

**REPORT
OF
THE ONE MAN INQUIRY COMMISSION**

*CONSTITUTED TO INQUIRE INTO THE ALLEGATIONS AND MALPRACTICES IN
CONDUCT OF EXAMINATION BY ASSAM PUBLIC SERVICE COMMISSION (APSC)
THE RESULT OF WHICH WAS DECLARED ON 30TH JUNE, 2016*

**Headed by Justice B.K. Sharma,
Former Judge, as the Chairman**



VOLUME-I

12th October, 2023

ACKNOWLEDGEMENT



The Inquiry entrusted to the Commission in respect of which the instant report is submitted, is virtually in continuation of the earlier Commission of inquiry pertaining to CCE-2013 conducted by the APSC report of which was made ready on 21st March, 2022 and taken over by the authorised representative of the Govt. of Assam on 2nd April, 2022.

The task entrusted to the Commission could not have been completed without the contributions of the individuals, organisations and concerned officials named in the report. The Commission would like to place on record its deepest gratitude and appreciation to all those, who in response to the public notice issued by the Commission in reference to the terms of reference entrusted to it, rendered their valuable insights to the same.

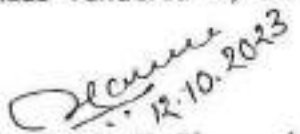
The Commission appreciates the active assistance of the support staff of the Commission namely **Shri Bhaskar Jyoti Sharma** (Grade-III/Stenographer) and **Shri Biswajit Das** (Grade -IV). The Commission places on record its high appreciation for the commendable services rendered by **Shri Dilip Kumar Baishya**, Inspector (AB) of Police, sent on deputation to the Commission, whose untiring efforts, dedication and analytical approach to the issues involved, immensely helped the Commission in answering the references. **Shri Pankaj Kumar Bhattacharyya**, another Inspector (AB) of Police, also on deputation to the Commission, equally helped the Commission in arriving at the answers to the references with his sincere and devoted service. They are really assets of the Police Department and deserve to be rewarded appropriately.

The Commission would also like to place on record its words of appreciation for the sincere and prompt services rendered to the Commission by **Smt. Sharmistha Borah, ACS** as its Secretary during her tenure as such. The Commission also appreciates the services rendered by **Smt. Tarali Das, ACS** who also performed the duties and responsibilities as the Secretary to the Commission.

The Commission would be failing in its duty if the untiring and prompt services rendered by **Shri Surjeet Singh Panesar, APS**, presently posted as Commandant, 1st Assam Commando Battalion, Geleky, Sivsagar, who was the Investigating Officer of **Dibrugarh PS Case No. 936/2016**, is not placed on record. It was because of his efforts, the Commission could collect and correlate the documents for a just and proper decision in the matter.

The Commission offers its special thanks to **Dr. Angshumita Gogoi**, but for whose courageous approach to the matter, it would not have been possible to unearth the dark episode behind both **CCE-2013** and **CCE-2014** conducted by the APSC with the registration of **Dibrugarh Police Station case no. 936/2016** on the basis of her FIR.

The Commission also appreciates the services rendered by all others in the functioning of the Commission.


(Justice B. K. Sharma)

Chairman of the Inquiry Commission

INDEX

SL. NO.	CHAPTER	TITLE	PAGE NO.
1.	Chapter-I	Introduction	01 to 04
2.	Chapter-II	Responses pursuant to the Public Notice	05 to 08
3.	Chapter-III	Background facts of Combined Competitive Examination (CCE), 2014	09 to 16
4.	Chapter-IV	Facts leading to the related Criminal Investigation and consideration thereof	17 to 20
5.	Chapter-V	Anomalies and malpractices in Combined Competitive Examination (Preliminary), 2014	21 to 35
6.	Chapter-VI	Anomalies and malpractices in Combined Competitive Examination (Mains) 2014	36 to 131
7.	Chapter-VII	Anomalies and discrepancies in the Final Select List of CCE-2014	132 to 201
8.	Chapter-VIII	Role of Chairman, Members and other staff of APSC in conducting CCE-2014	202 to 336
9.	Chapter-IX	Answers to Terms of references	337 to 347
10.	Chapter-X	A consolidated summary of the illegally selected candidates.	348 to 375
11.	Chapter-XI	Conclusion	376 to 378

CHAPTER- I

INTRODUCTION

This Inquiry Commission was constituted by the Govt. of Assam in the Political (A) department vide notification no. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued in the name of the Governor and under the signature of the Principal Secretary to the Govt. of Assam, Home & Political Department. The Inquiry Commission so constituted is in respect of the alleged anomalies and malpractices in conduct of **CCE 2014** by the Assam Public Service Commission (**APSC**). For a ready reference, the notification constituting the one man Inquiry Commission and laying down the terms of reference is reproduced below:

GOVERNMENT OF ASSAM
POLITICAL (A) DEPARTMENT :: DISPUR
ORDER BY THE GOVERNOR
NOTIFICATION

Dated Dispur, the 20th May, 2022

No. PLA.440/2015/102/ECF-72687:: In exercise of the powers conferred under the Section 3 of the Commission of Inquiry Act, 1952, the Governor of Assam is pleased to constitute a One Man Inquiry Commission headed by Justice (Retd.) B. K. Sharma, retired Judge of Gauhati High Court, Guwahati to inquire into the allegations of anomalies and malpractices in conduct of examinations by Assam Public Service Commission (APSC).

The terms of reference of the Commission of Inquiry shall be as follows:-

- 1. To inquire into the allegations of anomalies and malpractices in conduct of CCE, 2014,*
- 2. To inquire into the entire process of selection of the candidates and role of the Chairman and other Members of APSC including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly,*
- 3. To inquire into the system followed by APSC for setting of questions for conducting CCE, 2014 including the qualifications,*

integrity and competency of the question setters and whether the question setters are properly trained and briefed by the Commission; to enquire further whether the APSC prepares panel of question setters and the modalities for selection of question setters. To suggest improvement in mode of selection and preparation of the panel of dedicated question setters,

4. To Inquire into the modalities adopted by the APSC for moderation of questions set for CCE, 2014, whether clear distinction and demarcation is there between question setters and moderators. Incidents in the past where due to ambiguity in answer keys corrective measures had to be taken by the commission, to ascertain the fault on the part of question setters and ways to eradicate any future possibilities of such situations,

5. To Inquire and study the system followed by the Commission for holding the viva-voce/interview of the candidates, making pattern under the existing rules and whether proper transparency is maintained during the viva-voce/interview of the candidates appearing CCE, 2014.

The Commission will submit its report within 6 (six) months from the date of issue of this Notification.

Sd/-

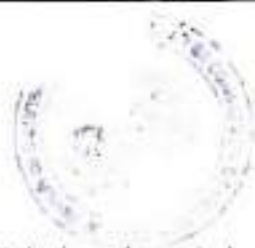
(Niraj Verma, IAS)
Principal Secretary to the Govt. of Assam
Home & Political Department

It may not be out of place to mention here that similar One Man Inquiry Commission was constituted to inquire into the allegations of anomalies and malpractices in conduct of **CCE 2013** by the **APSC**. On that occasion also the Inquiry Commission was constituted as in the instant case under the Chairmanship of the undersigned. On conclusion of the earlier inquiry conducted in respect of **CCE 2013**, the report thereof was submitted to the Govt. of Assam on **2nd April 2022**. Within one and half month thereafter, the present Inquiry Commission was constituted in respect of **CCE 2014** with the terms and references as quoted above.

Both the Inquiry Commissions pertaining to **CCE 2013** and **CCE 2014** are related to each other inasmuch as apart from the fact that both the examinations were conducted under the then Chairman of **APSC** **Shri Rakesh Kumar Paul**, a criminal case being **Dibrugarh PS Case No. 936/2016** was registered when allegations of large scale corruptions leading to fraudulent activities in conducting the said two examinations by **APSC** was made. During investigation of the said criminal case, large scale corruptions, malpractices and fraudulent activities in conducting both the examinations i.e. **CCE 2013** and **CCE 2014** came to light leading to large scale arrest of purported selected candidates and the Chairman of the **APSC** along with some other members and staff. To be specific, all together **39 (thirty nine)** and **21(twenty one)** selected and appointed candidates of **CCE 2013** and **CCE 2014** respectively under different categories were arrested. Pursuant thereto, their services have been dispensed with.

While conducting the earlier inquiry pertaining to **CCE 2013**, the allegations of malpractices resorted to in the selection of the said **39 (thirty nine)** candidates, were found established with the addition of another **34 (thirty four)** such candidates, who are still in service. Be that as it may the present task of the Commission is to inquire into the alleged anomalies and malpractices resorted to in conducting **CCE 2014** in reference to the terms of reference enumerated in the above quoted notification.

Assuming charge of the Inquiry Commission on 23rd May 2022, requisition was placed with the Govt. of Assam for providing necessary infrastructure and staff enabling the Commission to carry forward the inquiry entrusted. Pursuant thereto, earlier staff engaged in the functioning of the earlier Inquiry Commission pertaining to **CCE 2013** were approved for engagement. Similarly two police officials, who were also part of the said earlier Inquiry Commission, were approved for deputation to the present Commission. With the help and assistance of



the said staff and deputationists, the Commission started and carried forward its functioning towards making the inquiry to answer the references.

With the above developments, the Commission in discharge of its functions issued public notices in the news papers calling for responses to the terms of references, pursuant to which, some public responses alleging huge anomalies and malpractices in conduct of **CCE 2014** like that of **CCE 2013** have been received. Additionally, the Commission also issued notices to different stakeholders including the above referred **21(twenty one)** selected and appointed candidates whose services have already been dispensed with. Be it stated here that in response to the notices so issued, the persons concerned including the said **21(twenty one)** candidates have submitted their written responses. All these details will be discussed in due course of this report which are in **02(two)** volumes. While volume-I contains the report, the volume-II contains the related documents.

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CHAPTER-II

PUBLIC RESPONSES

Pursuant to the public notice issued and published in different news papers, the Commission has received some written responses which are briefly discussed below:

- (i) In the written response described as "***Submission of facts and evidences in connection with APSC Scam***", the forum under the name and style "***Fight Against Injustice of APSC***" aggrieved of **CCE 2013** and **CCE 2014** has highlighted different facets of purported anomalies and malpractices under different heads. Reacting to the **terms of reference no. 1**, which is allegations of anomalies and malpractices in conduct of **CCE 2014**, the forum has highlighted the specific facts relating to wrong official answer keys and the challenge thereto; anomalies in preliminary examinations; dubious role of the then Principal Controller of Examinations; some dubious selections of candidates etc. In the written complaint, it has also highlighted different writ proceedings before the Hon'ble Gauhati High Court. Along with the complaint, certain documents numbering **06** have also been annexed which will be referred to as and when required, during the course of this report.
- (ii) In another response which is described as written statement cum evidence and filed by one **Shri Dulal Bora**, the allegations inter-alia made is that **Shri Gurujyoti Das**, the then MLA of Mongaldoi constituency is involved in obtaining jobs by dubious means. In this connection, he has referred to the names of **Leena Das, Nirmal Das, Vargobmoni Das, Mondip Das, Dr. Debasis Das, Noreswar Das, Kalpana Das, Thanuram Das** and **Debendra Das** said to be close relatives of **Shri Gurujyoti Das** and **Shri Pabitra**



Kaibatra, the then Assistant Controller of Examinations, **APSC**.

- (iii) According to the written response of **Dr. Debajyoti Biswas** who appeared in **CCE 2014** under **Roll No. 0906465**, he has secured **770** marks in the written examination and **159** in viva-voce totaling to **929** marks as against total cut off mark of **937** for General Category candidates. Thus he has fallen short by **08** marks. On the basis of his RTI Act application, he could find some anomalies in awarding of marks in his **Sociology Paper-II**. According to him, total mark awarded to him, which is only **26%**, is inconceivable inasmuch as he has answered all the questions correctly.
- (iv) In another written response by one **Shri Ratul Hazarika** who also appeared in **CCE 2014** under **Roll No. 0910046**, it is stated that he missed the final selection by only **06** marks in SC category. Upon obtaining the answer scripts through the process of RTI Act application, he has found that in the 1st paper of **Law subject** in a particular question, his second part of the answer was given zero mark as against total **06** marks. He claims that his answer was correct. He further claims that such a course of action was adopted towards his deprivation and on the other hand tainted candidates were given unwarranted inflated marks. According to him, such tainted candidates are large in numbers.
- (v) In the written response submitted by one **Smt. Mampi Nath** who had also appeared in **CCE 2014** under **Roll No. 1900535**, the stand is that but for the undeservedly awarding lower marks in her answer scripts of **General Studies, Education Paper -I and Zoology Paper -II**, she would have made it to the merit list. The reason behind awarding of such lower marks, she believes to be her approach to the **Hon'ble Gauhati High Court** when she was

illegally deprived of selection in the prelims examination and consequential intervention of the Hon'ble court granting relief which entitled her to appear in the Mains examination and viva-voce. Her assertion is that she was forced to approach the Hon'ble court being confronted with several wrong answer keys which although was brought to the notice of the then **PCE**, but he did not take any remedial measures, rather opposed her contentions.

- (vi) In yet another response dated 03-08-2022 submitted by the aforementioned organisation namely **Fight Against Injustice of APSC** in the form of "**submission of further evidences in connection with APSC Scam**", the complainant has named many successful candidates who occupied different ranks in ACS, APS and other allied services, which according to them are all undeserving and could get selection on extraneous considerations on the basis of which secured whopping marks in the interview almost touching the outer level of the total marks fixed. It has also been alleged that one, **Minerva Devi Arambam**, who ranked 4th in ACS could get selection being the daughter of the then Principal Controller of Examination **Shri A.N.B. Singha**. One of the allegations is in respect of one **Shri Bhargab Muni Das**, APS. Referring to his facebook posts after his selection and appointment, it is alleged that such posts clearly depict his poor knowledge in English language. For instance, some such posts are "**Happy marriage anniversary my sweet maa and Detta. Completed 38 years old**"; "**rabindra bhavan photo exjivation**"; "**mom & dad love no compear to with other.....**" etc.

- (vii) In yet another complaint dated 16-12-2022 lodged by one **Shri Ashwini Baruah** of Dibrugarh, he has alleged that one **Monolova Saikia** and her brother **Bedanga Bhushan Saikia**



could get selection to APS and Superintendent of Excise on payment **Rs. 60 lakhs** by their rich parents. According to the complainant, both of them did not sit in the allotted examination centre, but sat in different private centres and wrote their answers. It has also been alleged that their answer scripts are fake.

In a further complaint dated 27-01-2023, said **Shri Ashwini Baruah** has more or less, reiterated and reaffirmed his earlier stand in the first complaint dated 16-12-2022.

(VIII)

The Commission also received another complaint dated 28-03-2023 lodged by one **Diganta Sarania** of Mangaldoi alleging selection of aforesaid **Bhargab Muni Das**, APS on extraneous considerations. It is alleged that said **Shri Das** could get the selection through his close relation **Shri Gurujyoti Das**, Ex-MLA of Mangaldoi constituency, who had good touch with **Shri Rakesh Kr. Paul**, the then Chairman of **APSC** and **Pabitra Kaibarta**, the then Assistant Controller of Examination, **APSC**. According to the complaint, the candidate was provided with question papers in advance and then he was allowed to take along the answer scripts after the examinations and to submit the same after writing the answers at his residence. This complainant has also referred to the above mentioned facebook posts so as to contend that from such posts, his so called merit is clearly discernable.

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BACKGROUND FACTS OF COMBINED COMPETITIVE EXAMINATION 2014

Advertisement No. 02/2014 was published by the Assam Public Service Commission on 03-04-2014 notifying holding of **Preliminary Examination** for screening candidates for the **Main Examination** for recruitment to the services/posts as indicated therein. For a ready reference the relevant part of the advertisement is reproduced below :

ASSAM PUBLIC SERVICE COMMISSION

Jawaharnagar, Khanapara, Guwahati- 781022

ADVT. NO 02/2014

Commission's website: <http://www.apsc.nic.in>

Website for Online Application System: www.apsconline.gov.in

No 7PSC/E-8/2013-2014

Dated Guwahati the 3rd April, 2014

The Assam Public Service Commission will hold the Preliminary Examination of the Combined Competitive Examination, 2014 for screening candidates for the Main Examination for recruitment to the under-mentioned services/posts in accordance with the Assam Public Services Combined Competitive Examination Rules 1989. The date of Examination will be notified in due course. The actual numbers of vacancies against each services/posts including reserved categories are shown below:

Sl. No.	Name of the Firm	GC		Revised for 1980-81 (GC)		Revised for SC		Revised for ST		Revised for OBC		Others Total		Total reserved by 1980-81 (Total of Quantity)	
		No. of Seats	Value	No. of Seats	Value	No. of Seats	Value	No. of Seats	Value	No. of Seats	Value	No. of Seats	Value		
1	Andhra Pradesh (P. Govt.)	49	44	51	5	51	59	6	0	0	0	0	11	11	Bamangudi Mandals
2	Forward Block (District of Madras)	24	7	25	0	2	0	3	0	0	0	0	0	0	
3	Self-Help Officers	2	60	1	10	10	70	10	10	10	10	10	0	0	0
4	Supplementary of 1st Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	Bamangudi Mandals
5	Supplementary of 2nd Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	
6	Supplementary of 3rd Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	Bamangudi Mandals
7	Supplementary of 4th Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	
8	Supplementary of 5th Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	Bamangudi Mandals
9	Supplementary of 6th Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	
10	Supplementary of 7th Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	Bamangudi Mandals
11	Supplementary of 8th Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	
12	Supplementary of 9th Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	Bamangudi Mandals
13	Supplementary of 10th Batch	0	0	0	0	0	0	0	0	0	0	0	0	0	
14	Total	75	111	78	5	73	129	29	0	0	0	0	11	11	0



There is no reservation for SC category for the post of ACS Junior Grade due to full utilization of the prescribed percentage of reservation for this reserved category in the Grade.

RFW= Reserved For Women, PWD= Persons With Disabilities,

1. Centres for the Preliminary and Main Examination and their dates of commencement:

a) The centres for the Combined Competitive Preliminary Examination are: BONGAIGAON, BARPETA, DHUBURI, DIBRUGARH, DHEMAJI, DIPHU, GOLAGHAT, GOALPARA, HAFLONG, JORHAT, KOKRAJHAR, KARIMGANJ, MANGALDOJ, MORIGAON, NAGAON, NALBARI, NORTH LAKHIMPUR, SILCHAR, SIVASAGAR, TEZPUR, TINISUKIA, AND GUWAHATI.

b) The Combined Competitive (Main) Examination will be held in Guwahati only.

c) Exact date of Preliminary & Main Examination will be notified in due course.

d) The Centres and the date (even after it is notified) for holding examination may however be changed by the Commission at its discretion. Candidates admitted to the examination will be informed of the time table and place or places of examination. The candidates should note that no request for change of centre will be granted.

1. Pay scale admissible for each cadre/ post

2. Pay scale admissible for each cadre/ post		
Sl	Name of posts	Scale of Pay + Grade Pay + other allowances as admissible to the Assam State Government employees from time to time (Per Month)
(i)	A.C.S. (A Grade)	Pay Scale 1-200-40000, Grade Pay 5400, Pay Band PB-4
(ii)	A.C.S. (B Grade)	Pay Scale 12000-40000, Grade Pay 5400, Pay Band PB-4
(iii)	Labour Officer	Pay Scale 12000-40000, Grade Pay 5400, Pay Band PB-4
(iv)	Superintendent of Taxes	Pay Scale 12000-40000, Grade Pay 5400, Pay Band PB-4
(v)	Superintendent of Excise	Pay Scale 12000-40000, Grade Pay 5400, Pay Band PB-4
(vi)	District Transport Officer	Pay Scale 12000-40000, Grade Pay 5400, Pay Band PB-4
(vii)	Inspector of Labour	Pay Scale 8000-30000, Grade Pay 4200, Pay Band PB-3
(viii)	Inspector of Taxes	Pay Scale 8000-30000, Grade Pay 4200, Pay Band PB-3
(ix)	Inspector of Excise	Pay Scale 8000-30000, Grade Pay 4200, Pay Band PB-3

3. HOW TO APPLY:

CANDIDATES ARE REQUIRED TO APPLY FOR THE PRELIMINARY EXAM. THROUGH ONLINE MODE ONLY. NO OTHER MODE FOR SUBMISSION OF APPLICATION IS ALLOWED.

a) Instructions for filling up online form have been uploaded in APSC website www.apsc.nic.in. Candidates should carefully go through the instructions while filling up forms.

- b) Candidates are not required to send any document i.e. the online application form, registration slip, bank challan or the journal entry confirmation slip etc. to the office of the Commission.
- c) Since the applications are submitted online, the question of submission of applications through proper channel in case of the candidates already employed becomes redundant. However, such candidates shall intimate their appropriate appointing authority about submission of application in writing.
- d) The candidates already employed should note that the prerogative for according permission to appear in C.C (Preliminary & Main) Examinations / join services on being selected by the Commission in due course of time shall rest upon the appropriate authority. The Commission shall not be in any way responsible/accountable.
- e) Online form may be filled up w.e.f. 10/04/2014 to 12.00 Midnight of 10/05/2014 only. No application can be filled up after expiry of the given time as the link will be disabled.
- f) PWD (Person With Disability) candidates are to inform the Commission in writing for scribe if required, within one month of the expiry of the closing date for online submission of application. (Commission's email: apsc-asm@nic.in)

Note : The applicants are advised to submit only a single application; however, if due to any unavoidable situation, he/she submits another/multiple applications, then he/she must ensure that the application with the higher Registration Number is complete in all respects which will be preferred by the Commission. The fee paid against one Registration Number shall not be adjusted against any other Registration Number;

4. FEES for Preliminary Examination only.

- a) Application Fees: NIL
- b) Examination Fees -Rs 25/- for SC, ST (P) & ST (H). For others Rs 50/- to be deposited only through e-Challan with State Bank of India.
- c) The journal number generated by the Bank should be uploaded in the online application System of the Commission.
- d) Fee is not refundable.
- e) Fees for the Main Examination will be notified in due course of time.

NOTE : APPLICATION SHALL BE SUMMARILY REJECTED IF THE PRESCIBED FEE IS NOT DEPOSITED IN THE SBI THROUGH E-CHALLAN OR THE JOURNAL

NO. GENERATED BY THE BANK (SBI) SUBSEQUENT TO DEPOSITING THE FEE IS NOT UPLOADED IN THE ONLINE APPLICATION SYSTEM. (Please Refer Instructions For Filling Online Application Form)

5. ELIGIBILITY

- a) The Candidate must be an Indian citizen.
- b) He /She should not be less than 21 years and more than 38 years of age as on 01.01.2014. The upper age limit is relaxable by 5 years for SC/ST candidates i.e. upto 43 years. There will also be relaxation of upper age limit in respect of Persons With Disability by 5 years i.e. upto 43 years. The age limit of the candidates will be calculated on the basis of the Matriculation/HSLC Admit Card/Certificate issued by a recognized Board/ Council, and no other document shall be accepted in lieu thereof for the purpose.
- c) A candidate must hold a Degree from any of the Universities incorporated by an Act of Central or State Legislature in India or other Educational Institutions established by an Act of parliament or declared to be Deemed as a University under section 3 of the University Grants Commission Act, 1956 or possess such qualification as may be declared equivalent by the Government.
- d) Candidates must possess the prescribed qualification on the date of submission of their applications.
- e) Candidates awaiting results of the qualifying examination on the closing date of submission of application need not apply.
- f) Persons with Disability should ascertain the post for which a particular category of disability is entitled for reservation as per the advertisement and should apply/opt the Preference accordingly at the time of filling up forms for Main Examination.

6. STAGE OF THE EXAMINATION

The Combine Competitive Examination consists of two successive stages:

- (I) The preliminary Examination and
- (II) The Main Examination (Written and Interview)

6. (I) PRELIMINARY EXAMINATION:

- a) The Preliminary Examination will consist of two papers of objective type multiple choice questions of two hours duration each.

Paper-I	General Studies	Marks=200	Time = 2 Hrs	Objective type multiple choice question paper
Paper-II	One subject to be selected from the list of optional subjects given below:	Marks=200	Do	Do
Total marks		400		

LIST OF OPTIONAL SUBJECTS FOR C.C. (PRELIMINARY) EXAM. (TOTAL-28 subjects)

Agriculture	Geography
Anthropology	Geology
Animal Husbandry & Veterinary Science	Indian History
Botany	Law
Chemical Engineering	Mathematics
Civil Engineering	Mechanical Engineering
Chemistry	Medical Science
Commerce	Philosophy
Computer Science	Physics
Economics	Political Science
Education	Psychology
Electrical Engineering	Sociology
Electronics	Statistics
Fishery Science	Zoology

- The questions will be of Objective type with multiple choices.
- OMR (Optical Mark Recognition) answer sheet will be provided for answering questions.
- Candidates will have to use **ONLY BLACK BALL PEN**.
- USE of ERASER, CHEMICAL, CORRECTION FLUID for correcting options once marked in the OMR answer sheet is prohibited and answer sheets bearing traces of such use shall not be evaluated.
- This Examination is meant to serve as a screening test only.
- The marks obtained in the Preliminary Examination by the candidates who are declared qualified for admission to the Main Examination will not be counted for determining the final order of merit.

OPTIONAL SUBJECTS: SYLLABI

- Degree level courses of the Universities of the State of Assam.
- The syllabi of the subjects for the Preliminary Examination may be downloaded from the APSC website www.apsc.nic.in.

6 (II) MAIN EXAMINATION:

The Main Examination consists of (A) Written Examination and (B) Interview Test.

(A) Written Examination:

- On the results of the Preliminary Examination, the number of candidates to be admitted to the written part of the Main Examination will be 11 to 12 times the number of vacancies aforesaid. The selection will be strictly on the basis of merit adhering to the norms of vertical and Horizontal Reservation as per prescribed law in force.
- The written examination will consist of the following papers of 3 hours duration each. The questions of the Examination will be of conventional essay type:

General English			Marks=300	Duration=3 hours
General Studies			Marks=300	Duration=3 hours
Optional Subject 1	Paper-I	Any two optional subjects to be selected from the list of optional subjects (two papers each)	Marks=200	Duration=3 hours
	Paper-II		Marks=200	Duration=3 hours
Optional Subject 2	Paper-I		Marks=200	Duration=3 hours
	Paper-II		Marks=200	Duration=3 hours
Total (Written)			1400 marks	
Viva Voce			200 marks	
Grand Total			1600 marks	

- The syllabi of the subjects for the Main Examination may be downloaded from the APSC website www.apsc.nic.in.

Any two subjects are to be selected from the list of optional subjects set out below. Each subject will have two papers of 200 marks each as aforesaid.

LIST OF OPTIONAL SUBJECTS FOR C.C.(MAIN)-(TOTAL-29)

Agriculture	Geology
Anthropology	History
Animal Husbandry & Veterinary Science	Law
Botany	Modern languages and literature (any one only) (i) Assamese, (ii) Bengali, (iii) English literature, (iv) Hindi (v) Bodo & Classical languages (vi) Arabic, (vii) Persian, (viii) Sanskrit
Chemical Engineering	Mathematics
Civil Engineering	Mechanical Engineering
Chemistry	Medical Science
Commerce & Accountancy	Philosophy
Computer Science	Physics
Economics	Political Science
Education	Psychology
Electrical Engineering	Sociology
Electronics	Statistics
Fishery Science	Zoology
Geography	---

Candidates WILL NOT be allowed to offer the following combinations of subjects:

- a) Anthropology & Sociology
- b) Mathematics & Statistics
- c) Philosophy & Psychology
- d) Agriculture & Animal Husbandry & Veterinary Science
- e) Not more than one of the Engineering subjects

(B) Interview Test:

- a) On the results of the Written part of the Main Examination the number of candidates to be called for interview will be about twice the number of vacancies advertised. The selection will be strictly on the basis of merit adhering to the norms of Vertical and Horizontal Reservation as per prescribed law in force.
- b) The interview will carry 200 marks with no qualifying marks.
- c) The candidates will be interviewed by the Commission with the assistance of advisers deputed by the Government of Assam.
- d) The marks scored at the interview will be added to the marks scored in the written part of the Main Examination and the ranking of the candidates will be determined on the basis of the total marks obtained.
- e) The Commission shall recommend exactly the same number of candidates for different posts as notified.
- f) The candidates will be allotted Cadre strictly on the basis of merit cum preferences opted by candidates in their applications for the Main Examination.
- g) The Commission shall not recommend a candidate for a post which he/she has not opted for.

7. ADMISSION CERTIFICATES

- a) Admission certificate containing Roll No. and attendance sheet will be issued to eligible candidates for appearing in the Preliminary/Main and/or uploaded in the Commission's Website.
- b) The mere fact that a certificate of admission has been issued will not imply that his/her candidature has been finally cleared by the Commission. Candidates may note that the Commission takes up the verification of the eligibility conditions only after the candidates have qualified for the Main Examination.
- c) Candidates must produce a photo identity proof like Pan Card/Driving License/Voter Id Card/Bank Pass Book containing photograph/ID Card issued by



the Educational Institution where he/she is studying presently/ ID Card issued by Government or public Sector undertaking in the Examination Hall.

- d) The Commission reserves the right to cancel the candidature of any Candidate as and when any ineligibility condition is detected. If any information declared by the candidates is found to be false at any stage; they will be penalized as per law/rules.*
- e) The decision of the Commission as to the eligibility or otherwise of a candidate for admission to the examination shall be final.*

CANVASSING DIRECTLY OR INDIRECTLY SHALL DISQUALIFY A CANDIDATE

Result of the above examination was declared vide notification no. 19PSC/CON/E-112/CC(P)/2014-15 dated 17-12-2014 under the signature of the Principal Controller of Examinations, **APSC**. Thereafter vide notifications under Memo No. 1PSC/E-5/2014-15(A) dated 19-12-2014 and 16PSC/E-6/2014-15(A) dated 21-01-2015 issued under the signature of the same authority, the **CCE (Main) 2014** was notified with the requirements thereof to be followed by the candidates.

Pursuant to the results of the **CCE (Main) 2014** and after the oral interview, the Final Merit List was published vide letter no. 51PSC/CON/Exam-141/CC(M)/2014-15 dated 30-06-2016 in which **90(ninety)** candidates figured in Assam Civil Service (Jr. Grade); **47 (forty seven)** for Assam Police Service (Jr. Grade) ; **03 (three)** for Labour Officer; **07 (seven)** for Superintendent of Taxes; **03 (three)** for Superintendent of Excise; **07 (seven)** for District Transport Officer; **01 (one)** for Labour Inspector ; **21 (twenty one)** for Inspector of Taxes and **01 (one)** for Inspector of Excise and totalling to **190 (one hundred eighty)**.

CHAPTER-IV

FACTS LEADING TO THE RELATED CRIMINAL INVESTIGATION AND CONSIDERATION THEREOF:

It all started with the lodging of an FIR on 27-10-2016 by one **Dr. Angshumita Gogoi** with the Dibrugarh Police Station which was registered and numbered as **Dibrugarh PS Case No. 936/2016** under **section 7/13(1)(b)(2) of The Prevention of Corruption Act 1988**. The gist of the FIR is that one **Shri Naba Kanta Patir** had contacted the informant asking for payment of **Rs. 10,00,000/- (Ten lakhs)** for securing her a job as **Dental Surgeon** for which the **APSC** had conducted the examination. He demanded the payment of the said amount coming to his residence at Dibrugarh on that day itself. Thereafter she alongwith her close relation (brother) **Shri Anup Borkotoky** went to Dibrugarh to hand over the amount to **Shri Naba Kanta Patir**. In the meanwhile, she also informed the matter to Dibrugarh Police. Accordingly Dibrugarh Police apprehended **Shri Naba Kanta Patir** from his residence located at Circuit House Road, Dibrugarh when he was receiving the demanded amount from the informant. Thus he was caught red handed.

The FIR further states that the informant could come to know that the accused **Shri Naba Kanta Patir** was running a network to carry out criminal activities towards recruiting people in Government service in connivance and conspiracy with other unknown persons. It further states that he had personally met many potential candidates and other associates/ Government officials and took money in lieu of providing Government job.

With the filing of the said FIR and the fact of accused **Shri Naba Kanta Patir** being caught red handed while taking the aforesaid **Rs.10,00,000/- (Ten lakhs)** from the informant **Dr. Angshumita Gogoi**, he was arrested on 27-10-2016.

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Pursuant to the aforesaid FIR with the arrest of **Shri Naba Kanta Patir** and seizure of **Rs. 10,00,000/- (Ten lakhs)** allegedly found in possession of **Shri Naba Kanta Patir** as was handed over to him by the informant, the criminal investigation relating to the matter was set to motion. During investigation many accused persons were arrested namely **Shri Rakesh Kumar Paul**, Chairman, Assam Public Service Commission; **Dr. Samedur Rahman**, Member, Assam Public Service Commission ; **Shri Pabitra Kaibarta**, Assistant Controller of Examinations, Assam Public Service Commission ; **Dr. Basanta Kumar Doley**, Member, Assam Public Service Commission ; **Abbash Ali Ahmed**, Senior Administrative Assistant, Assam Public Service Commission ; **Syed Mosaraf Hussain**, Senior Administrative Assistant, Assam Public Service Commission ; **Md. Mabud Ali Choudhury**, PSO Havilder of Assam Police (PSO to Dr. Samedur Rahman).

Thereafter many of the selected candidates of **Combined Competitive Examinations-(CCE) 2013** and **Combined Competitive Examinations (CCE) -2014** were also arrested, their numbers being **39** (thirty nine) and **21** (twenty one) respectively. Further, **02** (two) more persons namely **Shri Sailendra Kumar Sharma Baruah**, Advocate and **Shri Surajit Choudhury** were also arrested. All the above arrests during the course of investigation were on the ground of alleged malpractices and illegalities in conduct of the related examinations pursuant to which the undeserving candidates got selected in lieu of money and/or illegal consideration. The arrest of staff of Assam Public Service Commission including the Chairman and Members referred to the above were on the ground of committing such malpractices and illegalities in providing job not on merit but on financial consideration. All the above arrests were during the period from 2016 to 2019.

Once the Inquiry Commission was constituted vide the above quoted notification dated 20-05-2022, its enquiry proceeding necessarily required perusal of the criminal case records to find out the facts and

circumstances relating to the entire episode and the task entrusted to the commission which inter-alia are (i) *the allegations of anomalies and malpractices in conduct of CCE -2014* and (ii) *the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/ malpractice, if any, accordingly.*

Needless to say that the yardsticks and parameters applicable in both the proceedings namely the instant Inquiry proceeding as per the provisions of the **Commission of Enquiry Act 1952** and the criminal proceeding are quite different. The Inquiry proceeding has been initiated and completed keeping in mind the principles relating to an Inquiry conducted by the duly constituted Inquiry Commission.

Irrespective of the criminal proceeding and the persons involved herein, the Commission has independently and meticulously perused the materials available on record which include the criminal investigation case records ; Forensic Science Laboratory reports ; the Answer Scripts of the Main Examinations and other relevant documents which are already available with the Special Court, Assam, Guwahati in which the criminal trial against the charge-sheeted persons allegedly involved in anomalies and malpractices in conduct of CCE 2013 and 2014 is going on. Additionally, the Commission has also procured records of the documents/comments/views of the **APSC**. Maintaining the judicial discipline of ***Audi alterem partem***, all the persons with slightest of involvement in the alleged anomalies and malpractices have been provided with the opportunity of being heard by issuing notice to each one of them. In the notice, the allegation of malpractices and anomalies allegedly involving the noticee were highlighted requiring each one of them to respond to the same in writing. Pursuant to such notice, the

respective noticee responded to the same by submitting his/her written response.

All these materials including the stand of the persons allegedly involved in the anomalies and malpractices in conduct of **CCE 2014** will be discussed in due course. As already noted above, the entire examination process of **CCE 2014** consisted of **03** (three) parts, firstly the **Preliminary examinations**; secondly the **Main written examination** and thirdly **Viva-voce (Interview)** of those qualified candidates in the Main examinations. Be it stated here that the entire examination was conducted as per provision of **CCE Rules 1989**.

CHAPTER-V

ANOMALIES AND MALPRACTICES IN COMBINED COMPETITIVE EXAMINATIONS (PRELIMINARY) 2014

In the written response dated 25-07-2022 briefly discussed above the representationist namely the **Fight against Injustice of APSC** has highlighted the alleged anomalies inter-alia in conduct of the preliminary examination of **CCE-2014**. According to the allegation made, there were wrong answer keys issued by the **APSC** both in respect of compulsory (**General Studies**) and some of the optional papers. In spite of the anomaly being brought to the notice of the **APSC**, the then **PCE Shri A.N.B. Singha** did not bother to do anything towards rectifying the wrong answer keys and uploading a fresh list in the official websites. It was only after one of the deprived candidates namely **Ms. Mompi Nath** had approached the Hon'ble Gauhati High Court by filing a writ petition being **WP (C) No. 1166/2015**, the **APSC** admitted that there were two wrong answer keys, one in **General Studies** and another in **Education paper**. However, it did not pay any heed to the other wrong answer keys which were brought to its notice. Eventually, with the admission of fact of there being wrong answer keys and awarding of further marks to **Ms. Mompi Nath**, she could qualify in the **CC (Prelims) Examination, 2014** entitling her to appear in the **CC (Main) Examination**.

According to the complainant, though **Ms Mompi Nath** could qualify in the **CC (Prelims) Examination** only with the correction of **02(two)** wrong answer keys, but in fact there are **03(three)** other questions with wrong answer keys which were left out of correction, but for which, hundreds of other candidates would have qualified in the **CC(Prelims) Examination**. Moreover, had the benefit of correct answer keys as against **02(two)** wrong answer keys provided to **Ms. Mompi Nath** been extended to other such candidates, they would have also qualified in the said examination.

The complainant has also highlighted some other wrong answer keys about which complaint was lodged with **Shri A.N.B. Singha**, the then **PCE**, whose daughter also appeared in the **CCE 2014**, but no actions seems to have been taken by him towards correcting the same. The wrong answer keys in respect of the questions have been highlighted in the written response.

