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A LEGAL PERSPECTIVE ON CIVIL SERVICE EXAMINATIONS AND SCRUTINY SYSTEM: PUJA KHEDKAR CASE

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I. ABSTRACT

The evolution of civil services in India and their relation to social welfare has always been significant. These services being started during the British period, have continued to be an integral part of India's quasi-federal structure. These civil services and government examinations have undergone major changes with time in consideration since 1784. The involvement of judicial factors and the Indian judiciary is the highlighting factor for change in the civil services examination system. At each level of the state there is the constitution of the **State Public Service Commission** whereas at the Central level, the Union **Public Service Commission** conducts civil examinations. There is a check bounce on both commissions by the apex court of India. To delve deeper into this research paper, analyses the transformation journey of civil service examinations, the concerned body, and the challenges involved in maintaining the authority of power within the system. This research paper serves as an account of examination systems in India, the scrutinization and merit system, the role of the Union Public Service Commission in the motivation of eligible cadres, difficulties faced by the Commission in addressing the same, and its overall implications on the judicial framework and country at large.

II. KEYWORDS

Union Public Service Commission, civil services, IAS, Probation, Physical Disability, creamy layer, scrutiny

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III. INTRODUCTION

The civil service examinations or the government servant examinations are conducted in India by the Union Public Service Commission of India once every year. *The exam is usually conducted in three phases- prelims, mains, and interviews.*² The age limit required for the candidates to be a part of the examinations is 21 to 32. The civil service exam at the center level constitutes the UPSC examinations and at the state level examinations (for Maharashtra) they are known as the MPSC examinations.

The selected candidate is posted in various government departments that are related to the candidate's education and interests or as the authorities deem fit. These government services are divided into 24 different civil services, including "IAS, IFS, IPS, IAAS, IRS (C & CE), IRS (I.T.), Indian Postal Service, ICAS, IDES, IIS (Junior Grade), DANICS, DANIPS, and PONDICS."³ The traditional services began in the British period when East India Company wanted to expand its administration in India by recruiting its officials into the system.

IV. RESEARCH OBJECTIVES

- To determine the scope of the Indian civil service examination's scrutiny system and analyze the related legal framework in Indian laws.
- To discuss the legal eligibility of a candidate in civil servant examinations in India.
- To conduct a detailed analysis of the malpractices involved in the very root level of India and its effects on deserving candidates.
- To analyze the related judicial reasonings and codes of procedure followed by the accused and other elements involved.

²(Prep)

³(Dixit)

V. RESEARCH QUESTIONS

- How can the balance between maintaining the exam integrity of candidates and protecting their rights be achieved by the Union Public Service Commission?
- What are the implications of Puja Khedkar's case on the all-rounder governance and reliability of civil services?
- What is the scope of the judicial review system and legal framework in the consolidation of cases involving impersonation and fraud in civil service examinations?

VI. RESEARCH HYPOTHESIS:

- The current legal framework system is inefficient in detecting malpractices that involve getting into civil services using fraud and misrepresentation.
- There is limited involvement of the judicial system in the systematic implementation of stringent policies in the government system.
- There has been a significant reduction in deterrence due to which malpractices in the system have increased.
- The Puja Khedkar case has played a significant role in the exposure of systematic flaws within the examination and recruitment process.
- There is a stern need for reforms in the old and traditional legal framework in civil cases about government examinations.

VII. RESEARCH METHODOLOGY

This paper utilizes a strictly doctrinal research approach. Doctrinal research, known as library-based research, primarily involves the study and analysis of legal statutes, case law, and academic writings. This method is ideal for exploring the theoretical and conceptual dimensions of law. It systematically presents legal doctrines and principles. In doctrinal research, primary sources include statutory materials, judicial decisions, and authoritative literature.

Secondary sources like commentaries, articles, and legal summaries are also essential. The research process entails identifying, gathering, and critically evaluating these sources. The goal is to form logical conclusions and provide insights into the legal questions being studied. This paper aims to deliver a thorough and unified view of the legal structure relevant to the topic addressed.

VIII. LITERATURE REVIEW

The problems addressed in the research paper are comparatively newer to the traditional problems of paper leaking. Not much research has been done related to the same issue. However, there are provisions involved in the legislation of **Bhartiya Nyaya Sanhita, 2023** which has currently replaced the **IPC, 1862**, **Information Technology Act, 2000**, and **Rights of Persons with Disabilities Act, 2016** related to issues such as forgery, digital forgery, misrepresentation, impersonation, cheating, etc.

