ever raised. In the physical standard test and physical efficiency test, the Authorities have clearly certified that petitioner has qualified on all parameters. This certification has been issued after verifying the petitioner identity with reference to the identity cards specified by the respondents themselves. Although possibility of error in ascertaining identity of a candidate by an invigilator cannot be ruled out, nor petitioners can claim any right to appointment on account of default of the invigilator, but such error on the part of the invigilator must be shown to exist. There cannot be any presumption of error on part of the invigilator, particularly when the examination was in 04 stages and it is doubtful that the same invigilators were deployed at each of the stages or that

same mistake was committed at all stages.

44. That, the opinion of handwriting expert was required to have been viewed with other materials available on record. The petitioner had carried his identity card, which had been verified at all stages of examination by the UPPRPB and their officers. There cannot be a presumption that all the staffs/employees of the Board had failed to correctly identify the petitioner despite existence of identity card. The presumption that the petitioners had identified herself with reference to specified identity cards could not be lightly brushed aside. The fact that respondents had admitted thumb impressions and specimen thumb impressions with him, which have not been tallied also, is a factor to be kept in mind.

45. That, there is no reason for the Authorities not to have verified the identity of petitioner with reference to the thumb impression, which is an evidence superior to the report of handwriting expert. The nature of expert's opinion otherwise not being conclusive, could not solely be relied upon to cancel petitioners' provisional selection, ignoring other materials, particularly when the order itself was stigmatic.

46. That, it is, therefore, prayed that looking to the grievances of the applicant as stated above, it is expedient in the interest of justice that your honour may be pleased, for considering his claim with regard to appointment of the applicant under the OBC (Male) Category as he secured higher marks under the OBC (Male) Category for the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Recruitment-2022, pursuant to the Advertisement dated 06/01/2022 and in pursuance of the cut-off merit issued vide Notification dated 26/03/2025, otherwise, the applicant shall suffer irreparable loss and injury.

Prayer

It is, therefore, prayed that looking to the grievances of the applicant as stated above, it is expedient in the interest of justice that your honour may be pleased, for considering his claim with regard to appointment of the applicant under the OBC (Male) Category as he secured higher marks under the OBC (Male) Category for the post of Assistant Operator, in U.P. Police Radio Cadre Assistant Operator (AO) Durt Allan Recruitment-2022, pursuant to the Advertisement dated 06/01/2022 and in pursuance of the cut-off merit issued vide Notification dated 26/03/2025 otherwise, the applicant shall suffer irreparable loss and injury.

It is further prayed by the applicant that your honour may be pleased to appoint the applicant on the post of Assistant Operator (A.O.) as he has obtained higher marks to the last cut-off merit under the OBC (Male) Category and send the necessary training.

Yours sincerely,

भूपेन्द्र

Bhoopendra, OBC (Male) Category.

[Registration No. REGA0331256] Roll No. 14129320081]

S/o Shri Laxman Singh

*Permanent R/o Village Nagla Parmal, Post Akola,
Police Station Kagrol, District Agra.
Mobile No. 7900443395 / 8445044033"*

13. The order impugned dated 08.01.2026 reads as under:-

"आदेश

रिट याचिका ए-संख्या: 17090/2025 भूपेन्द्र बनाम उ०प्र० राज्य व 04 अन्य में माननीय उच्च न्यायालय, इलाहाबाद द्वारा पारित आदेश दिनांक: 04.12.2025 का अनुपालनात्मक अंश निम्नवत् है:-

6. *Considering the submissions so made across the Bar and taking into account the overall facts and circumstances, the writ petition stands disposed of with the direction to the writ petitioner to appear before Respondent No. 2, who shall, not later than 18.12.2025, serve him with notices 24.02.2025, 25.02.2025 and 26.02.2025. The writ petitioner shall then submit his reply and Respondent No. 2 shall take a final decision thereon within a period of two months thereafter.*

