Page: 563-596 *URL: www.lijdlr.com*

LAWFOYER INTERNATIONAL JOURNAL OF DOCTRINAL LEGAL RESEARCH

ISSN: 2583-7753

LawFoyer International Journal of Doctrinal Legal Research

[ISSN: 2583-7753]

Volume 4 | Issue 4

2026

DOI: https://doi.org/10.70183/lijdlr.2026.v04.396

© 2026 LawFoyer International Journal of Doctrinal Legal Research

Follow this and additional research works at: www.lijdlr.com
Under the Platform of LawFoyer – www.lawfoyer.in

After careful consideration, the editorial board of LawFoyer International Journal of Doctrinal Legal Research has decided to publish this submission as part of the publication.

In case of any suggestions or complaints, kindly contact (info.lijdlr@gmail.com)
To submit your Manuscript for Publication in the LawFoyer International Journal of Doctrinal Legal Research, To submit your Manuscript Click here

THE PRICE OF PURITY: BEYOND MASS CANCELLATION: PROTECTING INNOCENT CANDIDATES UNDER ARTICLE 14 OF THE INDIAN CONSTITUTION

Vidhi M. Kochar*

I. ABSTRACT

Public examination paper leaks and other forms of malpractice have become a serious challenge to the fairness and credibility of examinations in India. When such irregularities occur, the cancellation of an entire examination and its subsequent re-conduct may be considered necessary to protect merit and public confidence. However, this approach also places an unfair burden on candidates who have not engaged in any wrongdoing. This paper examines whether examination authorities and courts should consider less restrictive alternatives before cancelling an entire examination and how innocent candidates can be protected when cancellation becomes unavoidable. The paper adopts a doctrinal research methodology to examine the Public Examinations (Prevention of Unfair Means) Act, 2024, the rules framed under it, the Public Examinations (Prevention of Unfair Means) Amendment Act, 2026, and relevant Supreme Court decisions, from Subhas Chandra Sinha (1970) to Baishakhi Bhattacharyya (2025). It analyses the issue through the principles of proportionality and necessity under Article 14 of the Constitution, and draws an analogy with the concept of derivative taint in evidence law. The study identifies three gaps in the existing judicial approach: the inconsistent application of the test for separating tainted candidates from innocent candidates, the absence of clear rules on the burden and assessment of evidence, and the lack of a systematic framework of remedies for innocent candidates. It also asks whether the cancellation of an entire examination is justified when less restrictive alternatives remain available. The paper proposes a five-step framework to guide examination authorities and courts in deciding whether full cancellation is necessary, whether tainted candidates can be identified separately, and what remedies should be available to innocent candidates. It argues that a more consistent and transparent approach can help protect the integrity of public

* BBA LL.B. (Second Year), MGM University, India. Email: vidhikochar8@gmail.com

examinations while ensuring fairness, equality and accountability in administrative decision-making.

II. KEYWORDS

Examination cancellation, innocent candidates, segregability, proportionality, Article 14.

III. INTRODUCTION AND RESEARCH PROBLEM

In India, student suicides have risen steadily over the last ten years, and examinations feature prominently among the causes recorded in official statistics. According to National Crime Records Bureau (NCRB) data, student suicides rose from 8,068 in 2014 to 14,488 in 2024, an increase of about 80 per cent, with the only dip in 2022. The figures for 2020 to 2024 were 12,526, 13,089, 13,044, 13,892 and 14,488. In 2024, 2,032 suicides, a number equal to about 14 per cent of the student total, were registered as having occurred from 'failure in examination'.[1] This figure covers persons of all ages; the lower figure of 1,071 cited in some reports relates only to persons below 18 years.

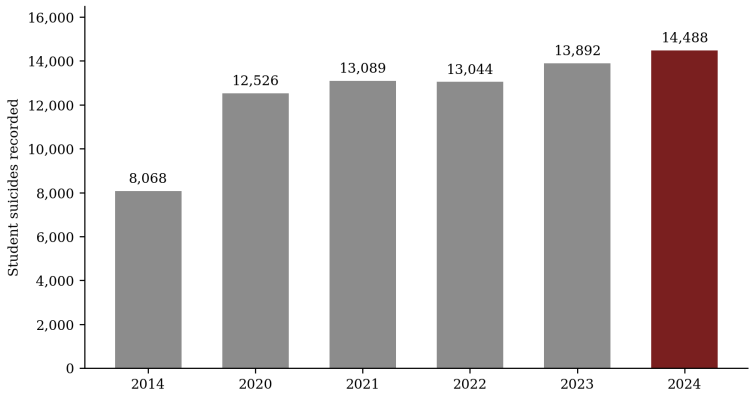

Figure 1. **Student suicides recorded by the NCRB, selected years.**

[1]National Crime Records Bureau, *Accidental Deaths & Suicides in India 2024* (Ministry of Home Affairs 2026) ch 2; 'Over 1.23 Lakh Students Died by Suicide From 2014-2024; Exam Failure, Family Problems Top Causes: NCRB' (The Wire) <https://m.thewire.in/article/education/over-1-23-lakh-students-died-by-suicide-from-2014-2024-exam-failure-family-problems-top-causes-ncrb/amp> accessed 8 October 2026; 'Student suicide cases have grown 80% in 10 years: NCRB report' (Careers360) <https://news.careers360.com/student-suicide-ncrb-report-2026-rise-80-pc-10-years-1000-under-18-jobs-unemployment-exam-mental-health-school-higher-education> accessed 8 October 2026.

The numbers do not show that paper leaks cause suicides. The cause categories reflect those entered in police records, and the Supreme Court has itself observed that student suicides related to examination failure are rarely the result of a single cause.[2] They do demonstrate, however, that for many candidates an examination result is more than an administrative means of assessment. A decision to cancel and re-hold an examination therefore also decides how much weight innocent candidates must carry a second time.

When an examination is compromised, by a leak or otherwise, the conducting authority must determine how far the compromise extends. The easiest solution is to cancel everything and begin again. It is also the solution that hurts the innocent most. In Tanvi Sarwal v CBSE, where the Supreme Court cancelled the 2015 All India Pre-Medical Test, the Court accepted that honest candidates would have to pay a 'price' for the cancellation.[3] This paper asks why that price arises, who should bear it, and whether it can be reduced before it is imposed.

The question is a current one. Parliament has enacted the Public Examinations (Prevention of Unfair Means) Act 2024,[4] and in July 2026 it passed an Amendment Act that raises the penalties, provides for a Special Task Force and Special Fast Track Courts, and fixes time limits of two months for investigation and three months for trial.[5] In Vanshika Yadav v Union of India,[6] the Supreme Court declined to cancel NEET-UG 2024. In May 2026, the National Testing Agency (NTA) cancelled NEET-UG 2026 and re-held it on 21 June 2026.[7]

---

[2] *Sukdeb Saha v State of Andhra Pradesh* 2025 INSC 893 (SC, 25 July 2025) [9].
[3] *Tanvi Sarwal v Central Board of Secondary Education* (2015) 6 SCC 573 [19].
[4] Public Examinations (Prevention of Unfair Means) Act 2024 (Act 1 of 2024); Notification S.O. 2422(E) (21 June 2024).
[5] Public Examinations (Prevention of Unfair Means) Amendment Act 2026 (Act 10 of 2026), ss 2–5.
[6] *Vanshika Yadav v Union of India* 2024 INSC 568 (SC, 2 August 2024), reasons for the order of 23 July 2024, 2024 INSC 553.
[7] *Mangala Kohli v Union of India* WP (C) 753/2026 (SC, 15 July 2026); 'NEET-UG 2026 Re-Exam Challenge Became Infructuous, Supreme Court Says Institutional Reform Issue Still Survives' (LawBeat, July 2026) <https://lawbeat.in/top-stories/neet-ug-2026-re-exam-challenge-became-infructuous-supreme-court-says-institutional-reform-issue-still-survives-1612481> accessed 8 October 2026.