The case laws cited in the research paper are also recent considering the problem. These include **Ajit Kumar Singh Vs State of UP, 2010**, **Ramesh Choudhary Vs UPSC, 2014**, **Raj Aryan vs UPSC, 2024** and the very recent case of **Puja Khedkar from 2024**. The examination rules and regulations enforced by **UPSC** mention the basis on which a candidate may be debarred from the examination on certain grounds.

The potential literature includes Administrative Law textbooks by **D.D Basu** and **M.P. Jain**, serving as an account of the Indian Administrative Service.

IX. DEFINITIONS

- **Union Public Service Commission:** The Union Public Service Commission is the central government body responsible for conducting civil service examinations under the constitutional mandate.
- **State Public Service Commission:** The State Public Service Commission is a government body in each state responsible for conducting civil examinations and maintaining equity and fairness at the state level.

- **Probation:** Probation refers to the training period of a civil officer before being posted into the official state or post.
- **Forgery:** Forgery is the illegal act of imitating a document, digital signature, or misrepresentation of facts and information for personal use.

X. EVOLUTION OF THE UNION PUBLIC SERVICE COMMISSION OF INDIA

The history of civil examinations can be traced back to the British period in 1784 when India's administration came under the British Government and East India Company. The main pillars of British administration during the period were the *Army, Police, Civil Service, Judiciary etc.*⁴ For the first time recruitment of civil services was done through competitive exams under the *Charter of 1853*.⁵

The Macaulay committee was set up in 1856 that hold the first examination for recruitment. The *Indian Civil Service Act* which was passed in 1861 enabled the appointment of Indians or Europeans in the civil services for the positions listed in the same attached schedule. However, the requirement was that the candidate should have lived in India for at least seven years.

The act introduced the efficiency in vernacular languages to promote local languages and for the ease of the local candidates who were unfamiliar with English. This Act continued to be in work, but later the demand for Indianisation of civil exams was not met.

Due to the failure of this act in capturing the "Indian-ness" of common rule and the Indian population still being foreign to this policy, the *Aitchison Committee*⁶ Of 1886 was up. This committee discarded the use of Statutory Civil Services. Later too, there were controversies regarding *Indians occupying only 5% of the total civil service posts, which was examined by the Islington Commission of 1912. It proposed for the reservation of Indians to be raised to 25% from 5%, i.e. 189 out of 755 positions in civil services.*⁷ The

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⁵ ("Evolution of Civil Services in India During British Rule")

⁶ ("Evolution of Civil Services in India During British Rule")

⁷ ("Evolution of Civil Services in India During British Rule")

commission proposed the categorization of civil services into Class I and Class II. This proposal was disregarded by the Indians on the grounds of insufficiency in positions.

Years later in 1919, the Government of India Act was passed. The act suggested the *categorization of civil services into three groups: (a)All India (b)Provincial and (c)Subordinate.*⁸

The first competitive exam under the supervision of the Civil Service Commission was conducted in 1922. The selected candidates in the examination were later sent to the English university for probation of two years.

After numerous reformations and rectifications, the Government of India Act, of 1935 was passed under which three commissions were set up namely:

- *Public Service Commission for the State*
- *Public Service Commission for each of the provinces*
- *Joint Public Service Commission for two or more states*⁹

The Government of India Act, of 1935 was revoked in 1950 after the Constitution of India came into effect. The *Constitution of India under articles 315 to 320 states the power of the Union Public Service Commission of India and its functions.*¹⁰

A. Constituents of Union Public Service Commission:

The Union Public Service Commission of India consists of *one chairperson and other ten members constituting a total of 11 members*¹¹ That presides over the powers and functions provided in articles 315 to 320 of the Indian Constitution. The chairman of the UPSC committee and the other 10 members are appointed by the President of India for a tenure of 6 years or until the age of 65 whichever is earlier. Ms. Preeti Sudan is the current chairman of the Union Public Service Commission of India.