Highlighting the role of **Shri A.N.B. Singha**, the then **PCE** whose daughter had also successfully appeared in the **CCE 2014**, the complainant has further stated that said **Shri Singha** ought not to have participated in **CCE 2014** in any manner. In this connection, the letter bearing No. 164PSC/PS-5/2000/2001 dated 16-05-2014 issued by the then Chairman, **APSC** has also been referred to, in which inter-alia it was conveyed that *"as the PCE is responsible for all confidential matters in connection with the examinations conducted by this commission and in view of the fact that his daughter is appearing in the CC Exam., 2014, he should be kept aside from all the examination works in connection with CCE Exam., 2014 till its completion"*. As stated in the complaint, the matter was brought to the notice of the Principal Secretary, Personnel (A) Govt. of Assam by **Shri Singha** himself vide letter No. 22/PSC/CON/EXAM-84/2012-13 (M) dated 15-05-2014.

According to the complainant, inspite of the above position, **Shri Singha** actively participated in the entire process of **CCE 2014** in defiance of rules of transparency and fair play. In this connection, the notification bearing No. 5PSC/CON/E-121/2014-15 dated 29-10-2014 uploading the answer keys and also the notification of programme of **CC (Main) Examination, 2014** bearing No. 18PSC/E-6/2014-15 dated 07-04-2015 issued under his signature and seal have been specifically referred to. In the written response, the affidavit-in-opposition filed by the **APSC** in the **PIL No. 48/2015 (Akhil Gogoi -Vs-State of Assam)** has also been referred to in which it was stated that in order of hierarchy,

the position of the PCE comes second only after the post of Chairman..."in the process from question paper setting to declaration of results".

With the basic foundation of the alleged anomalies and malpractices and other feedbacks received by the Commission, it took the task of verifying the veracity or otherwise of the same circumscribing its issues to the following:-

1. Whether in fact, there were any wrong answer keys as alleged by **Fight Against Injustice of APSC**?
2. Whether any remedial measures had been adopted by the **APSC** to correct the same?
3. Whether upon correction of the same, the correct answer keys had been uploaded in the **APSC** website?
4. Whether the benefit of correct answer keys as was extended to the writ petitioner **Ms. Mompi Nath** in **WP (C) No. 1166/2015**, was also extended to all other similarly situated candidates ?
5. Whether the marks awarded in OMR sheets of **CC (Prelims) 2014** tally with the correct answer keys?
6. Whether **Shri A.N.B Singha**, the then PCE whose daughter also appeared in **CCE 2014** with eventual selection in ACS (Jr. Grade), had participated in the said selection inspite of his own declaration and debarment from the same referred to above?

Answer to issue No.1:

The Commission by its order dated 03-06-2022, inter-alia called for information from the **APSC** as to whether there was any wrong answer keys in **CC (Prelims) Examination, 2014**. Responding to the same, the **APSC** vide its communication No. 12PSC (Estt.-06)/2022-2023 dated 28-06-2022 conveyed that no record of answer keys is available. Such answer being contrary to the earlier response of **APSC** in respect of

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the Inquiry that was conducted pertaining to **CCE 2013**, by which the **APSC** had furnished the details of wrong answer keys subject wise for **CC (Prelims) 2014, 2015, 2016** and **2018**, the **APSC** was directed to furnish explanation vide order dated 30-06-2022. It is only in response to this order of the Commission, the **APSC** furnished the details of the wrong answer keys of **CC (Prelims) Examination, 2014** vide its communication No. 116PSC/Estt.-06/2022-2023 dated 25-07-2022, in which it was clearly admitted that there were wrong answer keys as detailed below:

General Studies	:	04 Nos.
Chemical Engineering	:	04 Nos.
Civil Engineering	:	07 Nos.
Computer Science	:	04 Nos.
Education	:	04 Nos.
Fishery	:	01 No.
Geography	:	06 Nos.
History	:	04 Nos.
Law	:	05 Nos.
Sociology	:	02 Nos.
Statistics	:	04 Nos.

Thus from the above revelations, two things have emerged, firstly the callous approach of the APSC in stating that no record of wrong answer keys is available and secondly, there were wrong answer keys in as many as 11 subjects including the common subject of General Studies. It will be pertinent to mention here as the APSC's response to the queries of the Commission has revealed, CC (Prelims) Examination, 2014 is not the solitary instance, but the phenomenon of wrong answer keys

maintained its continuity in CCE 2015, 2016 and 2018. Surprisingly, such wrong answer keys enhanced from 1 to 17 highest nos. being in Political science (14) and Geography (17).

Answer to Issue Nos. 2, 3 and 4 :

The above issues being interconnected are taken up together. Noticing the contents of the **APSC's** response dated 25-07-2022 referred to above, the Commission vide its order dated 28-07-2022 sought for the following information along with the documentary proof from the APSC.

- (i) *After making the necessary corrections, how many more candidates came on successful.*
- (ii) *Whether any additional list of successful candidates had been published after the aforesaid corrections.*
- (iii) *How many candidates were the beneficiaries of the wrong answer keys and their Roll numbers.*

Responding to the above queries, the **APSC** by its letter No. 06PSC/Estt.-06/2022-2023/Pt-II dated 16-08-2022 furnished the following information:

1. Order I: It may be stated that after making necessary corrections of the Answer Key, a total of 2150 nos. of candidates qualified for C.C (Main) Examination, 2014. No Additional list of successful candidates had been published afterwards and beneficiaries from wrong Answer Key do not arise.

As regards **query No. I**, the answer given is quite contrary to the actual records including the court order. The **CC (Preliminary) Examination 2014**, result was declared on 17-12-2014 and if that be so, going by the reply to **query No. I**, such declaration of results was after making necessary corrections of the answer keys and thus there was no occasion for publishing any additional list of successful candidates. It has been stated in assertive terms that there was no question of any beneficiaries of wrong answer keys. Such stand is belied by the fact that when **Ms. Mompri Nath** already referred to above, had been the victim of

wrong answer keys, she had to approach the **Hon'ble Gauhati High Court** by filing the aforementioned writ petition being **WP (C) No. 1166/2015** and pursuant to the order passed therein on 07-05-2015, she had to be declared passed, having found that she was deprived of marks in **02(two)** answers because of wrong answer keys. **Thus it is incorrect to say that the CC (Prelims) Examination result was declared on 17-12-2014 after necessary correction of the wrong answer keys.**

From the kind of reply furnished by the **APSC**, it is really not discernable as to whether similar benefits as was extended to **Ms. Mompi Nath** had been extended to all such similarly situated candidates who were deprived of being successful in **CC (Prelims) Examination** like that of **Ms. Mompi Nath** because of wrong answer keys. Needless to say that the kind of exercise that was carried out in respect of **Ms. Mompi Nath** pursuant to the above order of the Hon'ble Court ought to have been extended to all the candidates towards maintaining transparency and fair play in the matter of selection conducted by a constitutional body like **APSC**. **The APSC having declared the CC (Prelims) Examination results on the basis of wrong answer keys, it goes without saying that in the process, many candidates had been deprived of selection about which the complainant Fight Against Injustice of APSC has highlighted in their written response referred to above.**

Answer to Issue No. 5:

This issue is also having a bearing to **issue no. 2, 3 and 4**. The **OMR** sheets would have authoritatively revealed the true state of affairs on the issue of wrong answer keys, although the same is already reflected as discussed above. The Commission by its order dated 14-06-2022 inter-alia had sought for the following information in respect of the **OMR** sheets:

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- (i) Whether the OMR sheets are still available or not and if available, to furnish the same to the Commission.
- (ii) If the OMR sheets are not available, the reason thereof.
- (iii) If the OMR sheets have been defaced, the basis thereof including the orders, note sheets and any other relevant documents/order pertaining to the same.
- (iv) How many candidates appeared in the CCE (Prelims) 2014 both in General Studies paper and optional papers, the break up thereof.
- (v) How many OMR sheets had been procured for the CCE (Prelims) 2014 from the authorized press.
- (vi) Any other relevant materials/information as may be considered necessary and expedient for smooth conduct of the inquiry.

Replying to the above, the APSC by its letter No. 108PSC/Estt.-06/2022-2023 dated 12-07-2022 furnished the following information.

- (i) The OMR sheet of the C.C. (Prel.) Examination, 2014 are not available.
- (ii) The OMR sheets had already been defaced.
- (iii) Copy of the note sheet containing the approval by the then Chairman, APSC allowing to deface the OMR sheets and the relevant proceeding dated 29.06.2015 relating to defacing are enclosed herewith at Annexure "A & B respectively".
- (iv) The number of appeared candidates in the C.C. (Prel.) Examination, 2014 are as follows-
 - (a) General Studies - 24, 456
 - (b) Optional Subject - 24, 713.
- (v) 1,20,000 (One lakh twenty thousand) OMR sheets had been procured for the aforesaid examination.

Along with the letter, certified photo copies of the note sheets of the relevant file (Page No. 71^N and 72^N) (Annexure-A) and the certified copy of the document dated 29-06-2015 showing the destruction

process of answer sheets pertaining to **CC (Prelims) Examination, 2014** under the signatures of **Shri A.N.B. Singha** the then PCE, **APSC** and the then Secretary, **APSC** are enclosed.

From the above reply furnished by the **APSC**, it is seen that total **1,20,000** OMR sheets had been procured, but on the other hand total **49,179** had been defaced as per the note dated 29-06-2015 jointly signed by **Shri A.N.B. Singha**, the then PCE, **APSC** and the then Secretary, **APSC**. As has been revealed by the aforesaid letter dated 12-07-2022, the total no. of candidates appeared in **General Studies in CC (Prel.) Examination, 2014** is **24,456**, but total no. of OMR sheets pertaining to the said subject which came to be defaced is **24,467**. Thus there is apparent discrepancy.

Rule 70 of **APSC (Procedure and Conduct of Business) Rules, 2010** under the head "Preservation of scripts" prescribes thus :

70. Preservation of scripts

- (i) *The used answer scripts shall be preserved atleast for six months from the date of declaration of results.*
- (ii) *In case of candidates whose results are challenged in the court, their scripts shall be preserved till the final disposal of the case of cases.*
- (iii) *When the scripts are destroyed, it shall be done so in presence of the Secretary and the Principal Controller of Examinations in the premises and records of such matters shall be maintained.*
- (iv) *The Commission shall not entertain any request for re-examination of answer scripts from candidates or from any other person.*

If we go by the above provisions, what is understood is that in the normal circumstances, the used answer scripts are required to be preserved **at least for 6 months** from the date of declaration of results. In the instant case, the **CCE 2014** results was declared on 30-06-2016

and accordingly, all the answer scripts were required to be preserved at least for **06 months** thereafter. However, the **APSC** defaced the OMR sheets of **CC (Prelims) Examination, 2014** on 29-06-2015. Such a course of action was adopted amidst the ongoing Main Examination. It being a combined competitive examination comprising of **Prelims, Main and Viva-voce**, in all fairness and fitness of the things, the OMR sheets ought not to have been defaced in such a hurry that too amidst the ongoing Main Examination and much before the final declaration of results. This necessary raises strong suspicion about the role of the then **PCE Shri A.N.B. Singha** and the Incumbent Secretary, **APSC**.

Answer to issue no. 06:

As revealed in the written response of **Fight Against Injustice of APSC, Shri A.N.B. Singha**, the then PCE, whose daughter appeared in the **CCE 2014** with eventual selection for ACS (Jr. Grade), himself had written the letter No. 22PSC/CON/Exam-84/2012-13(M) dated 15-05-2014 to the Principal Secretary, Govt. of Assam, Department of Personnel (A) furnishing the information about his daughter appearing in the **CC (Prelims) Examination, 2014**. On the basis of the intimation so furnished, the then Chairman, **APSC** passed the order No. 164PSC/PS-05/2000-2001 dated 16-05-2014. Keeping **Shri A.N.B. Singha** aside from all confidential works relating to **CCE 2014** and replacing him with **Mrs. Biva Sarma**, the then Deputy Secretary and Controller of Examination, **APSC** with the entrustment of looking after the entire examination process in place of **Shri Singha**.

The Commission has obtained the certified copies of the above letter and order from the **APSC** to quell any doubt regarding existence and/or veracity of the same. However, contrary to the said position, as it appears from the note sheets (**Annexure -A**) and defacing of the OMR sheets (**Annexure-B**) enclosed to the above referred letter of the **APSC** dated 12-07-2022, it was the note of **Shri Singha** dated

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26-06-2015 put up to the then Chairman with the suggestion of defacing the OMR answer scripts of CC (Prelims) Examination, 2014. Same was approved by the then Chairman **Shri Rakesh Kr. Paul** on 26-06-2015 itself and immediately thereafter, defacing was done on 29-06-2015 in presence of **Shri Singha** and the then incumbent Secretary as a token of which both of them affixed their signatures in document Annexure-B enclosed with the letter dated 12-07-2022 referred to above.

From the above revelation, question necessarily arises as to how **Shri Singha** could play such an all important role even to the extent putting up note before the then Chairman, **APSC, Shri Rakesh Kr. Paul** for defacing the OMR sheets in question with their eventual defacing on 29-06-2015, when he was completely debarred from participating in any manner in **CCE 2014** examination process and was replaced by **Mrs. Biva Sarma**, the then Deputy Secretary and Controller of Examinations, **APSC**. Ironically, it is the same very Chairman, **APSC Shri Rakesh Kumar Paul**, who had debarred **Shri Singha** from performing the role of PCE in respect of **CCE 2014**, had approved the note of **Shri Singha** for defacing the OMR sheets. Thus both the exercise i.e. putting up note before the Chairman seeking approval of defacement of the OMR sheets vide note dated 26-06-2015 and approval thereof on the same date by the Chairman were illegal to the core of it.

In view of the above position, all the three incumbents involved in the process of **CCE 2014** namely **Shri Rakesh Kumar Paul**, the then Chairman, **APSC**; **Shri A.N.B. Singha**, the then PCE, **APSC** and **Mrs. Biva Sarma**, the then in-charge, PCE in place of **Shri Singha** had been issued with notice inter-alia to respond to the said position. The notices were issued on 25-08-2022; 04-08-2022 and 09-08-2022 respectively. While **Shri Paul** has not responded to the notice till date, **Shri Singha** and **Mrs. Biva Sarma** both have responded by their

respective reply dated 24-08-2022 and 10-10-2022 (**Shri A.N.B. Singha**) and 23-08-2022 (**Mrs. Biva Sharma**).

While responding to the show cause notice, **Shri Singha** by his first response dated 24-08-2022, defending his action in the matter also sought for inspection of **09(nine) files** lying in the office of the **APSC** which was allowed by order dated 29-09-2022. Upon inspection of the files in presence of the deputed staff of the Commission on 29-09-2022, **Shri Singha** submitted his further reply on 10-10-2022.

In the first reply dated 24-08-2022, **Shri Singha** admitted that he had informed the Principal Secretary to the Govt. of Assam, Personnel (A) department with a copy thereof to the Chairman, **APSC** about his daughter namely **Minarva Devi Arambam** appearing in the **CC (Prelims) Examination, 2014** and his desire to recuse himself from the post of **PCE, APSC** to avoid any doubt in the minds of the candidates. However, as stated by him, no action was taken on his application dated 15-05-2014 and consequently he had to continue as the **PCE**. He has denied serving of the copy of the Memo dated 16-05-2014 issued by the Chairman requiring him to dissociate from the examination works in connection with **CCE 2014**. According to him, the said Memo was served on him belatedly after publication of the results of the preliminary examination on 17-12-2014. It is his further stand that it was an act of afterthought of the then Chairman to save his own skin and to implicate **Shri Singha**. According to him, he had objected to late delivery of the Memo which, however, was brushed aside.

With the above stand, **Shri Singha** has further stated that he had put his signature on the result sheet of preliminary examination declared on 17-12-2014 as he was not apprised of the said Memo dated 16-05-2014 requiring him to dissociate himself from the examination matters. He has also stated that all the members including the Chairman never objected to his functioning. According to him, he had maintained

highest level of honesty and integrity and always maintained total transparency relating to his work.

In his second response dated 10-10-2022, which **Shri Singha** submitted on perusal of the relevant files inspection of which was prayed for by him and was allowed, he has reiterated his above stand relating to his role as PCE, **APSC** and his desire to recuse himself from the examination process and as to how the Memo dated 16-05-2022 was not brought to his notice immediately but was brought after publication of the results of preliminary examination on 17-12-2014. Reiterating and reaffirming his earlier stand in the first response dated 24-08-2022, **Shri Singha** in his second response has stated as to how no one including the Chairman and **Mrs. Biva Sharma** had ever objected to his continued functioning as PCE. He has also taken the stand that had it been the case of violating the dictates of Memo dated 16-05-2014, he would have been proceeded with departmental proceeding.

Above stand of **Shri Singha** holds no water, firstly because it was none other but **Shri Singha** who himself disclosed his daughter's appearance in the **CCE 2014** and secondly, as stated by him in his two written responses, he had made the disclosure with the sole intension of recusing himself from the **CCE 2014** to quell any doubt among the candidates. If that be so, irrespective of whether any order was passed by the Chairman requiring him to dissociate himself from the said examination, it was incumbent on his part to do so with due intimation to all concerned. It was also incumbent on his part to insist on passing of the consequential order on the basis of his application dated 15-05-2014 making the disclosure of his daughter's appearance in the said examination. He merilly kept on with the duties and functions of the PCE from which he himself ought to have dissociated in view of the fact of his daughter was appearing in the said examination. His plea regarding his desire to

recuse himself from the examination vis-à-vis the reason of not doing so runs counter to each other and ridiculous.

Even if we go by his stand that the Memo dated 16-05-2014 was brought to his notice only after declaration of the preliminary examination results on 17-12-2014, then also as per the requirement of the same, he could not have continued to function as PCE and ought to have handed over charge to Mrs. Biva Sharma instantaneously, but ironically, he continued to function as the full fledged PCE even to the extent of putting up note to the chairman for defacing of the OMR sheets with eventual follow up actions of defacing under his clear authority and signature as discussed above.

The above instance of putting up note and defacing of the OMR sheets is only illustrative not exhaustive. His continued role as PCE relating to the entire examination process of CCE 2014 till the completion of the CC (Main) Examination is easily discernable and stares on the face of it. As the documentary evidences obtained by the Commission would reveal, it was Shri Singha who was the sole authority in his capacity as PCE towards various examination related matters including uploading of answer keys of General Studies and other optional subjects in APSC's website www.apsc.nic.in; printing of answer scripts, selection of examiners, moderators, invigilators, tabulators, publishing of CC (Main) Examination programme, selection of examination centres and all other examination related activities as is required to be performed by a PCE.

In a nutshell, there was no any substitution of Shri Singha and irrespective of the Memo dated 16-05-2014 which according to his own admission came to his notice after publication of the results of preliminary examination, he continued to discharge his function with full duties and functions



of PCE as if there was no existence of the said Memo dated 16-05-2014. These factors will necessarily bely and make of Shri Singha's defence of not knowing the existence of the Memo dated 16-05-2014 till publication of the preliminary examination results inconsequential. There is no answer about this factual aspect of the matter, rather Shri Singha has admitted carrying out all those activities taking the simple plea of doing those things as were required of him so to do.

The above plea not only unsustainable towards his defence, rather ridiculous defying all logic. Although, the Chairman and other members of the APSC namely **Shri Rakesh Kumar Paul**; **Dr. Samedur Rahman**, Member; **Dr. B.K. Doley**, Member and **Brig. R. Barthakur**, Member who had signed the preliminary examination result sheets on 17-12-2014 and thereby had the tacit approval of the illegal functioning of Shri Singha, the same cannot absolve him from his liability of illegal acting in the all important post of PCE from which he was expressly debarred with the entrustment of such functioning to Mrs. Biva Sharma, the then Deputy Secretary and Controller of Examination. Apparently, there was fraud in the entire episode and if that be so, any illegal approval of his functioning cannot absolve him from his own liability founded on fraud and malpractices. Even if an illegal act is approved by those at the helm of affairs, the same by itself cannot made the illegal act legal, rather apart from Shri Singha, all others perpetrating his illegal act are also liable. It will be of utmost importance to mention here that the Memo dated 16-05-2014 debarring **Shri Singha** from acting as PCE and his replacement by **Mrs. Biva Sharma** was circulated to all concerned including all the Members of APSC and **Mrs. Biva Sharma**.

Mrs. Biva Sharma in her written response dated 23-08-2022 to the Commission's notice dated 09-08-2022 dealing with the issue relating to her role in place of **Shri A.N.B. Singha**, the then PCE, APSC



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has simply stated that it was under her guidance and supervision, the question papers of preliminary and Main examinations were prepared as per prescribed rule and standard procedure and that she was never entrusted with the responsibility of preparation of answer scripts and OMR sheets. Her reply does not throw any light as to how she had acted and performed her duties and responsibilities in place of **Shri Singha** and to what extent. As per the Memo dated 16-05-2014, she was to look after the entire examination process relating to **CCE 2014** in place of **Shri Singha**. However, as the facts have revealed as discussed above, irrespective of the said Memo dated 16-05-2014, **Shri Singha** continued to function as **PCE**. Resultantly, there was no effect of the said Memo dated 16-05-2014 and it appears to be a calculated design to keep the records straight while acting contrary to what was conveyed by the said Memo.

As regards the role of **Shri Rakesh Kumar Paul**, the then Chairman, **APSC**, although inter-alia the above anomalies and huge discrepancy in the matter of preliminary examinations was brought to his notice vide notice dated 25-08-2022 requiring him to respond to the same, he did not do so showing complete defiance. Thus the facts narrated attributing fault on his part having not been denied and even otherwise also from the revelations discussed above, go unrefuted clearly establishing the fact that both **Shri Paul** and **Shri Singha** were hands in glove. Everything was done as per their plan and design towards achieving the particular goal which can well be not expected of in an examination like **CCE** conducted by a **Public Service Commission**.

CHAPTER-VI

ANOMALIES AND MALPRACTICES IN COMBINED COMPETITIVE EXAMINATIONS (MAIN) 2014

It is on record that pursuant to the FIR lodged by one **Smt. Angsumita Gogoi**, alleging anomalies and malpractices in conduct of examinations by the **APSC**, Dibrugarh PS **Case No. 936/2016** has been registered details of which are already discussed above. During the course of investigation, many arrests had been made, most of whom are **APSC** members including the Chairman and some successful candidates. With the constitution of the present Commission vide notification dated 20-05-2022, necessarily and as discussed above, the Commission had to peruse the records of the said criminal case. Independent of the same, the Commission of its own has also collected the related materials including the Forensic Science laboratory reports etc. **Upon scrutiny of the same, the Commission has found serious malpractices and anomalies in conduct of the said examination (CCE 2014).**

In addition to the above and pursuant to the public response sought for by the Commission in respect of alleged anomalies and malpractices, some individuals and an organization namely **Fight Against Injustice of APSC** submitted their written complaints alleging serious malpractices in conduct of the said examination. It will be pertinent to mention here that this organization in its written response dated 25-07-2022 has alleged anomalies and malpractices not only in respect of Main examination, but also in respect of preliminary examination details of which are already discussed in **Chapter-V** with substantiation.

The organization has also brought to the notice of the Commission certain serious anomalies and malpractices in conducting **CC (Main) Examinations, 2014**. Instead of narrating the same, it will be appropriated to reproduce the allegations in verbatim as follows:

(C) Some dubious selection of Candidates:-



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- 1) Minerva Devi Arambam (Roll No. 1900738)- Rank ACS-4: Daughter of Principal Controller of Examination Shri A. N. B. Singha.
- 2) Biman Das (Roll No. 0916021)- Rank ACS-18: Worked as an employ in APSC. His candidature is also highly doubtful and he was interrogated in connection with Dibrugarh P.S. Case by Police.
- 3) Meenakshi Permey (Roll No. 0919801) Rank ACS 56: Daughter in laws of Ex-Congress MLA Sumitra Patir. It is interesting to note that during the Chairmanship of Mr. Rakesh Kr. Paul three CCExams' results were declared CCE2009, CCE2013, CCE2014 and every year one candidate of her family got selection. In CCE 2009 her one son JAWAHAR PATIR (Roll No. 0910486) got Inspector of Taxes, in most controversial CCE2013 her another son KARPUR PATIR (Roll No. 0924233) got ACS (rank 71) and this year her son Jawhar Patir's wife Meenakshi Permey got selection.
- 4) A Bemthoi Chanu (Roll No. 0915496)- Rank ACS 59: wife of one so called RTI activist Okram Prasanta Singha who was very vociferous in last couple of years against the corruption of APSC and Rakesh Kr. Paul but it raised the eyebrows when his own wife got selection during the chairmanship of Rakesh Kr. Paul.

APS

- 1) John Das (Roll No. 0916778)- Rank APS.1: Allegedly very close to AASU leader Samujjal Kr. Bhattacharya whose name came in APSC scam in the year 2015 when one close photograph of Bhattacharya along with Rekesh Kr. Paul emerged in the media.
- 2) Gitartha Dev Sarma (Roll No. 0914595)- Rank APS2: Got Asst. employment officer in most controversial CCE 2013 bearing Roll No. 0920379 but according to reports as that year he did not get good post despite the fact he managed

Mr. Rakesh Kr. Paul. So this year he got his desired post. Son of Hitesh Dev Sarma an higher ranked ACS officer.

- 3) Luit Talukder (Roll No. 0907114)- Rank APS 29: son of one influential politician Chikimiki Talukder.
- 4) Bhargab Muni Das (Roll No. 1400561) rank APS 44: Another family drama is going to unfold by this selection as his own sister Leena Das (Roll No. 1500257) and Nimali Das (Roll No. 1500199) got Inspector of Taxes in CCE 2009 which held under the chairmanship of same Rakesh Kr. Paul. All three siblings' father is one Nareswar Das. But most interesting is that Bhargab Muni Das is nephew of arrested Asst. Controller of Examination Pabitra Kaibarta. Another important thing is that his sister Leena Das got married to MLA Gurujyoti Das. It is said that all of them got selection through Pabitra Kaibarta.
- 5) Nirmal Ghosh (Roll No. 1400215)-APS 31: Son of one Nitai Ghosh who is very close to then Mangoldoi MLA Gurujyoti Das who through Asst. Controller Pabitra Kaibarta gave job not only to his brother in law Bhargab Muni Das but also to Nirmal Ghosh who got the job in same batch through unfair means.
- 6) Pratap Das (Roll No. 0917943)- APS 36: Pratap Das is another dubious selection who is very close to one so called RTI activist Okram Prasanta Singha who got both Pratap and her wife A. Bemthoi Chanu's selection through unfair means.
- 7) Padma Kr Pegu (Roll No. 2100456)- APS 40: brother of one APS officer Padma Kumar Pegu who allegedly got selection through unfair means.

Supdt. Of Taxes:-

UTKARSHA KRISHNAN DUTTA (Roll No. 0918849) ST Rank-5: Relative of ex Minister Late Anjan Dutta. Allegedly got question paper in advance from Rakesh Kr. Paul.

Other Candidates' Story-

A very interesting data can be put up here- Survey initiated at individual level shows that in CCE2014 (M) total 8 candidates with 3rd Division in their HSLC/HSSLC got selection but out of that a

whopping 7 candidates got selection in the Final list which is highly shocking as compared to students with brilliant academic background. Moreover, all of them has got very good rank as 4 got ACS, 2 got APS and one got Superintendent of taxes. Anyone with 3rd division in HSLC/HSSLC can excel in his/her career later on but the data here suggest a very doubtful figure. The list follows-

- 1) Susovan Das (Roll No. 1200118)- HSLC 3rd Division: ACS 29 (already arrested by Dibrugarh police)
- 2) A Bemthoi Chanu (Roll No. 0915496)- HSLC 3rd Division: ACS 59 (Already mentioned other details)
- 3) Soraj Sonowal (Roll No. 2200490)- HSSLC 3rd Division: ACS 68
- 4) Bharat Kr Pegu (Roll No. 0914992)- HSLC 3rd Division: ACS 79
- 5) Padma Kr Pegu (Roll No. 2100456)- HSSLC 3rd Division: APS 40 (Already mention other details)
- 6) Mamoni Hazarika (Roll No. 0917128)- HSLC 3rd Division: APS 47
- 7) Vikash Kr. Pincha (Roll No. 0914121) – HSLC 3rd Division: Supdt of Taxes 3 (Already arrested)

D) WP(C) 4989/2017 was filed by some aggrieved candidates of CCEXAM 2014 for setting aside and quashing the selection of CCEXAM 2014 (Copy enclosed as Annexure-3)

In the said Writ petition vide IA No. 2974/2017 names 12 no. of doubtful candidates are included. They are-

- 1) Biman Das; 2) Meenakshi Permey; 3) Minerva Devi Arambam;
- 4) A Bemthoi Chanu; 5) Vikash Kr. Pincha; 6) John Das;
- 7) Gitantha Dev Sharma; 8) Bhargab Muni Das; 9) Pallavi Sharma;
- 10) Nirmal Ghosh; 11) Pratap Das; 12) Padma kr. Pegu

In the said writ petition the selection of 7 doubtful candidates with 3rd division in HSLC/HSSLC was also mentioned.

Interestingly, two candidates namely 1) Vikash kr. Pincha and 2) Pallavi Sharma was later arrested by Dibrugarh police in case no. 936/2016. Another candidate namely Susovan Das (ACS-29) who was one among the 7 candidates with 3rd division in HSLC/HSSLC was also arrested. The said Writ petition was filed by

the aggrieved candidates much before the arrest of all these candidates of CCExam 2014. Moreover, they only mentioned name of just a dozen of doubtful candidates. The level of corruption and malpractice in CCExam 2014 can be understood from the very fact that 3 candidates out of 12 got arrested later on.

With the above revelations, the Commission thought it prudent to peruse the original answer scripts of successful candidates **CC (Main) Examination, 2014** which are already in seizure and presently lying with the court of the learned **Special Judge, Assam**, Guwahati. Accordingly, **Shri Dilip Kumar Baishya**, Inspector of Assam Police sent on deputation to this Commission and **Shri Bhaskar Jyoti Sharma**, a staff of the Commission had been authorized and deputed to the said court for inspection of the answer scripts which was preceded by order of the Commission requesting the learned **Special Judge, Assam** to allow the inspection and which was accordingly allowed.

Such inspection of answer scripts naturally took some time as the same had to be done as per the convenience of the learned Special Judge and his staff including the timing of the court proceedings and other procedural matters coupled with further scrutiny of the same by the Chairman of the Commission to eradicate any doubt about the outcome of the inspection carried out by the aforementioned staff. Upon such scrutiny, the following shocking revelations have come to the fore and the same are discussed below candidate wise in detail.

1. **Shri Bhargav Phukan :**

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. His merit position in the select list is at **Serial No. 33 out of total 180 (all together) of which 47 were placed in the APS (Jr. Grade) category**. Thus obviously he was selected in the said category of APS (Jr. Grade). Pursuant to his such selection, he was appointed to APS (Jr. Grade) and at the time of his

arrest by the investigating agency on 18-07-2018, he was serving as the Deputy Superintendent of Police, South Salmara.

He appeared in the CCE (Main) 2014 with Roll No. 0915934 and Optional Subjects Political Science and Education. Be it stated here that the common subjects for the Main examination were General English and General Studies carrying total 300 marks each ($2 \times 300 = 600$). Be it further stated here that for two optional subjects, there were two papers each comprising of total 200 marks each ($4 \times 200 = 800$) thus totaling to 1400. As reflected in the Final Tabulation Sheet, this candidate has secured total 749 marks out of 1400. As per the said Final Tabulation Sheet, subject wise mark secured by him are 178 in General Studies (Out of 300); 125 in General English (out of 300); 116 in Optional Education Paper-I (out of 200); 110 in Optional Education Paper-II (out of 200); 116 in Optional Political Science Paper-I (out of 200) and 104 in Optional Political Science Paper-II (out of 200) totaling to 749 out of 1400.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that 05 (five) answer scripts of General Studies Code No. 706 Book No. 1402348; Education Paper-I Code No. 120 Book No. 1408789; Education Paper-II Code No. 118 Book No. 1408993; Political Science Paper-I Code No. 468 Book No. 1406506 and Political Science Paper-II Code No. 466 Book No. 1406911 containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No. DFS. 58/2018/360 dated. 20-02-2018 which is annexed as Annexure - 1 to VOL-II of this report.

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-2 to VOL-II of this report.

Responding to the notice, the candidate in his reply dated 14-09-2022 which is ironically addressed to none under the column "To" has denied the allegations with the statement that since the issues raised in the notice are pending consideration before the learned **Special Judge, Assam, Guwahati** in **Special Case No. 02/2017**, he would not like to respond to anything further. However, he has also stated that the **CCE 2014** was conducted as per the procedure laid down in **APSC (Procedure and Conduct of Business) Rules, 2010**. Referring to the same, his plea is that the said Rules are completely silent regarding the need/necessity of printing the answer scripts under authorized govt. press. According to him, there is list dated 04-10-2016 containing the names of govt. approved and registered private printing presses in which name of **M/S Subhadeep Printers** is also listed under **Sl. No. 73**.

For ready reference, his written response is quoted below:-

Sir,

In response to the Notice No. BKS/COM/IN/APSC-CCE 2014/2022/07/18 dated:18.07.2022 issued by your good office which due to unforeseen circumstances was received by me only on 09.09.2022, I, the undersigned most humbly beg to state that, since the issues herein are already pending consideration before the Learned Special Judge, Guwahati (Special Case No. 2/2017) and as such, I would not like to respond to anything further apart VI dated: 14.09.2018 from denying all the allegations made in Supplementary corresponding to Charge Sheet No. 03/2017 filed by the Investigating Officer in connection with Dibrugarh Police Station Case No. 936 / 2016 as the same is motivated with an intention that cannot be stated as bonafide or just in nature and consequences that followed accordingly.

Apart from the above, I would most humbly like to draw your kind attention to the fact that CCE - 2014 was conducted as per procedure laid down under The Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010 which was in force at that relevant point of time and the said rules are completely silent regarding the need/necessity of printing the answer scripts concerned under authorized Government Press. Rule 41 under Chapter - IV to the said rules only says that "Printing press shall be answerable for maintaining secrecy and Principal Controller of Examinations will issue instructions to ensure secrecy". Moreover in the website of Director of Printing and Stationery, Government of Assam, a district wise list is enclosed dated: 04.10.2016 as list of Government approved and registered private printing presses under A, B and C category and the name of M/s Subhadeep Printers is listed under Serial No. 73 under the District of Kamrup (Assam). Another aspect, I would like to highlight is the fact that being a candidate, it was never my prerogative to determine whether or not the answer scripts that were supplied to us in the designated examination centers were printed in the Government Press or any other private printing press duly authorized and registered under the Government of Assam.

With the aforesaid, I hereby rest my response with a humble prayer that the aforesaid factual matters are duly taken note of by your humble office.

Thanking You.

Yours faithfully

Sd/- Bhargav Phukan

What he tried to convey with the aforesaid stand inter-alia is that **M/S Subhadeep Printers** being authorized Govt. approved private printing press, it was permissible to get the answer scripts printed in the said printing press and it was not necessary to get the same done only in the Assam Govt. Press. Such a stand on the part of the candidate is belied by the fact that upon query made by the Commission, the authority of the Assam Govt. Press has clarified vide its letter no. DPS/PTG(E)/31/2004/268 dated 04-08-2022 that all the answer scripts pertaining to **CC (Main) Examinations, 2014** had been printed in the

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Assam, Govt. press as per the requisition placed by the **APSC** vide Memo No. 308PSC/Sty-2/96-97/Vol-III dated. 10-04-2015. The Commission has also obtained necessary clarification in this regard from the office of the **APSC** to quell any doubt. The **APSC** vide its communication No. 105PSC/Sty-2/96-97 (Vol-V) dated. 23-08-2022 has certified that all the answer scripts of **CC (Main) Examination** had been printed in the Assam Govt. Press. Even otherwise also and even if it is a fact that **M/S Subhadeep Printers** was in the Govt. approved list, that by itself, by no stretch of imagination can come to the rescue of the candidate in absence of any material/evidence whatsoever to establish that answer scripts of **CC (Main) Examinations, 2014** had been ordered to be printed in the said private press. There could not have been any occasion thereto also inasmuch as, the owner of **M/S Subhadeep Printers** namely **Shri Rajeev Paul**, is the own brother of **Shri Rakesh Kumar Paul**, the then Chairman of **APSC**. Incidentally, **Shri Rajeev Paul** has done the act of vanishing after registering the aforesaid Dibrugarh PS **Case No. 936/2016**.

In view of the above, there is virtually no denial on the part of the noticee **Shri Bhargav Phukan** that out of **06(six)** answer scripts in which he had written answers in **CC (Main) Examinations, 2014**, **05(five)** answer scripts are fake and unauthorized having been printed elsewhere other than the authorized Assam Govt. Press. Accordingly, it is held that he is the product of forgery.

The facts revealed and discussed above, leave no manner doubt that the candidate had taken recourse to illegal means towards procuring job that too in the rank of **APS (Jr. Grade)** with the active connivance of the then power that be in the **APSC**. The very inclusion of his name in the merit list for **APS (Jr. Grade)** was founded on forgery. Had that not be done, a genuine candidate would have made to the merit list.

2. Shri Dhrubojyoti Chakraborty :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. His merit position in the select list is at Serial No. 45 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade) category. Thus obviously he was selected in the said category of ACS (Jr. Grade). Pursuant to his such selection, he was appointed to ACS (Jr. Grade) and at the time of his arrest by the Investigating agency on 18-07-2018, he was serving as the Election Officer, Hailakandi.

He appeared in the CCE (Main) 2014 with Roll No. 0913138 and Optional Subjects Political Science and Law. Be it stated here that the common subjects for the Main examination were General English and General Studies carrying total 300 marks each (2 x 300 =600). Be it further stated here that for two optional subjects, there were two papers each comprising of total 200 marks each (4 x 200= 800) thus totaling to 1400. As reflected in the Final Tabulation Sheet, this candidate has secured total 842 marks out of 1400. As per the said Final Tabulation Sheet, subject wise mark secured by him are 213 in General Studies (Out of 300); 172 in General English (out of 300); 100 in Optional Law Paper-I (out of 200); 107 in Optional Law Paper-II (out of 200); 131 in Optional Political Science Paper-I (out of 200) and 119 in Optional Political Science Paper-II (out of 200) totaling to 842 out of 1400.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that 02 (two) answer scripts of General Studies Code No. 599 Book No. 1402151 and Political Science Paper-I Code No. 98 Book No. 1407389 containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S



Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-03 to VOL-II of this report.