The law addresses the wrongdoer, the investigator and the court. It does not address who bears the effects of a failed examination. The doctrine is more complex than a choice between cancelling and not cancelling, and three aspects of it remain unresolved. Several different formulations of the evidentiary threshold exist for a finding that an examination or its results are compromised. No rule allocates the burden of proving that separation is impossible. Once cancellation is held justified, innocent candidates have no settled entitlement to any relief.

A. Research Objectives

The aims are to reconstruct the doctrine from the primary sources, to determine the criteria the Court has used in choosing between remedies, to test the doctrine against Articles 14 and 21 of the Constitution, to assess what the 2024 Act, the 2024 Rules and the 2026 Amendment Act add, and to propose a protocol that can be tested against objections.

B. Research Questions

The issue is whether, and to what extent, Indian constitutional law requires an examination authority or a court to determine whether tainted and untainted candidates can be separated before a public examination is cancelled, and what the law owes innocent candidates where cancellation is nonetheless warranted. Five subsidiary questions follow:

1. What has the Supreme Court said about compromise and segregability, and where does the law remain unsettled?
2. What evidence and standard of proof are required to establish that results are tainted or cannot be segregated, and who bears the burden of proof?
3. Does proportionality limit the authority's own decision to cancel, and not only a court's order of cancellation?
4. What is the minimum procedure that should be followed before cancellation?
5. What remedies are available to innocent candidates, and how should institutional culpability be addressed?

C. Research Hypotheses

The hypothesis is that the cancellation doctrine is grounded in proportionality but remains incomplete in three respects: it is articulated through inconsistent evidentiary formulations, it has no settled rule on the burden of proof or on the minimum procedure for cancellations initiated by an authority, and it provides no systematic remedy for innocent candidates. The hypothesis would fail if the Court has already settled the standard, the burden or a remedial scheme for candidates, or if it treats the question as a matter of policy calling for deference.

D. Research Methodology

The paper is doctrinal in nature. It uses 'unfair means' in the sense of section 3 of the 2024 Act. Because the gain qualifier in section 3 extends to leakage, the paper uses 'leak' more broadly, to mean any unauthorised disclosure of a question paper or answer key, whether or not gain is shown, and 'compromised examination' to mean an examination whose integrity has been affected by a leak or other unfair means. A candidate is 'tainted' if he or she profited from the compromise, and 'untainted' or 'innocent' if he or she did not. The term 'segregability' refers to the ability to distinguish between tainted and untainted candidates, centres or results. The Supreme Court's concept of 'systemic' compromise is discussed in Part 6.8.

Statutory material is derived from the text of the Act on India Code,[8] the Public Examinations (Prevention of Unfair Means) Rules 2024 and the 2026 Amendment Act as published in the Gazette of India. Judgments were read in the reported or official copies, and paragraph numbers refer to those copies. The account of the 2026 NEET-UG proceedings relies on the Supreme Court's order in Mangala Kohli v Union of India and on press reports, since no reasoned judgment on that examination has yet been delivered. Digital evidence is considered only insofar as it relates to whether a leak occurred or a candidate is tainted.

E. Literature Review

[8]India Code, 'The Public Examinations (Prevention of Unfair Means) Act, 2024' <https://www.indiacode.nic.in> accessed 8 October 2026.

1. The 2024 Act

The 2024 Act applies to examinations conducted by the bodies specified in its Schedule, namely the Union Public Service Commission, the Staff Selection Commission, the Railway Recruitment Boards, the Institute of Banking Personnel Selection, the central ministries and departments for recruitment, the NTA and any other body notified by the Central Government.[9] Section 3 defines 'unfair means' by a non-exhaustive list of 15 acts, the first of which is leakage of a question paper or answer key. The chapeau of section 3 qualifies every listed act, leakage included, by the words 'for monetary or wrongful gain'.[10] Offences under the Act are cognizable, non-bailable and non-compoundable.[11]

As enacted, section 10(1) punished any person who resorts to unfair means with imprisonment of three to five years and a fine of up to ₹10 lakh.[12] The 2026 Amendment Act has since raised these penalties (Part 6.3).

2. The Position of the Candidate

There are no provisions in the Act relating to cancellation of an examination, re-examination or compensation. The only financial consequence at the level of the examination is the recovery of the 'proportionate cost of examination' from a service provider or from an institution involved in organised crime.[13] So the power to cancel has to be found elsewhere, in the constitutive power of the examining body, as in Sinha.

The Act treats candidates obliquely. According to the Statement of Objects and Reasons to the Bill, candidates are not covered by the Bill and remain subject to the 'extant administrative provisions' of the examination authority.[14]

---

[9]Public Examinations (Prevention of Unfair Means) Act 2024, Schedule.
[10]Public Examinations (Prevention of Unfair Means) Act 2024, s 3(i).
[11]Public Examinations (Prevention of Unfair Means) Act 2024, s 9.
[12]Public Examinations (Prevention of Unfair Means) Act 2024, s 10(1) (as enacted).
[13]Public Examinations (Prevention of Unfair Means) Act 2024, ss 10(2), 11(2).
[14]Public Examinations (Prevention of Unfair Means) Bill 2024 (Bill No 15 of 2024), Statement of Objects and Reasons, para 3.

Who is tainted, and with what consequences, is therefore a question of administrative law, an area the courts have policed case by case when the candidates are outside the Act. Where candidates fall within the Act, the authority and the criminal court will make findings of taint on the same facts but under different standards of proof (Part 7.10). Although the same Statement of Objects and Reasons acknowledges that malpractice leads to 'delays and cancellation of examinations adversely impacting the prospects of millions of youth',[15] the legislature has left the question unresolved.

The Public Examinations (Prevention of Unfair Means) Rules 2024, notified by the Department of Personnel and Training on 23 June 2024 and in force from their publication in the Gazette, do not change this position.[16] They require the venue-in-charge to report any incident of unfair means in Form 1, with supporting evidence, through the Centre Coordinator to the Regional Officer, and to act where a prima facie case for a First Information Report is made out.[17] They direct the National Recruitment Agency to prepare norms, standards and guidelines for computer-based tests, covering matters such as centre readiness, security screening and post-examination activities, and require every public examination authority to set up a mechanism to monitor implementation of the Act.[18] The Rules concern the detection and reporting of offences. They say nothing about cancellation, segregation or candidates, and they impose no general duty to preserve examination records beyond the evidence attached to an incident report.