⁸ ("Evolution of Civil Services in India During British Rule")

⁹ ("Evolution of Civil Services in India During British Rule")

¹⁰ (*Constitutional Provisions | UPSC*)

¹¹ (*The Commission | UPSC*)

B. Functions of Union Public Service Commission

The Union Public Service Commission of India is adorned with few powers as well as functions to perform. The functions of UPSC are mentioned under *Article 320 of the Indian Constitution*.¹² They are as follows:

- **Conducting civil service examinations and appointment:** The main body is responsible for fair conduct of civil examinations and appointing candidates that are best of merit, without any biases or unjust behavior.
- **Directing remuneration through interviews:** The UPSC committee conducts interviews through a systematic process, by recognizing the potential of the candidates aptly and appointing them a suitable remuneration according to the mentioned provisions.
- **Appointment for promotion/absorption/deputation:** Deputation refers to the transfer of an officer from outside the direct line of promotion to the inner line for a short-term basis and absorption refers to the process where an employee is absorbed regularly into the inner line for an unspecified period or according to the rules. UPSC uses these three methods of appointment for the sustainable and correct use of employees within the system.
- **Amendment of rules about recruitment:** The commission is authorized by the Constitution of India to regularly look into and change rules and regulations whenever and wherever required according to the needful situations.
- **Take disciplinary actions:** The commission may also look into any cases that require disciplinary action whenever there is an infringement of systematic rules and provisions made by the commission.
- **Advising the government:** The president of India may suggest the Commission look into the matters that require interference to advise the government of India in related matters and procedures. This helps in the

¹² (Functions | UPSC)

prevention and systematic resolution of any controversies that involve cheating, fraud, and other malpractices relating to the examination processes.

C. Eligibility For Civil Servant's Examination

To attend the UPSC civil servant examination, the candidate must have completed the age of 21 and should be between 21 to 32 years of age. Age relaxation criteria are granted to OBC candidates for 35 years of age and 37 years for SC/ST candidates.

Educational Qualifications:

- The basic qualification required by the candidate is a graduate degree from a recognized university or any equivalent qualification.
- A candidate in the final year of any degree waiting for their result is also eligible to appear for UPSC (preliminary) examinations. In such case, the candidate must be equipped with the proof of having passed the same examination provided with the application for the main exam.
- Candidates possessing professional and technical qualifications approved by the government are also eligible to appear in the examination.
- Medical students having passed the final year of their MBBS Examinations, but yet remaining to complete their internship are also eligible to appear in the examinations. Provided that, an application for the main examination along with a certificate of completion of the course (along with an internship) from the concerned authority of the university/institution has to be submitted.¹³

D. Nationality

- An IAS and IPS candidate must be a citizen of India.
- For all other candidates, he/she must be:
 - *A citizen of India*
 - *A subject of Nepal*

¹³ codl.

- *A subject of Bhutan*
 - *A refugee from Tibet who came to India before 1st January 1962 to settle permanently.*
 - *A PIO migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania, Zambia, Malawi, Ethiopia, Zaire and Vietnam to settle in India permanently.*
- The candidates belonging to the categories b, c, d and e shall produce a certificate of eligibility issued by the Government of India. Such candidates shall be able to appear in the examination before the issuance of such certificate, but the candidate shall get the offer of appointment only after the issuance of the certificate by the Government.
 - A person belonging to categories b, c, and d cannot be appointed to the IFS (Indian Foreign Services)¹⁴

E. Case Study: Puja Khedkar

Puja Khedkar, a probationary officer of the batch 2023 is under scrutiny for allegedly committing fraud under violation of sections of *BNS (Bhartiya Nyaya Sanhita)*, *Rights of Persons with Disabilities Act, 2016*, and *Information Technology Act, 2000*. UPSC published a press release on 19th July about a series of detailed investigations into the case. During the investigation, it was revealed that she *fraudulently availed 12 attempts in the examinations which were more than the prescribed limit*,¹⁵ i.e. 6 attempts for OPEN candidates, and 9 attempts for OBC candidates under the *examination rules*.

It has been alleged that she misused the bonafide candidature advantage in UPSC examinations by *faking her identity by changing her name, father's name, mother's name, self-photograph, signature, email ID, mobile number as well as address*.¹⁶

Union Public Service Commission of India has filed an FIR (First Information Report) with Delhi Police Authorities for the issuance of show cause notice for candidature

¹⁴ codl.