Responding to the notice, **Shri Chakraborty** in his written statements received on 01-08-2022 has generally denied the allegation with the statement that in the related criminal case being Dibrugarh PS **Case No. 936/2016** corresponding to **Special Case No. 02/2017**, he has been regularly appearing as an accused with the denial of the charges leveled against him. According to him, he had appeared in the **CCE 2014** examination and got selected for ACS occupying **45th** merit position. His further stand is that since the matter is sub-judice in the aforesaid criminal case, it would not be proper for him to disclose and comment anything on merit of the allegation, lest the same would cause prejudice to his defence. His prayer is to keep in abeyance the present inquiry against him.

For a ready reference, his written response is reproduced below :-

Respected Sir,

With Reference to the Subject stated above I, Shri Dhrubojyoti Chakraborty, S/o Late Sudhangshu Sekhar Chakraborty Resident of Settlement Road, Karimganj, Assam, have the honour to state as follows:

1. That, the Notice as referred to above was served upon me very recently, wherefrom I could learn that the Government of Assam, has constituted this Hon'ble Commission of inquiry to enquire into (i) the allegations of anomalies and malpractices in conduct of CCE- 2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

2. That, I appeared in the CCE-2014 Examination with Roll No. 0913138 and got selected with inclusion of my name in the final select list at 45th position and eventually appointed to ACS.

3. That, in Dibrugarh PS Case No. 936/2016 corresponding to Special Case No. 02/2017 in Charge sheet No. 03/2017 Supplimentary-VI Dated 14/09/2018 I have been arraigned as accused No.55.

4. That, the Hon'ble Court of Special Judge, Assam at Guwahati pleased to pass an Order dated 12/10/2018 allowing me to remain on bail and since then I have been regularly appearing before the Hon'ble Court of Special Judge, Assam at Guwahati on every date fixed and facing the trial in aforesaid criminal case.

5. That, in trial before the Hon'ble Court of Special Judge, Assam at Guwahati I denied all the allegations leveled against me in the Charge sheet No. 03/2017 Supplimentary-VI Dated 14/09/2018 wherein I have been arraigned as accused No.55.

6. That, in response to your notice referred above I deny all the allegations levelled against me at page no. 1 and 2 of the aforesaid notice.

7. That, at present I am facing the criminal trial of the aforesaid Dibrugarh PS Case No. 936/2016 corresponding to Special Case No. 02/2017 before the Hon'ble Court of Special Judge, Assam at Guwahati, and hence the matter has now become sub-judice and, as

such, it is not proper on my side to disclose and comment anything over a sub-judice matter, which if disclosed, is likely to cause serious prejudice to me and will ultimately seriously hamper me in defending myself in the ongoing trial and, therefore, I request you to keep in abeyance the inquiry initiated against me by this Hon'ble Commission.

Thus, under the aforesaid circumstances, I pray before this Hon'ble Commission that taking the aforesaid facts and circumstances into consideration, this Hon'ble Commission would be pleased to drop/close the proceedings against me, and/or keep in abeyance the inquiry initiated against me by this Hon'ble Commission, and for this act of kindness, the undersigned, as in duty bound, shall ever pray.

Yours sincerely

Sd/- Shri. Dhrubojoyoti Chakraborty

From the above defence of the candidate, there is no denial of the fact of there are **02(two)** fake answer scripts as disclosed in the show cause notice and that he had written the answers in those **02(two)** fake answers scripts on the basis of which he had secured marks with eventual selection for ACS (Jr. Grade). Thus there is no manner of doubt that **Shri Chakraborty** is a product of forgery in **CCE 2014**. This being the position, his name could not have been included in the merit list of **CCE 2014** so as to confer on him ACS (Jr. Grade). **Needless to say that but for his illegal selection and inclusion in the merit list, other deserving candidates would have made to merit list. Thus not only he fraudulently got appointment, but in the process also deprived genuine and meritorious candidates.**

3. **Dr. Ganesh Chandra Das :**

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the

then Chairman of **APSC**. His merit position in the select list is at **Serial No. 24 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade) category**. Thus obviously he was selected in the said category of **ACS (Jr. Grade)**. Pursuant to his such selection, he was appointed to **ACS (Jr. Grade)** and at the time of his arrest by the investigating agency on **18-07-2018**, he was serving as the **Circle Officer, Nazira**.

He appeared in the **CCE (Main) 2014** with Roll No. **0901250** and Optional Subjects **Chemistry** and **Education**. Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **850** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **123** in **General Studies** (Out of 300); **208** in **General English** (out of 300); **126** in Optional **Chemistry Paper-I** (out of 200); **130** in Optional **Chemistry Paper-II** (out of 200); **137** in Optional **Education Paper-I** (out of 200) and **126** in Optional **Education Paper-II** (out of 200) totaling to **850** out of **1400**.

In case of this candidate also, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **03 (three) answer scripts of General English Code No. 289 Book No. 1404130; Chemistry Paper-II Code No. 09 Book No. 1407289; Education Paper-I Code No. 52 Book No. 1408792** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in **M/S Subhadeep Printers**, an unauthorized printing press belonging to **Shri Rajeev Paul**, brother of the then Chairman, **APSC**, **Shri Rakesh Kumar Paul**). These revelations are as per the Forensic Science Laboratory report No.DFS.



58/2018/360 dated. 20-02-2018 which is annexed as **Annexure- 1** to **VOL-II** of this report.

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure- 04 to VOL-II of this report.

In response to the said notice, **Shri Das** in his reply dated 13-09-2022 has declined to make any comment on the allegation on the ground of the matter being sub-judice before the learned **Special Judge, Assam**, Guwahati in the above referred **Special Case No. 02/2017**. For ready reference, his written response is reproduced below:

Madam,

In response to the Notice No. BKS/COM/IN/APSC-CCE 2014/2022/07/25 dated: 18/07/2022 issued by your good office which due to unforeseen circumstances was received by me only on 03.09.2022, I, the undersigned most humbly beg to state that, since the issues herein are already pending consideration before the Learned Special Judge, Guwahati (Special Case No. 2/2017) and as such, I consider this to be beyond my capacity to comment on the same (since the matter is sub - judice) apart from denying all the allegations made in Supplementary - VI dated: 14.09.2018 corresponding to Charge Sheet No. 03/2017 filed by the Investigating Officer in connection with Dibrugarh Police Station Case No.936 / 2016.

This is for favour of your kind information and necessary action.

Thanking you.

Yours Faithfully,

Sd/- Dr. Ganesh Chandra Das

Thus in this case also, there is avoidance to counter the allegations as reflected in the show cause notice. The ground for doing so is absolutely untenable. The parameters and yardsticks in both the proceedings i.e. the criminal proceeding and the instant judicial inquiry proceedings are completely distinct and different. The task of the Commission as entrusted by the notification dated 20-05-2022 constituting the present Commission is not dependent on the outcome of the related criminal case. It is to return its finding on the basis of the materials available on records and not to find in the *mens rea* as is required of in a criminal case. The facts and circumstances narrated above and the explanation furnished by the candidate leave no manner of doubt that as in the other cases discussed above, this candidate is also a product of forgery and he could obtain his selection by fraudulent act involving writing of answers in **03(three)** fake answer scripts. There is no denial of this fact on the part of the candidate. The reply furnished by him is evasive.

In view of the above, there is no hesitation in recording the finding that **Dr. Ganesh Chandra Das** could get selection to ACS (Jr. Grade) through illegal means to the extent of writing answers on **03(three)** fake answer scripts. **The marks obtained by such methodology qualified him for selection so as to be included in the final merit list in the category of ACS (Jr. Grade). By no stretch of imagination, such illegal selection and appointment can be sustained. Needless to say, that such illegality deprived the meritorious candidates.**

4. Shri Manzoor Elahi Laskar :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC. His merit position in the select list is at Serial No. 11 out of total 180 (all together) of which 90 were**

placed in the **ACS (Jr. Grade) category**. Thus obviously he was selected in the said category of ACS (Jr. Grade). Pursuant to his such selection, he was appointed to ACS (Jr. Grade) and at the time of his arrest by the investigating agency on **18-07-2018**, he was serving as the **Circle Officer, Katigarah**.

He appeared in the **CCE (Main) 2014** with **Roll No. 1900853** and Optional Subjects **Sociology** and **Law**. Be it stated here that the common subjects for the **Main examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **865** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **218** in **General Studies** (Out of 300); **181** in **General English** (out of 300); **138** in Optional **Law Paper-I** (out of 200); **145** in Optional **Law Paper-II** (out of 200); **95** in Optional **Sociology Paper-I** (out of 200) and **88** in Optional **Sociology Paper-II** (out of 200) totaling to **865** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **02 (two) answer scripts of General Studies code No. 1371 Book No. 1402880** and **Law Paper-I Code No. 119 Book No. 1405460** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-05 to VOL-II of this report.

In the written reply, the noticee, as in the other cases discussed above, has generally denied the allegation with the further stand of not to make any comment since the matter is sub-judice in the related criminal case mentioned above. As in the case of **Sl.01 above**, he has also taken the plea that **M/S Subhadeep Printers** is a registered printing press with the Govt. of Assam for the period from 20-02-2014 to 29-01-2017.

For ready reference, his written response is reproduced below :-

Respected Sir,

With reference to the Subject stated above I, Shri Manzoor Elahi Laskar, S/o Mahi Uddin Laskar, MHC Lane, Hailakandi Road, Meherpur, Silchar, Assam - 788015, have the honour to state as follows:

I. That, the Notice as referred to above was served upon me to the wrong address and henceforth after waiting for long time, had to personally take the notice through my duly appointed advocate recently, wherefrom I could learn that the Government of Assam, has constituted this Hon'ble Commission of Inquiry to enquire into:-

- i. the allegations of anomalies and malpractices in conduct of CCE-2014 and*
- ii. the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.*

2. That, I appeared in the CCE-2014 Examination with Roll No. 1900853 and got selected with inclusion of my name in the final select list at 11th position and eventually appointed to ACS. I have got excellent academic career right from my HSLC to LLM from Symbiosis Law School, Pune.

3. That, in Dibrugarh PS Case No. 936/2016 corresponding to Special Case No. 02/2017 in Charge sheet No. 03/2017 Supplementary-VI Dated 14/09/2018 I have been arraigned as accused. However, neither any allegation against me nor my name appeared in the FIR.

4. That, the Hon'ble Gauhati High Court was pleased to pass an Order dated 11/10/2018 allowing me to remain on bail and since then I have been regularly appearing before the Hon'ble Court of Special Judge, Assam at Guwahati on every date fixed and facing the trial in aforesaid criminal case.

5. That, in trial before the Hon'ble Court of Special Judge, Assam at Guwahati I denied all the allegations levelled against me in the Charge sheet No. 03/2017 Supplementary-VI Dated 14/09/2018 wherein I have been arraigned as accused.

6. That, in response to your notice referred to above I deny all the allegations levelled against me at page no. 1 and 2 of the aforesaid notice as they are baseless and no such materials has been produced before the Hon'ble Court of Special Judge, Assam at Guwahati to substantiate the said allegation. There is no iota of materials to substantiate the said facts by way of circumstantial evidence and statements of the PWs, and the prosecution / IO has miserably failed to produce and show any such materials at the time of hearing u/s 226 of CrPC.

It is to be noted here that I appeared for all exam held at APSC building and I had written in the answer scripts as provided in the examination hall by the APSC. I do not have the knowledge as to whether the answer scripts were printed in the press under the name and style "M/S Subhadeep Printers" at Bhangaghar, Guwahati. However, in Supplementary Charge sheet No. VI (Para No. 16.4 b, page No. 25) it is stated that as per APSC guideline, no answer script could be printed by any Printer, except Govt. Press. But in APSC (Procedure and Conduct of

Business) Rules, 2010, nothing is mentioned about the printing of answer script.

In an RTI reply from Printing and Stationary Department, Govt. of Assam, it specifically stated that "willing private presses in the State are registered under the Department and categorised as A, B, C, depending upon their capability."

M/S Subhadeep Printers, near Bora Service, Bhangaghar, Guwahati was registered as B category under Printing and Stationary Department, Govt. of Assam from period 20.02.2014 to 29.01.2017, and it appears at Serial No. 73rd in the list of private printing press in Kamrup District as stated in the above said reply.

(The copy of the RTI reply is available with the case record before the Hon'ble Court of Special Judge, Guwahati, Assam.)

7. That, long before the findings and enquiry of the present Enquiry Commission, the criminal trial of the aforesaid Dibrugarh PS Case No. 936/2016 corresponding to Special Case No. 02/2017 commenced which is against the rule of law.

8. At present I am facing the criminal trial of the aforesaid Dibrugarh PS Case No. 936/2016 corresponding to Special Case No. 02/2017 before the Hon'ble Court of Special Judge, Assam at Guwahati, and hence the matter has now become sub-judice and, as such, it is not proper on my side to comment anything over a sub-judice matter.

However, it is to be noted here that till date no direct materials/evidence or eye witness have been produced by the I.O/ Prosecution against me.

Thus, under the aforesaid circumstances, I pray before this Hon'ble Commission that taking the aforesaid facts and circumstances into consideration, this Hon'ble Commission would be pleased to drop the charges levelled against me and recommend my name to the Govt. of Assam, to reinstate me in the service or

atleast provide subsistence allowance as I was jeopardized by the discharge from service without proper inquiry/ proven guilt. Moreover, as per the Constitution of India, in Article 14, everyone should be treated equally and as per Article 21, everyone should have right to life with dignity, but, in my case I was arrested and later discharged from the service without my name appearing in any FIR or proving beyond reasonable doubt my guilt or atleast giving me an opportunity of being heard which violates my basic Fundamental Rights as enshrined in the Constitution of India, and for this act of kindness, the undersigned, as in duty bound, shall ever pray.

Yours sincerely

Sd/- Manzoor Elahi Laskar

The above plea of the candidate does not hold any water. As already discussed above, it is only the Assam Govt. Press which was authorized to print the answer scripts and no other press, that too a private press belonging to **Shri Rajeev Paul**, brother of the then Chairman, **APSC, Shri Rakesh Kumar Paul**. **Shri Rajeev Paul** is also absconding avoiding the aforesaid Criminal Case and his whereabouts are still not known.

Above being the position, the same finding as in the other cases discussed above will have to be recorded against this candidate **Manzoor Elahi Laskar**. There cannot be any second opinion that his selection with eventual appointment to **ACS (Jr. Grade)** is founded on illegality and that he is a product of forgery. Natural consequences thereof much follow. As already discussed above, the saddest part is that by means of such illegal selection, the concerned persons including the candidate has deprived meritorious and deserving candidates.

5. Smt. Moon Mazoomder:

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. Her merit position in the select list is at **Serial No. 13 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade) category**. Thus obviously she was selected in the said category of ACS (Jr. Grade). Pursuant to her such selection, she was appointed to ACS (Jr. Grade) and at the time of her arrest by the investigating agency on **18-07-2018**, she was serving as the **Assistant Commissioner, Karimganj**.

She appeared in the **CCE (Main) 2014** with Roll No. **0900714** and Optional Subjects **Political Science and Botany**. Be it stated here that the common subjects for the **Main examination** were **General English and General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **870** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by her are **176** in **General Studies** (Out of 300); **209** in **General English** (out of 300); **103** in Optional **Political Science Paper-I** (out of 200); **121** in Optional **Political Science Paper-II** (out of 200); **131** in Optional **Botany Paper-I** (out of 200) and **130** in Optional **Botany Paper-II** (out of 200); totaling to **870** out of **1400**.

In case of this candidate also, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **04 (four) answer scripts of General English code No. 263 Book No. 1404072; Botany Paper-I Code No. 20 Book No. 1405843; Botany Paper-II Code No. 24 Book No. 1405937 and Political Science Paper-I Code No. 35 Book No. 1408142** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized

Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul).

These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking her response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-06 to VOL-II of this report.

The defence adduced by this candidate in her written response dated 28-07-2022 is that she is not in a position to disclose her stand in the matter as the related criminal case is pending against her.

For a ready reference, her written response is reproduced below :-

Respected Madam,

With respect to the subject mentioned above, I beg to inform you that I have received the notice from your end on 25/07/2022. I have perused the contents of the same wherein I have been directed to respond in the form of a written statement to the allegations levelled against me arising out of Dibrugarh P.S. case No.-936/2016.

Kindly be informed that a criminal case is pending before the Hon'ble Special Judge, Assam (Special Case No. 02/2017) based on identical allegations in which I have been implicated and is currently facing trial. In response to your notice referred above, I deny all the allegations levelled against me at page no. 1 and 2 of the aforesaid notice.

As the matter is sub-judice as well and the deliberations are on, unfortunately, my hands are tied right now to respond in detail to the

allegations charged as it may hamper the defense and prejudice me in my criminal trial.

Hence, I humbly request the Hon'ble Inquiry Commission to accept this reply against the notice served and not to proceed any further against me in the enquiry during the pendency of the aforesaid case.

Yours sincerely

Sd/- Moon Mazoomder

28/7/2012

Thus as in the above cases, there is no any denial to the specific charge against her. This being the position, the finding accorded in respect of the other candidates discussed above will also hold good for her that **she is also a product of forgery and inclusion of her name in the merit list with eventual appointment to ACS (Jr. Grade) is based on fraud and not on merit.** In the process, she has also **deprived other meritorious and deserving candidates.** It is really **shocking and surprising** as to how such a state of affair could prevail at the hands of candidates and those at the helm of affairs of APSC.

6. Shri Mustafa Ahmed Barbhuiya :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. **His merit position in the select list is at Serial No. 14 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade) category.** Thus obviously he was selected in the said category of ACS (Jr. Grade). Pursuant to his such selection, he was appointed to ACS (Jr. Grade) and at the time of his arrest by the Investigating agency on **18-07-2018**, he was serving as the **Assistant Commissioner, Dhemaji.**

He appeared in the **CCE (Main) 2014** with Roll No. **0917467** and Optional Subjects **Political Science** and **Law.** Be it stated here that

the common subjects for the **Main examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **855** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **213** in **General Studies** (Out of 300); **151** in **General English** (out of 300); **125** in Optional **Political Science Paper-I** (out of 200); **120** in Optional **Political Science Paper-II** (out of 200); **125** in Optional **Law Paper-I** (out of 200) and **121** in Optional **Law Paper-II** (out of 200); totaling to **855** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **05 (five) answer scripts of General Studies Code No. 822 Book No. 1400840; Law Paper-I Code No. 93 Book No. 1405456; Law Paper-II Code No. 91 Book No. 1406148; Political Science Paper-I Code No. 177 Book No. 1408031 and Political Science Paper-II Code No. 175 Book No. 1407697** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-07 to VOL-II of this report.

In the written reply dated 06-08-2022, the candidate has generally denied the allegation with the plea of writing the answers on the answer scripts as were provided during the course of the examination. He has also pleaded of not knowing anything about printing of the answer scripts in the press under name and style **M/S Subhadeep Printers** and that he cannot be held responsible for anything.

For a ready reference, his written response is reproduced

below :-

WRITTEN STATEMENT/RESPONSE

- 1. That, it is a fact that I appeared in the CCE-2014 conducted by the APSC vide Roll No. - 0917467.*
- 2. That, I cleared the CCE-2014 Prelims exam and accordingly I was allowed to appear in the Main held in the year 2015.*
- 3. That, I sat for the CCE-2014 Main Examinations in all the Papers on the fixed dates which were held in the APSC Main building. The fact of my sitting in all the Papers for the Main exam may be verified from CCTV footage and the attendance register.*
- 4. That, in the aforesaid Main exams, Answer scripts were provided in the exam hall and I had written in the answer scripts as provided during the course of the exam. I cannot say as to whether the answer scripts were printed in the authorized Govt. press or in some other place.*
- 5. That, I cannot say as to whether the Answer scripts were printed in the press under the name and style M/S Subhadeep Printers at Bhangaghar, Guwahati. Even otherwise, I can't be held liable if APSC gets their Answer sheets printed from any press/agency of their choice which is at the discretion of the APSC.*
- 6. That, charge-sheet in respect of Dibrugarh PS Case No. 936/2016 has already been filed before the Ld. Special Judge, Guwahati and trial has*

already commenced and charge has already been framed. Accordingly, the matter is now sub-judice before the Ld. Special Judge, Guwahati.

7. That, I beg fully submit that I have been unnecessarily entangled in Dibrugarh PS Case No. 936/2016 without any basis and I have not been provided with any opportunity to ventilate my grievance before the appropriate forum. In other words, I have been condemned unheard.

8. That, I have never indulged in any corrupt practice and alleged allegations are without any basis. At all stages, I have cooperated and I will continue to cooperate with the enquiry so that I may be able to prove my innocence and get justice from the Hon'ble Mr. Justice B.K.Sharma Enquiry Commission.

Yours Faithfully

Sd/- Mustafa Ahmed Barbhuiya

Date- 06-08-2022

Thus in this case also, there is avoidance to deal with the main issue as to how the candidate could write his answer on fake answers scripts numbering as many as **05(five)**. The plea of not knowing as to whether the answer scripts were genuine or fake is absolutely unsustainable when the beneficiary of such a design is none other than the candidate himself. This being the position, the finding of fact recorded in respect of the other candidates discussed above is squarely applicable to this case also. **Accordingly, there is no hesitation in holding that this candidate also is a product of forgery and his steps towards inclusion of his name in the merit list entitling him to the coveted post of ACS (Jr. Grade) is founded on fraud perpetrated by himself in collaboration with the power that be in the APSC and in the process deprived other meritorious candidates.**

7. Shri Nipan Kumar Pathak :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. **His merit position in the select list is at Serial No. 01 out of total 180 (all together) of which 21 were**

placed in the **Inspector of Taxes** category. Thus obviously he was selected in the said category of **Inspector of Taxes**. Pursuant to his such selection, he was appointed to **Inspector of Taxes** and at the time of his arrest by the investigating agency on **18-07-2018**, he was serving as the **Inspector of Taxes, Kokrajhar**.

He appeared in the **CCE (Main) 2014** with Roll No. **0917622** and Optional Subjects **Political Science and Sociology**. Be It stated here that the common subjects for the **Main examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be It further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **847** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **199** in **General Studies** (Out of 300); **197** in **General English** (out of 300); **118** in Optional **Political Science Paper-I** (out of 200); **110** in Optional **Political Science Paper-II** (out of 200); **115** in Optional **Sociology Paper-I** (out of 200) and **108** in Optional **Sociology Paper-II** (out of 200); totaling to **847** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that all his **06 (six) answer scripts of General Studies code No. 841 Book No. 1400852; General English Code No. 810 Book No. 1404934; Sociology Paper-I Code No. 475 Book No. 1411198; Sociology Paper-II Code No. 471 Book No. 1408835; Political Science Paper-I Code No. 184 Book No. 1408045 and Political Science Paper-II Code No. 182 Book No. 1407698** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in **M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul**). These revelations are as per the

Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-08 to VOL-II of this report.

As in the other cases, in this case also, the candidate in his reply dated 27-07-2022 has generally denied the allegations with the same very plea of not knowing anything as to whether the answer scripts provided in the examination were fake or genuine. He has also taken the plea of gathering information on the basis of RTI application that the Assam Govt. Press did not print answer scripts for the year 2013 examination conducted by **APSC** and that the last order for printing answer scripts that was placed with the Assam Govt. Press was in the year 2019. His further plea is that there are other selected candidates who are not part of this inquiry Commission. He has also alleged that one of the selected candidates who has subsequently given up service being selected in the UPSC and whose answer scripts also formed part of the seizure memo has not been brought to the ambit of this inquiry Commission, nor he was arrested in connection with the criminal case.

For a ready reference, his written response is reproduced below :-

Sir,

On 22/07/2022, a notice has been received by my family members at Barpeta. I have gone through the contents of the notice. Having understood the contents, I am submitting the instant reply for your goodelf's kind perusal. The notice was accompanied by the order dated 13/07/2022. I have the opportunity to go through the aforesaid order.

At the outset, reading the notice issued to me it appears that this commission is examining the entire process of selection of the candidates of

CCE-2014. I humbly submit that apart from me there are other selected candidates also who are selected and still now working. There are candidates who is never been part of any enquiry conducted by your goodself. They have been selected along with us. Further it is also a matter of record that one candidate whose name appears in the select list and who was subsequently gave up the post as he has been selected in the UPSC and whose answer scripts were part of the seizure memo is neither part of this enquiry and that he has never been arrested in this case in the criminal investigation and no charge sheet has been submitted against him. Whether this commission will enquire into the aforesaid facts borne out of records and whether this commission will enquire the role of the Investigating Officer of this case in conducting investigation in a pick and choose manner?

That Sir, I passed the Preliminary Examination on merit along with other candidates. There is no whisper of allegations against me.

That Sir, I have passed the Main Examination of 2014 and my name appears for interview. In interview, I performed considerably well and I have been selected on merit and not on the basis of any other reasons whatsoever.

That Sir, in the notice issued to me it is alleged that malpractices and anomalies are found alleged against me as revealed from the case records of criminal case of Dibrugarh PS Case No.936/2016. I specifically humbly states that I have not indulged in any malpractices and anomalies and the language in the show cause notice itself is incorrect in as much as not even a single witness in the criminal case have named me or otherwise alleged a single act of malpractice and anomalies done by me and as such the show cause notice wherein it has been stated that malpractices and anomalies are found is incorrect.

That Sir, in the Main Examination of 2014 wherein I appeared in the written test and wrote the answers to the best of my capabilities and submitted to the authorities concern. My role is limited to appearing in the examination and answering the questions and no further. The answer

scripts were supplied by the authorities concern. The copy of the answer scripts are provided to us by the Hon'ble Special Judge, Assam in the Criminal Case. It is in my handwriting. The marking has been done by the authorities concern. The tabulation sheet is required to be filled like by the authorities concern. The marks were given in every answer answered by me and are calculated in the tabulation form. On the basis of the score I scored in the examination, my name appeared as a selected candidate for the interview.

That Sir, whatever answer scripts were supplied to me during examination I have written my answers in that scripts provided to me.

That Sir, in the Show cause notice it has been stated that the answer scripts containing my handwriting is not original and not printed in the authorised Government press and does are fake answers. The aforesaid statement in the show cause notice has been made without having knowledge about law and the facts about the instant case.

That Sir, when the word not original is used there should always be an original but here answer scripts that has been supplied to us by Hon'ble Court was the answer scripts supplied to us for writing our answers. There can not be a fake answer scripts without an original. Further it is alleged that the answer scripts were not printed in the authorised Government press and does are fake answer scripts is contrary to records in as much as to an RTI reply, it has been replied by the authorities concern that Government press did not print answer scripts for the year 2013 conducted by APSC and the last order placed in the year 2019. Further as per the reply there is no standing order/notification of Government of Assam to print Answer Scripts/ Khatta of APSC at Assam Government Press. Further it is stated that this Directorate print the Answer Scripts only after receiving any specific Order. That it has come within the knowledge and being heard of the information provided with RTI that the press in which answer scripts were printed is an authorised press to print the answer scripts. [A copy of the reply under memo No. DPS/PTG(E) 72/2014/165 and DPS/PTG(E)72/2014/155 is enclosed herewith as ANNEXURE A & B.]

That Sir, in criminal law there is nothing as fake. Under criminal law it has to be forged answer scripts. No one has alleged that the answer scripts has been made by me or forged by me. Those are the answer scripts which are supplied to me during examination by the authorities. Further similar answer scripts were supplied to all the candidates in various examination centre across the State of Assam. The selected candidates who wrote their answers in these answer scripts are not part of the enquiry. Those persons who wrote the answer scripts in the examination held in 2013 and 2014 are still working and never been part of this enquiry.

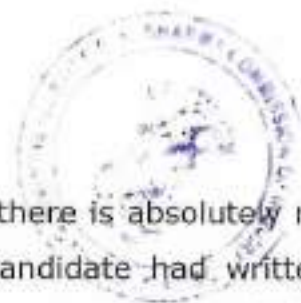
That Sir, I have written in the examination over the answer scripts which has been supplied to me and submitted to the authorities. It is not my responsibility and look out as to when and where the answer scripts were printed. It is the authorities who have given me marks on the basis of which I was called for the interview. There is no foul play or criminal act committed by me.

That Sir, in the show cause notice it has been stated that "it is seen that with your active connivence you had been provided with fake answer scripts for the aforesaid papers in CCE-2014." is specifically denied by me. I said that aforesaid finding is perverse finding without any material. No witness in the criminal case even whispered my name. I have been provided with the answer scripts by the authorities concern including other candidates who appeared in the examination. If there is anything wrong in my answer scripts which has been provided by the authorities concern then all the answer scripts provided to all the candidates all over the state of Assam are not original answer scripts.

I humbly states that as per the notice I have replied to each and every allegations levelled against me and deny each and every allegation level against me. I am a victim of the system itself without any fault on my part. I have been harassed continuously time and again.

Yours faithfully

Sd/- Nipan Kumar Pathak



As in the other cases, in this case also, there is absolutely no answer that all the answer scripts in which the candidate had written answers are fake answer scripts and not the genuine ones. As regards his plea of the Assam Govt. Press having not printed any answer scripts for **APSC** for the year 2013 examination and that the last order for the purpose that was placed with the Assam Govt. Press was in the year 2019, the same is falsification of truth. Upon a query made by the Commission, the authorities in the Assam Govt. Press have clarified the position. As per the said clarification furnished by letter no. DPS/PTG(E)/31/2004/266 dated 01-08-2022 is that the Assam Govt. Press was the authorized printer for **CCE 2013**. Further clarification furnished vide letter no. DPS/PTG(E)/31/2004/268 dated 04-08-2022, even for **CCE 2014** also it was the Assam Govt. Press which had printed the answer scripts. Thus the RTI reply which has been relied upon by the candidate is of no consequence. It is for the candidate to explain under what circumstances and based on which facts, the RTI application was made and reply thereto was obtained.

Another aspect of the matter is that, it is nobody's case that answer scripts for **CCE 2014** were ordered to be printed in **M/S Subhadeep Printers Press**, proprietor of which is Shri Rajeev Paul, brother of the then Chairman of **APSC**, **Shri Rakesh Kumar Paul**. Incidentally, the said **Shri Rajeev Paul** also involved in the related criminal case for avoidance of which, he has done the act of vanishing and his whereabouts are still not known. This being the position, the defence of the candidate holds no water. This factual position is already discussed above.

As regard the plea of other candidate including the one above whom, the noticee specifically mentioned being not taken to task, suffice is to say that the noticee will have to establish his own case and cannot fall back to other cases. Irrespective of this position, the Commission has independently verified the related documents and could not find any

material against the particular candidate whom the noticee has referred

In view of the above, it is held that **Shri Nipan Kumar Pathak** is also in the same category of other candidates mentioned and discussed above. Consequently, **his selection and appointment is the product of illegality based on fraud and malpractices which could not have been materialized without the active connivance on his part with the power that be in the APSC. In the process, he has also deprived many meritorious and deserving candidates from being selected and appointed.**

8. Smt. Pallavi Sarma :

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC. Her merit position in the select list is at Serial No. 22 out of total 180 (all together) of which 67 were placed in the APS (Jr. Grade).** Thus obviously she was selected in the said category of **APS (Jr. Grade)**. Pursuant to her such selection, she was appointed to **APS (Jr. Grade)** and at the time of her arrest by the investigating agency on **18-07-2018**, she was serving as the **Deputy Superintendent of Police, Sivasagar.**

She appeared in the **CCE (Main) 2014** with Roll No. **0913684** and Optional Subjects **Sociology** and **Law**. Be it stated here that the common subjects for the **Main examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **802** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by her are **157** in **General Studies** (Out of 300); **204** in **General English** (out of 300); **121** in Optional **Sociology Paper-I** (out of 200); **114** in Optional

Sociology Paper-II (out of 200); **104** in Optional **Law Paper-I** (out of 200) and **102** in Optional **Law Paper-II** (out of 200) totaling to **802** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that all her **03 (three) answer scripts of General English Code No. 611 Book No. 1404600; Sociology Paper-I Code No. 407 Book No. 1411664 and Sociology Paper-II Code No. 404 Book No. 1411785** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to **Shri Rajeev Paul**, brother of the then Chairman, APSC, **Shri Rakesh Kumar Paul**). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking her response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-09 to VOL-II of this report.

In response to the above show cause notice, the candidate namely **Pallavi Sharma** in her written statement dated 27-07-2022 has more or less urged the same grounds like that of **Shri Nipan Kumar Pathak** discussed above. According to her, she had written her answers in the answer scripts provided to her in the allotted examination hall and that there is no question of there being any manipulation in respect of the answer scripts.

For a ready reference, her written response is reproduced below :-

Respected Madam,

I. In reference to the above, I have to state that I have been served with a copy of your notice dated 18.07.2022 on 20.07.2022 calling me to submit my written statement/ response to the notice where an allegation in regard to my answer scripts of my CCE- 2014 are not original and not printed in authorised government press and are fake, has been levelled.

Madam, in this respect, I am to furnish my response as follows:-

i. The allegation of the answer scripts not being original is not based on fact in as much as in the Examination Centres that I appeared for writing the examination in all the three papers namely General English (Code no. 611), Sociology 1st Paper (Code No. 407) and Sociology 2nd Paper (Code No. 404), the same answer scripts whereon my handwriting appears were the only answer scripts served to me in the examination halls and no other answer scripts of whatsoever nature were brought to my notice;

ii. The answer scripts thus being fake is also not based on fact; if your Honour is to make discreet enquiry then your Honour will find that till 27.05.2019 APSC has not placed any order for printing of answer scripts in the Government Press. (Please refer to Annexures A and B above).

iii. Further it is on record furnished in RTI information that there is no standing notification of Government of Assam to print answer scripts/khatta of APSC at Assam Government Press and the Director of Printing and Stationery, Govt. of Assam print the answer scripts only after receiving any specific order;

iv. Further allegation that the FSL report mentioned that the answer scripts were printed in the press under the name and style of "M/s Subhadeep Printers" at Bhangagarh, Guwahati also not legally correct in the sense that the "M/s Subhadeep Printers" printing press is Government approved and licensed printing press listed at serial no. 73 under registration/ license No. PSG.59/2013/52 which is



valid upto 2017 as per information furnished in the RTI application filed by one of the applicants;

v. As to the charge sheet no. 03/2017 Supplementary- VI dated 14.09.2018 in Dibrugarh P.S. Case No. 936/2016 (Special Case No. 2/2017) is haphazardly filed charge sheet without making thorough, proper, discreet investigation and in violation of the provisions of the legal procedure without any factual basis and as such may not be taken into account.

vi. Besides, all the answer scripts of where my handwriting appear are the original ones provided to me in the allotted examination halls, the Book Numbers on my answer scripts fully match with the ones as appeared in the "Attendance Sheet" as noted in the examination halls, where many other candidates along with me appeared.

[Copies of the "Attendance Sheet" of the examination halls, as provided to me by the Special Court are annexed as Annexure- A.]

Therefore, the allegation that my answer scripts are fake, is totally baseless. This itself proves my innocence.

2. *That madam, the Examination Centres where I appeared physically and personally and wrote the three papers about which the allegation of 'not being printed in authorised Government Press and as such are fake', are Karmabir Hiteswar Saikia College, Sixmile, Panjabari and in the APSC building itself.*

[The RTI information received by one of the applicants on his application are annexed herewith as Annexure B & C, for your kind reference and necessary action.]

3. *The documents annexed would belie the entire allegations brought against me that the 'answer scripts were not printed in the government authorised press and thus those are fake' as would be evident from the RTI*

information the "M/s Subhadeep Printers" printing press is a Government authorised and licensed printing press, thus the allegations that the answer scripts not being printed in authorised Government Press is also not based on fact. It may be stated that as per RTI information no answer scripts were printed by the APSC till May, 2019.

Madam, thus from my reply above, based on records, which I placed clearly go to show without any reasonable doubt that the answer scripts on which I wrote CCE-2014 in the allotted examination halls/ centres are THE ANSWER SCRIPTS ON WHICH I WROTE MY CCE-2014 WITHOUT ANY MALPRACTICE.

In view of the fact stated above, I am totally innocent and I am not guilty of any malpractice and the Hon'ble Commission. may be pleased to absolve me of the allegation / charge with a recommendation to allow me to continue in my service with retrospective effect.

For this act of kindness I shall ever pray.

Yours' faithfully

Sd/- Pallavi Sharma

Thus in this case also, there is no any denial of there being 03(three) fake answer scripts and on the basis of writing of answers therein, the candidate got the selection with eventual appointment to APS (Jr. Grade) and in the process, must have deprived other meritorious and deserving candidates. There cannot be any earthly reasons as to why only 03(three) of her answer scripts would be fake (not printed in authorized press, but printed in an unauthorized printing press namely M/S Subhadeep Printing Press) and other answer scripts including that of the other candidates except the accused noticees would be printed in Assam Govt. Press. The clarification furnished in this regard is already discussed above, more particularly while discussing the defence of Shri Nipan Kumar Pathak. Resultantly, there is no manner of doubt that Pallavi Sharma's selection is not based on merit as is understood in real parlance, but based on forgery, fraud and

unfair means. Consequently, her selection and appointment is unsustainable, which naturally has resulted in deprivation of meritorious candidates.

9. Shri Rhituraj Neog :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. His merit position in the select list is at **Serial No. 02 out of total 180 (all together) of which 07 were placed in the Superintendent of Taxes category.** Thus obviously he was selected in the said category of **Superintendent of Taxes.** Pursuant to his such selection, he was appointed to **Superintendent of Taxes** and at the time of his arrest by the investigating agency on **18-07-2018**, he was serving as the **Superintendent of Taxes category, Sivasagar.**

He appeared in the **CCE (Main) 2014** with Roll No. **0920192** and Optional Subjects **Political Science** and **Sociology.** Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400.** As reflected in the Final Tabulation Sheet, this candidate has secured total **873** marks out of **1400.** As per the said Final Tabulation Sheet, subject wise mark secured by him are **195** in **General Studies** (Out of 300); **198** in **General English** (out of 300); **119** in Optional **Political Science Paper-I** (out of 200); **118** in Optional **Political Science Paper-II** (out of 200); **121** in Optional **Sociology Paper-I** (out of 200) and **122** in Optional **Sociology Paper-II** (out of 200); (out of 200) totaling to **873** out of **1400.**

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that all his **06 (six) answer**

scripts of General Studies code No. 999 Book No. 1402436; General English Code No. 963 Book No. 1405037; Sociology Paper-I Code No. 194 Book No. 1410588; Sociology Paper-II Code No. 193 Book No. 1410858; Political Science Paper-I Code No. 246 Book No. 1408093 and Political Science Paper-II Code No. 244 Book No. 1407611 containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-10 to VOL-II of this report.