3. The 2026 Amendment Act

The Public Examinations (Prevention of Unfair Means) Amendment Bill 2026 was introduced in the Lok Sabha on 27 July 2026, passed by the Lok Sabha on 29 July and by the Rajya Sabha on 30 July, and received the President's assent on 31 July 2026 as

[15]Bill No 15 of 2024 (n 14), Statement of Objects and Reasons, para 2.
[16]Public Examinations (Prevention of Unfair Means) Rules 2024, GSR 342(E) (23 June 2024), Gazette of India Extraordinary, Pt II s 3(i), No 319 (24 June 2024), r 1(2).
[17]Public Examinations (Prevention of Unfair Means) Rules 2024 (n 16) r 7, Forms 1–2.
[18]Public Examinations (Prevention of Unfair Means) Rules 2024 (n 16) rr 5, 9.

the Public Examinations (Prevention of Unfair Means) Amendment Act 2026.[19] The Act contains no commencement provision, so it came into force on the date of assent.[20]

The Act raises the penalty under section 10(1) to imprisonment of not less than five years, extending to ten years, and a fine of up to ₹50 lakh. It raises the fine on service providers under section 10(2) to ₹5 crore and the bar on conducting examinations to eight years, raises the minimum term for senior management under section 10(3) to five years, and prescribes imprisonment of seven to ten years and a fine of not less than ₹10 crore for organised crime under section 11(1).[21] It empowers the Central Government to constitute a Special Task Force to investigate offences under section 12. New section 12A requires investigation within two months and trial within three months of the charge sheet, conducted day to day before a designated Special Fast Track Court. New section 12B provides an appeal to a two-judge bench of the High Court and excludes revision.[22]

4. What the Statute Leaves Unsaid

The Amendment Act is framed in terms of fairness, speed and deterrence. It does not mention cancellation or candidates, and its timetable reveals a structural mismatch. An authority that must decide whether to cancel will typically do so before the investigation concludes, and a court asked to stay counselling will usually have to rule before the investigation concludes. Any finding of taint is therefore provisional when the decision is made. The decision to cancel cannot await even an expedited criminal process. That is why the standards of proof in Part 7.10 matter more to candidates than the penalties, and why the statute's silence on them is not an omission without consequence.

---

[19]Public Examinations (Prevention of Unfair Means) Amendment Act 2026 (Act 10 of 2026), Gazette of India Extraordinary, Pt II s 1, No 25 (31 July 2026); PRS Legislative Research, 'The Public Examinations (Prevention of Unfair Means) Amendment Bill, 2026' <https://prsindia.org> accessed 8 October 2026.

[20]General Clauses Act 1897, s 5(1)(b).

[21]Public Examinations (Prevention of Unfair Means) Amendment Act 2026 (n 19) ss 2–3.

[22]Public Examinations (Prevention of Unfair Means) Amendment Act 2026 (n 19) ss 4–5, inserting ss 12A–12B.

5. Origins: Individual Hearing and Mass Vitiation

The modern doctrine begins with two decisions that seem to point in opposite directions. In Board of High School and Intermediate Education v Ghanshyam Das Gupta, the Supreme Court held that a committee which cancels the results of particular examinees for unfair means acts quasi-judicially and must hear them.[23] Bihar School Examination Board v Subhas Chandra Sinha drew the limits of that rule.[24] The pass rate at one centre was approximately 80 per cent, compared with 50 per cent on average elsewhere, and the similarity of the answers persuaded the Court that outside assistance was likely.

The Board cancelled the examination at that centre only, declared the results of the other centres and permitted the examinees to re-sit the supplementary examination without paying further fees. The Court upheld the order. Where an examination is vitiated as a whole, no individual is charged with unfair means, and no hearing is required for each examinee. By way of illustration, the Court observed that no hearing would be required where a paper had leaked.

The observation on leakage was obiter, because the facts concerned copying by the candidates themselves, and an innocent victim of a leak differs from an examinee who took part in copying. A second feature of Sinha is easily overlooked. Its response was graduated: only one centre was cancelled, the remaining results were declared, and a fee waiver for the re-sit eased the financial burden. Each of these features recurs in later decisions.

6. Proportionate Responses: Rajesh P U and K Shyam Kumar

In Union of India v Rajesh P U, the CBI had recruited constables.[25] The authority cancelled the whole selection after a committee found irregularities in the evaluation of answer sheets. The Supreme Court upheld the High Court's order setting the cancellation aside. Only a finding, backed by tangible material, that the infirmities

---

[23] *Board of High School and Intermediate Education v Ghanshyam Das Gupta* AIR 1962 SC 1110, [1962] Supp 3 SCR 36.
[24] *Bihar School Examination Board v Subhas Chandra Sinha* (1970) 1 SCC 648, AIR 1970 SC 1269.
[25] *Union of India v Rajesh P U, Puthuvalnikathu* (2003) 7 SCC 285 [6].

were so pervasive as to vitiate the whole process and that the beneficiaries could not be identified would have justified denying appointment to the rest; cancelling the entire process went beyond what was strictly and reasonably required. The decision preceded Vanshika Yadav by two decades and demonstrates that proportionality was present in the doctrine from the beginning.

Chairman, All India Railway Recruitment Board v K Shyam Kumar is closer to a leak.[26] A vigilance report suggested that some 100 to 200 of the 3.22 lakh candidates had obtained the answers about three hours before the examination, and that impersonation and mass copying had also occurred. The Board considered three options: cancelling the entire written test and holding a fresh one; re-testing only those candidates who had obtained the minimum qualifying marks in the first test; or proceeding on the first test and confining the investigation to the 62 candidates alleged to have committed impersonation.

It selected the second. The High Court preferred the third, but the Supreme Court upheld the Board's choice as reasonable under both the Wednesbury and proportionality tests, because the first option was costly and time-consuming and the third left serious allegations of malpractice unresolved. The Court also held that an authority may act on prima facie material before an investigation is complete, which is the situation in which authorities generally find themselves.

7. The Case for Cancelling Everything: Tanvi Sarwal

In Tanvi Sarwal, the 2015 All India Pre-Medical Test was compromised when answers were transmitted to candidates through electronic devices, including vests fitted with micro-SIM cards. Forty-four candidates were found to have benefited. The Court declined to confine the remedy to withholding their results and cancelled the test completely: other beneficiaries might remain undetected, and retaining even one undeserving candidate would cost a more deserving candidate a seat.

[26] *Chairman, All India Railway Recruitment Board v K Shyam Kumar* (2010) 6 SCC 614 [12], [14], [35]–[37].

This reasoning sits uneasily with Rajesh P U. It treats the undetected beneficiary, and not the identified one, as the problem. It accepts the burden on students as a price for preserving fairness without asking whether that burden could be reduced. It also assumes that no narrower remedy would work, an assumption that Vanshika Yadav later treated as dependent on the facts and not as a general rule.

8. Consolidation: Sachin Kumar, Vanshika Yadav and Baishakhi

In Sachin Kumar v Delhi Subordinate Services Selection Board, the Supreme Court upheld the cancellation of a recruitment examination on the basis of a committee's findings of organised groups of candidates, impersonation and weak security, even though a second committee found no irregularity among the candidates who appeared.[27]

Vanshika Yadav is the most detailed decision. By its order of 23 July 2024, the Court refused to cancel NEET-UG 2024, and it recorded its reasons in the judgment of 2 August 2024.[28]

The Court disclaimed laying down a rigid rule: cancellation is justified only where the integrity of the examination is compromised at a systemic level, and a court may order or approve it only where it is not possible to separate those who cheated from those who did not. On proof, the Court required some evidence, which need not point to a single conclusion, of a real possibility of systemic malaise. Relying on an analysis by IIT Madras that revealed neither mass malpractice nor a localised group of beneficiaries, it held that the beneficiaries at the two affected places could be identified and that a re-test would burden candidates, especially those from less privileged backgrounds. It distinguished Tanvi Sarwal on four grounds: the technology used, the manner in which the material spread, the systemic nature of the breach and the impossibility of segregation.

---

[27] *Sachin Kumar v Delhi Subordinate Services Selection Board* (2021) 4 SCC 631; *Vanshika Yadav* (n 6) [90]–[94].

[28] *Vanshika Yadav v Union of India* 2024 INSC 553 (SC, 23 July 2024); *Vanshika Yadav* (n 6) [61], [66]–[67], [84]–[85].

State of West Bengal v Baishakhi Bhattacharyya (Chatterjee) is the Court's most recent decision, in a case involving more than 25,000 appointments made through a State school-service recruitment.[29] After reviewing Sachin Kumar, Sinha, Rajesh P U, K Shyam Kumar and Vanshika Yadav, the Court stated four principles at paragraph 19.