¹⁵ (Bureau)

¹⁶ (Bureau)

forfeiture of Civil Service examinations, 2022. She has also been debarred from taking up any further examinations and selections for the infringement of *Civil Service Exam Rules, 2022*.¹⁷

The said probationary officer is said to have misrepresented herself as a person with Physical Disability by seeking *reservation under categories (a) and (d), i.e. visual impairment and mental disability respectively, of section 34 of the Rights of Persons with Disabilities Act, 2016*.¹⁸ In an attempt, she also used a red *beacon light*.¹⁹ and a signboard carrying "*Maharashtra Government*"²⁰ On her private car without permission.

XI. RELEVANT LEGISLATIONS

A. Bhartiya Nyaya Sanhita

- **Section 337:** "*A person who forges a document or an electronic record or an identity document which has been issued by the government or a document impersonated as made by a public servant in his official capacity shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.*"²¹
- **Section 339:** "*Whoever has in his possession any document or electronic record, knowing the same to be forged and intending that the same shall fraudulently or dishonestly be used as genuine, shall, if the document or electronic record is one of the descriptions mentioned in section 337 of this Sanhita, be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine; and if the document is one of the descriptions mentioned in section 338, shall be punished with imprisonment for life, or with imprisonment of either description, for a term which may extend to seven years, and shall also be liable to fine.*"²²

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¹⁸ INDIA CODE.

¹⁹ ("Pune Police Confiscate Luxury Car Used by IAS Officer Puja Khedkar")

²⁰ ("Pune Police Confiscate Luxury Car Used by IAS Officer Puja Khedkar")

²¹ Bhartiya Nyaya Sanhita 2023.

²² Bhartiya Nyaya Sanhita 2023.

B. Information Technology Act, 2000

- **Section 1(74):** *“Whoever knowingly creates, publishes or otherwise makes available a Digital Signature Certificate for any fraudulent or unlawful purpose shall be punished with imprisonment for a term which may extend up to two years, or with a fine which may extend to one lakh rupees, or with both.”²³*

C. Rights of Persons with Disabilities Act, 2016

- **Section 34(1):** *“Every appropriate Government shall appoint in every Government establishment, not less than four percent. Of the total number of vacancies in the cadre strength in each group of posts meant to be filled with persons with benchmark disabilities, of which, one percent. Each shall be reserved for persons with benchmark disabilities under clauses (a), (b), and (c) and one percent. For persons with benchmark disabilities under clauses (d) and (e), namely:(a) blindness and low vision; (b) deaf and hard of hearing; (c) locomotor disability including cerebral palsy, leprosy cured, dwarfism, acid attack victims and muscular dystrophy; (d) autism, intellectual disability, specific learning disability and mental illness; (e) multiple disabilities from among persons under clauses (a) to (d) including deaf-blindness in the posts identified for each disability.”²⁴*

XII. RULES AND REGULATIONS:

A. Indian Administrative Service (Probation) Rules, 1954

Under rule 11 of Indian Administrative Service (Probation) Rules, 1954, provisions related to control over disciplinary actions of a probationer, shall be in the hands of the Director of the Commission.

Rule 12 of the Indian Administrative Service (Probation) Rules, 1954 states the rules and grounds on which an officer can be discharged from service as a part of disciplinary action. About the above case study, the rules infringed include i) In the

²³ Budhiraja R

²⁴ Rights of persons with Disabilities Act,2016.

opinion of the Central Government *he has willfully neglected his probationary studies or duties*.²⁵; or ii) *He*²⁶ *Fails to comply with any of the provisions of these rules*.²⁷

B. An Analysis of Imposed Allegations

- **Misuse of power:** The officer allegedly misused power by demanding special treatment which is typically not availed by any normal IAS officer such as demanding a special car during the probation period and using the “Maharashtra Government” banner on her car without official permission.
- **False claim of Disability:** The IAS officer misused the claim of being visually impaired and mentally challenged to get into the highly stern examination framework and availed attempts beyond the limit permissible for a normal candidate.
- **Improper use of affirmative action:** The accused has made questionable claims under the OBC non-creamy layer quota which is contrasting to her evident family wealth.
- **Wrong use of nepotism and undue influence:** The father of the accused has misused his connections and family status for pressurizing the authorities for favoritism of his daughter against the rules.