In this case also, the candidate's written reply to the show cause notice is more or less same like that of the other candidates including that of **Shri Nipan Kumar Pathak** and **Smt. Pallavi Sharma** referred to and discussed above.

For a ready reference, his written response is reproduced below :-

Sir,

On 22/07/2022, a notice has been received by me. I have gone through the contents of the notice. Having understood the contents thereof, I am submitting the instant reply for your goodself's kind perusal. The notice was accompanied by the order dated 13/07/2022. I have the opportunity to go through the aforesaid order.



At the outset, reading the notice issued to me it appears that this commission is examining the entire process of selection of the candidates of CCE-2014. I humbly submit that apart from me there are other selected candidates also who are selected and still now working. There are candidates who is never been part of any enquiry conducted by your goodself. They have been selected along with us. Further it is also a matter of record that one candidate whose name appears in the select list and who was subsequently gave up the post as he has been selected in the UPSC and whose answer scripts were part of the seizure memo is not part of this enquiry and he has never been arrested in this case in the criminal investigation and no charge sheet has been submitted against him. Whether this commission will enquire into the aforesaid facts borne out of records and whether this commission will enquire the role of the Investigating Officer of this case in conducting investigation in a pick and choose manner?

That Sir, I have cleared the Preliminary Examination on merit along with other candidates. There is no whisper of allegations against me.

That Sir, I have passed the Main Examination of 2014 and my name appears for interview. In interview, I performed considerably well and I have been selected on merit and not on the basis of any other reasons whatsoever.

That Sir, in the notice issued to me it is alleged that malpractices and anomalies are found alleged against me as revealed from the case records of criminal case of Dibrugarh PS Case No.936/2016. I specifically humbly states that I have not indulged in any malpractices and anomalies and the language in the show cause notice itself is incorrect in as much as not even a single witness in the criminal case have named me or otherwise alleged a single act of malpractice and anomalies done by me and as such the show cause notice wherein it has been stated that malpractices and anomalies are found is incorrect.

That Sir, in the Main Examination of 2014 wherein I appeared in the written test and wrote the answers to the best of my capabilities and

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submitted to the authorities concern. My role is limited to appearing in the examination and answering the questions and no further. The answer scripts were supplied by the authorities concern. The copy of the answer scripts were provided to me by the Hon'ble Special Judge, Assam in the Criminal Case. It is in my handwriting. The marking has been done by the authorities concern. The tabulation sheet is required to be filled like by the authorities concern. The marks were given in every answer answered by me and are calculated in the tabulation form. On the basis of the marks I scored in the examination, my name appeared as a selected candidate for the interview.

That Sir, whatever answer scripts were supplied to me during examination I have written my answers in that answer scripts provided to me.

That Sir, in the Show cause notice it has been stated that the answer scripts containing my handwriting is not original and not printed in the authorised Government press and does are fake answers. The aforesaid statement in the show cause notice has been made without having knowledge about the law and the facts about the instant case.

That Sir, when the word "not original" is used there should always be an "original" but here answer scripts that has been supplied to us by Hon'ble Court was the answer scripts supplied to us for writing our answers by the authority concern. There cannot be a fake answer scripts without an original. Further it is alleged that the answer scripts were not printed in the authorised Government press and does are fake answer scripts is contrary to records in as much as to an RTI reply, it has been replied by the authorities concern that Government press did not print answer scripts for the year 2013 conducted by APSC and the last order placed in the year 2019. Further as per the reply there is no standing order/notification of Government of Assam to print Answer Scripts/ Khatta of APSC at Assam Government Press. Further it is stated that this Directorate print the Answer Scripts only after receiving any specific Order. That it has come within the knowledge and being heard of the information provided with RTI that the press in

which answer scripts were printed is an authorised press to print the scripts.

[A copy of the reply under memo No. DPS/PTG(E) 72/2014/155 is enclosed herewith as ANNEXURE 1 & 2]

That Sir, in criminal law there is nothing as fake. Under the law it has to be forged answer scripts. No one has alleged that the scripts has been made by me or forged by me. Those are the answer scripts which were supplied to me during examination by the authorities. Similar answer scripts were supplied to all the candidates in examination centres across the State of Assam. The selected candidates wrote their answers in these answer scripts are not part of the enquiry. Those persons who wrote the answer scripts in the examination held in 2013 and 2014 are still working and never been part of this enquiry.

That Sir, I have written in the examination over the answer scripts which has been supplied to me and submitted to the authorities. It is my responsibility and look out as to when and where the answer scripts were printed. It is the authorities who have given me marks on the basis of the answer scripts. I was called for the interview. There is no foul play or criminal offence committed by me.

That Sir, in the show cause notice it has been stated that "it is found that with your active connivance you had been provided with fake answer scripts for the aforesaid papers in CCE-2014" is specifically denied by me. I have said that aforesaid finding is perverse finding without any iota of truth. No witness in the criminal case even whispered my name. I have not been provided with the answer scripts by the authorities concern including the candidates who appeared in the examination. If there is anything wrong with my answer scripts which has been provided by the authorities concern, then all the answer scripts provided to all the candidates all over the State of Assam are not original answer scripts.

I humbly states that as per the notice I have replied to each and every allegations levelled against me and deny each and every allegations.

levelled against me. I am a victim of the system itself without any fault on my part. I have been harassed time and again.

Yours faithfully,

Sd/- Rhituraj Neog

According to him, similar answer scripts were provided to all other candidates, but they are not within the purview of the present inquiry. Suffice is to say, that it is only in respect of fake answer scripts on which answers have been written based on which the candidates got selection, have been subjected to seizure with eventual examination/testing of the same by the Forensic Science Laboratory with the return of the finding that they are fake and not original answer scripts. Thus there is no question of all candidates being provided with fake answer scripts. This aspect of the matter has already been discussed above and needs no repetition. **Consequently, there is no hesitation in returning the finding that the selection of this candidate also is the product of fraud by way of fabrication of answer scripts writing answers on which, he could get selection with the resultant consequence of depriving meritorious candidates. There is no question of providing such fake answer scripts in the examination hall enabling the beneficiaries to write answers on them. Thus admittedly, the beneficiaries had written answers elsewhere and those fake answer scripts in replacement of earlier original and genuine ones. The testimony of the same is also borne out of the fact that the signatures of the invigilators over the fake answer scripts naturally do not tally with the original signatures of invigilators appearing in the original and genuine answer script of the same subjects, a fact revealed from the Forensic Science Laboratory.**

10. Shri Vikash Kumar Pincha :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the

then Chairman of **APSC**. His merit position in the select list **Serial No. 03** out of total **180** (all together) of which **07** were placed in the **Superintendent of Taxes** category. Thus obviously he was selected in the said category of **Superintendent of Taxes**. Pursuant to his such selection, he was appointed to **Superintendent of Taxes** and at the time of his arrest by the investigating agency on **20-02-2018**, he was serving as the **Superintendent of Taxes** at **Dhubri**.

He appeared in the **CCE (Main) 2014** with Roll No. **0914** and Optional Subjects **Political Science** and **Sociology**. Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects there were two papers each comprising of total **200** marks each (**200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **872** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him was **195** in **General Studies** (Out of 300); **198** in **General English** (out of 300); **119** in Optional **Political Science Paper-I** (out of 200); **119** in Optional **Political Science Paper-II** (out of 200); **121** in Optional **Sociology Paper-I** (out of 200); **121** in Optional **Sociology Paper-II** (out of 200); totaling to **872** out of **1400**.

In case of this candidate, as the related records and documents including the answer scripts seized during criminal investigation have revealed, it is found that all his **05 (five) answer scripts** of **General Studies Code No. 660 Book No. 1402**; **General English Code No. 636 Book No. 1404648**; **Sociology Paper-I Code No. 137 Book No. 1410543**; **Political Science Paper-I Code No. 129 Book No. 1408016** and **Political Science Paper-II Code No. 128 Book No. 1407515** containing the handwriting of this candidate are fake answer scripts (not printed in authorized Govt. press but printed in M/S Subhadeep Printers).

unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

Further, one Avisika Baruah also pleaded guilty in the related criminal case being Special Case No. 02/2017 now pending before the learned Special Judge, Assam Guwahati and became approver under section 306 of CrPC. As per her statement, she had met Shri Rakesh Kumar Paul, the then Chairman, APSC at Satsang Vihar, Bhangagarh Guwahati and paid him Rs. 10,00,000/- (Rupees ten lakhs) through one Vikash Pincha for selection in CCE 2013 in which she had appeared. She also stated that after the Main examination of CCE 2013, she was given packet containing loose answer scripts and question papers of the said examination by said Shri Pincha for rewriting, which she accordingly did and submitted the said answer scripts along with the bribe money to him for her selection.

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-11 to VOL-II of this report.

As in the other cases, in this case also, as usual the plea taken by the candidate towards responding to the show cause notice is not knowing anything regarding the fake answer scripts. His contention is that he had written answer on the answer scripts as were provided to him in the allotted examination centres. As regards the allegation made by Smt. Avisika Baruah, he had denied the same with the statement that

he had never met her and that she has concocted a false story to become approver and to escape from the punitive clutches of law.

For a ready reference, his written response is reproduced below :-

Respected Sir,

With reference to the subject cited above, I would like to inform you that I have received the notice as mentioned aforesaid as sent by speed post registered.

I have gone through the contents of the same and totally deny the allegations leveled against me. I do hereby submit my written reply/response/statement to the allegations leveled as follows:

- 1. That I totally deny the allegations leveled against me as mentioned in the notice dated. 18.07.2022.*
- 2. That the contents of the recital of the aforesaid notice that "malpractices anomalies are found alleged against you, as revealed from the case records of criminal case of Dibrugarh Police Station case No. 936/2016 (Special case no. 2/2017) pending against and others" is totally denied.*
- 3. That the allegations mentioned in the said notice dated 18.07.2022, the paragraphs are not numbered. It is not possible to refer the paragraphs by number, however I submit reply/response/statement pertaining to the those in the following paragraphs;*
 - i) That with regards to the allegations mentioned in the notice that "As per the charge sheet no.3/2017 Supplementary-II dtd. 04.01.2018 in Dibrugarh PS case no. 936/2016 (Special case no. 2/2017), the following 05 (Five) answer scripts pertaining to CCE-2014 conducted by APSC (in which you appeared) containing your handwritings are not original and not printed in the authorized Government Press and thus are fake answer scripts:*

- 1. Code No. 636 (General English) Book No. 1404648*
- 2. Code No. 660 (General Studies) Book No. 1402237*
- 3. Code No. 137 (Sociology 1st Paper) Book No. 1410543*
- 4. Code No. 129 (Pol.Science 1st Paper) Book No.1408016*
- 5. Code No. 128 (Pol. Science 2nd Paper) Book No.1407515"*

is totally denied and further it is stated that I appeared in the CCE 2014 of APSC with due diligence in the assigned examination centre at Guwahati and submitted my duly answered scripts as provided by the authority in my

own handwritings to the authorized persons/invigilators in the centre pertaining to the aforesaid papers.

Further I state that the investigation to the aforesaid Dibrugarh Police Station Case No.936/2016 was not conducted properly and the investigation was faulty and as such the Charge Sheet No.03/2017 Supplementary-III Dated 19.04.2018 is submitted without any basis and the charges are baseless and I would face the trial to prove my innocence.

ii) That with regard to the allegations mentioned in the notice that "As per FSL report....." on printing of blank answer scripts, I state that it is not my duty nor concern about the same and I submit that I duly answered in the answer scripts as provided by the authority in the allotted authorised centres in my own handwritings and submitted the same to the authorised persons/invigilators of the authorised centres.

iii) That with regard to the allegations in the notice that "... it is seen that with your active connivance, you had been provided with fake answer scripts" is totally denied and disproved the allegations and I state that I duly appeared in the authorised allotted centres and answered the questionnaires correctly in the answer scripts as provided by the authority and submitted the same to the authorised persons/invigilators of the centers.

iv) That with regard to the allegations in the notice that "Smti Avisika Baruah, a candidate shown successful in CCE 2013 has pleaded guilty.....", I state that these are baseless allegations and I totally deny the same as I never met one Avisika Baruah. The said candidate of CCE 2013, Avisika Baruah has concocted these false story to become approver to escape from punitive clutches of law.

Further I state that the investigation to the aforesaid Dibrugarh Police Station Case No.936/2016 was not conducted properly and the investigation was faulty and perfunctory and as such the Charge Sheet No.03/2017 and supplementary thereof are without any basis and the charges are baseless and I would to prove my innocence during trial.

In view of the circumstances as stated above, it is therefore prayed that Honble Commission would be pleased to consider the submissions and drop the proceedings and pass necessary order/orders exonerating me from all the charges and/or pass such order/orders as the Honble Commission may deem fit and proper.

Sd/- Vikash Kumar Pincha

Above response of the candidate is not at all convincing. The findings recorded above dealing with similar contentions will hold good for this candidate also. There is absolute substantiation of the fact that

05(five) answer scripts in which this candidate had written answers are all fake being not printed in authorized govt. press. Consequently, **the fall out thereof, will naturally follow with the finding that this candidate and for that matter his selection is also based on fakery, forgery and fraud. In the process, he had deprived other meritorious and deserving candidates. There could not have such an act of illegality unless, as in the other cases discussed above, there was active connivance on his part with the perpetrators of such fraud and malpractices.**

It will be pertinent to mention here that his wife namely Smt. Nishamoni Deka was also illegally selected adopting dubious means in CCE 2013 and was arrested in the aforementioned Dibrugarh PS Case No. 936/2016 and presently she is facing trial in related Special Case No. 02/2017 now pending before the learned Special Judge, Assam, Guwahati. Her case is already discussed elaborately in the earlier report dated 21-03-2022 of the Commission pertaining to the inquiry conducted in respect of CCE 2013.

11. Smt. Barnali Das :

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. **Her merit position in the select list is at Serial No. 34 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade).** Thus obviously she was selected in the said category of **ACS (Jr. Grade)**. Pursuant to her such selection, she was appointed to **ACS (Jr. Grade)** and at the time of her arrest by the investigating agency on **18-07-2018**, she was serving as the **Assistant Commissioner, Goalpara.**

She appeared in the **CCE (Main) 2014** with Roll No. **0700270** and Optional Subjects **Sociology** and **History**. Be it stated

here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **851** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by her are **196** in **General Studies** (Out of 300); **188** in **General English** (out of 300); **121** in Optional **Sociology Paper-I** (out of 200); **110** in Optional **Sociology Paper-II** (out of 200); **116** in Optional **History Paper-I** (out of 200) and **120** in Optional **History Paper-II** (out of 200) totaling to **851** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that all her **06 (Six) answer scripts of General Studies Code No. 198 Book No. 1400276; General English Code No. 189 Book No. 1403976; Sociology Code No. 339 Book No. 1410173; Sociology Paper-II Code No. 336 Book No. 1411719; History Paper-I Code No. 18 Book No. 1408639 and History Paper-II Code No. 18 Book No. 1409552** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to **Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul**). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking her response to the above malpractice.



For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure- 12 to VOL-II of this report.

Pleading prejudice to her defence in the related criminal case mentioned above, she in her written reply has declined to offer any comment as the same, according to her will lead to miscarriage of justice and she will suffer irreparable loss. However, she has generally denied the allegations with the plea that she had no hands to temper with the answer scripts.

For a ready reference, her written response is reproduced below :-

Sir,

That sir the above mentioned notice has been duly received by me and on perusal of the notice dated July 30, 2022, at the outset for the sake of brevity and to avoid prolixity, I deny and dispute all the allegations against me.

That sir in response to your aforesaid notice dated 30.07.2022, I humbly begs to state that paragraph No.3 of your notice itself reflects that the allegation are based on case records of Dibrugarh Police Station Case No. 936/ 2017 (Special Case No. 2/ 2017) and which is a sub judice matter, pending for trial therefore any opinion or comments on the basis of such at this stage will lead to miscarriage of justice and the applicant will suffer irreparable loss. That sir, as regard to the allegation as to fake answer scripts or whatsoever may be it has to be seen and understood as a whole that that I am not in a capacity to produce or carry any fake or any answer scripts to the examination centre neither I have any ability to tamper with it and the answer scripts which were furnished at the examination centre are properties of APSC and remain in the custody of APSC.

That sir the allegations made in the aforesaid charge sheet are false and baseless, as I am no where related to the case. That I have been made a sacrificial goat just to make out a case of the prosecution.

That I further submits that only mere allegation does not prove a person guilty and a reasonable opportunity must be given to prove once innocence in a proper platform and for which a criminal case is already pending before Special Judge Assam being numbered Special Case No. 2/2017 and the same is presently at the stage of evidence and I hereby deny all the allegations levied against me as those are false and baseless. Therefore I humbly request the Hon'ble Enquiry Commission to accept this reply and not to proceed any further against me in the enquiry.

Thanking you in anticipation

*Yours faithfully,
Sd/- Barnali Das*

Such kind of defence before the inquiry Commission constituted as per the provisions of **Commission of Inquiry Act, 1952** is of no significance. The fact of the matter is that her all the answer scripts in which she had written answers pertaining to her subjects both compulsory and optional are all fake being not printed in the authorized Govt. Press, but printed in the printing press of **Shri Rajeev Paul**, who incidentally is the own brother of **Shri Rakesh Kumar Paul**, the then Chairman, **APSC**. Any amount of shunning ignorance cannot help the case of the candidate when the illegality founded on fraud is so glaring on the face of it. **Such an act could not have been possible without her active connivance with the perpetrators of fraud, fakery and forgery and it need no repetition that in the process, many deserving and meritorious candidates were deprived of selection and appointment.**

12. Smt. Deepshika Phukan :

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. **Her merit position in the select list is at**

Serial No. 33 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade). Thus obviously she was selected in the said category of ACS (Jr. Grade). Pursuant to her such selection, she was appointed to ACS (Jr. Grade) and at the time of her arrest by the investigating agency on 18-07-2018, she was serving as the Circle Officer, Baitamari.

She appeared in the CCE (Main) 2014 with Roll No. 0916232 and Optional Subjects Political Science and Law. Be it stated here that the common subjects for the Main Examination were General English and General Studies carrying total 300 marks each ($2 \times 300 = 600$). Be it further stated here that for two optional subjects, there were two papers each comprising of total 200 marks each ($4 \times 200 = 800$) thus totaling to 1400. As reflected in the Final Tabulation Sheet, this candidate has secured total 817 marks out of 1400. As per the said Final Tabulation Sheet, subject wise mark secured by her are 215 in General Studies (Out of 300); 219 in General English (out of 300); 55 in Optional Political Science Paper-I (out of 200); 122 in Optional Political Science Paper-II (out of 200); 88 in Optional Law Paper-I (out of 200) and 118 in Optional Law Paper-II (out of 200) totaling to 817 out of 1400.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that 03 (three) answer scripts of General Studies code No. 727 Book No. 1402317; General English Code No. 698 Book No. 1404871 and Political Science Paper-II Code No. 150 Book No. 1407574 containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science

Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking her response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-13 to VOL-II of this report.

In the written statement submitted in response to the show cause notice, the candidate who incidentally, as it appears, is the own sister of Shri Bhargav Phukan at SI.01 above, has urged more or less the same grounds like that of her said brother. Additionally, she has also taken the plea that the **Supplementary Charge Sheet No. VI dated 14-09-2018** said to be submitted in the related criminal case and so far the same relates to her is contrary to the Forensic Science Laboratory opinion 27-03-2017. According to her, on perusal of the opinion nos. 2, 4 and 6 of the said report, the alleged fake answer scripts as stated in the Charge Sheet dated 14-09-2018 are indeed not fake as the same are found to be tallying with the supplied standard documents provided by the I/O to the FSL so as to compare them with the questioned and disputed answer scripts.

For a ready reference, her written response is reproduced below :-

Sir,

In response to the Notice No. BKS/COM/IN/APSC-CCE 2014/2022/07/39 dated: 30.07.2022 issued by your good office which due to unforeseen circumstances was received by me only on 09.09.2022, I, the undersigned most humbly beg to state that, since the issues herein are already pending consideration before the Learned Special Judge, Guwahati (Special Case No. 2 / 2017) and as such, I would not like to respond to



anything further apart from denying all the allegations made in Supplementary - VI dated: 14.09.2018 corresponding to Charge Sheet No. 03 / 2017 filed by the Investigating Officer in connection with Dibrugarh Police Station Case No. 936 / 2016 as the same is motivated with an intention that cannot be stated as bonafide or just in nature and consequences that followed accordingly.

Apart from the above, I would most humbly like to draw your kind attention to the fact that CCE 2014 was conducted as per procedure laid down under The Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010 which was in force at that relevant point of time and the said rules are completely silent regarding the need/ necessity of printing the answer scripts concerned under authorized Government Press. Rule 41 under Chapter - IV to the said rules only says that "Printing press shall be answerable for maintaining secrecy and Principal Controller of Examinations will issue instructions to ensure secrecy". Moreover in the website of Director of Printing and Stationery, Government of Assam, a district wise list is enclosed dated: 04.10.2016 as list of Government approved and registered private printing presses under A, B and C category and the name of M/s Subhadeep Printers is listed under Serial No. 73 under the District of Kamrup (Assam). Another aspect, I would like to highlight is the fact that being a candidate, it was never my prerogative to determine whether or not the answer scripts that were supplied to us in the designated examination centers were printed in the Government Press or any other private printing press duly authorized and registered under the Government of Assam.

Furthermore, I would also like to highlight that the findings recorded by the Investigating Officer in the Supplementary Charge Sheet No. VI dated 14.09.2018 as far as the same are related to me are in fact contrary to the opinion of the Forensic Science Laboratory dated 27.03.2017 wherein from perusal of the opinion numbers 2, 4 and 6, it comes to light that the alleged fake answer scripts as stated in the Charge Sheet dated 14.09.2018 are indeed not fake as the same are found to be tallying with the supplied standard documents provided by the Investigating Officer to the

Forensic Science Laboratory so as to compare them with the questioned and disputed answer scripts. For example in Book Number 1404871 (General English) whose logo on top has been marked as Questioned Logo (QL) 34 by the Investigation Officer is found to be genuine and produced from the same source as that of the supplied standard materials of the Investigating Authority as per the Forensic Opinion dated 27.03.2017 which has been supplied to me by the Court of Learned Special Judge, Guwahati in compliance of Section 207 of the Code of Criminal Procedure, 1973. In the other two books being numbered as 1402317 (General Studies) and 1407574 (Political Science Second Paper), the disputed logos have been marked as QL35 and QL33 and they are also found to be genuine as per the said opinion dated 27.03.2017 which is enclosed along with this reply for your Honour's kind perusal.

With the aforesaid, I hereby rest my response with a humble prayer that the aforesaid factual matters are duly taken note of by your humble office.

Thanking You,

*Yours faithfully,
Sd/-Deepsikha Phukan*

Documents Enclosed:

The aforesaid additional plea is not supported by any authentic documents and for that matter FSL report. What she has relied upon is the **FSL report No. DFS/QDS: 349/2016 dated 27-03-2017 (Enclosure-3)** with which the present inquiry is not at all concerned. The said report pertains to **CCE 2013** and not **CCE 2014** with which the present inquiry and so also the candidate is concerned. It will be pertinent to mention here that the seizure of answer scripts pertaining to **CCE 2014** took place on 18-05-2017. Thus there is no question of there being FSL examination of the questioned answer scripts before such seizure on 27-03-2017.

On perusal of the said seizure list dated 18-05-2022, the candidate's **06(six)** answer scripts which were seized, it is found that

03(three) of her answer scripts of **General Studies Code No. 727 Book No. 1402317; General English Code No. 698 Book No. 1404871 and Political Science Paper-II Code No. 150 Book No. 1407574** as indicated in the show cause notice, had also been seized along with other answer scripts of candidates. It was only thereafter, they were sent for FSL examination and report. The FSL vide its report dated 20-02-2018 as mentioned above, certified that among others, her aforesaid **03(three)** are also fake. In this connection, the specific findings indicating the allotted book nos. of this candidate is reproduced below:

1. The answer scripts of ASSAM PUBLIC SERVICE COMMISSION (APSC) Examination (Main 2014) bearing Book Nos.....1404871, 1402317 are fake books in respect of geometrical dimensions of printed matters including logo, format of 1st page etc.

4. There are marks of alteration in the Book No. 1407574 of APSC Examination (Main 2014) by the process of addition, overwriting over the original marks scored in the examination thereby indicating that aforesaid book is fake book and the altered marks are given in the table-I.

In view of the above, the defence put forwarded by the candidate has no legs to stand. Her own explanation has shown its un-tenability and fallacy. **Accordingly, she cannot escape from her culpability in the matter of her illegal selection in CCE 2014 which needless to say deprived other genuine candidates.**

13. Shri Gulshan Daolagupu:

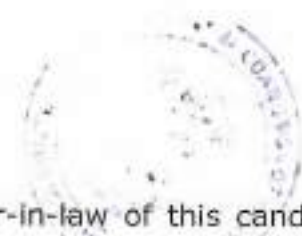
He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC. His merit position in the select list is at Serial No. 07 out of total 180 (all together) of which 47 were placed in the APS (Jr. Grade) category.** Thus obviously he was selected in the said category of APS (Jr. Grade). Pursuant to his such selection, he was appointed to APS (Jr. Grade) and at the time of his

arrest by the investigating agency on **18-07-2018**, he was serving as the **Deputy Superintendent of Police, Karbi-Anlong**.

He appeared in the **CCE (Main) 2014** with Roll No. **0911155** and Optional Subjects **Political Science** and **History**. Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **843** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **129** in **General Studies** (Out of 300); **211** in **General English** (out of 300); **134** in Optional **Political Science Paper-I** (out of 200) and **135** in Optional **Political Science Paper-II** (out of 200); **104** in Optional **History Paper-I** (out of 200); **130** in Optional **History Paper-II** (out of 200); totaling to **843** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **04 (five) answer scripts of General English Code No. 473 Book No. 1404387; History Paper-II Code No. 50 Book No. 1408664; Political Science Paper-I Code No. 74 Book No. 1407378 and Political Science Paper-II Code No. 74 Book No. 1408140** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in **M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul**). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report**.

In course of inquiry pertaining to CCE 2013 also conducted under the Chairmanship of undersigned, one **Dr. Mrigen Saikia**, the then Sub Divisional Medical Officer, Veterinary Department in his statement



made before the Commission stated that father-in-law of this candidate namely **Shri Pradip Nunisa** had handed over **Rs. 50,00,000/- (fifty lakh)** to him to be paid to **Shri Rakesh Kumar Paul** for securing a job for this candidate through **APSC**. Pursuant to such gratification, this candidate got selection with inclusion of his name in merit list of **CCE 2014**.

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-14 to VOL-II of this report.

In this case also, the candidate in his reply dated 12-08-2022, has contended that **M/S Subhadeep Printers** is a Govt. approved and registered private printing press and that it was not his prerogative to know as to whether the answer scripts furnished in the examination centres had been printed in the Assam Govt. Press or any other private printing press. He has declined to respond to the allegation on the ground of pendency of the Criminal case being **Special Case No. 02/2017**. As regards the statements of **Shri Mrigen Saikia** as disclosed in the show cause notice, he had denied the same as being false, fabricated and manipulated. His further stand is that **Shri Mrigen Saikia** also being involved in the said aforesaid criminal case is in the same footing like that of him.

For a ready reference, his written response is reproduced below:

Sir,

In response to the Notice No. BKS/COM/IN/APSC-CCE 2014/2022/07/38 dated: 30.07.2022 issued by your good office which was received by me on 10.08.2022, I, the undersigned most humbly beg to state that, since the issues therein are already pending consideration before the Learned Special Judge, Guwahati (Special Case No. 2 / 2017) and as such, I would not like to respond to anything further apart from denying all the allegations made in Supplementary - VI dated: 14.09.2018 corresponding to Charge Sheet No. 03 / 2017 filed by the Investigating Officer in connection with Dibrugarh Police Station Case No. 936/2016 as the same is motivated with an intention that cannot be stated as bonafide or just in nature and consequences that followed accordingly.

In regards to the statement of one Dr. Mrigen Saikia, as mentioned in your notice, I would like to vehemently deny the same as false, fabricated and manipulated while bringing to your notice the fact, that no copy of such statement has been forwarded along with this notice for my perusal as required under the rules of natural justice and administrative fair play. Furthermore, to my knowledge and on perusal of the documents supplied to me by the Learned Special Judge, Guwahati in compliance of section 207 of the Code of Criminal Procedure, 1973, it comes to light that till date, no such statement has been recorded under section 164 of the Code of Criminal Procedure, 1973 by the Learned Trial Court which clearly creates a genuine and authentic doubt about the veracity of statement if any made before your good office in connection with CCE - 2013 by Dr. Mrigen Saikia who is otherwise in an equivalent footing as that of me, when it comes to the criminal case pending before the Learned Special Judge, Guwahati being a Co-Accused and hence his statement if any, has no legal substance attached to it until and unless backed up by other material particulars.

Apart from the above, I would most humbly like to draw your kind attention to the fact that CCE - 2014 was conducted as per procedure laid down under The Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010 which was in force at that relevant point

of time and the said rules are completely silent regarding the need / necessity of printing the answer scripts concerned under authorized Government Press. Rule 41 under Chapter - IV to the said rules only says that "Printing press shall be answerable for maintaining secrecy and Principal Controller of Examinations will issue instructions to ensure secrecy". Moreover in the website of Director of Printing and Stationery, Government of Assam, a district wise list is enclosed dated: 04.10.2016 as list of Government approved and registered private printing presses under A, B and C category and, in that list, the name of M/s Subhadeep Printers is listed under Serial No. 73 under the District of Kamrup (Assam). Another aspect, I would like to

highlight is the fact that being a candidate, it was never my prerogative to determine whether or not the answer scripts that were supplied to us in the designated examination centers were printed in the Government Press or any other private printing press duly authorized and registered under the Government of Assam.

With the aforesaid, I hereby rest my response with a humble prayer that the aforesaid factual matters are duly taken note of by your humble office.

Thanking You,

Yours faithfully,

Sd/- SHRI GULSHAN DAOLAGUPU

With the above stand, the candidate has tried to furnish defence in respect of the allegation of **04(four)** answer scripts on which he had written answers being fake and not printed in the authorized Govt. Printing Press, but printed in unauthorized private press **M/S Sudhadeep Printing Press** details of which are already discussed above. **Thus the findings recorded in respect of the candidates already discussed above are equally applicable to this case also. Consequently it is held that this candidate also is the product of fraudulent selection which naturally deprived genuine and meritorious candidates from being selected. There cannot be any denial that unless there was**

active connivance on the part of the candidate, there could not have been such fraudulent selection. There cannot be any earthly reason as to why only the candidates under discussion in this chapter would be picked up for furnishing with fake answer scripts for writing answers unless there were ill motives for providing illegal selection and appointment and in the process depriving deserving candidates. It is in this context the voluntary statement of Dr. Mrigen Saikia will have to be considered irrespective of denial of the same by the candidate.

14. Smt. Leena Krishna Kakati :

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. Her merit position in the select list is at Serial No. 30 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade). Thus obviously she was selected in the said category of ACS (Jr. Grade). Pursuant to her such selection, she was appointed to ACS (Jr. Grade) and at the time of her arrest by the investigating agency on 18-07-2018, she was serving as the Circle Officer, Sidli.

She appeared in the CCE (Main) 2014 with Roll No. 0917064 and Optional Subjects Political Science and Anthropology. Be it stated here that the common subjects for the Main Examination were General English and General Studies carrying total 300 marks each (2 x 300 = 600). Be it further stated here that for two optional subjects, there were two papers each comprising of total 200 marks each (4 x 200 = 800) thus totaling to 1400. As reflected in the Final Tabulation Sheet, this candidate has secured total 850 marks out of 1400. As per the said Final Tabulation Sheet, subject wise mark secured by her are 199 in General Studies (Out of 300); 177 in General English (out of 300); 125 in Optional Political Science Paper-I (out



of 200); **120** in Optional **Political Science Paper-II** (out of 200); **124** in Optional **Anthropology Paper-I** (out of 200) and **105** in Optional **Anthropology Paper-II** (out of 200) totaling to **850** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **04 (three) answer scripts of General Studies Code No. 784 Book No. 1402301; Political Science Paper-I Code No. 506 Book No. 1406551; Political Science Paper -II Code No. 503 Book No. 1406957 and Anthropology Paper-I Code No. 12 Book No. 1411252** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking her response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-15 to VOL-II of this report.

In the written reply dated 16-08-2022, the candidate while denying the allegations reflected in the show cause notice has stated that since the matter is sub-judice in the related criminal case i.e. **Special Case No. 02/2017**, any opinion or comments at this stage would lead to miscarriage of justice.

For a ready reference, his written response is reproduced below:

✓

Sir,

That sir the above mentioned notice has been duly received by me and on perusal of the notice dated July 30, 2022, at the outset for the sake of brevity and to avoid prolixity, I deny and dispute all the allegations against me.

That sir in response to your aforesaid notice dated 30.07.2022, I humbly begs to state that paragraph No.3 of your notice itself reflects that the allegation are based on case records of Dibrugarh Police Station Case No. 936/ 2017 (Special Case No. 2/ 2017) and which is a sub judice matter, pending for trial therefore any opinion or comments on the basis of such at this stage will lead to miscarriage of justice and the applicant will suffer irreparable loss. That sir, as regard to the allegation as to fake answer scripts/ fake signature or whatsoever may be it has to be seen and understood as a whole that that I am not in a capacity to produce or carry any fake or any answer scripts to the examination centre neither I have any ability to tamper with it and the answer scripts which were furnished at the examination centre are properties of APSC and remain in the custody of APSC.

That sir the allegations made in the aforesaid charge sheet are false and baseless, as I am nowhere related to the case. That I have been made a sacrificial goat just to make out a case of the prosecution.

That I further submits that only mere allegation does not prove a person guilty and a reasonable opportunity must be given to prove once innocence in a proper platform and for which a criminal case is already pending before Special Judge Assam being numbered Special Case No.2/ 2017 and the same is presently at the stage of evidence and I hereby deny all the allegations levied against me as those are false and baseless. Therefore I humbly request the Hon'ble Enquiry Commission to accept this reply and not to proceed any further against me in the enquiry.

Thanking you in anticipation

Yours faithfully,
Sd/- Leena Krishna Kakati

As already discussed and pointed out above, the scope, ambit and jurisdiction of both the proceedings i.e. the criminal proceeding and the instant judicial inquiry proceeding are quite distinct and different. But the response sought from the candidate was as to how her answer scripts as mentioned in the show cause notice could be duplicate ones and for that matter fake being not printed in the authorized Govt. printing press unless there was active connivance on the part of the candidate with the perpetrators of fraud and malpractices in conduct of **CCE 2014**. The matter needs no elaboration as such as the facts as disclosed in the show cause notice like that of the other candidates discussed above stare on the face of it. **This being the position there cannot be any second opinion that the selection of this candidate is also based on fakery, forgery and fraudulent transactions which naturally led to deprivation of other deserving candidates. Thus this selection is also cannot be sustained.**

15. **Smt. Monika Teronpi :**

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. **Her merit position in the select list is at Serial No. 17 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade).** Thus obviously she was selected in the said category of **ACS (Jr. Grade)**. Pursuant to her such selection, she was appointed to **ACS (Jr. Grade)** and at the time of her arrest by the investigating agency on **18-07-2018**, she was serving as the **Assistant Commissioner, Kokrajhar.**

She appeared in the **CCE (Main) 2014** with Roll No. **0600236** and Optional Subjects **Sociology** and **Economics**. Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x**

200= 800) thus totaling to 1400. As reflected in the Final Tabulation Sheet, this candidate has secured total 844 marks out of 1400. As per the said Final Tabulation Sheet, subject wise mark secured by her are 143 in General Studies (Out of 300); 195 in General English (out of 300); 120 in Optional Sociology Paper-I (out of 200); 121 in Optional Sociology Paper-II (out of 200) ; 138 in Optional Economics Paper-I (out of 200) and 127 in Optional Economics Paper-II (out of 200); totaling to 844 out of 1400.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that 05 (five) answer scripts of General English Code No. 165 Book No. 1403940; Economics paper-I Code No. 13 Book No. 1407738; Economics Paper -II Code No. 13 Book No. 1408564; Sociology Paper-I Code No. 30 Book No. 1410426 and Sociology Paper-II Code No. 29 Book No. 1410600 containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as Annexure- 01 to VOL-II of this report.

With the above revelations, the candidate was issued with the show cause notice dated 30-07-2022 seeking her response to the above malpractice.

For a ready reference, the show cause notice dated 30-07-2022 is annexed as Annexure-16 to VOL-II of this report.

As in the other cases discussed above, in this case also, the candidate in her reply dated 11-08-2022 while generally denying the allegations, has also stated that since the matter is sub-judice in the



related criminal case, it would not be prudent to disclose her defence. As regards the answer scripts being not printed in the authorized Govt. Press, but in the private press under the name and style **M/S Sudhadeep Printers**, she has also taken the plea that the said press is a Govt. approved press, unmindful of the fact that merely being in the Govt. approved list, the same by itself does not permit printing of **APSC** examination answer scripts unless specifically authorized. As already indicated above umpteen number of times, the said private press belongs to **Shri Rajeev Paul**, the own brother of **Shri Rakesh Kumar Paul**, the then Chairman, **APSC**, who incidentally because of his involvement in the entire episode was behind the bars for more than **06 years**. On the other hand **Shri Rajeev Paul** has done the act of vanishing and there is no clue regarding his whereabouts.

For a ready reference, her written response is reproduced below:-

Sir,

That sir the above mentioned notice has been duly received by me and on perusal of the notice dated July 30, 2022, at the outset for the sake of brevity and to avoid prolixity, I deny and dispute all the allegations against me.

That sir in response to your aforesaid notice dated 30.07.2022, I humbly begs to state that paragraph No.3 of your notice itself reflects that the allegation are based on case records of Dibrugarh Police Station Case No. 936/ 2017 (Special Case No. 2/ 2017) and which is a sub judice matter, pending for trial therefore any opinion or comments on the basis of such at this stage will lead to miscarriage of justice and the applicant will suffer irreparable loss. That sir, as regard to the allegation as to fake answer scripts/ fake signature or whatsoever may be it has to be seen and understood as a whole that that I am not in a capacity to produce or carry any fake or any answer scripts to the examination centre neither I have any

ability to tamper with it and the answer scripts which were furnished at the examination centre are properties of APSC and remain in the custody of APSC.