2-मा० उच्च न्यायालय के उक्त आदेश के अनुक्रम में याची भूपेन्द्र को भर्ती बोर्ड द्वारा दिनांक 19.12.2025 को व्यक्तिगत रूप से नोटिस उपलब्ध करायी गयी है जिसके प्रतिउत्तर में याची भूपेन्द्र द्वारा अपना जवाब दिनांकित 21.12.2025, भर्ती बोर्ड में उपलब्ध कराया गया है। याची द्वारा प्रार्थना पत्र में उ०प्र० पुलिस रेडियो संवर्ग में सहायक परिचालक के पद पर सीधी भर्ती 2022 के अन्तर्गत अन्य पिछड़ा वर्ग श्रेणी के अभ्यर्थी के रूप में सहायक परिचालक के पद पर बयान करते हुये नियुक्ति प्रदान करने एवं प्रशिक्षण पर भेजे जाने का अनुरोध किया गया है।

3 माननीय उच्च न्यायालय के आदेश के अनुक्रम में भर्ती बोर्ड द्वारा याची के स्पष्टीकरण पर अभिलेखानुसार विचार किये जाने पर वस्तु स्थिति निम्नवत् है:-

(क) याची भूपेन्द्र, उ०प्र० पुलिस रेडियो संवर्ग में सहायक परिचालक के पदों पर सीधी भर्ती-2022 में अन्य पिछड़ा वर्ग के अन्तर्गत एक अभ्यर्थी है। याची द्वारा प्रश्नगत भर्ती की ऑनलाइन लिखित परीक्षा में प्रतिभाग किया गया है, जिसका आवेदन पत्र संख्या REGA0331256 व अनुक्रमांक-14129320081 है।

(ख) याची भूपेन्द्र द्वारा प्रश्नगत भर्ती की चयन प्रक्रिया में ऑनलाइन लिखित परीक्षा, अभिलेखों की संवीक्षा एवं शारीरिक मानक परीक्षण तथा शारीरिक दक्षता परीक्षा में प्रतिभाग करते हुये सफल रहा है।

(ग) चयन परिणाम तैयार करते समय भर्ती बोर्ड को प्रचलित विभिन्न माध्यमों से प्रश्नगत भर्ती की ऑनलाइन लिखित परीक्षा के सम्बन्ध में शिकायतें प्राप्त हुयी थी, जिसके सन्दर्भ में भर्ती बोर्ड द्वारा प्रश्नगत भर्ती परीक्षा में अभ्यर्थियों द्वारा ऑनलाइन लिखित परीक्षा में अनुचित साधनों के सम्भावित प्रयोग करने के सम्बन्ध में ख्याति प्राप्त विशेषज्ञ संस्था आई०आई०टी०, कानपुर से तकनीकी परीक्षण / डाटा एनालिसिस करायी गयी है। आई०आई०टी० कानपुर द्वारा प्रश्नगत भर्ती की ऑनलाइन लिखित परीक्षा में सम्मिलित सभी 2,02,191 (दो लाख दो हजार एक सौ इक्यानबे) अभ्यर्थियों के सम्बन्ध में लगभग 4,01,07,484 डाटा रिकार्ड्स का एनालिसिस किया गया। विशेषज्ञ संस्था आई०आई०टी० कानपुर द्वारा डाटा एनालिसिस के पश्चात प्रस्तुत आख्या निम्नवत् है:-

UPPRPB and IIT KANPUR have entered into an MOU on 17th September 2024 for analysis of logs of police recruitment exams to identify and characterise evidence of data anomalies emerging from use of unfair means, impersonation, hacking, or other similar threats to exam integrity and to conduct analysis regarding any specific

complaint about any individual candidate or group/class of candidates.

PPRPB has provided time stamped actions data for all candidates for the Assistant Operator (AO) exam through a data link from their vendor. The request of UPPRPB was to analyse the data of all candidates who appeared in the exam and identify any discrepancies.