C. Related Case Laws

- **Ajit Kumar Singh Vs State of UP, 2010:** The case of *Ajit Kumar Singh vs State of UP* ²⁸Marks a landmark judgment based on serving the integrity of civil service examinations. The petitioner, Ajit Kumar Singh, a 2010 batch candidate, was debarred from appearing in the civil examinations on the basis that he had misrepresented the information regarding his previous attempts.
- The UPPSC (Uttar Pradesh Public Service Commission) withheld his results. The Petitioner argued that UPPSC and other state commissions are

²⁵ Here duties

²⁶ Here she

²⁷ (THE INDIAN ADMINISTRATIVE SERVICE (PROBATION) RULES, 1954)

²⁸ (*Ajit Kumar Singh Vs State of UP*)

autonomous bodies in nature and the decision made by UPSC was not binding on all other bodies. However, the Allahabad High Court dismissed the petition saying that even if each of the state commissions are autonomous, the step taken by UPSC was fair and valid based on its strict guidelines for examinations.

- **Ramesh Choudhary Vs UPSC, 2014:** In the similar case of Ramesh Choudhary vs UPSC, 2014 held in the Supreme Court of India, it was made clear by the Supreme Court that the production of false information before the court and examination authorities could result in serious consequences which may include debarment from examinations for a period prescribed under the examination rules.
- The Supreme Court of India ruled that: *“Since he had indicated his disability percentage as 30%, he could not be considered in the PH category, the applicant deliberately mentioned in the online application form of being physically challenged under the "Ortho" category. He thus furnished wrong information and this must have been done by him to get employment under that category.”*²⁹ The Supreme Court of India having realized the depth of crime, its proportion to the punishment, and the benefit caused to the accused, it was seen that a period of 10 years was disproportionate to the benefit achieved. Therefore, the Supreme Court of India reduced the period of debarment to three years. This was an important step taken by the apex court to ensure the integrity of government examinations.
- **Raj Aryan Vs UPSC, 2024:** The very recent case of *Raj Aryan Vs UPSC*³⁰ Highlighted and examined the decision of the court in previous similar cases where multiple candidates were debarred on the same basis of misconduct in previous exams. Even after repeated cases and the same decisions, petitioner Raj Aryan challenged the decision of UPSC to debar him from the examination for 10 years in the Jharkhand High Court. The case highlights

²⁹ (*Ramesh Choudhary Vs UPSC*)

³⁰ (*Raj Aryan Vs UPSC, 2024*)

the authority of UPSC to impose strict penalties in such cases of misconduct. The final decision for the case has not yet been delivered by the court.

D. Overall Implications

- **Public Unrest:** The strict disciplinary body of UPSC that always promotes equity and fairness may face difficulties with promoting its utmost motive which may create public unrest all over the country if such cases are found to be reoccurring explicitly.
- **Ethical Considerations:** Cases like Puja Khedkar and previously mentioned cases may lure candidates into misconduct, promote unfair exam practices, and discourage honest candidates from giving their best.
- **Need for Reforms:** The above incidents can be seen as strong discerning alarms in the legal systems for more stringent judicial reforms so that there is proper maintenance of surveillance that can catch hold of such frequent incidents.
- **Deterrence:** The creation of fear among the candidates will prevent half of the swindling in the institutions. Candidates will refrain from committing such actions only if the fear of authority is maintained.

XIII. CONCLUSION & SUGGESTIONS

Considering civil services and their relation with national growth, they go hand in hand. However, a corrupted system is a bane for all the social strata(s). What is a bane for the normal population is a potential boon for lawyers and legal professionals. Mistakes in law create opportunities for lawyers. The scope for drafting related statutes and acts is created through such opportunities.

There is a lot that can be interpreted and documented about such cases of misconduct. India does not have any specific act relating to such issues. Even if there are rules relating to the civil conduct of examinations, there is no unified code law for the same. A series of events unfolded through the recent controversy of probationary IAS officer Puja Khedkar.

After the incident has been exposed, potential loopholes in the scrutiny system of civil service examinations are created along with the scope for reforms. Reportedly, it has been recorded that over 22 officials have misused the loophole in the system to get into the benefits associated with civil services.

It is recommended that reservations of seats under quota and reservations be dismissed so that further problems with misrepresentation of caste certificates are mitigated and reduced. Anti-mutilation systematic cards for candidates that mention the number of previous attempts can be introduced so that no candidate with such intention can misuse or misrepresent related information.

Only the quota for physically disabled candidates should be continued. Physical scrutiny for physically disabled candidates should be strictly conducted. The candidate failing to appear for the scrutiny shouldn't be allowed to sit for the examination. These reforms will help in a significant reduction in cheating and fraud in the examinations.

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