That sir the allegations made in the aforesaid charge sheet are false and baseless, as I am nowhere related to the case. That I have been made a sacrificial goat just to make out a case of the prosecution.

That I further submits that only mere allegation does not prove a person guilty and a reasonable opportunity must be given to prove once innocence in a proper platform and for which a criminal case is already pending before Special Judge Assam being numbered Special Case No.2/2017 and the same is presently at the stage of evidence and I hereby deny all the allegations levied against me as those are false and baseless. Therefore I humbly request the Hon'ble Enquiry Commission to accept this reply and not to proceed any further against me in the enquiry.

Thanking you in anticipation

Yours faithfully,
Sd/- Leena Krishna Kakati

In view of the above, there is no manner of doubt that this candidate is also beneficiary of illegal selection founded on fakery, forgery and fraud and she was working hand in gloves with the perpetrators of said illegality depriving deserving ones.

16. **Shri Prasenjit Kumar Ghosh :**

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. His merit position in the select list is at Serial No. 02 out of total 180 (all together) of which 07 were placed in the District Transport Officer (DTO) category. Thus obviously he was selected in the said category of DTO. Pursuant to his such selection, he was appointed to DTO and at the time of his arrest by the investigating agency on 18-02-2018, he was serving as the District Transport Officer, Sonitpur.

He appeared in the **CCE (Main) 2014** with Roll No. **0907716** and Optional Subjects **Education** and **Sociology**. Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **886** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **206** in **General Studies** (Out of 300); **204** in **General English** (out of 300); **129** in Optional **Education Paper-I** (out of 200) and **121** in Optional **Education Paper-II** (out of 200); **101** in Optional **Sociology Paper-I** (out of 200); **125** in Optional **Sociology Paper-II** (out of 200); totaling to **886** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **03 (three) answer scripts of General English Code No. 396 Book No. 1404273; Sociology Paper-II Code No. 98 Book No. 1411075 and Education Paper-I Code No. 363 Book No. 1409284** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

In course of inquiry pertaining to **CCE 2013** also conducted under the Chairmanship undersigned, one **Dr. Mrigen Salkia**, the then Sub Divisional Medical Officer, Veterinary Department in his statement made before the Commission stated that this candidate got the selection

for the post of **DTO** in **CCE 2014** in lieu of a white coloured Renault Duster car, which was demanded by **Rakesh Kumar Paul** for **Satsang Vihar**.

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-17 to VOL-II of this report.

As in the other cases, in this case also, the candidate in his written response dated 11-08-2022 has generally denied the allegations with the plea that going by the nature of allegations, the Commission has already declared him guilty. With such general denial, he has prayed for dropping the proceeding against him.

For a ready reference, his written response is reproduced below:-

Madam,

I have received the notice dated 30-6-2022 issued by you calling me upon to respond to certain allegations brought against me by way of a written statement I am responding to the said notice as herein above.

That Madam, it is a fact that I appeared in the CCE-2014 with Roll No.0907716 and got selected with inclusion of my name in the Final select list and eventually appointed as DTO.

That it is also a fact that the charge sheet is submitted in Dibrugarh P.S Case No.936 of 2016 and in the said Charge Sheet the allegations mentioned in the present notice are there. I, however deny such allegation of preparing fake answer scripts. I further deny the suggestion that I have active connivance in getting fake answer scripts for the papers mentioned in the notice. I deny that hand writings in the answer scripts of General English, Education (1st Paper) and Sociology (2nd Paper) do not contain



my handwriting and that the answer scripts are not printed in the authorized Govt. Press.

Since I have not been provided with the copy of statement of one Dr. Mrigen Saikia who alleged that for selection for the post of DTO in CCE of 2014, I had gifted a Renault Duster car as demanded by Rakesh Paul, it is difficult for me to give an effective reply to such alleged statement. However, I categorically deny such statement made by Dr. Mrigen Saikia. In absence of cogent material such wild allegations cannot be accepted.

Madam, it seems the basic allegations in the notice are based on the C.S submitted by the police in connection with Dibrugarh P.S Case No.936 of 2016. The said allegations has not yet been proved before the court of law and still are only allegations. When the allegations made in the C.S are yet to be proved by following procedure established by law, it is not understandable as to how this Hon'ble Commission can take notice of the same and proceed against me. Since the criminal proceeding and the present proceeding are based on same set of facts and materials this Hon'ble Forum ought not to have proceeded against me till appropriate criminal court gives its finding on the charged brought against me.

Madam, from the language of the notice it is apparent that the Hon'ble Commission has already declared me as guilty. I am quoting the following three lines from the notice dated 30-07-2022:

"As per the FSL report, the above mentioned answer scripts were printed in the press under name and style "M/S-Subhadeep Printers" at Bhangagarh, Guwahati, owner of which was Shri Rajeev Paul, brother of Shri Rakish Paul (the then Chairman of APSC)." "From the above revelations, it is seen that with your active connivance, you had had been provided with fake answer scripts for the aforesaid papers in the CCE-2014."

"In course of inquiry pertaining to CCE, 2013 also conducted under the Chairmanship of Hon'ble Justice B.K Sharma, Former Judge, one Dr. Mrigen Saikia, the then Sub-Divisional Medical Officer, Veterinary Department in his statement made before the Commission stated that you

got the selection for the post of DTO in CCE, 2014 in lieu of a white coloured Renault Duster car, which was demanded by Rakesh Kumar Paul for Satsanga Vihar."

From the language used it is clear that the Hon'ble Commission declared me as guilty even before hearing my side of the story.

Madam, I have cleared CCE, 2014 examination on merit and without indulging in any kind of omissions and commissions. I have been made a scapegoat without having committed any wrong.

I, therefore pray before the Hon'ble Commission to drop the proceeding against me by taking into account the response submitted by me.

With regards

Yours Sincerely
Sd/- Prasenjit Kumar Ghosh

Having regard to the specific allegations, it was incumbent on the part of the candidate to effectively deal with each one of the same instead of beating around the bush. **Situated thus, coupled with the materials as disclosed in the show cause notice, the Commission has no hesitation to hold that this candidate and for that matter, his selection is also based on malpractices with the desired outcome of getting selection to the post of DTO, no matter other deserving candidates are deprived of such selection in the process.**

17. Shri Saibur Rahman Barbhuiya :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC. His merit position in the select list is at Serial No. 15 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade) category.** Thus obviously he was selected in the said category of ACS (Jr. Grade). Pursuant to his such selection, he was appointed to ACS (Jr. Grade) and at the time of his

arrest by the investigating agency on 18-07-2018, he was serving as the **Circle Officer, Algapur.**

He appeared in the **CCE (Main) 2014** with Roll No. **0917267** and Optional Subjects **Education** and **History**. Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **842** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **207** in **General Studies** (Out of 300); **185** in **General English** (out of 300); **114** in Optional **Education Paper-I** (out of 200); **101** in Optional **Education Paper-II** (out of 200); **117** in Optional **History Paper-I** (out of 200) and **118** in Optional **History Paper-II** (out of 200) totaling to **842** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **04 (five) answer scripts of General Studies Code No. 804 Book No. 1400808; Education Paper-I Code No. 139 Book No. 1408943; History Paper-I Code No. 122 Book No. 1409707; History Paper-II Code No. 120 Book No. 1408841** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 30-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 30-07-2022 is annexed as Annexure-18 to VOL-II of this report.

As in the other cases discussed above, in his case also, the candidate in his written reply dated 07-08-2022 has denied the allegations with the plea that as the matter is sub-judice in the related criminal case, he is not in a position to respond in detail the allegations as the same might hamper his defence and cause prejudice in the criminal trial.

For a ready reference, his written response is reproduced below:-

Respected Madam,

With respect to the subject cited above, I beg to inform you that I have received the notice from your end on 3rd August 2022. I have perused the content of the same wherein I have been directed to respond in the form of written statement to the allegation against me arising out of Dibrugarh PS Case No 936/16.

Kindly be informed that a Criminal Case is pending before the Hon'ble Special Judge, Assam (Special Case No 02/2017) based upon same allegations in which I have been implicated and is currently facing trial. In response to your notice referred above, I deny all the allegations levelled against me in page 1 and 2 of the aforesaid notice.

As the matter is now sub-judice and the trial is going on, unfortunately, I am not in a position to respond the detail the allegation charged as it may hamper the defense and prejudice me in my Criminal Trial.

Therefore, I humble request the Hon'ble Inquiry Commission to accept this reply against the notice served and not proceed any further against me in the enquiry during the pendency of the aforesaid case.

*Yours Sincerely
Sd/- Saibur Rahman
Barbhuyan*



Thus as in the other cases, in this case also, there is no denial for the specific allegations and the modus operandi leading to illegal selection to the coveted post of ACS (Jr. Grade). No further analytical discussion is required as the same are already available in respect of other such candidates discussed above. **Accordingly, it is held that the candidate is guilty of illegal selection and but for his active connivance in the process, such an act would not have been possible. Needless to say, that such illegality has led to illegal deprivation of other deserving candidates.**

18. **Smt. Srabanti Sengupta :**

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. **Her merit position in the select list is at Serial No. 26 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade).** Thus obviously she was selected in the said category of **ACS (Jr. Grade)**. Pursuant to her such selection, she was appointed to **ACS (Jr. Grade)** and at the time of her arrest by the investigating agency on **18-07-2018**, she was serving at the **DC Office, Barpeta.**

She appeared in the **CCE (Main) 2014** with Roll No. **0501408** and Optional Subjects **Political Science** and **Sociology**. Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **836** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by her are **177** in **General Studies** (Out of 300); **212** in **General English** (out of 300); **124** in Optional **Political Science Paper-I** (out of 200); **88** in Optional **Political Science Paper-II** (out of 200); **115** in Optional

Sociology Paper-I (out of 200) and **120** in Optional **Sociology Paper-II** (out of 200) totaling to **836** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **04 (four) answer scripts of General English code No. 121 Book No. 1403849; Sociology Paper-I Code No. 315 Book No. 1411143; Sociology Paper -II Code No. 312 Book No. 1411697 and Political Science Paper-I Code No. 407 Book No. 1406448** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking her response to the above malpractice.

For a ready reference, the show cause notice dated 30-07-2022 is annexed as Annexure- 19 to VOL-II of this report.

In this case also, the candidate in her undated written response receipt on 10-08-2022 while generally denying the allegation without any specific reference and/or evidence, has also taken the plea of pendency of the related criminal case and as such, any disclosure at this stage might caused prejudice to her defence in the said criminal case.

For a ready reference, her written response is reproduced below:-

Respected Sir,

With Reference to the Subject stated above I, Smt. Srabanti Sengupta, daughter of Chandan Kumar Sengupta Resident of Village

Kuntala Bhawan, Kadamoni, Dibrugarh, Assam, have the Honour to state and submit as follows:-

1. That, the Notice as referred to above was served upon me very recently, wherefrom I could learn that the Government of Assam, has constituted this Hon'ble Commission of inquiry to enquire into (i) the allegations of anomalies and malpractices in conduct of CCE-2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

2. That, I appeared in the CCE-2014 Examination with Roll No. 0501408 and got selected with inclusion of my name in the final select list and eventually appointed to ACS.

3. That, in Dibrugarh Police Station Case No. 936/2016 corresponding to Special Case No. 02/2017 in Charge sheet No. 03/2017 Supplementary- VI Dated 14/09/2018 I have been arraigned as accused No.49.

4. That, the Hon'ble Court of Special Judge, Assam at Guwahati was pleased to pass an Order dated 11/10/2018 allowing me to remain on bail and since then I have been regularly appearing before the Hon'ble Court of Special Judge, Assam at Guwahati on every date fixed and facing the trial in aforesaid Criminal case.

5. That, in trial before the Hon'ble Court of Special Judge, Assam at Guwahati I denied all the allegations leveled against me in the Charge-sheet No. 03/2017 Supplementary-VI Dated 14/09/2018 wherein I have been arraigned as accused No.49.

6. That, in response to your notice referred above I deny all the allegations levelled against me at page no. 1 and 2 of the aforesaid Notice.

7. That, at present I am facing the Criminal trial of the aforesaid Dibrugarh Police Station Case No. 936/2016 corresponding to Special Case No. 02/2017 before the Hon'ble Court of Special Judge, Assam at Guwahati.

and hence the matter has now become sub-Judice and as such, it is not proper on my side to disclose and comment anything over a sub-Judice matter, which if disclosed, is likely to cause serious prejudice to me and will ultimately seriously hamper me in defending myself in the ongoing trial and, therefore, I request you to keep in abeyance the inquiry initiated against me by this Hon'ble Commission.

Thus, under the aforesaid circumstances, I pray before this Hon'ble Commission that taking the aforesaid facts and circumstances into consideration, this Hon'ble Commission would be pleased to drop/close the Proceedings against me, and/or keep in abeyance the inquiry initiated against me by this Hon'ble Commission, and for this act of kindness, the undersigned, as in duty bound, shall ever pray. Kindly be informed that a Criminal Case is pending before the Hon'ble Special Judge, Assam (Special Case No. 02/2017) based upon same allegations in which I have been implicated and is currently facing trial. In response to your notice referred above, I deny all the allegations levelled against me in page 1 and 2 of the aforesaid notice.

As the matter is now sub-judice and the trial is going on, unfortunately, I am not in a position to respond in detail the allegations charged as it may hamper the defense and prejudice me in my Criminal Trial.

Therefore, I humbly request the Hon'ble Inquiry Commission to accept this reply against the notice served and not to proceed any further against me in the enquiry during the pendency of the foresaid case.

Yours sincerely

Sd/- Smt. Srabanti Sengupta
Village Kuntala Bhawan,
Kadamoni, Dibrugarh, Assam

Above being the explanation, in this case also, the candidate is found to be the product of illegal selection with her active connivance which is also discernable as per the call detailed available in the related criminal case records, now lying with the

learned Special Judge, Assam, Guwahati. In and around the CCE 2014, there was direct contact with Shri Naba Kanta Patir through the candidate's mobile number 9706878700 and her other family members making use of mobile numbers 9435530401 and 9435330474. Incidentally, it is said Naba Kanta Patir who had allured Smt. Angshumita Gogoi, the complainant in Dibrugarh PS Case No. 936/2016 and caught red handed while accepting bribe amounting to Rs. 10,00,000/- from Smt. Gogoi.

19. Smt. Suranjita Hazarika :

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. Her merit position in the select list is at Serial No. 02 out of total 180 (all together) of which 07 were placed in the District Transport Officer (DTO) category. Thus obviously she was selected in the said category of DTO. Pursuant to her such selection, she was appointed to DTO and at the time of her arrest by the investigating agency on 18-07-2018, she was serving as the District Transport Officer, Kamrup.

She appeared in the CCE (Main) 2014 with Roll No. 0908298 and Optional Subjects Education and Sociology. Be it stated here that the common subjects for the Main Examination were General English and General Studies carrying total 300 marks each (2 x 300 = 600). Be it further stated here that for two optional subjects, there were two papers each comprising of total 200 marks each (4 x 200 = 800) thus totaling to 1400. As reflected in the Final Tabulation Sheet, this candidate has secured total 850 marks out of 1400. As per the said Final Tabulation Sheet, subject wise mark secured by her are 212 in General Studies (Out of 300); 199 in General English (out of 300); 116 in Optional Education Paper-I (out of 200) and 103 in Optional Education Paper-II (out of 200); 111 in Optional Sociology

Paper-I (out of 200); **109** in Optional **Sociology Paper-II** (out of 200); totaling to **850** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **06 (Six) answer scripts of General Studies Code No. 427 Book No. 1400588; General English Code No. 408 Book No. 1404288; Education Paper-I Code No. 370 Book No. 1409491; Education Paper-II Code No. 367 Book No. 1410510; Sociology Paper-I Code No. 106 Book No. 1410510 and Sociology Paper-II Code No. 105 Book No. 1411082** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 30-07-2022 seeking her response to the above malpractice.

For a ready reference, the show cause notice dated 30-07-2022 is annexed as Annexure-20 to VOL-II of this report.

Here also, the candidate by her reply dated 13-08-2022 has denied her any involvement as alleged in the show cause notice with the further plea that any further opinion or comments will lead to miscarriage of justice in her defence in the related criminal case being **Special Case No. 02/2017.**

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For a ready reference, her written response is reproduced below :-

Madam,

That the above mentioned notice has been duly received by me and on perusal of the notice dated July 30, 2022, at the outset for the sake of brevity and to avoid prolixity, I deny and dispute all the allegations against me.

In response to your aforesaid notice dated 30.07.2022, I humbly beg to state that paragraph No.3 of your notice itself reflects that the allegation are based on case records of Dibrugarh Police Station Case No. 936/ 2017 (Special Case No. 2/ 2017) and which is a sub judice matter, pending for trial therefore any opinion or comments on the basis of such at this stage will lead to miscarriage of justice and the applicant will suffer irreparable loss. That sir, as regard to the allegation as to fake answer scripts/ fake handwriting or whatsoever may be it has to be seen and understood as a whole that that I am not in a capacity to produce or carry any fake or any answer scripts to the examination centre neither I have any ability to tamper with it and the answer scripts which were furnished at the examination centre are properties of APSC and remain in the custody of APSC.

That sir the allegations made in the aforesaid charge sheet are false and baseless, as I am nowhere related to the case. That I have been made a sacrificial goat just to make out a case of the prosecution.

That I further submits that only mere allegation does not prove a person guilty and a reasonable opportunity must be given to prove once innocence in a proper platform and for which a criminal case is already pending before Special Judge Assam being numbered Special Case No.2/ 2017 and the same is presently at the stage of evidence and I hereby deny all the allegations levied against me as those are false and baseless. Therefore I humbly request the Hon'ble Enquiry Commission to accept this reply and not to proceed any further against me in the enquiry.

Thanking you in anticipation

*Yours faithfully,
Sd/- Suranjita Hazarika*

✓ Thus as in the other cases as discussed above, there is no denial with any relevant materials regarding her involvement

in the entire episode of illegal selection with active connivance with the other perpetrators of the illegality. Thus her selection being founded on illegality with consequential appointment is unsustainable both on facts and law.

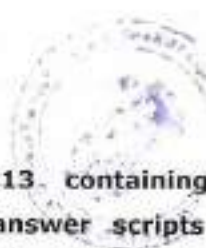
20. Shri Utpal Bhuyan :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. His merit position in the select list is at Serial No. 50 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade) category. Thus obviously he was selected in the said category of ACS (Jr. Grade). Pursuant to his such selection, he was appointed to ACS (Jr. Grade) and at the time of his arrest by the investigating agency on 18-07-2018, he was serving as the Election Officer, Hojai.

He appeared in the CCE (Main) 2014 with Roll No. 0912815 and Optional Subjects Sociology and History. Be it stated here that the common subjects for the Main Examination were General English and General Studies carrying total 300 marks each (2 x 300 = 600). Be it further stated here that for two optional subjects, there were two papers each comprising of total 200 marks each (4 x 200 = 800) thus totaling to 1400. As reflected in the Final Tabulation Sheet, this candidate has secured total 807 marks out of 1400. As per the said Final Tabulation Sheet, subject wise mark secured by him are 145 in General Studies (Out of 300); 201 in General English (out of 300); 104 in Optional Sociology Paper-I (out of 200); 125 in Optional Sociology Paper-II (out of 200); 102 in Optional History Paper-I (out of 200) and 130 in Optional History Paper-II (out of 200) totaling to 807 out of 1400.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that 02 (two) answer scripts of Sociology Paper-II Code No. 393 Book No. 1411223 and History

✓



Paper-II Code No.101 Book No. 1408813 containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in M/S Subhadeep Printers, an unauthorized printing press belonging to Shri Rajeev Paul, brother of the then Chairman, APSC, Shri Rakesh Kumar Paul). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 30-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 30-07-2022 is annexed as Annexure-21 to VOL-II of this report.

Same is the defence in this case also by reply dated 16-08-2022 i.e. the general denial and beyond capacity to comment on the allegations in view of pendency of the aforesaid criminal case in which he is an accuse.

For a ready reference, his written response is reproduced below :

Madam,

With reference to the subject cited above and notice under reference, I would like to inform you that I have received the aforesaid notice on 15.08.2022.

Having perused the contents of the notice whereby I have been directed to submit a Written Statement/response, if any, to the allegations levelled against me arising out of Dibrugarh PS case No. 936/2016, I would like to state that a Criminal Case i.e. Special Case No.02/2017 is pending before the Hon'ble Special Judge, Assam based on same allegations levelled against me and at present I am facing the trial of the same. Since the matter is sub-judice, I consider this is to be beyond my capacity to comment on the same.

However, I hereby deny all the allegations levelled against me, vide the notice under reference.

Therefore, I humbly request the Hon'ble Enquiry Commission to accept this reply and not to proceed any further against me in the inquiry.

Thanking you in anticipation,

Yours faithfully,
Sd/- UTPAL BHUYAN
16.08.2022

Thus in this case also, in spite of getting opportunity to set forth defence to the allegations, the candidate has chosen not to do so and thereby have virtually admitted the allegations. He could have easily dealt with the specific allegations with cogent and specific evidence, had there been no involvement in the illegality towards getting selection to the ACS (Jr. Grade). It needs no repetition that the principles underlying criminal trial and judicial inquiry are quite distinct and different. **In view of this position, there is no manner of doubt that the selection of this candidate is also based on fakery, forgery and fraud to the deprivation of deserving candidates.**

21. Shri Susovan Das :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. **His merit position in the select list is at Serial No. 29 out of total 180 (all together) of which 90 were placed in the ACS (Jr. Grade) category.** Thus obviously he was selected in the said category of ACS (Jr. Grade). Pursuant to his such selection, he was appointed to ACS (Jr. Grade) and at the time of his arrest by the investigating agency on **18-07-2018**, he was serving as the **Assistant Commissioner, Karimganj.**

He appeared in the **CCE (Main) 2014** with Roll No. **1200118** and Optional Subjects **Political Science** and **Economics**. Be it stated here that the common subjects for the **Main Examination** were

General English and General Studies carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects, there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **835** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by him are **213** in **General Studies** (Out of 300); **211** in **General English** (out of 300); **93** in Optional **Political Science Paper-I** (out of 200); **77** in Optional **Political Science Paper-II** (out of 200); **111** in Optional **Economics Paper-I** (out of 200) and **130** in Optional **Economics Paper-II** (out of 200) totaling to **835** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, it is found that **02 (two) answer scripts of General Studies Code No. 1133 Book No. 1402633 and General English Code No. 1090 Book No. 1405226** containing the handwritings of this candidate are fake answer scripts (not printed in the authorized Govt. press but printed in **M/S Subhadeep Printers**, an unauthorized printing press belonging to **Shri Rajeev Paul**, brother of the then Chairman, **APSC**, **Shri Rakesh Kumar Paul**). These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 30-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 30-07-2022 is annexed as Annexure-22 to VOL-II of this report.

As in some other cases already discussed above, here also, the candidate by his reply dated 05-08-2022 while generally denying the allegations has also taken the plea of **M/S Subhadeep Printer** being a

Govt. approved printing press and that since the criminal case is pending, it would not be proper to comment anything in a sub-judice matter. He has also taken the plea of appearing in the examinations and writing the answers on the answer scripts as provided in the examination hall.

For a ready reference, his written response is reproduced below: -

Respected Sir,

With Reference to the Subject stated above I, Shri Susovan Das, S/o Shri Salil Kumar Das, Resident of Longai Road, Sripalli, Karimganj, Assam, have the honour to state as follows:

1. That, the Notice as referred to above was served upon me very recently, wherefrom I could learn that the Government of Assam, has constituted this Hon'ble Commission of Inquiry to enquire into (i) the allegations of anomalies and malpractices in conduct of CCE-2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

2. That, I appeared in the CCE-2014 Examination with Roll No. 1200118 and got selected with inclusion of my name in the final select list at 29th position and eventually appointed to ACS.

3. That, in Dibrugarh PS Case No. 936/2016 corresponding to Special Case No. 02/2017 in Charge sheet No. 03/2017 Supplementary- VI Dated 14/09/2018 I have been arraigned as Accused No.59.

4. That, the Hon'ble Gauhati High Court pleased to pass an Order dated 11/10/2018 allowing me to remain on bail and since then I have been regularly appearing before the Hon'ble Court of Special Judge, Assam at Guwahati on every date fixed and facing the trial in aforesaid criminal case.



5. That, during charge framing by the Hon'ble Court of Special Judge, Assam at Guwahati I denied all the allegations leveled against me and my learned Counsel submitted a written argument before the Hon'ble Special Court, Assam alongwith verbal argument challenging the validity of Charge sheet No. 03/2017 Supplementary-VI Dated 14/09/2018 wherein I have been arraigned as accused No.59. Subsequently after day to day hearing, on 19/04/2022 the Hon'ble Special Court, Assam framed charges against me along with other accused.

6. That, I filed a Criminal Petition U/S 482 of Cr.P.C. before the Hon'ble Gauhati High Court challenging the validity of charge framing order dated 19/04/2022 passed by the Hon'ble Special Judge, Assam.

7. That, in response to your notice stated above I would like to quote some important points about the a levelled allegations against me in supplementary C/S No. VI is hereunder :

a) In the supplementary C/S No. VI, it is alleged that two (2) of my answerscripts pertaining to CCE-2014 (Main) examination are not original and not printed in the authorised government press. But in APSC (Procedure and Conduct of Business) Rules 2010, nothing is mentioned about the printing of answerscript.

b) An RTI reply from Printing and Stationary Department, Government of Assam, it is specifically stated that, "willing private presses in the State are registered under the Department and categorised as A, B and C depending upon their capability".

c) M/S Subhadeep Printers, Guwahati was registered as B category under Printing and Stationary Department from the period 20.02.2014 to 29.01.2017, and it appears at Serial No. 73rd in the list of Private Printing Presses in Kamrup district as stated in the said RTI reply. (A copy of said RTI reply letter is already submitted before the Hon'ble Special Court, Assam at Guwahati)

8. That, I appeared CCE 2014 (Main) Examination in the year 2015, on specified date, time and place as mentioned in the admit of the said

examination. In the examination hall I have been provided the answerscript supplied by the APSC. Attendance sheet supplied by the Prosecution clearly reveals that myself appeared in the said examination in the presence of invigilator on specified date, time and examination venue. Now it is not the concern of the candidate whether answerscripts supplied by the APSC in the examination hall were printed from Government press or authorised private presses or some other printing houses. So the question of fake answerscript is totally false and baseless.

9. That, it is also alleged in your letter that "From the above relevations, it is seen that with your active connivance, you had been provided with fake answerscript for the aforesaid papers in the CCE 2014."

a) That the aforesaid allegation is prima-facie false and baseless and is like a 'fairy tale' because no such materials have been produced by the Prosecution to substantiate the said allegation. There is not an iota of materials produced by the I.O. to substantiate the said allegation.

b) Further during the course of investigation the I.O. has recorded the statements of more than 350 witnesses but none of them whispered a single word against me about such allegation.

10. That, at present I am facing the criminal trial of the aforesaid Dibrugarh PS Case No. 936/2016 corresponding to Special Case No. 02/2017 before the Hon'ble Court of Special Judge, Assam at Guwahati, and hence the matter has now become sub-judice and, as such, it is not proper on my side to disclose and comment anything over a sub-judice matter, which if disclosed, is likely to cause serious prejudice to me and will ultimately seriously hamper me in defending myself in the ongoing trial and, therefore, I request you to keep in abeyance the inquiry initiated against me by this Hon'ble Commission.

Thus, under the aforesaid circumstances, I pray before this Hon'ble Commission that taking the aforesaid facts and circumstances into consideration, this Hon'ble Commission would be pleased to drop/ close the proceedings against me, and/or keep in abeyance the inquiry initiated

against me by this Hon'ble Commission, and for this act of kindness, the undersigned, as in duty bound, shall ever pray.

*Yours sincerely
Sd/- Susovan Das
05/08/2022*

On perusal of the above defence, it is crystal clear that as in the other cases, in this case also, the candidate has chosen not to deal specifically to the specific instances of malpractices, which would not have been possible without his active connivance. His beating around the bush approach is of no help to his defence. **There is not even an iota of doubt that like that of the other candidates, his selection in CCE 2014 is based on fraud and malpractices to the deprivation of genuine and meritorious candidates.**

All the above 21(twenty one) candidates are also within the purview of the aforesaid Dibrugarh PS Case No. 936/2016 (Special Case No. 02/2017) and presently undergoing criminal trial upon being charge sheeted.

22. Smt. Wahida Begum:

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. **Her merit position in the select list is at Serial No. 01 out of total 180 (all together) of which 07 were placed in the Superintendent of Taxes category.** Thus obviously she was selected in the said category of **Superintendent of Taxes.** Pursuant to her such selection, she was appointed to **Superintendent of Taxes and presently posted at Guwahati Zone.**

✓ She appeared in the **CCE (Main) 2014** with Roll No. 0918884 and Optional Subjects **Political Science** and **Education.** Be it stated here that the common subjects for the **Main Examination** were **General English** and **General Studies** carrying total **300** marks each (**2 x 300 = 600**). Be it further stated here that for two optional subjects,

there were two papers each comprising of total **200** marks each (**4 x 200 = 800**) thus totaling to **1400**. As reflected in the Final Tabulation Sheet, this candidate has secured total **977** marks out of **1400**. As per the said Final Tabulation Sheet, subject wise mark secured by her are **230** in **General Studies** (Out of 300); **221** in **General English** (out of 300); **109** in Optional **Political Science Paper-I** (out of 200); **138** in Optional **Political Science Paper-II** (out of 200); **139** in Optional **Education Paper-I** (out of 200) and **140** in Optional **Education Paper-II** (out of 200) totaling to **977** out of **1400**.

In case of this candidate, as the related records and the documents including the answer scripts seized during criminal investigation have revealed, the following malpractices and anomalies are found against her below noted answer scripts of **CCE 2014**.

1. The cover sheet of the answer script of **General Studies Code No. 949 Book No. 1400993** is genuine whereas the other pages containing the answers are fake.
2. The cover sheet of the answer script of **General English Code No. 915 Book No. 1404996** is genuine whereas the other pages containing the answers are fake.
3. The cover sheet of the answer script of **Political Science 1st Paper Code No. 228 Book No. 1406082** is genuine whereas the other pages containing the answers are fake.
4. The cover sheet of the answer script of **Political Science 2nd Paper Code No. 226 Book No. 1407511** is genuine whereas the other pages containing the answers are fake.
5. The cover sheet of the answer script of **Education 2nd Paper Code No. 172 Book No. 1409632** is genuine whereas the other pages containing the answers are fake.
6. The individual cover page of each one of the above answer scripts depicting the total marks secured by the candidate questionwise, not only tallies with the inner pages answerwise



marks, but are also reflected in the Final Tabulation Sheet of **CCE 2014** on the basis of which she was shown selected.

7. It is also revealed that the handwriting in those **05 (five)** fake answer scripts are not her, but someone(s) else's except in last 2 (two) pages of Main answer booklet of **Education 2nd Paper**.

These revelations are as per the Forensic Science Laboratory report No.DFS. 58/2018/360 dated. 20-02-2018, which is annexed as **Annexure- 01 to VOL-II of this report.**

With the above revelations, the candidate was issued with the show cause notice dated 18-07-2022 seeking his response to the above malpractice.

For a ready reference, the show cause notice dated 18-07-2022 is annexed as Annexure-23 to VOL-II of this report.

The defence of the candidate by her reply dated 30-07-2022, makes interesting reading. It is the specific allegation that her **05(five)** answer scripts barring the cover pages are all fake and that the handwritings appearing therein barring the last two pages of **Education Paper-II answer script** are not her's but someone else's. Thus the allegations against her are two fold i.e. her **05(five)** answer scripts are fake and handwritings appearing therein are also not of hers except last two pages of **Education Paper-II** answer script on the basis of which she got her selection to the post of **Superintendent of Taxes**.

For a ready reference, her written response is reproduced below :

Madam,

With reference to the above, I have the honour to inform you that I have duly received the notice dated 18-07-2022 accompanied by the order dated 13-07-2022. I have gone through the contents of the notice in respect

of the allegations made therein and do hereby submit my written statement to the notice as under.

1. That, I appeared in the Combined Competitive Examination (CCE) - 2014 with Roll No. 918884 and I was duly selected after due process of selection in the final selection list with inclusion of my name in the category of Superintendent of Taxes, result of which was declared vide APSC letter no. 51PSC/CON/Exam-141/CC(M)/2014-15 Dated 30-06-2016.

2. That, in the aforementioned notice, it is alleged that malpractices and anomalies are prima facie found against me as revealed from the case records of Criminal Case of Dibrugarh Police Station Case No. 936/2016 (Special Case No. 02/2017). In this regard, I humbly state that I have not indulged in any malpractices and anomalies. As such, the investigation agency also did not bring into light any nexus between me and the person at the helm of affairs of APSC to secure an appointment against the post involved.

3. That, regarding the allegations made in point nos. 1, 2, 3, 4, and 5 that the cover sheet of my answer scripts of the particular subjects are genuine whereas the other pages containing the answers are fake, I categorically deny the allegation and would like to state that those answer pages are not mine. I had appeared the examination on the respective days and written my answers on the scripts supplied to me by the invigilators like other candidates present in my allocated examinations hall and I am not aware about what happened to my answer scripts thereafter.

4. That, as regard to the allegation made in point no. 6 that the individual cover page of each one of the alleged answer scripts depicting the total marks secured by me questionwise, not only tallies with the inner pages answerwise marks, but are also reflected in the final tabulation sheet of CCE 2014 on the basis of which I was shown selected, I have no knowledge about it and I am not privy to my answer scripts (after submission of the same to the invigilators) or tabulation sheet. However, the allegations made in the notice brought utter shock and surprise to me as actual marks or individual marks were never revealed at any stage of the selection process. I

never actually knew how much I scored in each of the subjects in any stage of the selection process.

5. That, as regard to the allegation made in point no. 7 that the handwriting in those alleged fake answerscripts are not my handwriting, I have already averred in above that those alleged fake answer scripts pages were not mine. As such, there could not be any question regarding matching of the handwriting with me in any extent. More so, the answer scripts were seized from the APSC officials wherein I had no access to the same. Hence, there is no role on my part in the missing of my answer scripts pages except the cover page. Apart from above, I have done well in all my papers in the examination and I am sure that I definitely qualified the Main Examination based on the answers written by me in the examination hall. Further, I am completely baffled with this anomaly on the part of APSC and I am forced to feel like a bigger conspiracy to camouflage an act of wrongdoing by replacing my genuine answer scripts which benefited the people in the nexus.

Thus, I am no way connected with the alleged malpractices and anomalies mentioned in the notice. In view of the above, I earnestly and humbly pray before the lordship to exonerate me from the inquiry.

Yours faithfully,

Sd/- Wahida Begum

Thus her defence is that the said answer scripts and the handwritings appearing therein do not belong to her. Interestingly, her such defence is without seeing and/or verifying and/or scrutinizing the said answer scripts although opportunity to do so was provided to her like all other candidates. Her defence like all other candidates is that she had appeared in the examination on the respective days and had written her answers on the scripts supplied to her by the invigilators. She has expressed her ignorance as to how the anomalies in respect of her answer scripts could arise, based on which she got the selection. Her defence in **Para-5** of her reply is already noted above in which, she has stated that the fake answer scripts pages do not belong to her. According to her, she

had done well in all the papers and that with the revelation made in the show cause notice, she is forced to feel that a bigger conspiracy to camouflage an act of wrong doing by replacing her genuine answer scripts which benefited the people in the nexus, has taken place.

Her above defence falls through with her own admission that too without examining the answer scripts that the handwritings appearing therein do not belong to her. If that be so, the question necessarily will arise as to how she could get selection on the basis of marks awarded to the answers appearing in those very answer scripts. It is unbelievable and beyond imagination that someone unknown to her extended helping hand to her by writing answers for her that too on fake answer scripts. Interestingly, there is no reply from her as to how her own handwritings could appear in 02(two) pages of Education Paper-II answer scripts that to in continuation of the preceding answer (question no. 16(a)).

Thus there is no manner of doubt that this candidate namely Wahida Begum presently holding the post of Superintendent of Taxes is a product of forgery. She could get selection not only on fake answer sheets, but also even not writing the answers by herself, but through someone else. Though such a process, she could get the coveted post of Superintendent of Taxes in CCE 2014. APSC selection had gone to that extent which is unthinkable and beyond imagination. This being the position, there is absolutely no manner of doubt that she is also a product of wholesome forgery in the selection process and in the process deprived the meritorious candidates.

It is horrifying that malpractices in CCE 2014 had even gone to such an extent in which not only fake answer scripts were merrily available, but also writers of answers on those fake answer scripts as in the instant case were not the candidates themselves. It is really another fraud on the part of the candidate

to shun ignorance even after being apprised of manipulation to such an extent. Her defence of not knowing anything, but at the same time deriving benefits of that "not knowing anything" is an act of supporting the fraud based on which she could get selection.

Interestingly, not only she has not come within the perview of the aforesaid police investigation, but has also retained her service till date, unlike the abovementioned 21(twenty one) candidates who are undergoing criminal trial and whose services have also been dispensed with because of their involvement in the malpractices and forgery in selection.

23. **Shri Birbal Brahma :**

The callous, irresponsible and wholesome malpractice in conduct of **CCE 2014** by the **APSC** is easily discernable. Another such instance is that of one **Shri Birbal Brahma** who could get selection in the category of visually impaired candidate with eventual categorisation for the post of Inspector of Taxes. Upon examination of his answer scripts (**total 06**), when it came to the notice of the Commission that three different handwritings are there, an order was passed on 29-06-2022 requiring the **APSC** to apprise the Commission as to whether the candidate had taken the assistance of any scribe in the written examination and if so, how many or only one scribe was engaged.

Replying to the above order, the **APSC** vide its Letter No. 120PSC/Estt.-06/2022-2023 dated 22-08-2022 informed the Commission about non availability of any information and/or record to answer the query except a letter issued to the Principal, Cotton College for appointing scribe for **03 nos.** of visually impaired candidates. Along with the letter, the said letter dated 25-05-2015 written to the Principal, Cotton College by the Principal Controller of Examination, **APSC** has been enclosed.