First, systemic irregularity can justify cancelling the whole result, but the Court should separate the tainted from the untainted wherever possible.

Second, the material need not prove malpractice beyond reasonable doubt; the test is whether there is reasonable certainty of systemic malaise.

Third, where malpractice is broad and deep, the integrity of the process outweighs the hardship to those who did not cheat.

Fourth, individual notice and hearing may be dispensed with where the whole process is unfair on a large scale. The Court also noted that public notices had been issued and that candidates could inspect the data and respond. The judgment leaves a puzzle that Part 7.10 examines: at paragraph 18 it repeats the 'real possibility' standard of Vanshika Yadav, and at paragraph 19 it speaks of 'reasonable certainty', without explaining how the two relate.

9. Mass Malpractice and Whole-List Cancellation

A parallel line of authority favours cancelling the whole process once malpractice is extensive. In Union Territory of Chandigarh v Dilbagh Singh, a three-judge bench upheld the cancellation of an entire select list without a hearing for the selected candidates and without direct proof of corruption, because inclusion in a select list confers no indefeasible right to appointment and the list had been cancelled for bona fide and valid reasons.[30]

In Krishan Yadav v State of Haryana, the Court refused to sustain an entire selection of Taxation Inspectors after accepting a CBI report that disclosed fraud, and later decisions read it as holding that, in cases of mass malpractice, individual cases cannot

---

[29] *State of West Bengal v Baishakhi Bhattacharyya (Chatterjee)* 2025 INSC 437 (SC, 3 April 2025) [7], [13], [18]–[19], review dismissed RP (C) 1729/2025 (SC, 5 August 2025).
[30] *Union Territory of Chandigarh v Dilbagh Singh* (1993) 1 SCC 154.

be examined separately.[31] Union of India v Joseph P Cherian applied that reading to a departmental examination cancelled at all centres after malpractice at one centre, and set aside a High Court direction premised on the view that the whole examination should not have been cancelled.[32]

These decisions sit uneasily with the graduated approach of Sinha and Rajesh P U, and Joseph P Cherian in particular weakens the assumption that a breach confined to one centre calls only for centre-level cancellation. The decision did not, however, examine segregability: the cancellation itself was not under challenge, and the Court addressed only the relief granted to a single employee. It shows that cancelling an entire examination after a local breach can be lawful, not that it is required, and so leaves the necessity inquiry in Part 7.5 open.

10. NEET-UG 2026

The 2026 episode is documented largely in press reports, and the orders must be consulted before firm reliance is placed on it. On 15 July 2026, in Mangala Kohli v Union of India, a bench of Narasimha and Aradhe JJ disposed of the challenge to the cancellation and re-examination as infructuous because the re-test had already been held, leaving questions of reform to the pending proceedings.[33]

A bench in May 2026 was reported to have stressed that responsibility rests with identified duty-holders and not with a diffuse institution. If these reports are accurate, the 2026 cancellation was an authority-initiated decision that was never examined for proportionality, and the segregability inquiry of Vanshika Yadav was never applied to it. That leaves the doctrine untested at the point where an authority acts first and the courts arrive afterwards.

IV. RESEARCH AND ANALYSIS

A. Constitutional Remedies

[31] *Krishan Yadav v State of Haryana* (1994) 4 SCC 165, AIR 1994 SC 2166.
[32] *Union of India v Joseph P Cherian* (2005) 8 SCC 180.
[33] *Mangala Kohli* (n 7).

Taken together, the decisions show that the Supreme Court has approved, in practice, a series of remedies of increasing severity. No case states them as a series. The arrangement below is the author's, drawn from the decisions.

Level	**Remedy**	**Principal authority**	**Features the Court stressed**
1	Proceed with the examination; act against identified beneficiaries	Vanshika Yadav (2024)	Beneficiaries are clear and local; there is no wide-scale breach; data analysis supports this; a re-test would burden honest candidates.
2	Re-test confined to candidates who met the minimum qualifying marks	K Shyam Kumar (2010)	Prima facie evidence of leakage and impersonation; upheld as reasonable and proportionate because full cancellation was costly and time-consuming and partial action left serious allegations unresolved.
3	Cancel at the affected centre only, with a fee-free re-sit	Sinha (1970)	The breach is confined to one centre; results from other centres stand.
4	Cancel the examination in full	Tanvi Sarwal (2015); Sachin Kumar (2021); Baishakhi (2025); Joseph P Cherian (2005)	The process is compromised widely; beneficiaries cannot be identified; the examination must stay pure.

The factors that move a decision from one level to another can be found in the cases: the extent of the compromise, whether the beneficiaries can be identified, whether the leak was organised or involved insiders, the technology used and the speed of spread, the cost and time needed for a re-test, the choices made by the candidates themselves and the integrity of the institution involved. The cases identify these factors but offer no method of deciding which matter more. Joseph P Cherian and Krishan Yadav add a further difficulty, since they permit a move to Level 4 even after a breach centred on one location (Part 6.9). Two problems show the consequences.

First, numbers alone do not decide the result. In K Shyam Kumar, a vigilance report that some 100 to 200 of 3.22 lakh candidates had obtained the answers in advance supported a re-test. In Vanshika Yadav, beneficiaries who could be clearly identified did not support a re-test at all. The facts differ in ways the Court could articulate (an organised leak with insider involvement in one case, a local and identifiable group in the other), but nothing explains how these differences are to be weighed. Second, fairness to candidates is applied inconsistently. In K Shyam Kumar, time and cost counted against full cancellation. In Tanvi Sarwal, a fresh test was ordered within four weeks although the Board said it needed four months. A decision-maker today, and a court reviewing the decision, must therefore infer the method from the result.

B. Equality: From Classification to Egalitarian Equality

The classification test treats Article 14 as a rule of formal equality: like cases are treated alike, and different cases may be treated differently if the difference is reasonable. E P Royappa v State of Tamil Nadu took Article 14 beyond that idea. Bhagwati J described equality as a dynamic concept that cannot be confined within traditional limits, and held that equality and arbitrariness are sworn enemies, so that an arbitrary act is unequal by its very nature.[34] State of Kerala v N M Thomas went a step further. The majority read Article 16(4) not as an exception to Article 16(1) but as a means of securing the real equality that Article 16(1) requires, so that treating people alike when

[34] *EP Royappa v State of Tamil Nadu* (1974) 4 SCC 3 [85].

their situations differ is not equality at all.[35] Maneka Gandhi v Union of India then linked non-arbitrariness under Article 14 with fairness under Article 21.[36]

This paper uses the term 'egalitarian equality' for the conception of equality that these cases reflect: equality is measured by the real situation of people, not by identical treatment or by the mere existence of a reason for a classification. The term is the author's own and is not used in the decisions.

C. The Innocent Candidate as an Unequal

That conception explains why segregation matters. Restating Sachin Kumar, Baishakhi records the Court's view that treating the innocent and the guilty alike treats unequals equally, contrary to Article 14. An innocent examinee is not in the same position as a candidate who bought the paper, and a decision that places the burden on both without asking whether they can be distinguished needs strong justification. Two qualifications apply. Baishakhi also relied on Article 16(1), which concerns public employment, so for entrance examinations the argument rests on Article 14 alone. Further, the Court's own rule subordinates the individual's claim to the integrity of the process where malpractice is extensive.

The egalitarian conception adds something the earlier cases have not addressed. If an innocent candidate can lawfully be required to help restore integrity, the system must keep that burden as small as possible and offset what remains, because the candidate carries it for a wrong that is not his or her own. Innocent candidates share the burden equally among themselves, since they are similarly placed. They do not share it equally with the institution whose failure made cancellation necessary. This is the author's argument, not a holding of the Court. It underlies the remedial proposals in Parts 7.13 to 7.16 and Part 8.