For conducting this analysis, data of all 202191 candidates who appeared for this exam, amounting to 4,01,07,484 data records was considered. The analysis has primarily focused on the 4216 candidates who scored high enough to be selected from the AO exam. We have analyzed their actions during the exam to look for evidence of use of unfair means..." (page-1, para-3)

"The basic assumption we make in our analysis is that candidates should make more mistakes for harder questions than for easier questions, should spend more time on harder questions than easier questions, and should not be able to answer questions more easily depending on what center they are sitting in while taking the exam." (Page-3, para-1.1)

"We further assume that question difficulty can be measured empirically as a function of the proportion of correct responses obtained per question across all candidates. The present analysis measures question difficulty over the set of all candidates." (Page-3, para-1.1)

Analysis 1: Slope Analysis for correct responses

"A normal student, trying to solve problems on his own, is expected to take more time to solve difficult questions than to solve easier questions, except in situations where he is guessing. Thus, if we were to plot the time taken to solve questions by a candidate against the question's difficulty level, we would expect to see a positive slope in this graph. Candidates that do not show a positive slope in this graph could be simply guessing the answers of hard questions, or receiving assistance from some source. If we restrict our focus only to students who get very high marks in the exam, then we can avoid the possibility of focusing on students who were simply guessing, and focus primarily on students potentially receiving external help."

"The histogram above shows that most of the 4216 selected candidates show a positive slope in this analysis, suggesting that our basic premise is largely correct candidates take longer to answer harder questions correctly than to answer easier questions correctly. Reassured by this observation, we check to identify all candidates with exceptionally negative slopes."

"Shortlisted 156 candidates, with exceptionally negative slopes, are taken forward for further analysis. List I is also provided separately as part of AO-Annexure."

Analysis 2- Performance as a function of Question Difficulty:

"In any exam, candidates are more likely to give wrong answers as questions get

harder. Candidates who don't obey this relationship may be of forensic interest. For this analysis, we conduct a regression analysis based on question difficulty, and controlling for time spent on a question. A negative coefficient is expected for all participants, confirming that their probability of answering a question correctly reduces when answering difficult questions."

"To perform this analysis, we fit a logit model of the probability of answering a question correctly with two fixed effects- question difficulty and total time spent on a question-and random intercepts per participant."

"As mentioned above, we expect that candidates will mostly have negative coefficients for difficulty, suggesting that the probability of being correct reduces with question difficulty. Candidates unaffected by problem difficulty are expected to be of forensic interest, particularly if they end up securing not very high marks overall."

"The histogram of the coefficient for question difficulty for the logit model shows that all candidates have negative difficulty coefficients, showing that everyone made more mistakes on harder questions on average. However, we see outliers in the right tail of this distribution beyond approximately a threshold value of -0.5, both by visual inspection and corroborated by an interquartile range-based outlier detection calculation, indicating here are some candidates that were relatively unaffected by question difficulty. We focus further attention on these candidates."

"These 104 candidates with exceptionally high difficulty coefficients are taken forward for further analysis. List is also provided separately as part of AO-Annexure." (Page-13, Para-22)

Conclusion:-

"We produce a combined list of candidates ranked in decreasing order of forensic interest for downstream corroborative analyses. To do this, we prioritize candidates that are found in two lists: list 1 derived from Analysis 1, and list 2 derived from Analysis 2."

"This combined list presents 239 candidates ranked from high to low forensic interest. Of these, the first 21 candidates figure in both lists and are thus of the highest forensic interest."

Candidates	Center	Interest
108990438	165	high
160934047	101	high
191339942	126	high

194964207	196	high
203753741	128	high
204313137	119	high
226032370	122	high
252723130	193	high
258680698	178	high
282097276	127	high
308194233	178	high
348629767	196	high
383045410	128	high
460761317	163	high
487076044	193	high
494343347	129	high
501961209	126	high
533754672	137	high
602862545	174	high
780634612	196	high
860915517	196	high