Thus in the above circumstances, the Commission could not ascertain what was the real position as regard appointment and use of

scribes by the visually impaired candidates. As it is, in the case of **Shri Birbal Brahma**, apparently there are three different handwritings in his **06 answer scripts**. In such a situation, either he had taken assistance of **03 different scribes** or had taken recourse to dubious means. Unfortunately, this vital aspect of the matter could not be answered by the **APSC** by simply shirking off its responsibility with the statement that no records and/or information are available, which is unimaginable that too for an entity like **APSC**. Thus there is no manner of doubt that the **APSC** acted with wholesome illegality in the conduct of **CCE 2014**, be it pre or post **CCE**.

Commission's observation

The task entrusted to the Commission inter-alia is to inquiry into the allegations of anomalies and malpractices of **CCE 2014** and the entire process thereof including the role of the Chairman, Members and staff of the **APSC**. As to what are the revelations upon a detailed inquiry are indicated above, which will naturally hit the conscience of any reasonable man. The kind of methodology adopted giving rise to the kind of selection of candidates for responsible posts involving the state administration is unthinkable and really very unfortunate. There is no manner of doubt that with the active connivance of the responsible position holders of the **APSC** including the then Chairman, Members and some other staff of **APSC** and in collaboration with some outsiders, undeserving candidates have been selected. In the process, even the fake answer scripts, permitting other persons to write the answers for the particular candidate etc. were merely allowed making a mockery of the entire selection process. The role of the then Chairman and other members of **APSC** including its staff in such a process of illegal selection is discussed separately.

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CHAPTER- VII
ANOMALIES AND DISCREPANCIES IN THE FINAL SELECT
LIST OF CCE 2014

Result of the **CCE 2014** conducted by the **APSC** was declared vide Letter No. 51PSC/CON/Exam-141/CCE(M)/2014-15 dated Guwahati, the 30th June, 2016. Altogether, **180** candidates were declared selected for different categories as indicated below.

(i)	Assam Civil Service (Jr. Grade)	:	90
(ii)	Assam Police Service (Jr. Grade)	:	47
(iii)	Labour Officer	:	03
(iv)	Superintendent of Taxes	:	07
(v)	Superintendent of Excise	:	03
(vi)	District Transport Officer	:	07
(vii)	Inspector of Labour	:	01
(viii)	Inspector of Taxes	:	21
(ix)	Inspector of Excise	:	01

Out of the aforesaid selected candidates, **01(one)** candidate namely **Shri Amit Kumar Hojai** recommended for the post of **DTO**; **04(four)** candidates recommended for Inspector of Taxes and another candidate namely **Shri Manikuntal Sarma** recommended for the post of Inspector of Excise did not appear before the Medical Board and consequently no appointment orders could be issued to them.

On scrutiny of the Final Select List of **CCE 2014** in reference to the related documents, it has come to the notice of the Commission that there are anomalies in placing the selected candidates in different categories indicated above. Be it stated here that a candidate appearing in **CCE 2014** was required to exercise options and/or preferences of choice for different posts by indicating the same in the prescribed application form of **CC (Main) Examination**. The particular column in the said form is **Sl. No. 15**. This requirement is in terms of the provisions of

Rule-3 of the CC Examination Rules, 1989 and the APSC (Procedure and Conduct of Business) Rules, 2010. For a ready reference, both the provisions are quoted below:

- 3 *The Main Examination will consist of written Examination and Interview test. The written examination will consist of 2 compulsory papers on General English and General Studies subjects and two question papers each of any two subjects from the list of optional subjects as set out in the Section -II. The interview will carry marks as shown in Section II (with no qualifying marks).*

Marks thus obtained by the candidates in the Main Examination (Written part as well as interview) would determine their final ranking. Candidates will be allotted to the various services keeping in view their ranks in the examination and (respective) preference expressed by them for different posts.

Having regard to the above position, the Commission by its order dated 03-09-2022 requested the **APSC** to furnish the Commission with the details of the preference of cadres/posts offered by the selected candidates. The **APSC** vide its letter No. 18PSC/CON/Exam-03/2022-23 dated 26-09-2022 furnished the Commission with the copies of the application forms of the recommended candidates of **CCE 2014**.

By yet another order passed by the Commission on 13-10-2022, the **APSC** was asked to provide the Final Select List that was drawn incorporating the total marks secured by the candidates after viva-voce (**incorporating marks of both Main Examination and Viva-Voce**) based on which the Final Select List was drawn and published for various categories. Referring to the above quoted provisions of the Rules, by the said order dated 13-10-2022, it was observed thus:

the booklet containing the "The Rules and Regulations; Subject & Syllabi; Plan of Schemes of C.C. Examination for Both preliminary and Main under C.C.E. Rules, 1989" provides under Chapter-II at Appendix -I, Section -I, Rule 3, Page 10 as follows :-

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"Marks thus obtained by the candidates in the Main Examination (Written part as well as interview) would determine their final ranking. Candidates will be allotted to the various services keeping in view their ranks in the examination and (respective) preference expressed by them for different posts."

If that be so, then irrespective of the rank secured by the successful candidate, he/she will have to be accommodated in his/her preferred post as per the option required to be exercised, irrespective of merit/rank obtained. For example, if a successful candidate secures the Cut Off mark for ACS (Jr. Grade) but has exercised option for Labour Inspector (as first preference), whether he/she will be accommodated as Labour Inspector or ACS (Jr. Grade) on the basis of merit position.

Further, if a candidate exercises option/preference for only one category, but has secured total marks entitling him/her for a post lower than the said post, whether he/she will be accommodated in such lower rank post or having regard to option exercised for a higher rank post for which he/she could not qualify, such candidate will be altogether obliterated from the merit list.

Responding to the above order of the Commission, the **APSC** vide its letter No.27PSC/CON/Exam-03/2022-23 dated 19-10-2022 provided the Commission with the copy of the merit list of **CCE 2014** inclusive of Viva-Voce and Written Marks of all candidates and also a copy of the recommended candidates of **CCE 2014** with total marks secured by them. It will be pertinent to mention here that the said merit list is approved and signed by all the members of the APSC namely **Shri R.K. Paul, Chairman, APSC; Dr. S. Rahman, Member, APSC; Dr. B.K. Doley, Member, APSC; Brig. R. Borthakur, Member, APSC; Mrs. N. Ahmed, Member, APSC; Dr. A.K. Roy, Member, APSC** and **Shri D. Hazarika, also Member, APSC**. Thus there is no gainsaying that the Final Select List had the seal of approval of all the members including the Chairman of **APSC** involved in the selection process of **CCE 2014**. As regards the above quoted order and query, the **APSC** provided the following information as **annexure -III** enclosed to the letter.

The practice of the Commission is that a candidate will be recommended in his/her preferred post irrespective of marks obtained. Thus if a candidate secures cut off marks for ACS (Jr. Grade) but has exercised option for Labour Inspector as first preference, the candidate will be recommended as Labour Inspector.

Similarly, if a candidate exercises option/preference for only one category but has secured total marks entitling him/her for a lower than the post, the practice is that despite he/she being in the merit list, he/she will not be recommended for any other post/service.

The **APSC** also vide its letter No. 22PSC/CON/Exam-03/2022-23 dated 11-10-2022 responding the order of the Commission dated 30-09-2022 furnished the Commission with the list of marks secured by the selected candidates in Viva-Voce, **CCE 2014** and so also category wise minimum qualifying marks for ACS (Jr. Grade); APS (Jr. Grade) and other allied services.

With the aforesaid factual background facts and having regard to the disclosures made by the materials furnished to the Commission, leading to prima facie anomalies and discrepancies in drawing the Final Select List, the Commission made further scrutiny in the matter which has led to unearthing of the anomalies and discrepancies in the said Final Select List. **Such anomalies and discrepancies are in the form of violation of the provisions of the above quoted rules and the options/preferences of choice and in the process accommodating undeserving candidates in particular categories and depriving the candidates from their deserving categories even to the extent of excluding some of the candidates from being included in any one of the categories.**

Faced with the above situation and to eradicate any doubt in the matter, such of the candidates in whose case violation of the above quoted rules vis-à-vis their options/preference of choice are, had been found issued with notice pointing out the discrepancies and requiring

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them to respond to the same. In the process, they were also provided with the opportunity of examining the all related documents including the examination forms in which they had exercised their options/preference of choice. This was done by the order dated 15-12-2022 in terms of which respective notice was issued to the concerned candidates. Candidatewise anomaly and their response to the notice are indicated below:

1. Smt. Bhanita Nath :

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. **Her merit position in the select list is at Serial No. 35 out of total 180 (all together) of which 47 were placed in the APS (Jr. Grade).** It was found that she having secured total **902** marks was not entitled to be included in the said category inasmuch as having regard to her said marks vis-a-viz her choice of preference, she ought to have been included in the category of **Superintendent of Excise**, cut off mark for the same being **900**. With this kind of a situation, she was issued with a notice dated 27-12-2022 to have her say in the matter. For a ready reference and instead of repeating the contentions raised in the notice, the same is quoted below:

"WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/ 293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 0906259 and got selected with inclusion of your name in the Final select list and eventually appointed to APS.

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for 09 categories of posts as follows:

1. ACS (Jr. Grade)
2. Superintendent of Taxes
3. Superintendent of Excise
4. District Transport Officer
5. APS (Jr. Grade)
6. Labour Officer
7. Inspector of Taxes
8. Inspector of Labour
9. Inspector of Excise.

AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of OBC category candidates (Female) were as follows:

1. ACS (Jr. Grade)	:	916
2. Superintendent of Taxes	:	906
3. Superintendent of Excise	:	900
4. District Transport Officer	:	No reservation.
5. APS (Jr. Grade)	:	894
6. Labour Officer	:	909
7. Inspector of Taxes	:	892
8. Inspector of Labour	:	No reservation.
9. Inspector of Excise	:	No reservation.

AND WHEREAS, you had secured total 902 marks and were included in the final select list in the category of APS (Jr. Grade) contrary to your entitled post of Superintendent of Excise, which was your 3rd choice of preference and the cut off mark for the same being 900,


AND WHEREAS, from the above revelation, prima facie it is established that you were wrongly categorized as APS (Jr. Grade) bypassing your choice of preference and in the process some other candidate had been deprived of their entitled choice of preference leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in APS (Jr. Grade) in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments as to how the above anomaly could take place unless there was active connivance on your part towards bypassing the choice of preference earlier declared and in reference to your entitled merit position as per the total marks secured.

NOW THEREFORE, you are called upon to respond to the above anomaly by way of a written statement. If you are desirous of seeing the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 10th January, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on the 27th day of December, 2022 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

Responding to the said notice, **Smt. Bhanita Nath** has simply stated in her written dated 09-01-2023 that she was not aware of any such anomaly and that would have accepted the post of **Superintendent of Excise** had it been offered to her. She has stated that both the posts i.e. **APS (Jr. Grade)** and **Superintendent of Excise** are respectable posts. Her said written response is quoted below:

Madam

With reference to the above I would like to inform you that I have gone through the copy of the order dated 15/12/2022 as well as the notice address to me. Madam I would like to state that I applied for the APSC examination and after having passed the same I was appointed for the post of Assam Police Service (Junior Grade) by order dated 13/10/2016 passed by the Commissioner and Secretary to the Government of Assam, Home and Political Department.

Madam I have got no role or control in getting appointment in the post of Assam Police Service (Junior Grade). I would have joined in any post in which I gave preference during my APSC examination. I did not know the total marks I got during the examination. I was not given any document from the APSC showing the number of marks given to me. Getting a Government job meant a lot to me. I cannot say as to why I was given appointment in the post of Assam Police Service (Junior Grade) and not in the post of Superintendent of Excise inspite of getting higher marks. For me both the post of Assam Police Service (Junior Grade) and Superintendent of Excise are Hon'ble Post and I would have been happy if I would have been given the post of Superintendent of Excise instead of Assam Police Service (Junior Grade).

Madam the concerned authorities who make the appointment may actually I know as to why I was given appointment in the post of Assam Police Service (Junior Grade) and not in the post of Superintendent of Excise. If I was wrongly categorized at that point of time I had no knowledge about the same. However at present I am no longer aggrieved by the wrong categorization and I will be pleased to carry out my duties as Assistant Commissioner of Police (All Women) Panbazar.

As such I humbly pray that I may be allowed to continue as before and for this act of kindness I shall ever pray.

Thanking you

Yours faithfully

*Bhanita Nath, APS
Assistant Commissioner of Police
(Women unit)
Panbazar*

From her above reply, there is no denial of the fact that she was illegally categorized and/or included in the APS (Jr. Grade) and in the process apart from depriving a genuine and legitimately entitled candidate to be included in the said APS (Jr. Grade), the entire Final Select List also became topsy-turvy importing room for further anomalies accommodating favoured candidates in a particular category beyond their options /preference of choices. In this kind of a situation, the beneficiary of the particular post beyond his/her options/ preference of choice cannot take the plea of not knowing anything as to how he/she could get a particular posts bypassing his/her own options/preferences of choice.

2. Smt. Manabi Das :

She has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. Her merit position in the select list is at **Serial No. 03 out of total 180 (all together) of which 03 were placed in the Superintendent of Excise category.** It was found that she having secured total **900** marks and there being another candidate namely **Smt. Bhanita Nath** discussed above securing **902** marks and had the lone post of **Superintendent** of Excise reserved for woman category been filled up accordingly, she would not have been entitled to the said post, but would have been entitled for the post of **Inspector of Tax**, cut off marks for which was **892**. Highlighting these facts, she was issued with a notice dated 27-12-2022 asking for a response in the

matter. For a ready reference and instead of repeating the contention raised in the notice, the same is quoted below:

"WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Enquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 0913431 and got selected with inclusion of your name in the Final select list and eventually appointed to Superintendent of Excise.

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for 09 categories of posts as follows:

- 1. ACS (Jr. Grade)*
- 2. Superintendent of Taxes*
- 3. Labour Officer*
- 4. Superintendent of Excise*
- 5. District Transport Officer*
- 6. Inspector of Taxes*
- 7. Inspector of Labour*
- 8. Inspector of Excise*

9. *APS (Jr. Grade)*

AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of OBC category candidates (Female) were as follows:

1. <i>ACS (Jr. Grade)</i>	:	916
2. <i>Superintendent of Taxes</i>	:	906
3. <i>Labour Officer</i>	:	909
4. <i>Superintendent of Excise</i>	:	900
5. <i>District Transport Officer</i>	:	No reservation.
6. <i>Inspector of Taxes</i>	:	892
7. <i>Inspector of Labour</i>	:	No reservation.
8. <i>Inspector of Excise</i>	:	No reservation.
9. <i>APS (Jr. Grade)</i>	:	894

AND WHEREAS, you had secured total 900 marks and were included in the final select list in the category of Superintendent of Excise.

AND WHEREAS, upon scrutiny of the relevant materials including the application forms submitted by candidates exercising option/preference for being categorized in the final merit list, it is found that one Smt. Bhanita Nath who had secured total 902 marks and was entitled to be included in the category of Superintendent of Excise in place of you, she having secured total 902 marks.

AND WHEREAS, had the correct procedure been followed in reference to the option/preference so far by the candidates, the lone post of Superintendent of Excise reserved for women category would have gone to Smt. Bhanita Nath as against your placement in the said post.

AND WHEREAS, upon scrutiny of the relevant materials including your choice of preference in such an eventuality, you would have been and in fact ought to have been placed in the category of Inspector Tax, for which the cut off mark for women candidates was 892.

AND WHEREAS, from the above revelation, prima facie it is established that you were wrongly categorized as Superintendent of Excise bypassing the established procedure mandatorily required to be followed as

per the relevant rules holding the field, leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in Superintendent of Excise in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments as to how the above anomaly could take place unless there was active connivance on your part towards bypassing the said procedure and in reference to your entitled merit position as per the total marks secured.

NOW THEREFORE, you are called upon to respond to the above anomaly by way of a written statement. If you are desirous of seeing the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 10th January, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on the 27th day of December, 2022 as per order and authority vested on me by the Hon'ble Commission.

(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003



Responding to the said notice, **Smt. Manabi Das**, more or less raised the same contentions like that of **Smt. Bhanita Nath** discussed above. In a nutshell, her plea is that she was not privy to the categorization. Her said written response is quoted below:

Respected Madam,

I humbly beg to inform you that I have received the aforesaid notice from your end on 2nd January, 2023 I have perused the contents of the notice whereby I have been directed to submit written statement / response in respect of the anomaly stated therein. I submit my reply as under.

That it is a matter of record that, after appearing in the CCE-2014 with Roll No. 0913431 I secured 900 marks in total and was included in the final select list and appointed to the post of Superintendent of Excise.

That it is respectfully submitted that, being a candidate, I am not a part of the process in categorizing the various posts in the final merit list of CCE-2014. Therefore, I deny and dispute the allegations levelled against me for any active connivance on my part towards bypassing any procedure to be followed as per relevant rules which led to the alleged anomaly in drawing the final select list of CCE-2014.

That, inclusion of my name in the final select list, which eventually confirmed my selection to the post of Superintendent of Excise was done by APSC itself, which I believe it to be done in a just and proper manner and therefore I accepted my appointment for the said post and nothing to comment upon.

That further, as I am not privy to the statements made by the then Principal Controller of Examinations and Assistant Controller of Examinations of APSC, therefore, their statements with regard to anomalies in categorizing me in Superintendent of Excise in final select list of CCE-2014 are beyond my knowledge and I categorically deny and dispute the said allegations.

Under the facts and circumstances as narrated herein above, I humbly request the Inquiry Commission to kindly accept this reply of mine and pray that the allegations brought against me vide the notice under reply may be dropped.

Thanking You

Yours faithfully

(Manabi Das)
Superintendent of Excise
Kamrup(M) Guwahati
Assam

From her above reply, there is no denial of the fact that she was illegally categorized and/or included in the Superintendent of Excise and in the process apart from depriving a genuine and legitimately entitled candidate to be included in the said post, the entire final select list also became topsy-turvy importing room for further anomalies accommodating favoured candidates in a particular category beyond their options/preference of choices.

As explained in the above quoted notice to the candidate, there was the lone post of Superintendent of Excise in woman category with the cut off mark **900**, which in the normal course should have gone to **Smt. Bhanita Nath**, she having secured **902** marks. However, giving a good bye to the established procedure, she was categorized in **APS (Jr. Grade)** and in the process, her entitled post of Superintendent of Excise was given to **Smt. Manabi Das**. Thus no sanctity was maintained in preparing the Final Select List with categorization of candidates according to their marks secured and the options/preference of choice as per the rules quoted above. In this kind of a situation, the beneficiary of the particular post beyond his/her options/preference of choice cannot take the plea of not knowing anything as to how he/she could get a particular post bypassing his/her own options/preferences of choice.

The fact of the matter is that the Final Select List was prepared in violation of the rules and in the process, there was variations in categorizing the candidates for different posts and in the process, some genuine candidates much have been deprived of being included in any one of the categories.

(3) **Shri Vikash Kumar Pincha :**

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. His merit position in the select list is at Serial No. 03 out of total 180 (all together) of which 07 were placed in the Superintendent of Taxes.

The case of this candidate is being discussed in the present context only to show as to how there was complete violation of the above quoted rules in preparing the Final Select List. **As already discussed above in Chapter VI, he is a product of forgery, his 05 (five) nos of answer scripts being fake.** He is already an accused in the criminal proceeding discussed above and in fact was arrested and presently on bail. However, his illegal inclusion and position in the Final Merit List will have a bearing in the present context under discussion.

Shri Pincha was shown secured total **1014** marks entitling him to the post of **District Transport Officer** and having regard to his choice of preference. However, he was categorized as Superintendent of Taxes for which the cut off mark was **1014**. On the other hand, the cut off mark for the post of **DTO** was **988**. **While the post of DTO was his first preference, the post of Superintendent of Taxes was his fourth preference. However, bypassing the said position, he was categorized as Superintendent of Taxes and in the process, deserving candidate(s) were deprived of their legitimate posts and/or altogether deprived from any post.**

Although, **Shri Pincha** has already lost his job and is now facing criminal trial, this incident has a bearing in the context in which the manipulation of the Final Select List is being discussed. Criminal actions against him with consequential fall outs are all after the preparation of the Final Select List in which he was illegally included in the category of **Superintendent of Taxes** instead of **DTO**.

Having regard to the fact that **Shri Pincha** has already been removed from service pursuant to the criminal proceeding against him and other such candidates for the anomalies and malpractices in their selection in **CCE 2014**, issuance of notice to him to explain the position leading to illegal categorization of his name in the Final Select List having become redundant, no notice was felt necessary to be issued to him.

(4) **Shri Dibyajyoti Karjee** :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. His merit position in the select list is at **Serial No. 03 out of total 180 (all together) of which 07 were placed in the category of District Transport Officer**. Had the case of **Shri Vikash Kumar Pincha** already discussed above, been properly dealt with proper categorization as per his preference of choice vis-à-vis marks shown obtained by him, **Shri Karjee** would have been and ought to have been placed in the category of **Labour Officer**, but not in the category of the **DTO**.

In view of the above apparent anomaly, **Shri Karjee** was issued with the notice dated 30-12-2022 to explain his position in the matter. Instead of repeating the contents of the notice in details, the notice itself is reproduced below:

"WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 0905142 and got selected with inclusion of your name in the Final select list and eventually appointed as District Transport Officer (DTO).

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for 09 categories of posts as follows:

- 1. ACS (Jr. Grade)*
- 2. Superintendent of Tax*
- 3. District Transport Officer*
- 4. Labour Officer*
- 5. Inspector of Tax*
- 6. Inspector of Excise*
- 7. APS (Jr. Grade)*
- 8. Superintendent of Excise*
- 9. Inspector of Labour*

AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of General category candidates (Male) were as follows:

- | | | |
|--------------------------------------|----------|--------------------------------|
| <i>1. ACS (Jr. Grade)</i> | <i>:</i> | <i>990</i> |
| <i>2. Superintendent of Tax</i> | <i>:</i> | <i>1014</i> |
| <i>3. District Transport Officer</i> | <i>:</i> | <i>988</i> |
| <i>4. Labour Officer</i> | <i>:</i> | <i>958</i> |
| <i>5. Inspector of Tax</i> | <i>:</i> | <i>937</i> |
| <i>6. Inspector of Excise</i> | <i>:</i> | <i>947</i> |
| <i>7. APS (Jr. Grade)</i> | <i>:</i> | <i>954</i> |
| <i>8. Superintendent of Excise</i> | <i>:</i> | <i>904</i> |
| <i>9. Inspector of Labour</i> | <i>:</i> | <i>No vacancy for General.</i> |

AND WHEREAS, you had secured total 988 marks and were included in the final select list in the category of District Transport Officer.

AND WHEREAS, upon scrutiny of the relevant materials including the application forms submitted by candidates exercising option/preference for being categorized in the final merit list, it is found that one Shri Vikash Kumar Pincha, who was shown secured total 1014 marks and thus became entitled to be included in the category of District Transport Officer in your place, he having shown secured total 1014 marks.

AND WHEREAS, had the correct procedure been followed in reference to the option/preference exercised by the candidates, the last vacancy of District Transport Officer would have gone to Shri Vikash Kumar Pincha as against your placement in the said post.

AND WHEREAS, upon scrutiny of the relevant materials including your choice of preference, in such an eventuality you would have been and in fact ought to have been placed in the category of Labour Officer for which the cut off mark for male candidates was 958.

AND WHEREAS, from the above revelation, prima facie it is established that you were wrongly categorized as District Transport Officer bypassing the established procedure mandatorily required to be followed as per the relevant rules holding the field, leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in District Transport Officer in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments as to how the above anomaly could take place unless there was active connivance on your part towards bypassing the said procedure and in reference to your entitled merit position as per the total marks secured.

NOW THEREFORE, you are called upon to respond to the above anomaly by way of a written statement. If you are desirous of seeing

the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 15th January, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on the 30th day of December, 2022 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS

**HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003**

In his reply to the above notice submitted on 12-01-2023, **Shri Karjee** while narrating his academic career and his selection for different posts before joining the post of **DTO**, has stated that he had no role in the procedure followed towards categorizing the candidates and their placement in the Final Select List. According to him, he had opted for **DTO** as his **3rd preference** of choice and was allotted with the said post on the basis of the total mark (**988**) secured by him. Referring to the case of **Shri Vikash Kumar Pincha**, his stand is that he had been arrested by the police in connection with **Dibragarh PS Case No. 936/2016** for allegedly using fake answer scripts. He has denied that **Shri Pincha** would have been placed/included in his place having secured **1014** mark.

As regards the fact that had the correct procedure been followed as disclosed in the notice, he would have been placed in the category of **Labour Officer**, the stand of **Shri Karjee** is that, he had no role in the process of categorization in drawing the Final Select List and allotment of service preference wise. However, he has also denied that he ought to have been placed in the said category of **Labour Officer** instead of **DTO**. In this connection, he has referred to the cut off marks for **DTO** and **Labour Officer** which are **988** and **958** respectively.

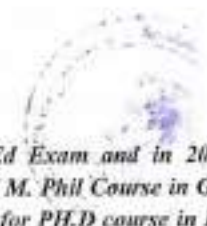
With the above stand, he has denied his involvement or any kind of connivance with any one in respect of drawing the final select list as well as in getting the post of **DTO**. For a ready reference, the undated written statement of **Shri Karjee** received in the Commission on 12-01-2023 is quoted below:

Respected Sir,

I hereby acknowledge the receipt of the notice above referred, issued by the Hon'ble Commission of Inquiry on 7th January, 2023. Accordingly, I have submitted my written statement as below in response to the alleged anomalies pointed out by the Hon'ble Commission vide notice dated 30/12/2022.

That before submitting my statement against the alleged anomalies of the notice, I crave leave of this Hon'ble Commission to state the below mentioned facts for favour of kind consideration of this Commission.

- i. *That, I have passed HSLC in the year 2004 from Sankardev Vidya Niketon, Bishnupath with 71% and then passed HS in Arts Stream in the year 2006 with 79.2% from Ascent Academy Junior College.*
- ii. *I got admitted at Cotton College with major in Economics in 2006 and passed out in 2009 with 64.7% in 2009 and was placed at 1st class 7th position in the result declared by Gauhati University.*
- iii. *I got admitted in 2009 in Gauhati University with Economics Major and passed out in 2011 with 7.8 CGPA.*
- iv. *I got admitted in B.Ed course at Govt Banikanta Kakoti College Of Teachers Education and simultaneously started preparing for Civil Services Examination and also for Ph.D Entrance Exam.*

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- v. *In 2013, I have passed out B.Ed Exam and in 2014 got selected for both Ph.D course and M. Phil Course in Gauhati University. However I have opted for PH.D course in Labour Economics.*
 - vi. *In 2014 itself, in the month of April, I have given the Exam for Judicial Assistant in Gauhati High Court and got selected as Judicial Assistant as per Order No.HC.V-55/2014/776/Estt.000 Dated Guwahati 11.09.2014 and I have joined there on 18th September, 2014 at the Establishment Branch.(copy enclosed)*
 - vii. *Thereafter, I got selected as a Post Graduate Teacher as per the Order No GB-EST/Appt/ST(TET)/18/2014/134 Dated Kahilipara the 1st December, 2014 in the subject Economics in Barhampur SSI HS School, Nagaon and joined there on 11th December, 2014.(copy enclosed)*
 - viii. *I have also appeared in the Combined Competitive Examination conducted by APSC in the year 2013 for the first time with Roll No 0907000 and in the first attempt I was called for Viva-voce interview which was held on 09/03/2015 but unfortunately I could not clear it. Then for the Second time I have appeared in the Combined Competitive Examination conducted by APSC in the year 2014 with Roll No 0905142 and given the Main exam with utmost dedication. I was called for the Viva-voce Examination which was held in the Month of June 2016 and I got selected as a District Transport Officer in the result declared on 30th June, 2016.*
 - ix. *Then I have resigned from the post of Subject Teacher and joined as a District Transport Officer on 18th October, 2016 at Assam Administrative Staff College.*

- I. *That with regard to the allegations of non-following the correct procedure in reference to the options/preferences exercised by the candidate and last vacancy of District Transport Officer would have gone to Shri Vikash Kumar Pincha as against my placement in the said post, I beg to state that I opted District Transport Officer (DTO) as my 3rd Preference/Choice of service and it is my firm belief that I was allotted the post of DTO on the basis of my secured total mark of 988. I would also beg to state that I have no knowledge in respect of the procedure/manner adopted by the office of the Assam Public Service Commission (APSC) in reference to the option/preference exercised by the candidate. I, therefore, do not admit the said allegation as correct so far as my case is concerned.*

2. That so far as the allegation of non-inclusion of one Shri Vikash Kumar Pincha with his total secured marks of 1014 in the category of District Transport Officer in my place, I beg to state that firstly, I do not have any knowledge about the preference of services opted by said Vikash Kumar Pincha in his application form. Secondly, Shri Vikash Kumar Pincha has been arrested by police in connection with Dibrugarh P.S. Case No. 936/2016 for allegedly using fake answer scripts in the CCE-2014 and later on he has been charge-sheeted in the said case. Thus I deny that Shri Vikash Kumar Pincha would have been placed/included in my place with his marks 1014.
3. That it is further alleged that I ought to have been placed in the category of the Labour Officer. In this regard I beg to state that from perusal of the order dated 15/12/2022 passed by this Hon'ble Commission it is found that categorization of selected candidates in reference to their respective preference/options for different posts was made under the APSC (Procedure and Conduct of Business) Rule, 2010 and also APSC CCE Rules 1989. It is also found that final select list is to be drawn following the due procedure of categorizing the selected candidates according to their merit and options/ preferences exercised by them while filling up the relevant column i.e. Column No. 15 providing the choice of preferences. I being one of the candidates, had no role to play in the said process/procedure of drawing the final select list and allotment of service as per preference wise. Under the above and more particularly, without having full knowledge of complete merit positions of all the candidates, it is difficult on my part to comment on the veracity of the said allegation. I, however, do not admit the allegation that I ought to have been placed in the category of Labour Officer instead of DTO. It is to be mentioned herein that from the notice dated 30/12/2022, it is found that the cut off marks for DTO is 988 and for Labour Officer is 958. Thus there is no illegality or irregularities so far as placing me as DTO by the Office of the APSC.
4. That I have denied the allegation to the effect that I was wrongly categorized as District Transport Officer bypassing the established procedure required to be followed as per the relevant rules holding the field. I have further denied that there is any anomaly in selecting me as DTO in the final Select List of CCE 2014. In this connection, I have denied the purported statement made by the then PCE and ACE of APSC to be correct so far as alleged confirmation of any anomalies in categorizing me in DTO.
5. That with regard to the allegations of any anomalies in my selection, any connivance allegedly on my part on bypassing of any procedure in reference to my position are all denied by me. I had no any

connivance with anyone in respect of drawing the final select list as well as in getting the job.

In view of the above, may I fervently pray before the Commission to accept my Written statement and considering my past as well as future service career, this Commission would further be pleased to take the appropriate view in the matter which this Hon'ble Commission may deem fit and proper.

Yours faithfully

(Dibyajyoti Karjee)
District Transport Officer, Golaghat
Golaghat District Transport Office,
GD Road, Golaghat-785621, Assam.

As already discussed above in respect of other such candidates, in this case also there is no any valid persuasion to take a different view on the apparent illegitimate inclusion of his name in the category of **DTO** which naturally led to deprivation of other candidates from their rightful and legitimate place. Having regard to the issue at hand, reference to one's academic career followed by selection for different jobs before joining in the post of **DTO** is of no consequence. The simple issue for consideration is as to whether there was wrong entry of the candidate in the category of the **DTO** instead of his entitled **Labour Officer**. The facts narrated above has conclusively established that having regard to the total mark obtained by Shri Karjee and his preference of choice, he was illegally included in the category of **DTO** in complete violation of the provisions of above quoted rules. Consequence thereof can well be imagined.

5. Shri Abhisekh Dey :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. His merit position in the select list is at **Serial No.20 out of total 180 (all together) of which 47 were**

placed in the **APS (Jr. Grade)**. In spite of his selection and placing him in the category of **APS (Jr. Grade)**, he did not join the service, the reason being that he had opted for the post of **DTO (1st preference)**; **Superintendent of Taxes (2nd preference)** followed by other 07 categories, the **APS (Jr. Grade)** being his **5th preference**. The candidate having secured **948** mark and the post of **Superintendent of Taxes** being his **2nd preference** of choice for which the cut off mark was **904**, he was legitimately entitled to get the said post of **Superintendent of Taxes**. However, he was deprived of the said post by offering him the **5th preferred post of APS (Jr. Grade)** for which the cut off mark was **905**. Thus apparently, he is a victim of the malpractice resorted to in preparing the Final Select List.

From the materials on record, more particularly the statement of **Shri Pabitra Kaibarta**, the then Assistant Controller of Examination, **APSC**, made before this Commission, **Shri Dey** had visited the office of the **APSC** making a grievance against the above anomaly leading to his deprivation from the entitled post of **Superintendent of Taxes**, but to no avail and the anomaly was allowed to remain.

Having regard to the above position which came to the notice of the Commission, **Shri Dey** was given an opportunity to have his say in the matter of his deprivation. That was done by notice dated 30-12-2022 which is quoted below:

"WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

✓


AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 0904861 and got selected with inclusion of your name in the final select list in the category of APS (Jr. Grade).

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for the categories of posts as follows:

1. District Transport Officer
2. Superintendent of Taxes
3. Superintendent of Excise
4. ACS (Jr. Grade)
5. APS (Jr. Grade)
6. Labour Officer
7. Inspector of Taxes
8. Inspector of Excise
9. Inspector of Labour

AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of OBC category candidates (Male) were as follows:

1. District Transport Officer	:	984
2. Superintendent of Taxes	:	921
3. Superintendent of Excise	:	904
4. ACS (Jr. Grade)	:	913
5. APS (Jr. Grade)	:	905
6. Labour Officer	:	No reservation
7. Inspector of Taxes	:	897
8. Inspector of Excise	:	No reservation
9. Inspector of Labour	:	No reservation

AND WHEREAS, you had secured total 948 marks and were included in the final select list in the category of APS (Jr. Grade) contrary to your entitled post of Superintendent of Taxes which was your 2nd choice of preference and the cut off mark for the same being 921.

AND WHEREAS, you declined to accept the post of APS (Jr. Grade) which was only your 5th choice of preference and you were entitled to the post of Superintendent of Taxes being your 2nd choice of preference and as revealed from the statement of Shri Pabitra Kalbarta, the then Assistant Controller of Examination made before this Commission, you had visited the office of the APSC raising grievance against the same, but failed to evoke any response from them.

AND WHEREAS, from the above revelation, prima facie it is established that not only you were wrongly categorized as APS (Jr. Grade) ignoring your choice of preference, but in the process some other candidates had been deprived of their entitled choice of preference leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in APS (Jr. Grade) in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments on the above anomaly, which naturally resulted in your deprivation from getting the choice preference post.

NOW THEREFORE, you are requested to respond to the above anomaly by way of a written statement. If you are desirous of seeing the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 15th January, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

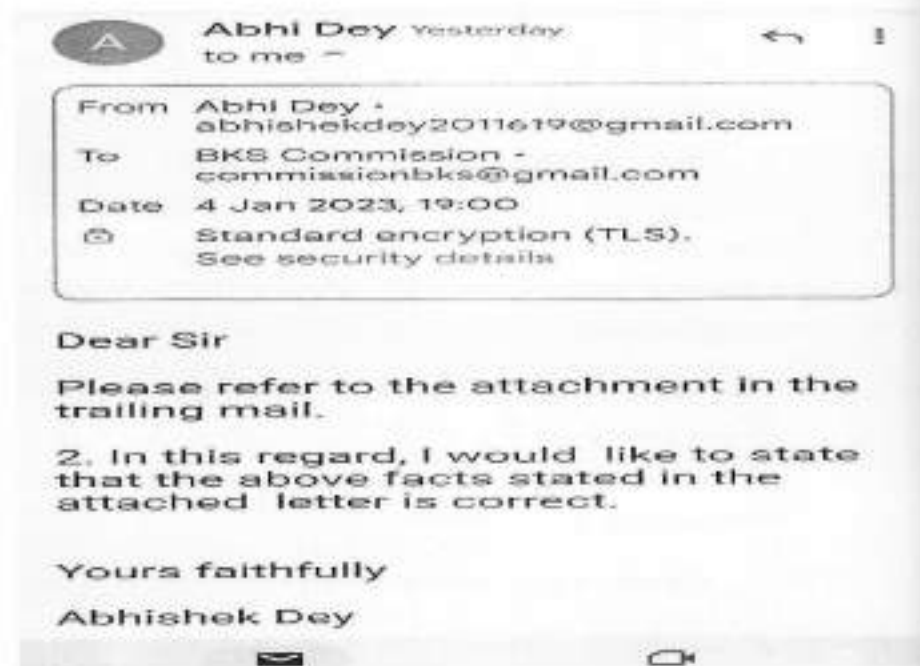
This notice is issued on the 30th day of December, 2022 as per order and authority vested on me by the Hon'ble Commission.

Page 157 of 378

(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

Responding to the notice, **Shri Dey** by his email dated 04-01-2023 authenticated the above position/anomaly with the following statement;



The above incident is really unfortunate one. A genuine candidate with expectation of getting selected and categorized as per his preference of choice was deprived of by offering him a category which was his 5th preference, although he was entitled to get the post of Superintendent of Taxes which was his 2nd preference. Even his protest by visiting the office of the APSC against such illegal exclusion did not yield any result. That apart, had it been categorized as Superintendent of Taxes, one candidate in that category would have been excluded and another candidate in the category of APS (Jr. Grade) would have been included. Thus there was all round deprivation and illegal inclusion for the obvious reason. This is not expected of a body like APSC engaged in public employment for which candidates aspire with their hard work.

6. Shri Ganapati Roy :

His case has a direct bearing with the case of **Shri Abhisekh Dey**, who has been deprived of his legitimate category as discussed above. **Shri Roy** has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. His merit position in the select list is at Serial No.06 out of total 180 (all together) of which 07 were placed in the Superintendent of Taxes. Had the case of **Shri Abhisekh Dey** already discussed above, been properly dealt with proper categorization as per his preference of choice vis-à-vis marks shown obtained by him, **Shri Roy** would have been and ought to have been placed in the category of a **Superintendent of Excise**, but not in the category of the **Superintendent of Taxes**.