D. Proportionality

Royappa's arbitrariness test provides the basis for review, and the cancellation cases provide its substance. Rajesh P U required that cancellation go no further than strictly

---

[35] *State of Kerala v NM Thomas* (1976) 2 SCC 310.
[36] *Maneka Gandhi v Union of India* (1978) 1 SCC 248.

necessary. K Shyam Kumar applied proportionality, but held that proportionality has not replaced Wednesbury and found the Board's decision valid under both tests.[37] Vanshika Yadav also used the language of proportionality in deciding whether cancellation was warranted.[38] The four-stage framework of the Court's proportionality jurisprudence, comprising legitimate goal, suitability, necessity and balancing, fits the issue well.[39]

Stage	**Question in an examination-cancellation case**	**What the cases supply**
Legitimate goal	Is the remedy aimed at protecting the integrity of the examination and equal opportunity?	Not in dispute. Sinha treats the integrity of the examination as its essence; Baishakhi speaks of the purity of the process.
Suitability	Does the remedy tend to achieve that goal?	Cancellation suits the goal but can overshoot it: Vanshika Yadav paras 61 and 66.
Necessity	Is there a less restrictive measure that would be equally effective?	Rajesh P U (cancellation went beyond what was strictly required); K Shyam Kumar (three options considered); Tanvi Sarwal (withholding 44 identified results rejected as ineffective).
Balancing	Does the benefit to integrity justify the	Vanshika Yadav paras 84–85 (burden on honest and marginalised candidates); Tanvi Sarwal para 19 (a 'price');

[37] *K Shyam Kumar* (n 26) [29]–[30], [37]; *Rajesh P U* (n 25) [6].
[38] *Vanshika Yadav* (n 6) [62], [66], [69], [85].
[39] *Modern Dental College and Research Centre v State of Madhya Pradesh* (2016) 7 SCC 353 [60]; *Justice KS Puttaswamy (Retd) v Union of India* (2019) 1 SCC 1 (Aadhaar).

	burden on innocent candidates?	Baishakhi para 19 (purity prevails where manipulation is broad and deep); Article 21, Part 7.8.

The first two stages are rarely disputed. The outcome of the cases turns on the last two stages, which is why necessity and the weight given to the candidates' burden require closer examination.

E. Necessity

Necessity is the point at which the rules on segregability come into play, because necessity asks whether a less restrictive measure would do the job equally well. Necessity therefore works in both directions. Where an effective less restrictive measure exists, cancellation is unnecessary, as in Rajesh P U and Vanshika Yadav. Where no such measure exists, cancellation becomes necessary, as in Tanvi Sarwal. On this view, the two strands of case law do not contradict each other. They apply one test to different facts, and the difference lies in whether an effective alternative was available, which is why Vanshika Yadav distinguished Tanvi Sarwal.

This view also exposes a weakness: whether an alternative is effective is a question of fact, and the cases do not say who must prove it. Public law also recognises necessity in a second sense, as a doctrine that permits urgent action without the normal procedure. Sinha illustrates this. The Chairman of the Board cancelled the examination at the centre himself, under a provision that gives him the Board's powers in an emergency, and reported his action to the Board, which approved it. The Court held the order competent on that basis.[40]

Necessity in this sense justifies speed and a departure from procedure. It does not dispense with reasons or review, and ratification is the step that turns an emergency decision into a considered one. Nor can necessity justify more than the emergency requires, which brings the analysis back to the first sense. The interim measures in the

[40] *Sinha* (n 24); Bihar School Examination Board Act 1952 (Bihar Act 7 of 1952), s 9(3).

protocol in Part 8.1 rest on necessity in this second sense and are, for that reason, time-limited and reviewable.

F. Derivative Taint: An Analogy from Evidence Law

In United States law, evidence derived from an unlawful search or other illegality is generally excluded under the 'fruit of the poisonous tree' doctrine. The prosecution may use such evidence only if it shows that the evidence came from an independent lawful source, would inevitably have been discovered, or is so remotely connected to the illegality that the taint has dissipated.[41] Indian law does not follow this rule.

In Pooran Mal v Director of Inspection (Investigation), the Supreme Court held that evidence is not excluded merely because it was gathered through an illegal search; what matters is whether it is relevant and genuine.[42] The 'fruit of the poisonous tree' doctrine is therefore not used here as a rule of Indian evidence law. It serves only as an analogy that explains how contamination spreads and how it might be contained.

Think of the examination process as the tree. If the process is compromised, for example through a leak, the results are its fruit. The reasoning in Tanvi Sarwal and the third principle in Baishakhi operate much like a derivative-taint presumption: once the process is tainted, the results that come from it are suspect. Segregability corresponds to the rules of containment. When Vanshika Yadav asked whether tainted candidates could be separated from untainted ones, it was in effect asking whether particular fruit is truly independent of the tree.

This analogy helps in three ways. First, it supplies a structure of presumption and rebuttal. In United States law, the party seeking to use derivative evidence must prove its independence. Similarly, once a systemic compromise has been shown, the party seeking to retain a result should show that the result is independent of it. In practice, that party is usually the authority in charge of the data. Second, the analogy explains why cancellation is easier to defend where independence cannot be proven, as in

---

[41] *Silverthorne Lumber Co v United States* 251 US 385 (1920); *Nardone v United States* 308 US 338 (1939); *Wong Sun v United States* 371 US 471 (1963); *Murray v United States* 487 US 533 (1988); *Nix v Williams* 467 US 431 (1984).

[42] *Pooran Mal v Director of Inspection (Investigation)* (1974) 1 SCC 345.

Tanvi Sarwal. Third, it warns against stretching the idea too far. The analogy concerns the architecture of contamination and how it spreads, not the rationale of the exclusionary rule.

G. Natural Justice and Reasoned Decisions

Sinha and, more recently, Baishakhi hold that individual hearings are not needed when the entire examination is vitiated. Dilbagh Singh goes further: candidates in a select list cancelled for bona fide and valid reasons have no right to be heard, and Joseph P Cherian treats mass malpractice as leaving no room to examine individual cases (Part 6.9).[43] This approach makes sense for the decision to cancel, since a hearing for every candidate would be impractical.

Even Baishakhi noted that notice had been given and that the data could be inspected. The key issue for candidates is the finding that the guilty cannot be separated from the innocent. In the author's opinion, fairness does not require a hearing for each candidate on guilt. It requires a reasoned and shared explanation for that finding: the reasons should be published, the data relied on should be disclosed except where security forbids, and candidates should be allowed to make written representations. No law requires this, and no law forbids it.

H. Article 21: Life, Dignity and Mental Health

It would now be out of date to treat Article 21 as peripheral to this subject. In Sukdeb Saha v State of Andhra Pradesh, decided on 25 July 2025 in a case arising from the death of a student preparing for NEET, the Supreme Court held that mental health is a component of the right to life under Article 21 and issued binding interim guidelines under Articles 32 and 141 for educational institutions and coaching centres.[44] The paper does not argue that a re-test is itself an Article 21 violation or that any death has been caused by a cancellation decision.

Causation is complex, as the Court said, and nothing in the sources consulted links any cancellation to any death. What does follow is that the balancing stage of

[43] *Dilbagh Singh* (n 30); *Joseph P Cherian* (n 32).
[44] *Sukdeb Saha* (n 2) [31].

proportionality must treat the burden of uncertainty and repetition as a real cost and not as mere inconvenience, which sits uneasily with Tanvi Sarwal's description of that burden as a price to be paid. Article 21 supports a duty to reduce and offset the burden through early certainty about dates and results, clear communication and access to counselling.