(घ) विशेषज्ञ संस्था आई०आई०टी०, कानपुर से प्राप्त विशेषज्ञ आख्या परीक्षण गती बोर्ड स्तर पर उच्च स्तरीय समिति गठित कर कराया गया है। यह समिति भी विशेषज्ञ संस्था आई०आई०टी० कानपुर की आख्या से सहमत होकर इस निष्कर्ष पर पहुँची है कि इस अभ्यर्थी का प्रश्नपत्र हल करने सम्बन्धी व्यवहार अनुचित है तथा इसके द्वारा परीक्षा अवधि में अनुचित साधन का प्रयोग किया गया है। इसके आलोक में भर्ती बोर्ड द्वारा भर्ती की विज्ञप्ति में दिये गये प्रावधानों का उपयोग करते हुये याची को चयन प्रक्रिया से बाहर करते हुये अन्तिम चयन परिणाम दिनांकित 26.03.2025 को घोषित किया गया है तथा चयन सूची अग्रेतर कार्यवाही हेतु विभागाध्यक्ष / पुलिस महानिदेशक, उ०प्र० को प्रेषित कर दी गयी है। इसी के साथ भर्ती बोर्ड का क्षेत्राधिकार समाप्त हो गया है। भर्ती बोर्ड स्तर पर चयन प्रक्रिया पूर्ण कर ली गयी है, कोई कार्यवाही शेष नहीं है।

4 - प्रकरण के सम्बन्ध में माननीय सर्वोच्च न्यायालय द्वारा रिट याचिका सिविल संख्या 335/2024 वंशिका यादव बनाम भारत संघ एवं अन्य के मामले में पारित निर्णय दि०- 02.08.2024 पर भी विचार किया गया जिसका सुसंगत अंश निम्नवत है-

Data analysis of results has long been accepted method of discerning the extent to which an examination has been vitiated. In Bihar School Examination Board (supra), this court considered the validity of the decision to cancel a secondary school examination conducted at a particular centre in Bihar due to the adoption of unfair means by the students. At the centre in which malpractice appeared to have taken place, the percentage of successful examinees was about 80%. In stark contrast, the average percentage of successful candidates at other centres was 50%. The Court also considered the percentage of success subject-wise for thirteen subjects. The marks detailed in the judgement indicate that the candidates performed exceedingly well in all subjects, leading the Court to hold that the "figures speak for themselves". Despite this conclusion the court called for some answer booklets and inspected them. Its conclusion (which was based on the data) that the exam was vitiated was substantiated by the answer booklets, which showed that there was "remarkable agreement in the answers". Data analysis is a useful tool in the endeavour to detect malpractice. (Page 40, Para 72)

5--उ०प्र० पुलिस रेडियो संवर्ग में सहायक परिचालक के पदों पर सीधी भर्ती-2022 सम्बन्धी परीक्षा की विज्ञप्ति दिनांक 06.01.2022 को प्रकाशित की गयी है। विज्ञप्ति के प्रस्तर-10 (3) में यह प्रावधान है कि "किसी अनाचार, नकल करने या अपने स्थान पर किसी अन्य को परीक्षा में सम्मिलित कराने, परीक्षा सम्बन्धी निर्देशों का उल्लंघन करने, किसी महत्वपूर्ण सूचना को छिपाने, अभियोजन / आपराधिक वाद लम्बित होने, दोष सिद्ध होने, एक से अधिक जीवित पत्नी होने, तथ्यों को गलत प्रस्तुत करने तथा अभ्यर्थन अथवा चयन के सम्बन्ध में सिफारिश करने आदि कृत्यों में लिप्त पाये जाने पर अभ्यर्थन निरस्त करने तथा बोर्ड की परीक्षाओं एवं चयन से प्रतिवारित (Debar) करने का अधिकार बोर्ड को होगा"

6- याची द्वारा अपने स्पष्टीकरण में ऐसा कोई कथन प्रस्तुत नहीं किया गया है जिससे यह स्पष्ट हो सके कि उसके द्वारा असामान्य रूप से अत्यन्त अल्प समय में किस प्रकार प्रश्नपत्र के प्रश्नों को हल किया गया है। उसने मुख्य रूप से यह कथन किया है कि उसका बायोमैट्रिक परीक्षण किया गया था जिसमें वह सफल रहा था परन्तु इससे उसके द्वारा असामान्य रूप से अत्यन्त अल्प समय में प्रश्नपत्र के प्रश्नों को पढ़ने, समझने एवं हल करने के सम्बन्ध में कोई कथन स्पष्टीकरण में नहीं किया गया है।