In view of the above apparent anomaly, **Shri Roy** was issued to the notice dated 30-12-2022 to explain his position in the matter. Instead of repeating the contents of the notice in details, the notice itself is reproduced below:



"WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 0913204 and got selected with inclusion of your name in the Final select list and eventually appointed as Superintendent of Tax,

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said final select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for 09 categories of posts as follows:

- 1. Superintendent of Tax*
- 2. Superintendent of Excise*
- 3. ACS (Jr. Grade)*
- 4. APS (Jr. Grade)*
- 5. District Transport Officer*
- 6. Labour Officer*
- 7. Inspector of Tax*
- 8. Inspector of Excise*
- 9. Inspector of Labour*

AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of OBC category candidates (Male) were as follows:

1. Superintendent of Tax	:	921
2. Superintendent of Excise	:	904
3. ACS (Jr. Grade)	:	913
4. APS (Jr. Grade)	:	905
5. District Transport Officer	:	984
6. Labour Officer	:	No reservation
7. Inspector of Tax	:	897
8. Inspector of Excise	:	No reservation
9. Inspector of Labour	:	No reservation

AND WHEREAS, you had secured total 921 marks and were included in the final select list in the category of Superintendent of Tax.

AND WHEREAS, upon scrutiny of the relevant materials including the application forms submitted by candidates exercising option/preference for being categorized in the final merit list, it is found that one Shri Abhisekh Dey who had secured total 948 marks and was entitled to be included in the category of Superintendent of Tax in your place, he having secured total 948 marks.

AND WHEREAS, had the correct procedure been followed in reference to the option/preference exercised by the candidates, the last vacancy of Superintendent of Tax would have gone to Shri Abhisekh Dey as against your placement in the said post.

AND WHEREAS, upon scrutiny of the relevant materials including your choice of preference, in such an eventuality you would have been and in fact ought to have been placed in the category of Superintendent of Excise for which the cut off mark for male candidates was 904.

AND WHEREAS, from the above revelation, prima facie it is established that you were wrongly categorized as Superintendent of Tax bypassing the established procedure mandatorily required to be followed as per the relevant rules holding the field, leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in Superintendent of Tax in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments as to how the above anomaly could take place unless there was active connivance on your part towards bypassing the said procedure and in reference to your entitled merit position as per the total marks secured.

NOW THEREFORE, you are called upon to respond to the above anomaly by way of a written statement. If you are desirous of seeing the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 15th January, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on the 30th day of December, 2022 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

In his reply to the above notice submitted on 01-02-2023, **Shri Roy** has denied his involvement. His said written response is quoted below:

THE DEPONENT MOST RESPECTFULLY STATES:

That the notice dated 30.12.2022 issued to me in pursuance to the order dated 15.12.2022 was received by me on 13.01.2023 with a direction that I should submit my written response within 15.01.2023. However, as it was not possible on my part to travel from my place of posting, i.e., Haflong to Guwahati and submit my written response within a span of 2(two) days, I had authorized my wife, Smti. Punam Gogoi, to prefer a representation before this Hon'ble Commission for extension of time for submitting written response. Accordingly, additional time was sought for vide representation dated 13.01.2023 and the same was duly received by this Hon'ble Commission. It is pertinent to mention herein that certain documents were required to be shown to me for tendering an effective reply to the notice dated 30.12.2022 and as such I had submitted a representation dated 25.01.2023 praying therein that this Hon'ble Commission may be pleased to allow me to peruse the documents as sought by me in the representation dated 25.01.2023 alongwith an additional time of 10 (ten) days to submit my written response in response to the notice dated 30.12.2022 and the said representation was duly received by this Hon'ble Commission on 25.01.2023. Accordingly, I was allowed to peruse the documents sought by me on 25.01.2023 and vide communication dated 27.01.2023, I was allowed to submit my written response on or before 03.02.2023 and as such, I am submitting my written statement, pursuant to the order dated 30.12.2022 as follows;

- 1. At the very outset, I categorically deny the allegation levelled against me in the notice dated 30.12.2022. Save and except what has been specifically admitted herein, all other allegations/charges as levelled against me are categorically denied. It is pertinent to mention herein that I come from a very humble background. I was born and brought*



up in a remote village in the district of Goalpara, Assam wherein my father was serving as a teacher in a government school and my mother was happily taking loving care of the family at home. I had studied in government school at my village till my 5th standard and thereafter I had joined Jawahar Navodaya Vidyalaya and I appeared in Class-XII exams from the said school wherein I had secured the top rank amongst the candidates appearing from the said school. Thereafter, I completed my Bachelor's degree in Business Administration in Delhi. Simultaneously I had also obtained a professional degree of Company Secretary (CS) from Institute of Company Secretaries of India (ICSI) and I had also obtained a degree in law from Delhi University. Upon obtaining such educational qualifications, I had the opportunity to work for companies like Bank of America and certain other renowned multinational companies & firms in Delhi & NCR Region, wherein, given my educational background, I was allotted works primarily in the field of corporate laws and allied fields. It is pertinent to mention herein that taxation laws formed a major chunk of the work allotted to me. Subsequently, owing to certain personal reasons, I decided to return to Assam and I found that my area of expertise could be optimally utilized if I could join the administrative services as the same would serve dual purpose, i.e., my professional advancement and simultaneously serving the people of my home state.

2. That with regard to the contents of Paragraph 2 of the notice, I beg to state that it is fact that in the month of May, 2014, the notification was published by Assam Public Service Commission (APSC) for conduct of Combined Competitive Examination (CCE), 2014 and being eligible I had submitted for candidature in terms of the said notification. Accordingly, on being found eligible, I was allowed to appear in the Combined Comprehensive (Preliminary) Examination, wherein I had fared well and as such I was allowed to appear in the CCE Main, 2014 which had held during the period of May to July, 2015. Given my past experience in matters related to taxation laws while serving in the corporate sector, I had submitted my list of

preference wherein my 1st preference was Superintendent of Tax and 2nd preference was Superintendent of Excise. I having fared well was subsequently called for appearing in the Interview, which was held in the month of June, 2016. Thereafter, the results were declared on 30.06.2016 and my name was shown at Serial No. 6 against the post of Superintendent of Taxes and accordingly I joined in the said capacity in the month of October, 2016.

3. That with regard to the contents of Paragraph 3 of the notice dated 30.12.2022, I beg to state that I do not have any knowledge of the same as categorization is the prerogative of the concerned authorities of Assam Public Service Commission and I having been categorized under Superintendent of Tax by the concerned authorities, I had joined in the said capacity in the month of October, 2016 and as such anomaly, if any, which might have occasioned in categorization of the candidates, cannot be attributed to me.
4. That with regard to the contents of Paragraph 4, 5 and 6 of the notice dated 30.12.2022, I beg to state that the same are matters of record and I deny anything that is contrary to and/or inconsistent with the records of the case.
5. That with regard to the contents of Paragraph 7 of the notice dated 30.12.2022 I beg to state that marks secured by the candidates are matters of record and as such I deny anything that is contrary to and/or inconsistent with the records of the case.
6. That with regard to the contents of Paragraph 8 of the notice dated 30.12.2022, I beg to reiterate that evaluation and categorization of the candidates is done by the authorities of Assam Public Service Commission and the candidates has no role in the said process and as such I have no knowledge as to what would have been the consequence if correct procedure was followed. I beg to state that on being categorized under Superintendent of Tax under the final select list, I had no prima facie reasons before me to draw an inference that I am not eligible for the said post inasmuch as in the Final Select List dated 30.06.2016, marks secured by the candidates are not mentioned. I had bonafide reasons to believe that I was duly selected

vide the Final Select List dated 30.06.2016 and accordingly I joined the services in the month of October, 2016 in the capacity of Superintendent of Taxes.

7. That with regard to the contents of Paragraph 9 of the notice dated 30.12.2022, I beg to reiterate the statements made in Paragraph 6 of this written response and state that I have no knowledge as to the whether I was wrongly categorized as Superintendent of Tax bypassing the established procedure mandatorily required to be followed as per the relevant rules holding the field inasmuch as categorization of candidates by following the applicable procedure is the exclusive domain of the authorities of Assam Public Service Commission (APSC) and as such if any such bypassing of established procedure had occasioned in the matter, as alleged, the same cannot be attributed to me and I cannot be made a scapegoat for any error which might have occasioned on the part of the concerned authorities of Assam Public Service Commission.
8. That with regard to the contents of Paragraph 10 of the Notice dated 30.12.2022, I beg to reiterate the submissions made in the foregoing paragraphs of this written response and state that categorization is the exclusive domain of the authorities of Assam Public Service Commission and I cannot be made a scapegoat for irregularities on the part of the authorities of APSC.
9. That with regard to the contents of Paragraph 11 of the Notice dated 30.12.2022, I beg to reiterate the statements made in the foregoing paragraphs of this written response and state that the allegation levelled against me is totally misconceived and the same is made purely on the basis of suspicion. It may not be out of place to quote Paragraph 10 of the Notice dated 30.12.2022;

"Therefore, it is felt necessary to obtain your views comments as to how the above anomaly could have taken place unless there was active connivance on your part bypassing the said procedure....."

A bare perusal of the same clearly shows that the notice dated 30.12.2022 have been issued against me solely on the premise that the anomaly, as alleged could not have been taken place without my active connivance. I beg to state that on perusal of the Notice dated 30.12.2022, it clearly emerges that there is no evidence on record to prima facie show that I had connived with the authorities of Assam Public Service Commission. In the absence of any material on record to prima facie indicate any wrongdoing on my part, I cannot be roped in on mere suspicion of commission of any alleged error/irregularity which might have occasioned on the part of the respondent authorities. Furthermore, it is no one's case that I had not secured 921 marks and rather, the same has been categorically admitted in the notice dated 30.12.2022. I categorically submit herein that I had never connived with any person/persons for the purposes of securing appointment against any post(s) advertised for CCE- 2014. I further state herein that I was not averse to joining any of the services against which I would have been categorized and would have happily joined any other posts against which I would have been categorized, including the post of Superintendent of Excise, for the very fact that upon the demise of my late father in the month of September, 2015, I became the sole bread earner of my family. However, solely for the fact that I was appointed against the post of Superintendent of Taxes vide the Select List dated 30.06.2015, I had joined my services in the month of October, 2016 and have gained considerable seniority till date and I humbly submit that I may not be made a scapegoat for errors/irregularities, if any, which might have occasioned on the part of the authorities of Assam Public Service Commission. As such I pray that, given the circumstances involved, I may be exonerated from the allegation levelled against me vide the notice dated 30.12.2022. I further pray that this Hon'ble Commission may be further pleased to afford me a personal hearing thereby providing me an opportunity to submit my response to the notice dated 30.12.2022 in a more effective manner.

10. That the statements made hereinabove are true to the best of my knowledge and belief.



In the premises aforesaid, it is most respectfully prayed that the Hon'ble Commission be graciously pleased to examine the contentions raised by me hereinabove alongwith the contemporaneous records and on a consideration of the matter be pleased to exonerate me from the allegation as levelled against me.

.....
Affidavit/-

As already discussed above in respect of other such candidates, in this case also there is no any valid explanation from the candidate to take a different view on the apparent illegal inclusion of his name in the category of Superintendent of Taxes, which naturally led to deprivation of other candidates, more particularly Shri Abhisekh Dey discussed above.

7. Shri Bedanga Bhusan Saikia :

This has a sequel to the above two cases of **Shri Abhisekh Dey** and **Shri Ganapati Roy**. **Shri Saikia** has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. **His merit position in the select list is at Serial No.01 in the category of Superintendent of Excise.** Had the case of **Shri Ganapati Roy** already discussed above, been properly dealt with proper categorization as per his preference of choice vis-à-vis marks shown obtained by him, **Shri Saikia** would have been and ought to have been placed in the category of **Inspector of Taxes**, but not in the category of the **Superintendent of Excise**.

In view of the above apparent anomaly, **Shri Saikia** was issued to the notice dated 06-01-2023 to explain his position in the matter. Instead of repeating the contents of the notice in details, the notice itself is reproduced below:

"WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/ fault/malpractice, if any, accordingly.

AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 0912991 and got selected with inclusion of your name in the Final select list and eventually appointed as Superintendent of Excise.

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said final select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for 09 categories of posts as follows:

1. District Transport Officer
2. ACS (Jr. Grade)
3. Superintendent of Tax
4. Superintendent of Excise
5. Labour Officer

✓



6. *Inspector of Tax*
7. *Inspector of Excise*
8. *Inspector of Labour*
9. *APS (Jr. Grade)*

AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of OBC/MOBC category candidates (Male) were as follows:

1. <i>District Transport Officer</i>	:	984
2. <i>ACS (Jr. Grade)</i>	:	913
3. <i>Superintendent of Tax</i>	:	921
4. <i>Superintendent of Excise</i>	:	904
5. <i>Labour Officer</i>	:	No reservation
6. <i>Inspector of Tax</i>	:	897
7. <i>Inspector of Excise</i>	:	No reservation
8. <i>Inspector of Labour</i>	:	No reservation
9. <i>APS (Jr. Grade)</i>	:	905

AND WHEREAS, you had secured total 904 marks and were included in the final select list in the category of Superintendent of Excise.

AND WHEREAS, upon scrutiny of the relevant materials including the application forms submitted by candidates exercising option/preference for being categorized in the final merit list, it is found that one Shri Ganapati Roy who had secured total 921 marks and was entitled to be included in the category of Superintendent of Excise in your place, he having secured total 921 marks.

AND WHEREAS, had the correct procedure been followed in reference to the option/preference exercised by the candidates, the vacancy of Superintendent of Excise would have gone to Shri Ganapati Roy as against your placement in the said post.

AND WHEREAS, upon scrutiny of the relevant materials including your choice of preference, in such an eventuality you would have been and in fact ought to have been placed in the category of Inspector of Taxes for which the cut off mark for male candidates was 897.

AND WHEREAS, from the above revelation, prima facie it is established that you were wrongly categorized as Superintendent of Excise by passing the established procedure mandatorily required to be followed as per the relevant rules holding the field, leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in Superintendent of Excise in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments as to how the above anomaly could take place unless there was active connivance on your part towards bypassing the said procedure and in reference to your entitled merit position as per the total marks secured.

NOW THEREFORE, you are called upon to respond to the above anomaly by way of a written statement. If you are desirous of seeing the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 20th January, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on the 6th day of January, 2023 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS

HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

In his reply to the above notice submitted on 29-01-2023,
Shri Saikia has denied his involvement. His said written response is
quoted below:

Madam,

At the very outset I would like to reiterate that baring my participation in the Combined Competitive Examination, I had no active role in the process of recruitment, preparation of the final merit list and the categorisation of services which are matters within the exclusive domain of the Commission. As such the question of having any connivance does not crop up.

Insofar as my selection to the post of Superintendent of Excise is concerned, the same appears to have been made on the basis of the marks secured by me and on the basis of the order of preference opted by me and hence accepted by me. It would however be pertinent to mention herein that I was denied the post of D.T.O. which figured as my first preference.

After perusing the Order dated 13/12/2022 furnished to me, I had the occasion to go through the provisions of the Assam Public Service Commission, (Procedure and Conduct of Business) Rules, 2010 and the Assam Public Service Commission (Combined Competitive Examination) Rules, 1989. In my limited understanding the said Rules do not conceive of an established procedure for categorisation of selected candidates and it is merely provided that the final merit list shall be prepared on the basis of the order of preference given by the candidates and the Reservation Rules in force. Rule 29 of the Rules of 2010 provide for determination of qualifying standards by giving weightage on academic merits, subject knowledge, additional relevant qualifications and service experience relevant to the post for preparation of the final order of select list. In my humble understanding what can be gathered from the relevant rules is that firstly there are no set norms for categorisation of services and secondly that the Commission may itself determine the qualifying standards for each of the posts having regard to various factors. It thus appears that the entire process of categorisation is dependent on the subjective evaluation by the Commission. As such no role can be attributed to the candidates as regards the so called categorisation of post and the Commission is solely responsible for the same.

I appreciate that this Hon'ble Commission is looking into matters regarding anomalies in the process of recruitment and the process of selection of

candidates. But this Hon'ble Commission would also appreciate that no allegation of any malpractice regarding my induction, recruitment or selection appears to have been labeled against me.

Denying all the allegations marked against me, I would hence appeal to this Hon'ble Commission to drop the proceedings as against me and absolve me from any further enquiry having said that, I undertake to extend full cooperation in the enquiry.

Thanking You,

Yours sincerely,

Bedanga Bhushan Saikia
Superintendent of Excise,
Dibrugarh

Thus as in the cases of other candidates discussed above, in this case also there was wholesome illegality in inclusion of his name in the category of Superintendent of Excise instead of Inspector of Taxes and in the process, other legitimate and entitled candidates have been deprived of their proper position in the Final Select List which naturally led to an anomalous situation in drawing the Final Select List.

8. Shri Soroj Kumar Deka :

He has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. His merit position in the select list is at **Serial No.32 in the category of APS (Jr. Grade)**. Total mark secured by him is **906** and as per the preference of choice, the candidate had indicated in the prescribed application form, he was entitled to the post of Superintendent of Excise, cut off mark for which was **904**. On the other hand, cut off mark for **APS (Jr. Grade)** was **905**. **Shri Deka's** first option was for **ACS (Jr. Grade)** followed by **DTO, Superintendent of Taxes, Superintendent of Excise and APS (Jr. Grade)** and 04 others.

Thus on the face of it, he was entitled to the post of **Superintendent of Excise**, but instead he was placed in the category of **APS (Jr. Grade)** respective options for which was **4th and 5th** respectively. Thus in this case also, the above quoted provisions of the relevant rules was violated and in the process, he was deprived of the post of the **Superintendent of Excise**. It has come on record that although **Shri Deka** had joined **APS (Jr. Grade)** for which he was illegally categorized in deprivation of his legitimate category of **Superintendent of Excise**, eventually resigned from **APS (Jr. Grade)** after serving for few months. This is another example of deprivation of a candidate from his legitimate preference of choice.

Having regard to the fact that **Shri Deka** has already resigned from his service of **APS (Jr. Grade)**, it was felt not necessary to issue notice to him. However, irrespective of issuance of notice or not to him, the facts stated above have clearly revealed that this is yet another case of deprivation of one's preference of choice and in the process, the very sanctity of the Final Select List was compromised.

9. Shri Manashiyoti Das :

This case has also a bearing with the case of **Shri Soroj Kumar Deka** discussed above. **Shri Das** has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. His merit position in the select list is at Serial No.02 in the category of **Superintendent of Excise**. Had the case of **Shri Soroj Kumar Deka** been properly dealt with proper categorization as per his preference of choice vis-à-vis marks shown obtained by him, **Shri Das** would have been and ought to have been placed in the category of **Inspector of Taxes**, but not in the category of the **Superintendent of Excise**.

✓ In view of the above apparent anomaly, **Shri Das** was issued with the notice dated 06-01-2023 to explain his position in the matter.

Instead of repeating the contents of the notice in details, the notice itself is reproduced below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2013/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 1701186 and got selected with inclusion of your name in the Final select list and eventually appointed as Superintendent of Excise.

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said final select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for 09 categories of posts as follows:

1. ACS (Jr. Grade)
2. APS (Jr. Grade)
3. Labour Officer
4. Superintendent of Tax
5. Superintendent of Excise
6. District Transport Officer
7. Inspector of Labour
8. Inspector of Tax
9. Inspector of Excise



AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of OBC category candidates (Male) were as follows:

1. ACS (Jr. Grade)	:	913
2. APS (Jr. Grade)	:	905
3. Labour Officer	:	No reservation
4. Superintendent of Tax	:	921
5. Superintendent of Excise	:	904
6. District Transport Officer	:	984
7. Inspector of Labour	:	No reservation
8. Inspector of Tax	:	897
9. Inspector of Excise	:	No reservation

AND WHEREAS, you had secured total 904 marks and were included in the final select list in the category of Superintendent of Excise.

AND WHEREAS, upon scrutiny of the relevant materials including the application forms submitted by candidates exercising option/preference for being categorized in the final merit list, it is found that one Shri Soroj Kumar Deka who had secured total 906 marks and was entitled to be included in the category of Superintendent of Excise in your place, he having secured total 906 marks.

AND WHEREAS, had the correct procedure been followed in reference to the option/preference exercised by the candidates, the last vacancy of Superintendent of Excise would have gone to Shri Soroj Kumar Deka as against your placement in the said post.

AND WHEREAS, upon scrutiny of the relevant materials including your choice of preference, in such an eventuality you would have been and in fact ought to have been placed in the category of Inspector of Taxes for which the cut off mark for male candidates was 897.

AND WHEREAS, from the above revelation, prima facie it is established that you were wrongly categorized as Superintendent of Excise bypassing the established procedure mandatorily required to be followed as per the relevant rules holding the field, leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in Superintendent of Excise in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments as to how the above anomaly could take place unless there was active connivance on your part towards bypassing the said procedure and in reference to your entitled merit position as per the total marks secured.

NOW THEREFORE, you are called upon to respond to the above anomaly by way of a written statement. If you are desirous of seeing the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 20th January, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on the 6th day of January, 2023 as per order and authority vested on me by the Hon'ble Commission.

(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

In his reply to the above notice submitted on 20-01-2023, **Shri Das** has denied his involvement. His said written response is quoted below:

Sir,

With reference to the subject cited above I have the honour to put forward my views/ comments in response to the notice issued on the 6th day of January, 2023 under the signature of Sharmistha Borah, ACS, Secretary to Hon'ble Mr. Justice B.K. Sharma Inquiry Commission & Deputy Secretary to the Govt. of Assam, Home & Political Department, Guwahati, Assam within the stipulated time.

Following your observations in the aforesaid notice, I deem it pertinent to acknowledge that I did appear in the Combined Competitive Examination, 2014 (CCE-2014) with my Roll No. 1701186, wherein I was allotted Superintendent of Excise in the overall list of successful candidates with my position being 2 (Second) in the specified category.

However, I still could remember that during the submission of my application form for CCE (Main), 2014, I did not reshuffle my choices/preferences against column No. 15 for 09 categories of posts, i.e., I kept it intact and followed the same order of the posts as indicated in the application form. But, as of the respective cut off marks for the aforesaid posts namely ACS (Jr. Grade), APS (Jr. Grade), Labour Officer, etc., in respect of OBC category candidates (Male), I came to know about it only through your notice received on January 9, 2023. It is worth mentioning that I got to know about my grand total of 904 marks being scored in the CCE-2014 through RTI application in 2016. Once I completed the three phased examination procedure of CCE-2014, I just waited for my final result and got the position of Superintendent of Excise in the process when the result was out. In fact, it was my third attempt as I could not make the cut in my previous two attempts.

Under such circumstances, I was of the opinion that the allotment of various posts to each and every successful candidate solely rests on the authority concerned with strict adherence to APSC Rules. However, the moment I got

to know about my position, i.e., Superintendent of Excise in the final merit list of CCE-2014, I assumed that this position was allotted to me by taking into account all the relevant factors including merit, choices/preferences, etc. Thereafter, as a part of follow up actions, I got engaged in the training programme being held at the Assam Administrative Staff College, Khanapara from October 18, 2016 onwards.

But, in your notice, you have cited a few anomalies, which I was totally unaware of in the first place. As per your observations, if anomalies or discrepancies like wrongly categorizing me as Superintendent of Excise, depriving one Shri Soroj Kumar Deba with better marks of his rightful position, not allotting me a somewhat inferior position like Inspector of Taxes while drawing the final select list of CCE-2014 have surfaced, then the authority concerned should be held responsible in this regard. In practice, just before cracking the CCE-2014, I was just an aspirant of civil services and it was unnecessary on my part to know the inner mechanism of the APSC while drawing the final select list of CCE-2014. If the charge of bypassing the established procedure mandatorily required to be followed as per the relevant rules holding the field has anything to go by, then the accountability should be fixed on the authority concerned only. Moreover, the insinuation of 'active connivance on my part towards bypassing the said procedure and in reference to my entitled merit position as per the total marks secured' is utterly baseless and contrived as I have no role to play in all these matters. To sum it up, final selection of a candidate in any examination of APSC is the prerogative of the authority concerned only.

This is for favour of your kind information and necessary action

Yours faithfully,

(MANAS JYOTI DAS)
Superintendent of Excise
VIII-Kaithalkuchi
P.O. Kaithalkuchi
P.S.-Belsor
Dist.-Nalbari (Assam)
PIN-781370
Mobile No.-7086772342



No repetition is needed to once again place on record the illegality injected in preparing the Final Select List of CCE 2014 to the deprivation of legitimate categorization even to the extent of exclusion of deserving candidates from their preference of choice. Although may not be germane to the issue at hand, but it may not be out of place to mention here that this candidate while in service as Superintendent of Excise at Tinsukia, was allegedly found to be involved in corruption case and was arrested red handed by the Vigilance and Anti-Corruption department of Assam Police while taking bribe money. The incident occurred on 06-05-2021 for which he was placed under suspension.

10. Shri Nipan Kumar Pathak :

He has been selected with the inclusion of her name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of APSC. His merit position in the select list is at Serial No. 01 out of total 180 (all together) of which 21 were placed in the Inspector of Taxes.

The case of this candidate is being discussed in the present context only to show as to how there was complete violation of the above quoted rules in preparing the Final Select List. As already discussed above in Chapter VI, he is a product of forgery, his all 06 (six) answer scripts being fake. He is already an accused in the criminal proceeding discussed above and in fact was arrested and presently on bail. During the period of probation, his service has been dispensed with in the said circumstances and thus he is no longer in service. However, his illegal inclusion and position in the Final Select List will have a bearing in the present context under discussion.

Shri Pathak was shown secured total 960 marks entitling him to the post of APS (Jr. Grade) and having regard to his choice of preference. However, he was categorized as

Inspector of Taxes for which the cut off mark was 937. On the other hand, the cut off mark for the post of APS (Jr. Grade) was 954. While the post of APS (Jr. Grade) was his fourth preference, the post of Inspector of Taxes was his seventh preference. However, bypassing the said position, he was categorized as Inspector of Taxes and in the process, deserving candidate(s) were deprived from their legitimate posts and/or altogether deprived from any post.

Although, **Shri Pathak** has already lost his job and is now facing criminal trial, this incident has a bearing in the context in which the manipulation of the final select list is being discussed. Criminal action against him with consequential fall outs are all after the preparation of the final select list in which he was illegitimately included in the category of **Inspector of Taxes** instead of **APS**.

Having regard to the fact that **Shri Pathak** has already been removed from service pursuant to the criminal proceeding against him and other such candidates for the anomalies and malpractices in their selection in **CCE 2014**, issuance of notice to him to explain the position leading to illegal categorization of his name in the Final Select List having become redundant, no notice was felt necessary to be issued to him.

11. **Shri Soumarjyoti Bhuyan:**

This case has also a bearing with the case of **Shri Nipan Kumar Pathak** discussed above. **Shri Bhuyan** has been selected with the inclusion of his name in the Final Select List published on 30th June, 2016 under the signature of the then Chairman of **APSC**. His merit position in the select list is at Serial No.18 in the category of **APS (Jr. Grade)**. Had the case of **Shri Nipan Kumar Pathak** been properly dealt with proper categorization as per his preference of choice vis-à-vis marks shown obtained by him, **Shri Bhuyan** would have been and ought



to have been placed in the category of **Inspector of Taxes** and certainly not in the category of the **APS (Jr. Grade)**.

In view of the above apparent anomaly, **Shri Bhuyan** was issued with the notice dated 30-01-2023 to explain his position in the matter. Instead of repeating the contents of the notice in details, the notice itself is reproduced below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, Inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, you also appeared in the CCE-2014 with Roll No. 0912627 and got selected with inclusion of your name in the Final select list and eventually appointed as Assam Police Service (Jr. Grade).

AND WHEREAS, on scrutiny of all related documents pertaining to CCE 2014 including the options/preferences of posts exercised by the candidates in the prescribed format of application form for Combined Competitive (Main) Examination/2014, it is discernable that some candidates had been categorized and placed in the final select list not according to their admissible options/preferences which naturally led to anomalies in the said select list.

AND WHEREAS, it is found that in your application form of CCE (Main) 2014, you had exercised options against column no. 15 for 09 categories of posts as follows:

1. ACS (Jr. Grade)
2. APS (Jr. Grade)

3. Superintendent of Taxes
4. District Transport Officer
5. Superintendent of Excise
6. Inspector of Taxes
7. Inspector of Excise
8. Labour Officer
9. Inspector of Labour



AND WHEREAS, the respective cut off marks for the aforesaid posts in respect of General category candidates (Male) were as follows:

1. ACS (Jr. Grade)	:	990
2. APS (Jr. Grade)	:	954
3. Superintendent of Taxes	:	1014
4. District Transport Officer	:	988
5. Superintendent of Excise	:	No reservation for General
6. Inspector of Taxes	:	937
7. Inspector of Excise	:	947
8. Labour Officer	:	958
9. Inspector of Labour	:	No reservation for General

AND WHEREAS, you had secured total 954 marks and were included in the final select list in the category of Assam Police Service (Jr. Grade).

AND WHEREAS, upon scrutiny of the relevant materials including the application forms submitted by candidates exercising option/preference for being categorized in the final merit list, it is found that one Shri Nipan Kumar Pathak, who was shown secured total 960 marks and thus became entitled to be included in the category of APS (Jr. Grade) in your place, he having shown secured total 960 marks.

AND WHEREAS, had the correct procedure been followed in reference to the option/preference exercised by the candidates, the last vacancy of APS (Jr. Grade) would have gone to Shri Nipan Kumar Pathak as against your placement in the said post.

AND WHEREAS, upon scrutiny of the relevant materials including your choice of preference, in such an eventuality you would have

been and in fact ought to have been placed in the category of Inspector of Taxes for which the cut off mark for male candidates was 937.

AND WHEREAS, from the above revelation, prima facie it is established that you were wrongly categorized as APS (Jr. Grade) bypassing the established procedure mandatorily required to be followed as per the relevant rules holding the field, leading to anomalies in drawing the final select list of CCE 2014.

AND WHEREAS, the above anomalies in categorizing you in APS (Jr. Grade) in final select list of CCE 2014 are confirmed by the then PCE and ACE of APSC in their statements made before the Commission.

THEREFORE, it is felt necessary to obtain your views/comments as to how the above anomaly could take place unless there was active connivance on your part towards bypassing the said procedure and in reference to your entitled merit position as per the total marks secured.

NOW THEREFORE, you are called upon to respond to the above anomaly by way of a written statement. If you are desirous of seeing the related particulars including your application form for CC (Main) Examination, 2014, you may do so by visiting the office of the Commission during office hours.

Your written response should reach the office of the Commission indicated below on or before 15th February, 2023 failing which it will be presumed that you have got nothing to say in respect of the aforesaid discrepancy/anomaly.

This notice is issued on the 27th January, 2023 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS

HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

In his reply to the above notice submitted on 13-02-2023, **Shri Bhuyan** while denying any connivance with any person or persons who might be responsible for any anomaly/anomalies in categorizing him in **APS (Jr. Grade)**, has generally stated about his ignorance of cut off etc., the same having not been communicated to him and that he had no acquaintance with anyone working in the **APSC** and also that he is not responsible for any violation of the rules in question or any anomaly in conducting the selection process of **CCE 2014**. His said written response is quoted below:

Respected Madam,

With humble submission, I would like to state that I received the aforementioned Notice vide the memo. no. referenced above via regd. post on 03-03-2023. Upon my humble perusal and comprehension of the contents of the said Notice and its associated Order dated 15/12/2022 of Hon'ble Mr. Justice B.K Sharma, it has come to my knowledge that the Hon'ble Mr. Justice B.K Sharma Inquiry Commission has found certain prima facie anomalies pertaining to the categorization of selected candidates in reference to their preference/ options for different posts in CCE-2014 resulting in a defective final select list, which reportedly also includes my selection in the final select list of Assam Police Service (Jr. Grade) declared vide letter no. 51PSC/CON/Exam-141/CC(M)/2014-15 dtd. Guwahati, the 30th June, 2016 of the Assam Public Service Commission, Jawaharnagar, Guwahati, Assam.

With regard to the contents of the Notice received to me, I would like to humbly state the following:

That Madam, it is true that I appeared in the CCE-2014 examinations and got selected with inclusion of my name in the final select list and was eventually appointed in Assam Police Service (Jr. Grade).

That Madam, to the best of my knowledge and memory, my exercised options in the application form of CCE (Main) 2014 against column no. 15 as cited in the Notice is true.

That Madam, prior to my humble perusal of the Notice, I was not aware of the cut off marks for the posts that I had exercised as options as cited in the

Notice in respect of General Category candidates (Male), the same having not been, to the best of my knowledge, published/ declared by the Assam Public Service Commission or any other authorized entity before or after the declaration of the results of CCE-2014; and if I am unfortunately mistaken and the said cut off marks were, in fact, published/ declared by the Assam Public Service Commission or any other authorized entity at any point of time, I would like to humbly submit that I have never read the same/ been made aware of the same by anybody.

That Madam, prior to my humble perusal of the Notice, I was not aware of having secured a total of 954 marks in CCE-2014, the same having not been declared/ published/ communicated to me by the Assam Public Service Commission or any other authorized entity at any point of time; and myself having not obtained the said information through RTI, being fairly satisfied at having cleared CCE-2014 and being selected in Assam Police Service (Jr. Grade), and not seeing any reason to do so at the time.

That Madam, Shri Nipan Kumar Pathak is not known to me, and the total marks obtained by him in CCE-2014 as was outside the purview of my information prior to my humble perusal of the Notice.

That Madam, my appearance in CCE-2014 was my second attempt at clearing APSC CCE, having appeared for CCE-2013 but having failed to clear the PI round. In this regard, I would like to humbly state I had also not availed RTI to obtain information regarding the total marks secured by me in CCE-2013 and had accepted the results with a determination to prepare harder and more thoroughly for the next APSC CCE.

That Madam, I would like to humbly submit that the entirety of my endeavor to clear APSC CCE-2014 was driven purely by hard work and thorough preparation, and I distinctly remember being happy with the quality of my output/ performance after my appearance in each paper of CCE-2014, and being reasonably satisfied with my performance in the PI round of CCE-2014.

That Madam, I would like to humbly submit that I had appeared in CCE-2014 like any other bona fide candidate who was/ is desirous of clearing such an examination by dint of hard work in studying thoroughly for the same, and that I categorically deny having any part in any wrongdoing pertaining to the conduction and selection process of CCE-2014.

That Madam, I would like to humbly submit that I do not possess any detailed knowledge pertaining to the procedure/ methodology used by the Assam Public Service Commission for the conduction and selection process of APSC CCE, which is an internal matter of the APSC as far as I am concerned, and that I have never had any acquaintance with anybody

working in any capacity at/ with APSC at the time of the conduction and selection process of APSC CCE-2013 and APSC CCE- 2014, or thereafter. In this context, I would like to humbly further submit that, as a bona fide candidate who was only concerned with doing well in CCE-2014 in terms of his own performance while sitting for the papers and during the PI, I am not responsible for any violation of the aforementioned Rules or for any anomaly/ anomalies during the conduction and selection process of CCE-2014 as observed by the Hon'ble Mr. Justice B.K Sharma Inquiry Commission; the reason(s) behind which are best known to the persons involved in the conduction and selection process of APSC CCE-2014.

That Madam, I would like to humbly submit that, concordant with what I have already stated above, I categorically deny having any connivance with any person or persons who may be responsible for any anomaly/ anomalies in categorizing me in APS (Jr. Grade) in the final selection list of CCE-2014 and which, as stated in the Notice served to me, has/ have been confirmed by the then PCE and ACE of APSC in their respective statements before the Hon'ble Mr. Justice B.K Sharma Inquiry Commission.

That Madam, I would like to humbly submit that since the day of my appointment in Assam Police Service, I have served in Assam Police with honesty and integrity.

As directed, submitted for favour of your kind perusal.

Yours faithfully,

(SOUMARJYOTI BHUYAN, APS)
Dy.SP (Confidential Branch),
Assam Police Headquarters,
Ulubari, Guwahati.

From the above narration of facts, there is no manner of doubt that in this case also rules regarding categorization of candidates was flouted with impunity, but for which things would have been different. In the process and with the consequential chain action, the categorization of selected candidates on the basis of marks and choice of preference/options had to be given a good bye affecting many deserving candidates either from proper categorization or inclusion in the select list itself. If this is the manner in which the Final Select List was drawn, there is no gainsaying that the same was faulty with an ulterior motive behind,

which is not expected of from a body like **APSC** unless there is reason behind with endowment of benefit to a selected few like that of **Shri Soumarjyoti Bhuyan**.

Above anomalies found in respect of the candidates discussed above naturally raises the question as to how the same could have occurred unless there was a particular design behind for placing the candidates in the particular categories which were not their entitled preference or choice. Recourse to the said design was adopted in complete violation of the provisions of Rule- 3 of the Combined Competitive Examination Rules, 1989 and Rule. 67 of the APSC (Procedure and Conduct of Business) Rules, 2010. As already indicated above, the final select list was authenticated by the all the members of the APSC including the Chairman. It being a collective responsibility, no one can take the plea of ignorance of any kind, more particularly the provisions of the aforesaid Rules. It needs no repetition to say that ignorance of law is not an excuse.

Commission's follow up actions

Having regard to the above shocking revelations, the individuals in-charge of the **CCE 2014**, the then Principal Controller of Examinations and the Assistant Controller of Examinations namely **Shri Babul Saharia** and **Shri Pabitra Kalbarta** respectively, were asked to appear before the Commission to explain the position. Both of them appeared before the Commission on 13-12-2022 and recorded their respective statements which are briefly discussed below.

Shri Babul Saharia:

He in his statement while admitting that the Final Select List is required to be drawn as per the aforesaid provisions of the rules and as per the preference of choice indicated in the prescribed column in the application form of **CC (Main) Examination**, he referred to the case of one **Shri John Das**, who had exercised option for APS (Jr. Grade) was

categorized as such in the Final Select List in spite of the fact that he had secured qualifying marks for ACS (Jr. Grade). According to him **CCE 2014** Final Select List was drawn and placed before the panel of the **APSC** headed by **Shri Rakesh Kumar Paul**, the then Chairman and other Members. The panel had drawn the minutes of the meeting in which the select list was finalized.