I. Judicial Review

Deference to the examination authority is genuine. Sachin Kumar tells courts to respect the authority's bona fide view and to intervene only where a decision is unreasonable or unfair. However, Vanshika Yadav also directs courts to evaluate segregability themselves, and Rajesh P U set aside an authority's cancellation because the beneficiaries could be identified. Deference therefore leaves the court free to ask whether segregability was considered and why it was rejected. Deference affects how closely the answer is examined; it does not remove the question.

J. Competing Standards

The Supreme Court has used different formulations to describe the point at which an examination may be cancelled, and the point at which tainted results can be separated from the rest.

Source	**Formulation**	**Decision-maker and question**
Vanshika Yadav para 67 (2024)	Some evidence, not strict; a real possibility of systemic malaise	Court; whether the compromise is systemic
Baishakhi para 19 (2025)	Reasonable certainty of systemic malaise; probability test; not beyond reasonable doubt	Authority and court; whether the whole process is vitiated
Vanshika Yadav para 61; Baishakhi para 13, describing Inderpreet	Segregation 'not possible' (Vanshika Yadav); 'impossible or highly improbable' (Kahlon); no	Court; whether tainted can be

Singh Kahlon (2006); Joseph P Cherian (2005), following Krishan Yadav (1994)	scope to examine individual cases in mass malpractice (Joseph P Cherian)	separated from untainted

The inconsistency is strongest within Baishakhi. Paragraph 18 repeats the 'real possibility of systemic malaise' standard of Vanshika Yadav, paragraph 19 states the test as 'reasonable certainty', and paragraph 7 says that the decisions do not conflict. A real possibility and a reasonable certainty are not the same level of proof. The standards might vary with the decision-maker (a court might set a higher bar when it restrains an authority than the authority sets when it decides), with the question asked (whether the problem is systemic, or whether separation is possible), or with the stage of the process (a lower bar for investigation and interim steps than for final cancellation).

None of the decisions adopts any of these explanations. The author's reconstruction combines the second and third: a real possibility of systemic compromise justifies investigation and interim measures, reasonable certainty is needed for final cancellation, and non-segregability must be shown to be impossible or highly improbable. That is an inference from the cases, not a binding rule.

K. The Burden of the Segregation Exercise

None of the cases states who must prove that tainted and untainted candidates cannot be separated. Rajesh P U requires the authority to record a finding before it cancels, and Vanshika Yadav asks the court to evaluate segregation, but neither assigns the burden. Because the authority keeps the records, the data and the investigation material, the better view is that the authority should carry the burden of segregation: it must show that the results it keeps are independent of the taint and explain why segregation failed for the results it cancels. A challenger would then have to produce material to displace a reasoned finding. The derivative-taint analogy in Part 7.6 points the same way, because the party that uses the output of a compromised process must prove its independence. The cases support this reading by implication.

L. Data and Digital Evidence

Statistical evidence has played a larger role in the cases than device forensics. Sinha treated a pass-rate disparity as evidence that speaks for itself, and Vanshika Yadav described data analysis as an accepted means of detecting malpractice, relying on the IIT Madras report. Data of that kind can support a finding that a compromise was or was not localised, which is the finding that separates the lower levels of the ladder from the higher ones. It cannot by itself identify who benefited. An anomaly may show that a centre was affected; it does not show which candidates at that centre were innocent.

Digital evidence raises a further problem, because two forums apply different rules. In a criminal trial, an electronic record must satisfy the certificate requirement of section 65B of the Indian Evidence Act 1872, which Anvar PV v PK Basheer held to be mandatory and Arjun Panditrao Khotkar v Kailash Kushanrao Gorantyal reaffirmed; the equivalent requirement now appears in section 63 of the Bharatiya Sakshya Adhiniyam 2023.[45]

Baishakhi shows that a cancellation proceeding is different. The Court observed that the Evidence Act does not strictly apply in writ proceedings and held that the admissibility of the section 65B certificate need not be decided there, because that question belonged to the criminal court. It added that its findings would not affect the criminal case.[46] A candidate can therefore be treated as tainted on material that might be inadmissible at trial.

The Court also counted against the authority its failure to preserve scanned copies of the OMR sheets.

Together, these decisions point to a duty on examination authorities to preserve, and where possible disclose, the record on which a finding of compromise rests. No statute states that duty, and the 2024 Rules require evidence to be attached only to individual incident reports (Part 6.2).

---

[45]Indian Evidence Act 1872, s 65B; *Anvar PV v PK Basheer* (2014) 10 SCC 473; *Arjun Panditrao Khotkar v Kailash Kushanrao Gorantyal* (2020) 7 SCC 1; Bharatiya Sakshya Adhiniyam 2023, s 63.
[46]*Baishakhi* (n 29) [39].

M. Existing Relief

The existing relief is limited and inconsistent. In Sinha, the only relief offered was a fee-free re-sit. In Tanvi Sarwal, there was no relief; the burden was described as a price. In Vanshika Yadav, the Court acknowledged the burden that honest candidates would face in a re-test, but because it refused to cancel, it had no occasion to grant relief. Baishakhi shows that the Court will fashion relief once it upholds cancellation: untainted appointees did not have to return their salaries, those who had left government posts could apply to return with continuity of service, disabled candidates were to be paid until a new selection, and untainted candidates received an age relaxation to compete again.[47] That package was designed for a recruitment case on its own facts. The sources examined show no comparable package for entrance-examination candidates, and no rule or statute provides one. The gap is therefore narrower than a complete absence of remedy, but it is real: relief is improvised, tied to employment, and absent where the examination is the gateway to admission.

N. Compensation

Public-law compensation is available in principle. In Chairman, Railway Board v Chandrima Das, the Supreme Court made it clear that a High Court can award compensation under Article 226 for the violation of a fundamental right even where a private-law remedy is also available. It also confirmed that the State cannot plead sovereign immunity for the acts of its employees unless the function performed is truly sovereign in nature.[48]

An innocent candidate seeking compensation nevertheless faces two hurdles. First, the claim must rest on the violation of a right. After Sukdeb Saha (Part 7.8), institutional neglect of the mental-health effects of a cancelled examination may well fall under Article 21, but the claimant would still need to prove a specific breach of

[47] *Baishakhi* (n 29) [45]–[49].
[48] *Chairman, Railway Board v Chandrima Das* (2000) 2 SCC 465; *Nilabati Behera v State of Orissa* (1993) 2 SCC 746.

duty by the authority. The fact that a re-test was ordered is not by itself enough to establish liability.

Second, vicarious liability has limits, though they are narrower than they first appear. In State Bank of India v Shyama Devi, the Court held that an employer is not liable merely because the employment gave the employee the opportunity to commit a wrong; liability arises only if the wrong was committed in the course of employment.[49] A three-judge bench applied that test in Pradeep Kumar v Post Master General and held the postal department liable for a fraud its employee committed in the course of his duties, treating the question as one of fact.[50] An official or a service provider's employee who leaks a paper while performing assigned custodial duties may therefore satisfy the test. The Act points the same way: section 10(2) penalises the service provider itself, and section 10(3) reaches its senior management where the offence is committed with their consent or connivance.[51] Whether an insider's leak attracts vicarious liability thus depends on whether it occurred in the performance of assigned duties.

This paper does not call for unlimited compensation. Instead, it advocates a practical measure: reimbursement of the direct costs of a re-test, which is administratively feasible and avoids contested litigation over vicarious liability. Compensation should be reserved for cases in which institutional negligence is clearly proven.