7 माननीय उच्च न्यायालय द्वारा रिट याचिका संख्या-17090/2025 में पारित निर्णय दिनांक 04.12.2025 के अनुपालन में याची के प्रत्यावेदन पर उपरोक्त तथ्यों के आलोक में विचारोपरान्त भर्ती बोर्ड इस निष्कर्ष पर पहुँचता है कि याची द्वारा प्रश्नगत भर्ती की लिखित परीक्षा में अनुचित साधनों का प्रयोग किया गया है एवं उसे अन्तिम वयन परिणाम से बाहर किये जाने सम्बन्धी लिये गये निर्णय में परिवर्तन करने का कोई आधार नहीं है। तदनुसार याची शूपेन्द्र (आवेदन पत्र संख्या-REGA0331256 अनुक्रमांक 14129320081) पुत्र श्री

लक्ष्मण सिंह, निवासी ग्राम नगला परमाल, पोस्ट-अकोला, थाना कगरौल जनपद आगरा का स्पष्टीकरण अस्वीकार करते हुए एतद्वारा निस्तारण आदेश पारित किये जाते हैं।

8 यह आदेश अध्यक्ष/पुलिस महानिदेशक, उ०प्र० पुलिस भर्ती एवं प्रोन्नति बोर्ड, लखनऊ के अनुमोदनोपरान्त निर्गत किया जाता है।

(सत्यार्थ अनिरुद्ध पंकज)

अपर सचिव, भर्ती / पुलिस उपमहानिरीक्षक

उ०प्र० पुलिस भर्ती एवं प्रोन्नति बोर्ड,

लखनऊ।"

14. A bare look of the order impugned would reveal that in paragraph no. 6 of the order impugned only this much has been recited to the reply submitted by the writ petitioner to the notice is not satisfactory. In the opinion of the Court, this much is not sufficient as something more was required as when an authority is to decide the proceedings emanating from issuance of a show cause notice and submission of a reply then the contentions so raised in reply to the show cause notice are to be considered. It is a different question that the same may be convincing or not but consideration is must. Apart from the same, it is also the case of the writ petitioner that the notice dated 05.02.2025 does not indicate the grounds which the writ petitioner is being non suited particularly when it is the case of the writ petitioner that adverse materials are being injected in order to dislodge the claim of the writ petitioner since the same partakes the character of violation of principles of natural justice, thus, the order impugned cannot be sustained.

15. Accordingly, the writ petition is being decided in the following terms.-

- (a) the order dated 08.01.2026 passed by the second respondent, Additional Secretary (Recruitment)/Chairman, U.P. Police Recruitment and Promotion Board, U.P., Lucknow is treated to be a show cause notice;
- (b) since the said order has been challenged by way of the present writ petition, thus, it would be deemed that the writ petitioner is well aware about the order in question;
- (c) in case, the writ petitioner seeks furnishing of the certain documents then the writ petitioner shall submit a request letter to the second respondent by 27.03.2026 and on the receipt

of the said request letter, the document shall be furnished by 10.04.2026 thereafter, a date shall be fixed after a period of 10 days on which date, the writ petitioner shall be heard and thereafter, the order shall be passed within a further period of two months; (d) by saying so, it may not be construed to be an expression that the writ petitioner shall be entitled to the benefits as the same shall be subject to the further orders to be passed pursuant to the order passed today.

16. With the aforesaid observations, the writ petition stands **disposed of**.

17. Instructions filed today are taken on record and marked as Appendix 'A' and the document filed by the learned Senior Counsel dated 19.02.2025 along with 05.02.2025 is taken on record and marked as Appendix 'B'.

(Vikas Budhwar,J.)

March 12, 2026

Rajesh