O. Institutional Accountability and Cost Recovery

The 2024 Act already provides a means of making those responsible bear costs. Section 10(2) provides that the 'proportionate cost of examination' shall be recovered from a service provider, section 11(2) provides the same against an institution involved in organised crime, and section 10(4) exempts a person who proves that the offence was committed without his or her knowledge and despite due diligence. The 2026

[49] *State Bank of India v Shyama Devi* (1978) 3 SCC 399.
[50] *Pradeep Kumar v Post Master General* 2022 SCC OnLine SC 154.
[51] Public Examinations (Prevention of Unfair Means) Act 2024, s 10(2)–(3).

Amendment Act has also raised the fines under sections 10(2) and 11(1).[52] The Act is silent on where recovered sums are credited and does not direct their use for candidates or for the cost of a re-test.

Moreover, the cost of examination is the authority's cost of conducting the examination, which differs from the individual costs candidates incur in a re-test, such as travel, lodging and fees. The Supreme Court's emphasis in 2026 on identified duty-holders points in the same direction as the Act's cost-recovery provisions. The logical step is to connect them, through rules under section 16 or a dedicated fund that applies recovered sums to reimburse innocent candidates' re-test costs. This requires a rule or a statutory amendment, not a new principle.

P. The Duty to Reduce the Burden

The figures in Part 1 give the question a clear weight. NCRB data record 14,488 student suicides in 2024 and 2,032 suicides attributed to 'failure in examination' across all age groups, and the same reports note that these cases are concentrated in a few States and in coaching hubs such as Kota. A student who prepares under that pressure, does nothing wrong, and then learns that the examination has been cancelled because of someone else's wrongdoing carries a burden that is neither neutral nor weightless. The paper does not claim that any cancellation has caused any death; the sources examined contain no such finding. Its claim is narrower: a framework that recognises the burden as a cost but does nothing to reduce or offset it treats that burden as weightless.

The egalitarian conception of equality (Part 7.2) and Article 21 as interpreted in Sukdeb Saha (Part 7.8) together yield three duties once a cancellation or re-test is announced. The authority should provide certainty by announcing promptly the dates, the timetable for results and the basis of the decision, because uncertainty itself imposes a cost. It should communicate, giving reasons and data in a form that candidates can understand (Part 7.7). It should support candidates by offering counselling, following the model the Court has already prescribed for educational

[52]Public Examinations (Prevention of Unfair Means) Act 2024, ss 10(2), 10(4), 11(2); Public Examinations (Prevention of Unfair Means) Amendment Act 2026 (n 19) ss 2–3.

institutions. None of these measures requires new rules, and each cost little compared with a re-examination.

Q. Findings

The preceding Parts support six findings. The first rests on a reading of the cases; the rest reflect the author's analysis of what the law lacks.

1. The ladder exists, but it has no selection rule. The Court has allowed remedies ranging from action against identified beneficiaries to full cancellation, but it applies no framework for deciding when to move between them. As a result, similar facts have led to different outcomes (Part 7.1).
2. The evidentiary threshold is described in inconsistent terms. 'Real possibility', 'reasonable certainty', 'some evidence' and 'impossible or highly improbable' all appear in the authorities, with no clear explanation of when each applies (Part 7.10).
3. The burden of the segregation exercise is not allocated. The authority holds the records and runs the investigation, yet no case requires it to explain why separation could not be achieved (Part 7.11).
4. Authority-initiated cancellation appears to be untested. If the press reports on the 2026 proceedings are correct, the cancellation of NEET-UG 2026 was never examined under the Vanshika Yadav inquiry (Part 6.10).
5. Innocent candidates have no remedy, and no duty of care towards them is recognised. Relief in Baishakhi was ad hoc and linked to employment, and neither the 2024 Act nor the 2026 Amendment Act offers any remedy. The psychological burden of a re-test, which Sukdeb Saha now brings within Article 21, is treated as a cost that candidates must simply absorb (Parts 7.8 and 7.13).
6. The statutory scheme is silent on cancellation and on the digital record. The Act and the Amendment Act focus on penalties and speed, and the 2024 Rules require evidence to be attached only to individual incident

reports. Nothing requires the general preservation of the records that support a finding of compromise (Parts 6.2, 6.3, 6.4 and 7.12).

V. SUGGESTIONS AND RECOMMENDATIONS

A. The Protocol

The proposal does not replace the Supreme Court's doctrine. It arranges that doctrine into five ordered steps that an authority could follow and a court could review.

1. **Establish the compromise:** If there is some evidence of a real possibility of compromise, the authority preserves the physical and digital records, starts an investigation and may take interim measures, such as withholding results at affected centres. Interim measures rest on necessity as described in Part 7.5: they are justified by urgency, time-limited and subject to ratification and review.
2. **Assess scale:** The authority records findings on the extent of the compromise using the factors the case law already supplies: the nature, timing and spread of the leak, its geographical reach, the number of beneficiaries, insider involvement and the technology used.
3. **Test segregability:** The authority carries the burden of the segregation exercise. Using recorded reasons and available data, it shows which results are independent of the compromise and which cannot be separated from it, and by when it will complete that exercise. This is the counterpart of showing an independent source for derivative evidence (Part 7.6). Data analysis may locate the compromise, but it cannot identify individual beneficiaries.
4. **Select the least restrictive effective remedy:** Using the ladder in Part 7.1, the authority picks the least severe remedy that works: action against identified beneficiaries, a partial re-test, centre-level cancellation or full cancellation. Final cancellation needs reasonable certainty of systemic compromise and proof that separation is impossible or highly improbable.

Where beneficiaries cannot be ruled out, as in Tanvi Sarwal, full cancellation remains available.

5. **Give reasons and relief:** The authority publishes its reasons and the data used (subject to security) and allows written representations. It offers relief on the model of Baishakhi paras 45 to 49; reimburses direct re-test costs from the proportionate cost of examination recovered under sections 10(2) and 11(2) of the Act and from the enhanced fines under the 2026 Amendment Act, through a dedicated fund created by rules under section 16; gives affected candidates early certainty about dates and results along with access to counselling; and keeps the record available for review.

B. Legal Basis and Vehicle

The legal basis is Article 14's rule against arbitrariness, the proportionality principle (including its necessity stage) applied in Rajesh P U, K Shyam Kumar and Vanshika Yadav, the egalitarian conception of equality (Part 7.2) and Article 21 as read in Sukdeb Saha. The protocol is the Court's ladder and factors in ordered form. Three vehicles are possible. The first is an amendment of the 2024 Rules under section 16 of the Act: section 16(2)(a) allows rules on the procedures and processes for conducting examinations, and section 16(2)(b) is a residuary power.

The existing Rules already regulate incident reporting, norms for computer-based tests and monitoring, so steps 1 to 3 of the protocol, including a duty to preserve records, fit within them. Delegated legislation cannot go beyond the parent Act, however, and a rule that directs recovered sums to candidates may need legislative support. The second is the examining bodies' own regulations, which already govern candidate-level consequences. The third is guidelines from the Supreme Court in the pending proceedings arising from the 2026 examination, if the Court takes up reform as reported. An amendment to the Act that inserts the protocol and earmarks recoveries would be the most secure.

C. Objections

The strongest objection is deference: a court should not second-guess an expert body. The protocol answers this by asking the expert body to record its reasons and by keeping review within the limits Sachin Kumar describes, so that a court checks whether separation was considered and does not make the decision itself. A second objection is impracticability, because a segregation exercise takes time that a large examination may not have.

The answer lies in the protocol's time limits and interim measures, and in K Shyam Kumar, which allowed a decision on prima facie material; where separation cannot be achieved in the time available, full cancellation remains possible. The most important objection is that Tanvi Sarwal treats even one undetected beneficiary as enough to cancel. Vanshika Yadav confined that reasoning on four grounds. The protocol allows full cancellation where those grounds are established and the beneficiaries cannot be excluded. What it prevents is cancellation without a recorded reason for not separating.

D. Limits

The protocol is a doctrinal reconstruction tested against the cases discussed in this paper. It has not been tested against the practical operation of examinations. Its remedial elements depend on the approach taken in Baishakhi, and extending them to entrance examinations needs justification. The account of the 2026 NEET-UG proceedings rests on a single order and on press reports, and a reasoned judgment in the pending proceedings could change the analysis.

VI. CONCLUSION

The research question can now be answered. The Supreme Court's approach does require an authority or a court to ask, before an examination is cancelled in full, whether tainted and untainted results can be separated. Vanshika Yadav says this clearly, and Rajesh P U, K Shyam Kumar and Baishakhi agree. What the approach does not yet require is a method for answering that question. It does not set the level of proof needed. It does not say who must show that separation is impossible. It has not been applied where an authority decides to cancel. It says nothing about what innocent candidates should receive once cancellation is held justified. The 2024 Act

and the 2026 Amendment Act, however effective they prove at deterring leaks, resolve none of these issues.

Two interpretations help to explain the approach and suggest a solution. Viewed through the necessity stage of proportionality, the conflict between Rajesh P U and Tanvi Sarwal becomes one test applied to different facts. Viewed through the analogy of derivative taint, segregability becomes the means by which an independent result is saved from a compromised process, and the responsibility to show independence naturally falls on the party that holds the data. The egalitarian reading of Article 14 and the view of Article 21 in Sukdeb Saha also indicate that those who pay the price of restoring fairness should not do so as if they had caused the problem; the system that failed them should cover the cost. The five-step protocol proposed here is one way to put these ideas into action, whether through rules, legislative amendment or judicial guidelines. In a country where an examination result can weigh heavily on thousands of candidates, a rule that protects fairness by cancelling an examination and then leaves the innocent to pay the price alone has not yet achieved the fairness it professes.

VII. REFERENCES

A. Constitution, Statutes, Rules and Bills

1. Constitution of India, arts 14, 16, 21, 32, 141 and 226
2. Bharatiya Sakshya Adhiniyam 2023
3. Bihar School Examination Board Act 1952 (Bihar Act 7 of 1952), s 9(3), as described in *Sinha*
4. General Clauses Act 1897, s 5
5. Public Examinations (Prevention of Unfair Means) Act 2024 (Act 1 of 2024)
6. Public Examinations (Prevention of Unfair Means) Rules 2024, GSR 342(E) (23 June 2024)
7. Public Examinations (Prevention of Unfair Means) Bill 2024 (Bill No 15 of 2024)

8. Public Examinations (Prevention of Unfair Means) Amendment Act 2026 (Act 10 of 2026)

B. Indian Cases

1. Anvar PV v PK Basheer (2014) 10 SCC 473
2. Arjun Panditrao Khotkar v Kailash Kushanrao Gorantyal (2020) 7 SCC 1
3. Bihar School Examination Board v Subhas Chandra Sinha (1970) 1 SCC 648
4. Board of High School and Intermediate Education v Ghanshyam Das Gupta AIR 1962 SC 1110
5. Chairman, All India Railway Recruitment Board v K Shyam Kumar (2010) 6 SCC 614
6. Chairman, Railway Board v Chandrima Das (2000) 2 SCC 465
7. EP Royappa v State of Tamil Nadu (1974) 4 SCC 3
8. Inderpreet Singh Kahlon v State of Punjab (2006) 11 SCC 356
9. Justice KS Puttaswamy (Retd) v Union of India (2019) 1 SCC 1 (Aadhaar)
10. Krishan Yadav v State of Haryana (1994) 4 SCC 165, AIR 1994 SC 2166
11. Maneka Gandhi v Union of India (1978) 1 SCC 248
12. Mangala Kohli v Union of India WP (C) 753/2026 (SC, 15 July 2026)
13. Modern Dental College and Research Centre v State of Madhya Pradesh (2016) 7 SCC 353
14. Nilabati Behera v State of Orissa (1993) 2 SCC 746
15. Pooran Mal v Director of Inspection (Investigation) (1974) 1 SCC 345
16. Pradeep Kumar v Post Master General 2022 SCC OnLine SC 154, 2022 INSC 156
17. Sachin Kumar v Delhi Subordinate Services Selection Board (2021) 4 SCC 631
18. State Bank of India v Shyama Devi (1978) 3 SCC 399

19. State of Kerala v NM Thomas (1976) 2 SCC 310

20. State of West Bengal v Baishakhi Bhattacharyya (Chatterjee) 2025 INSC 437, review dismissed RP (C) 1729/2025 (SC, 5 August 2025)

21. Sukdeb Saha v State of Andhra Pradesh 2025 INSC 893

22. Tanvi Sarwal v Central Board of Secondary Education (2015) 6 SCC 573

23. Union of India v Joseph P Cherian (2005) 8 SCC 180

24. Union of India v Rajesh P U, Puthuvalnikathu (2003) 7 SCC 285

25. Union Territory of Chandigarh v Dilbagh Singh (1993) 1 SCC 154

26. Vanshika Yadav v Union of India 2024 INSC 553 (SC, 23 July 2024) (order); 2024 INSC 568 (SC, 2 August 2024) (reasons)

C. Foreign Cases (cited by analogy only)

1. Murray v United States 487 US 533 (1988)
2. *Nardone v United States* 308 US 338 (1939)
3. *Nix v Williams* 467 US 431 (1984)
4. *Silverthorne Lumber Co v United States* 251 US 385 (1920)
5. *Wong Sun v United States* 371 US 471 (1963)

D. Official and Institutional Sources

1. India Code, Public Examinations (Prevention of Unfair Means) Act 2024 and entry for the Amendment Act 2026 https://www.indiacode.nic.in accessed 8 October 2026
2. National Crime Records Bureau, *Accidental Deaths & Suicides in India 2024* (Ministry of Home Affairs 2026), and earlier editions from 2014
3. PRS Legislative Research, Bill Track entry for the Public Examinations (Prevention of Unfair Means) Amendment Bill 2026 https://prsindia.org accessed 8 October 2026

© 2026. LawFoyer International Journal of Doctrinal Legal Research (ISSN: 2583-7753)

4. Press Information Bureau, 'Stronger Law, Safer Exams: India Tightens the Noose on Paper Leaks' (PIB Research Factsheet, 31 July 2026) https://pib.gov.in/FactsheetDetails.aspx?Id=150800 accessed 11 November 2026

E. News Reports and Commentary

1. 'Over 1.23 Lakh Students Died by Suicide From 2014-2024; Exam Failure, Family Problems Top Causes: NCRB' (The Wire) https://m.thewire.in/article/education/over-1-23-lakh-students-died-by-suicide-from-2014-2024-exam-failure-family-problems-top-causes-ncrb/amp accessed 8 October 2026

2. 'Student suicide cases have grown 80% in 10 years: NCRB report' (Careers360) https://news.careers360.com/student-suicide-ncrb-report-2026-rise-80-pc-10-years-1000-under-18-jobs-unemployment-exam-mental-health-school-higher-education accessed 8 October 2026

3. 'NEET-UG 2026 Re-Exam Challenge Became Infructuous, Supreme Court Says Institutional Reform Issue Still Survives' (LawBeat, July 2026) https://lawbeat.in/top-stories/neet-ug-2026-re-exam-challenge-became-infructuous-supreme-court-says-institutional-reform-issue-still-survives-1612481 accessed 8 October 2026