To the specific questions relating to the some of the above anomalies, the **Shri Saharia** admitted that there was mistake in categorizing and placing the candidates in the categories beyond their preference of choice. Specifically referring to the case of **Shri Abhijit Dey**, **Shri Saharia** admitted the mistake with the further statement that **Shri Dey** had visited the office of the **APSC** ventilating his grievance against wrong categorization, but the same did not yield any result. He expressed ignorance as to how such anomalies could happen in drawing the final select list of **CCE 2014** in spite of the mechanism for eventual publication of the Final Select List.

As regards his responsibility being the **PCE**, **Shri Saharia** stated that it was a collective responsibility of all the Members. Significantly, **Shri Saharia** in his statement stated thus against **question no. 11**, by which he was asked –

"Would you like to say generally about the alleged anomalies and malpractices in CCE 2014 for unearthing of which, the present inquiry Commission has been constituted".

: Having come to know through news papers about the alleged anomalies and malpractices in conducting CCE 2014, I had requested the then Chairman, Shri Rakesh Kumar Paul, to be careful in future forgetting about the past. However, he did not pay any heed"

For a ready reference, the statement of **Shri Babul Saharia** is reproduced below.

Statement of Shri Babul Saharia, Age 63 years S/o- Late Bhabakanta Saharia, resident of village – No.2 Gorewsswar, PS Goreswar Dist.

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Tamulpur, Assam, Phone No. 88764-84115 made before the Commission on this 13th December, 2022 at the office of the Commission of Inquiry relating to the Affairs of APSC (CCE 2014)

On oath :

I, Shri Babul Saharia, ACS (Retd.), Age 63 years S/o- Late Bhabakanta Saharia, resident of village – No.2 Goreswar, PS Goreswar Dist. Tamulpur, Assam, Phone No. 88764-84115 do hereby solemnly affirm and state as follows:

While I was working as District Development Commissioner, Barpeta, was appointed as Principal Controller of Examinations, APSC in January, 2016. After my joining, the results of CCE 2013 was declared and thereafter CCE 2014 was conducted during my tenure. By the time I had joined as PCE, CCE 2014 Main examinations was already over in 2015. However, Viva-voce/interview of the said examinations was conducted after my joining and final results of CCE 2014 was declared during my tenure.

As per the procedure laid down in the relevant rules of the APSC, a selected candidate is required to be categorized such as ACS (Jr. Grade); APS (Jr. Grade) and other allied cadres as per the option exercised by him/her before the main examinations for which there is prescribed column in the application form to be filled in by the candidates. The final select list is prepared on that basis after combining the marks secured by the candidates in the CC (Main) Examinations and Viva-Voce/interview. Irrespective of total marks secured qualifying for inclusion in the final merit list, the candidates are required to be categorized for appointment as per the said options exercised by them filling up the relevant column in the prescribed form. For example, one Shri John Das who had exercised option for APS (Jr. Grade) was categorized as such in the Final Select List in spite of the fact that he had secured total marks for ACS (Jr. Grade), which is higher than APS (Jr. Grade).

Following the above procedures, CCE 2014 final select list was prepared pursuant to the exercise carried out by the clerical staff of the APSC under the guidance of Shri Pabitra Kalbarta, the then Asstt.

Controller of Examinations, APSC. In case of any doubt and requiring any clarification, the said staff used to consult me. Thereafter the Final Select List so prepared was placed before the Commission formed for the said examination headed by the Chairman, who at that point of time was Shri Rakesh Kumar Paul. Other Members were Dr. Samedur Rahman; Dr. Basanta Kumar Doley; Dr. Anupam Roy; Brig. Ranjit Borthakur and one Shri Hazarika. Both Shri Pabitra Kalbarta, ACE and myself were also present in the meeting. Their role was to finalize the Final Select List taking into account all the relevant aspects and in consultation of all the relevant documents/papers including the prescribed form in which the candidates had exercised their choice/options for selection. On that basis and upon consultation by all the members, a minutes of the meeting was drawn and signed by all towards acceptance of the contents thereon. So far as I remember, the select list was approved without any alteration.

Question No. 1: (The witness is shown the relevant papers including the select list of CCE 2014 in reference to one of the selected candidates namely Shri Vikash Kumar Pincha, who was selected in CCE 2014 and included in the Superintendent of Taxes, General category, although he had exercised options firstly for the category of District Transport Officer (DTO); secondly for the Category of APS (Jr. Grade); thirdly for the category of ACS (Jr. Grade) and six others including the category of Superintendent of Tax as the forth option).

As per the above documents, Shri Pincha had secured total 1014 marks and the cut off mark for his first optional category i.e. DTO was 988. Kindly answer as to how Shri Pincha could have been categorized and placed in the select list as Superintendent of Tax in spite of his first option for the post of DTO ?

Answer: It was apparently wrong in selecting and categorizing him for the post of Superintendent of Tax.

Q.No.2: Kindly answer as to how such an anomaly could happen in spite of the exercise that was carried out towards preparing the Final Select List as indicated above by you.

Answer : I do not know.

Q.No.3 : As per the above documents shown to you, had the proper procedure been followed, in the event of selecting Shri Pincha in the category of DTO as per marks obtained, the last candidate in Open Category namely Dibyajyoti Karjee who has eventually been appointed, would have been excluded from the category of DTO. What have you got to say ?

Answer : Yes, that would have been the position.

Q.No.4: (Shown all the relevant documents pertaining to selection and categorization of Smt. Bhanita Nath, APS (Jr. Grade) in OBC category, although as per choice of preference and marks secured, she was to be categorized as Superintendent of Excise).

As per the above documents, Smt. Bhanita Nath had secured total 902 marks and the cut off marks for her admissible third optional category i.e. Superintendent of Excise was 900. Kindly answer as to how she could have been categorized and placed in the select list as APS (Jr. Grade) in spite of her admissible third option for the post of Superintendent of Excise ?

Answer : I admit the mistake in this case also.

Q.No.5 : As per the above documents shown to you, had the proper procedure been followed, in the event of selecting Smt. Bhanita Nath in the category of Superintendent of Excise as per marks obtained, the last candidate in OBC Category namely Smt. Manabi Das who has eventually been appointed, would have been excluded from the category of Superintendent of Excise. What have you got to say ?

Answer : Yes, the answer will be the same as above against Q.No. 3.

Q.No.6: (Shown all the relevant documents pertaining to selection and categorization of Shri Abhisekh Dey, APS (Jr. Grade) in OBC category, although as per choice of preference and marks secured, he was to be categorized as Superintendent of Taxes)

As per the above documents, Shri Abhisekh Dey had secured total 948 marks and the cut off marks for his option wise admissible categories were Superintendent of Taxes – 921; Superintendent of Excise - 904 and ACS (Jr. Grade)- 913. Kindly answer as to how he could have been categorized and placed in the select list as APS (Jr. Grade) in spite of his aforesaid admissible categories as per his options.

Answer : Yes, it was a mistake . The witness volunteers. Although Shri Abhisekh Dey after his inclusion in the select list in the category of APS (Jr. Grade) had visited our APSC office raising grievance against his such categorization contrary to his options, but by that time, the Final Select List was published and sent to the Govt. for appointment and thus, we could not do anything in the matter.

Q.No.7: As per the above documents shown to you, had the proper procedure been followed, in the event of selecting Shri Abhisekh Dey in the category of Superintendent of Taxes as per marks obtained, the last candidate in OBC Category namely Shri Ganapati Roy who has eventually been appointed, would have been excluded from the category of Superintendent of Taxes. What have you got to say ?

Answer : Same as above in Q. No. 3 and 5.

Q.No.8: Shown similar documents pertaining to selection of 04 other candidates namely Nipan Kumar Pathak, Inspector of Taxes in General category; Soumarjyoti Bhuyan, APS (Jr. Grade) in General category; Soroj Kumar Deka, APS (Jr. Grade) in OBC category and Manashjyoti Das, Superintendent of Excise in OBC category, pointing out the anomalies in each one of the cases in respect of category wise option and eventual inclusion of their names in different categories other than the categories for which options were exercised. What do you say in this regard ?

Answer: My answer will be the same as above. The anomalies detected and pointed out are true as per the selection documents.

Q.No.9: Can you please clarify as to how such anomalies could happen in CCE 2014 in spite of the mechanism for eventual publication of the Final

Select List following all the norms including the options/preference exercised by the candidates ?

Answer : I do not know as to how such anomalies could happen.

Q.No.10 : Are you responsible for such anomalies being the then the Principal Controller of Examinations, APSC ?

Answer: It was a collective responsibility and the Final Select List was published after due scrutiny phase wise as mentioned above including the finality to the same by the Commission consisting of the Members already named above.

Q.No.11 : Would you like to say generally about the alleged anomalies and malpractices in CCE 2014 for unearthing of which, the present inquiry Commission has been constituted ?

Answer : Having come to know through news papers about the alleged anomalies and malpractices in conducting CCE 2014, I had requested the then Chairman, Shri Rakesh Kumar Paul to be careful in future forgetting about the past. However he did not pay any heed.

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Shri Pabitra Kaibarta :

While generally stating about his initial entry into the services of **APSC** as a Typist in the year 1976 and becoming the Assistant Controller of Examination riding the ladder of promotions, **Shri Kaibarta** in his statement stated about process of drawing the Final Select List of **CCE 2014** and signing of the same by all the members named above. According to him, the Final Select List was approved without any alteration.

On being shown the above anomalies pertaining to categorization of candidates, **Shri Kaibarta** has categorically named the then Chairman of the **APSC Shri Rakesh Kumar Paul** in making the alterations. He has stated that such alteration was done during his visit to

his (**Shri Paul**) chamber for obtaining signature in the letter by which the final select list was forwarded to the Govt. As per his own admission, he was involved in the process.

With the above statement, **Shri Kaibarta** has admitted that categorization was changed at the behest of **Shri Rakesh Kumar Paul**. As regards his own role, **Shri Kaibarta** has stated that whatever he had done was as per direction of **Shri Paul**. On being asked to generally state about the alleged anomalies and malpractices in **CCE 2014**, **Shri Kaibarta** has stated that Shri Paul authorized him to keep the keys of the strong room where the evaluated answer scripts had been kept with the further statement that **Shri Paul** used to ask him for selected answer scripts to be taken out from the Strong Room and on being so taken out, **Shri Paul** used to take them along and returned after some days by increasing marks of candidates than the originally secured marks. Finally **Shri Kaibarta** admitted in his statement that there were definite anomalies and malpractices in conducting and finalizing the **CCE 2014**. For a ready reference, his statement is also reproduced below.

Statement of Shri Pabitra Kaibarta, Age 65 Years S/o- Late Dhanpati Kaibarta, resident of Hengrabari Lichubagan, House No. 28, PS Dispur Dist. Kamrup Metro, Assam made before the Commission on this 13th December, 2022 at the office of the Commission of Inquiry relating to the Affairs of APSC (CCE 2014)

On oath :

I, Shri Pabitra Kaibarta, Age 65 Years S/o- Late Dhanpati Kaibarta, resident of Hengrabari Lichubagan, House No. 28, PS Dispur Dist. Kamrup Metro, Assam, Phone No. 91012-09335 do hereby solemnly affirm and state as follows:

I was in the APSC since 1976 when I entered its services as a typist. In due course, riding the ladder of promotions, I became Assistant Controller of Examination in 2012 and retired from service on attaining the age of superannuation in the year 2017. It was during my tenure CCE 2014

examination was conducted by the APSC and I was part and parcel of the same.

As per the procedure laid down in the relevant rules of the APSC, a selected candidate is required to be categorized such as ACS (Jr. Grade), APS (Jr. Grade) and other allied cadres as per the option exercised by him/her before the main examinations for which there is prescribed column in the application form to be filled in by the candidates. The final select list is prepared on that basis after combining the marks secured by the candidates in the CC (Main) Examinations and Viva-Voce/interview. Irrespective of total marks secured qualifying for inclusion in the final merit list, the candidates are required to be categorized for appointment as per the said options exercised by them filling up the relevant column in the prescribed form. For example, one Shri John Das who had exercised option for APS (Jr. Grade) was categorized as such in the final select list in spite of the fact that he had secured total marks for ACS (Jr. Grade), which is higher than APS (Jr. Grade).

Following the above procedures, CCE 2014 final select list was prepared pursuant to the exercise carried out by the clerical staff of the APSC under the my guidance. In case of any doubt and requiring any clarification, we used to consult with Shri Babul Saharia, the then Principal Controller of Examination, APSC. Thereafter the final select list so prepared was placed before the Commission formed for the said examination headed by the Chairman, who at that point of time was Shri Rakesh Kumar Paul. Other Members were Dr. Samedur Rahman; Dr. Basanta Kumar Doley; Dr. Anupam Roy; Brig. Ranjit Borthakur and one Shri Hazarika. Both Shri Babul Saharia, PCE and myself were also present in the meeting. Their role was to finalize the final select list taking into account all the relevant aspects and in consultation of all the relevant documents/papers including the prescribed form in which the candidates had exercised their choice/options for selection. On that basis and upon consultation by all the members, a minutes of the meeting was drawn and signed by all towards acceptance of the contents thereon. So far as I remember, the select list was approved without any alteration.

Question No. 1: (The witness is shown the relevant papers including the select list of CCE 2014 in reference to one of the selected candidates namely Shri Vikash Kumar Pincha, who was selected in CCE 2014 and included in the Superintendent of Taxes, General category, although he had exercised options firstly for the category of District Transport Officer (DTO); secondly for the Category of APS (Jr. Grade); thirdly for the category of ACS (Jr. Grade) and six others including the category of Superintendent of Tax as the forth option).

As per the above documents, Shri Pincha had secured total 1014 marks and the cut off mark for his first optional category i.e. DTO was 988. Kindly answer as to how Shri Pincha could have been categorized and placed in the select list as Superintendent of Tax in spite of his first option for the post of DTO ?

Answer: Although, in the meeting of the Commission held for finalizing the CCE 2014 final select list that was prepared by the subordinate staff in association with the PCE was approved, but later on, Shri Rakesh Kumar Paul, the then Chairman of APSC, directed me to make the aforesaid change in respect of Shri Vikash Kumar Pincha. That was done during my visit to his chamber for obtaining signature in the letter by which the final select list was to be forwarded to the Govt. Accordingly, I had to do it being subordinate to Shri Paul and working under him.

Q.No.2 : As per the above documents shown to you, had the proper procedure been followed, in the event of selecting Shri Pincha in the category of DTO as per marks obtained, the last candidate in Open Category namely Dilbhayoti Karjee who has eventually been appointed, would have been excluded from the category of DTO. What have you got to say ?

Answer : Yes, that would have been the correct position.

Q.No.3: (Shown all the relevant documents pertaining to selection and categorization of Smt. Bhanita Nath, APS (Jr. Grade) in OBC category, although as per choice of preference and marks secured, she was to be categorized as Superintendent of Excise).

As per the above documents, Smt. Bhanita Nath had secured total 902 marks and the cut off marks for her admissible third optional category i.e. Superintendent of Excise was 900. Kindly answer as to how she could have been categorized and placed in the select list as APS (Jr. Grade) in spite of her admissible third option for the post of Superintendent of Excise ?

Answer : That was also done as per the direction of Shri Rakesh Kr. Paul as in the case of Shri Vikash Kumar Pincha stated above.

Q.No.4 : As per the above documents shown to you, had the proper procedure been followed, in the event of selecting Smt. Bhanita Nath in the category of Superintendent of Excise as per marks obtained, the last candidate in OBC Category namely Smt. Manabi Das who has eventually been appointed, would have been excluded from the category of Superintendent of Excise. What have you got to say ?

Answer : Yes, that would have been the correct position.

Q.No.5: (Shown all the relevant documents pertaining to selection and categorization of Shri Abhisekh Dey, APS (Jr. Grade) in OBC category, although as per choice of preference and marks secured, he was to be categorized as Superintendent of Taxes)

As per the above documents, Shri Abhisekh Dey had secured total 948 marks and the cut off marks for his option wise admissible categories were Superintendent of Taxes – 921; Superintendent of Excise - 904 and ACS (Jr. Grade)- 913. Kindly answer as to how he could have been categorized and placed in the select list as APS (Jr. Grade) in spite of his aforesaid admissible categories as per his options.

Answer : That was also done as per the direction of Shri Rakesh Kr. Paul as in the case of Shri Vikash Kumar Pincha and Smt. Bhanita Nath stated above. Although, the candidate Shri Abhisekh Dey, APS (Jr. Grade) had visited the office of the APSC and met Shri Rakesh Kumar Paul with the request to make the correction by way of categorizing him as per his choice of preference, but Shri Paul did not pay any heed to that.

Q.No.6: As per the above documents shown to you, had the proper procedure been followed, in the event of selecting Shri Abhisekh Dey in the category of Superintendent of Taxes as per marks obtained, the last candidate in OBC Category namely Shri Ganapati Roy who has eventually been appointed, would have been excluded from the category of Superintendent of Taxes. What have you got to say ?

Answer : Yes, that would have been the correct position.

Q.No.7: Shown similar documents pertaining to selection of 04 other candidates namely Nipan Kumar Pathak, Inspector of Taxes in General category; Soumarjyoti Bhuyan, APS (Jr. Grade) in General category; Soroj Kumar Deka, APS (Jr. Grade) in OBC category and Manashjyoti Das, Superintendent of Excise in OBC category, pointing out the anomalies in each one of the cases in respect of category wise option and eventual inclusion of their names in different categories other than the categories for which options were exercised. What do you say in this regard ?

Answer: That was also done as per the direction of Shri Rakesh Kr. Paul as in the case of Shri Vikash Kumar Pincha, Smt. Bhanita Nath and Shri Abhisek Dey stated above.

Q.No.8: Can you please clarify as to how such anomalies could happen in CCE 2014 in spite of the mechanism for eventual publication of the final select list following all the norms including the options/preference exercised by the candidates ?

Answer : Although the clerical staff under my guidance prepared the final select list following the norms of option/preference given by the candidates and was approved in the Commission's meeting, but later on, at the time of sending the list to the Govt. for appointment, changes were made by me as per direction of Shri Rakesh Kumar Paul.

Q.No.9 : Are you responsible for such anomalies being the then the Assistant Controller of Examinations, APSC ?

Answer: Whatever I did, was as per the direction of Shri Paul. I being his subordinate, could not ignore his direction.

Q.No.10 : Would you like to say generally about the alleged anomalies and malpractices in CCE 2014 for unearthing of which, the present inquiry Commission has been constituted ?

Answer : I was involved in "coding" and "decoding" process of CCE 2014. I was also authorized to keep the keys of the strong room where the evaluated answer scripts were kept. Shri Paul used to ask me for selected answer scripts to take them out of the strong room and he used to return them after some days with increasing of marks than the originally secured marks. Since the mark sheet was also required to be corrected accordingly, while doing so, I came to know about the said exercise carried out by Shri Paul. As far as I know, such a course of actions was adopted by Shri Paul to favour his own candidates who comparatively secured lesser marks than other candidates. Thus there was definitely anomalies and malpractices in conducting and finalizing the CCE 2014.

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Commission's finding

The above revelations have conclusively established that there was definite foul play in drawing the Final Select List of CCE 2014 compromising transparency and fair-play, but for which things would have been different as already discussed above. In the process, some of the candidates must have been or in fact, deprived of their legitimate selection and categorization with the inclusion of some candidates undeservedly in the particular categories which naturally led to compromising the sanctity of selection and placement in the Final Select List as per the preference of choice and the marks obtained. As to what could be outcome thereof can well be imagined. A constitutional body like APSC could be played with the manner in which Shri Rakesh Kumar Paul, the then Chairman liked to in collaboration with Shri Pabitra Kaibarta, the then Assistant Controller of Examination.

...with the APSC is really unfortunate, and

As regards the particular statement of **Shri Kaibarta** that after the Final Select List was drawn with the signatures of all the members, certain alterations had been made by **Shri Rakesh Kumar Paul** and those alterations formed part of the Final Select List which was sent to the Govt. is found to be wholly incorrect inasmuch as after a cross verification of the Final Select List signed by all the members and the list that was sent to Govt. in the concerned department which was also published, it is found that there was no any changes between the Final Select List drawn by all the members with their endorsement and the list that was published and sent to the Govt. Thus whatever manipulations were done in the Select List in categorizing the candidates as per their choice of preference/options viz-a-via marks obtained, the same was at the time of finalizing the Select List and not thereafter by **Shri Rakesh Kumar Paul** alone.

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CHAPTER – VIII

ROLE OF THE CHAIRMAN, MEMBERS AND OTHER STAFF OF APSC IN CONDUCTING CCE 2014

With the above shocking revelations of wholesome malpractices in **CCE 2014** conferring undue benefits to the candidates named above, question necessarily will arise as to who are the masterminds of the anomalies and malpractices. The terms of reference requiring the Commission to enquire into, inter-alia include inquiry relating to allegations of anomalies and malpractices in conduct of **CCE 2014** and the role of the Chairman, Members and staff of the **APSC** and also the candidates. The Commission is of the view that the expression "**Chairman and other members of Assam Public Service Commission including the staff and candidates**" cannot confine to them only, but depending upon the outcome of the inquiry will also extend to all others, be it the insiders or outsiders of **APSC**. The said insiders or outsiders will also necessarily come into the picture while looking at the role of the Chairman, Members and staff of the **APSC** and also the illegally selected candidates, within the purview of the anomalies and malpractices pertaining to conduct of **CCE 2014**.

Keeping in mind all the aspects of the matter particularly the terms of reference the Commission requires to deal with, the Commission required the **APSC** to submit details of the persons involved in conducting the **CCE 2014**. Accordingly, the **APSC** furnished the Commission the details of the persons involved in the said examinations. As per the said information, the following are the persons who were involved in the said examination.

As regards the role of the Chairman and Members of the **APSC**, the report refers to Chapter 2 of the **APSC (Procedure and Conduct of Business) Rules 2010** as well as **Clause 3 of the APSC (Conduct of Business Procedure) 2019**. It also states that various

examinations were conducted as per the rules of 2010 till 31st March 2019 and thereafter as per the rules of 2019.

Thus from the above, what is seen is that with the individual assignment and shouldering of duties and responsibilities, it is an overall collective responsibility of all the aforementioned Members including the Chairman and staff of the **APSC**. Considering the importance of the position in which the persons were involved in conducting the said examination, the Commission issued individual notice requiring them to furnish their comments and to clarify their respective role in the same. Accordingly, they had submitted their replies barring **Shri Rakesh Kumar Paul**, the then Chairman of **APSC**. Their individual responses are discussed below.

Shri Rakesh Kumar Paul :

As already indicated above, **Shri Rakesh Kumar Paul**, in spite of receipt of the notice did not respond to the same and thus the allegations against him highlighted in the notice go unrefuted. **Shri Paul** as the Chairman of **APSC** was the overall in-charge of conducting the **CCE 2014**. Occupying that important position, he cannot shirk off his responsibility in respect of the anomalies and malpractices which emanated in the said examination. From the materials on record, the anomalies and malpractices on the part of **Shri Paul** which have come to light, in a nutshell, are as follows:

- (i) At least **21(twenty one)** candidates could write their answers on fake answer scripts based on which they were awarded marks with eventual selections and appointments.
- (ii) Another candidate also declared successful and appointed on the basis of **05(five)** fake answer scripts. Ironically, even the answers written on those answer scripts are not that of the candidate except **02** pages of a particular answer script.
- (iii) As disclosed by one **Dr. Mrigen Saikia**, the then Sub Divisional Medical Officer, Veterinary Department, Govt. of

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Assam, one **Shri Pradip Nunisa**, father in law of one of the candidates **Shri Gulshan Daolagupu**, illegally selected for APS had handed over **Rs. 50,00,000/-** to him to be paid to him for securing the job.

- (iv) Although, **Shri Paul** had issued the order dated 16-05-2014 requiring the then Principal Controller of Examination, **Shri A.N.B. Singha**, not to participate in the **CCE 2014** in view of the fact that his daughter namely **Minerva Devi Arambam** was appearing in the said examination and was replaced by **Mrs. Biva Sharma**, Deputy Secretary and Controller of Examinations, **APSC** to look after **CCE 2014**, but in reality, **Shri Singha** continued to function full fledged as Principal Controller of Examination under his very nose.
- (v) As per the report furnished by the **APSC** vide letter dated 12-07-2022, total **1,20,000** OMR sheets had been procured for **CC (Prelims) 2014**, but on the other hand total **49,179** had been defaced as per the note jointly signed by **Shri Singha** and the then Secretary, **APSC**. **Shri Singha** could not have done that amidst the examination process that too when he was not authorized to act as PCE as per the above order of **Shri Paul**.
- (vi) There is apparent discrepancy in defacing **24,467** used OMR sheets of General Studies as against total number of candidates who appeared in **CC (Prelims) Examination, 2014** which is **24,456**. This position is admitted by the **APSC** vide its letter no. 15PSC/Estt.-06/2022-2023/Pt-I dated 05-08-2022.
- (vii) As per the information furnished by the **APSC** vide letter dated 28-06-2022, the cut off marks in **CC (Prelims) Examination, 2014** for the last category namely PWD(OH) was **218** but on the other hand, candidates securing lesser marks than the said cut off mark had also been declared

passed vide notification dated 17-12-2014 issued unauthorizely by **Shri Singha**.

(viii) As per the revelations made by **Shri Pabitra Kaibarta**, the then Assistant Controller of Examination, **APSC**, before the earlier Commission of Inquiry pertaining to **CCE 2013**, **Shri Paul** used to ask him for some answer scripts for some chosen candidates for verification and he used to return them after few days. According to his statement manipulations were done in various documents such as answer scripts, mark sheets, Final Tabulation Sheet etc, in the entire selection process based on which the Final Merit List was published.

(ix) There are numerous instances of not adhering to **Rule 3 CCE Rules, 1989** in terms of which candidates are required to be selected category wise as per the merit and preference offered by them. It is found that many candidates have been selected and appointed not adhering to their preferences, but at random accommodating undeserving candidates in undeserved category and in the process depriving other deserving candidates.

(x) The fake answer scripts referred to above, are all printed in **M/S Subhadeep Printers** owned by none other than the own brother of **Shri Paul** showing nexus between them in perpetrating such an illegality.

As already indicated above, **Shri Paul** was also issued a notice dated 25-08-2022 pursuant to the order of the Commission dated 13-07-2022 and sent through the Superintendent of Jail, Central Jail, Guwahati, which he received under his clear signature on 25-08-2022. In terms of the noticed, he was required to furnish his reply/written statement within **15(fifteen)** days. However, he has chosen not to furnish any reply that too without showing any excuse thereof. Thus it can very well be said that there is virtual admission of all the allegations

against him. It can be very well be said that **Shri Paul** having not denied the allegations, stand admitted by him.

A copy of the notice dated 25-08-2022 is annexed in Vol. II of this report and marked as Annexure-24.

Apart from the above malpractices and illegalities in conducting and finalizing the **CCE 2014**, which stare on the face of it, even in the process of drawing the Final Select List, **Shri Paul** had made manipulations therein with wrong and illegal categorization of candidates in complete violation of the provisions of the rules referred to the above, in terms of which categorization must be in reference to the marks obtained and options/preference of choice offered by the candidates in the prescribed application form. Because of such manipulation, final select list became defective one with the inclusion of selected candidates beyond their entitled options/preference of choice in reference to their marks. In the process, some of the selected candidates were conferred with undue benefits which naturally led to deprivation of some others about which a thorough discussion have been made in **Chapter-VI**.

From the sequence of events, there is no manner of doubt that the entire selection was played with at the whims and caprices of **Shri Paul** occupying the key position of the Chairman of **APSC**. He could not have done so unless there was active connivance of others involved in the functioning of the **APSC** more particularly in the selection process. For a ready reference, the role played by **Shri Pabitra Kaibarta**, the then Assistant Controller of Examination may be referred to. It is really very unfortunate that no sanctity was left with the **APSC**, a constitutional body with its role in selecting meritorious and deserving candidates for different civil services of the State.

It is unthinkable that **Shri Paul** bypassing the established procedure had even gone to the extent of printing the fake answer scripts for selected candidates in the private printing press of his own brother

namely Shri Rajeev Paul, who used to run the printing press in the name and style of "M/S Subhadeep Printers". Be it stated here that after registration of the related **Dibrugarh PS Case No. 936/2016** in connection with the both **CCE 2013** and **CCE 2014**, **Shri Rajeev Paul** has done the act of vanishing and still not traceable. Be it further stated here that candidates occupying coveted posts pursuant to their purported selections in both **CCE 2013** and **CCE 2014** are not only the beneficiaries of such fake answer scripts, but even their original handwritings are not there, but somebody else's. In this connection, the case of **Shri Rakesh Das** of **CCE 2013** presently serving as Assistant Employment Officer and **Smt. Wahida Begum** of **CCE 2014** presently serving as Superintendent of Taxes may be referred to.

The instant case is not the solitary instance of reducing the **APSC** to such a level. In **CCE 2013** of **APSC** conducted under the Chairmanship of same very **Shri Rakesh Kumar Paul**, also made shocking revelations of malpractices and illegalities towards selecting candidates. Such revelations are there in the Inquiry Report dated 21-03-2022 of the then Inquiry Commission under the Chairmanship of the undersigned and submitted to the Govt. of Assam on 02-04-2022. All the details regarding his involvement in the entire episode which also led to the criminal case being **Special Case No. 02/2017** against him and others are there. No further discussions are needed as to how Shri Paul conducted himself along with others in the matter of selecting candidates for extraneous consideration.

Dr. Samedur Rahman:

He was a Member of the **APSC** and was involved in **CCE 2014** and the selection thereof. Having regard to the large scale anomalies and malpractices found and discussed above in respect of **CCE 2014**, and also having regard to prima facie revelations made by the related criminal case records, like others, he was also issued the notice dated 31-08-2022.

pursuant to the order passed by the Commission on 06-08-2022. The allegations found against **Dr. Rahman** and as reflected in the notice dated 31-08-2022 are as quoted below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, Inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

AND WHEREAS, it is found that during the relevant period from the date of publication of the Advertisement for CCE-2014 till the publication of the results on 30-06-2016, you were also one Member of Assam Public Service Commission, which needless to say, is a very responsible position.

AND WHEREAS, during the course of the inquiry being conducted by the Commission, several malpractices and anomalies relating to the recruitment of various candidates through CCE-2014 conducted by Assam Public Service Commission have been found. During investigation of the Criminal Case of Dibrugarh Police Station case no. 936/2016 (Special case

No. 02/2017), the Investigating Officer seized 1080 nos. of answer scripts of CCE (Main) 2014 which include 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators, examiners and scrutinizers signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014.

AND WHEREAS, you being responsible Member of APSC shouldering individual and collective responsibilities, without your active connivance and participation with other accused persons, such malpractices and anomalies would not have been possible.

AND WHEREAS, the relevant documents of the Criminal Case of Dibrugarh Police Station case no. 936/2016 (Special case No. 02/2017) received from the concerned authority clearly depicts that you had connived and conspired with Shri Rakesh Kr. Paul, the then Chairman and other arrested accused staff of APSC for facilitating candidates in unlawfully securing Govt. Job through Assam Public Service Commission.

AND WHEREAS, statements of arrested persons recorded u/s 161 CrPC and statement of various staffs of APSC as well as other independent witnesses recorded u/s 161 CrPC & 164 CrPC also clearly reveal about your active involvement in malpractices in the said Combined Competitive Examination conducted by APSC

NOW THEREFORE, you are called upon to answer the above anomalies and malpractices prima facie found on your part in conduct of the entire selection process of CCE 2014 leading to illegal selection of candidates with their eventual appointments to ACS (Junior Grade) and allied services.

Your written response/statement of defence against the aforesaid apparent and/or explicit prima facie malpractices and anomalies on your

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If you have anything to say against the aforesaid allegations, you may file your response/ written statement of defence in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 31st day of August, 2022 as per order and authority vested on me by the Hon'ble Commission.

(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

In the reply submitted by **Dr. Rahman** on 13-09-2022, he has generally denied the allegations with the further stand that since the trial in the aforesaid criminal case is going on, any disclosure made by him would be prejudicial to defence. The said reply is quoted below-

Respected Sir,

Most humbly and respectfully I beg to state I have received the aforesaid notice dated: 31/08/2022. I have gone through the same and have understood the contents and accordingly I beg to give my reply as follows:

1. That Sir, at the outset I deny the allegation or anomalies and malpractices levelled against me in connection with the conduct of CCE Examination 2014. I categorically assert that as a member of APSC, I have discharged my duties sincerely and with utmost devotion and honesty following the prescribed rules.

2. That Sir, it is a fact that I was appointed as a member of APSC in the year 2011 and the board constituted in APSC to hold CCE Viva Voice Examination 2014 for recruitment against 180 posts of ACS and allied cadres in accordance with the APSC Combined Competitive Examination Rule 1989 vide Commission Notification No. 7PSC/E-8/2013-14 Dated: 03/04/2014

In this regard I beg to state that in the aforesaid examination my duty was only to take pass their Main Viva Voice Examination of the candidates who successfully examination and as a member I do not have any functions regarding written examination

3. That Sir, I strongly deny the allegation levelled against me in conniving with the Chairman Rakesh Kumar Paul and others arrested accused staff of APSC in facilitating candidates in unlawfully securing government jobs through Assam Public Service Commission

I also deny the allegation lodged against me on the basis of statements given by arrested person under Section 161 CrPC & and 164 recorded during investigation is completely false and baseless as the investigating authority had no where mentioned in the chargesheet by what means how and when I had connived and conspired with them.

4. That Sir, at present I am facing trial in the aforesaid case before the Court of Special Judge Assam Guwahati and as such I would not like to

make any further comments since I will be prejudice in defending myself in the case.

6. That Sir, it will be worthwhile to point out herein that earlier also I had received a similar type of notice under reference number: BKS/COM/IN-APSC/2019/07/113 ,dated: 23/02/2021 and accordingly I denied the charges therein.

*With Regards
Sd/- Samedur Rahman
Ex Member APSC*

It will be pertinent to mention here that **Dr. Rahman** was also involved in **CCE 2013** in the capacity of member, **APSC**. His role and conduct in the said examinations is reflected in the Inquiry Report submitted by the Commission of Inquiry that was constituted under the Chairmanship of the undersigned to inquire into the anomalies and malpractices pertaining to **CCE 2013**. In the instant case also, none of the allegations as reflected in the above quoted notice has been denied. His plea of non disclosure due to pending criminal case is of no credence inasmuch as the tests applicable to the criminal proceeding and the judicial proceeding are distinct and different. The anomalies and malpractices in conduct of **CCE 2014** right from the beginning of **CC (Prelims) Examination** to declaration of Final Select List have been discussed above. **Dr. Rahman** is participant and signatory in the relevant documents concerning results of **CC (Prelims) Examination; CC (Main) Examinations** and **Final Select List**. In that kind of a position, he cannot shirk off his responsibility from the anomalies and malpractices which were so rampant in the entire selection process. As reflected in the **CCE 2013** Inquiry Report, **Dr. Rahman** used to manage things towards perpetrating illegal selection of candidates through his PSO **Md. Mabud Ali** and **Shri Naba Kanta Patir**. For the sake of brevity, the same is not repeated once again.

Dr. Basanta Kumar Doley :

He was also a Member of the **APSC** and was involved in **CCE 2014** and so also in **CCE 2013** and the selection thereof. Having regard to the large scale anomalies and malpractices found and discussed above in respect of **CCE 2014**, and also having regard to prima facie revelations made by the related criminal case records, like others, he was also issued the notice dated 11-08-2022 pursuant to the order passed by the Commission on 06-08-2022. The allegations found against **Dr. Doley** and as reflected in the notice dated 11-08-2022 are as quoted below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

AND WHEREAS, it is found that during the relevant period from the date of publication of the Advertisement for CCE-2014 till the publication of

the results on 30-06-2016, you were the Member of Assam Public Service Commission, which needless to say, is a very responsible position.

AND WHEREAS, during the course of the inquiry being conducted by the Commission, several malpractices and anomalies relating to the recruitment of various candidates through CCE-2014 conducted by Assam Public Service Commission have been found. During investigation of the Criminal Case of Dibrugarh Police Station case no. 936/2016 (Special case No. 02/2017), the Investigating Officer seized 1080 nos. of answer scripts of CCE (Main) 2014 which include 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators, examiners and scrutinizers signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators.

AND WHEREAS, on 03-12-2016, the Investigating Officer of the aforesaid Dibrugarh PS Case recovered & seized 26 Nos. of Admit cards/certificates of various examination of Assam Public Service Commission and 13 Nos. of sheets (small pieces of paper) containing names and/or Roll Nos. of different candidates of APSC examinations, from your rented house at Jhilika Path, Panjabari (House No. 18), Guwahati. On scrutiny of the above mentioned seized documents, it is found that one such document from amongst many seized from your residence is a call letter dated 28-05-2016 to Smt. Devajyoti Gogoi (Roll No. 0919383) for viva-voce for ACS and allied services under CCE 2014. There could not have been any occasion for you to possess her call letter in your residence. Significantly, Smt. Gogoi is a selected candidate for ACS (Jr. Grade) in CCE 2014 and her position in the Final Merit List is at Sl. 62 out of total 176.

AND WHEREAS, as in the case of Smt. Gogoi, another document seized from your residence, is a sheet of paper containing the Bio-Data of one Akashee Duwarah D/o- H.K. Duwarah, resident of Akashee Kuitir, Ward No. 12, North Lakhimpur, Assam. Significantly at the top of the Bio Data, there is a column "POST DESIRED: AGRICULTURAL

DEVELOPMENT OFFICER (ADO)" and under her name, there is a hand-written remark "Important". By no stretch of imagination, there could be any plausible reason for possession of such a document pertaining to a candidate by you. Although she did not get selection for the post of ADO, but could get the selection in CCE 2013 for the post of ACS (Jr. Grade) by illegal means as recorded in the Enquiry Report pertaining to the said examination.

AND WHEREAS, statements of arrested persons recorded u/s 161 CrPC and statement of various staffs of APSC as well as other independent witnesses recorded u/s 161 CrPC & 164 CrPC also clearly reveal about your active involvement in malpractices in the said Combined Competitive Examination conducted by APSC

AND WHEREAS, the aforesaid revelation of facts prima facie establish your close nexus with the illegalities and malpractices in conduct of CCE 2014.

NOW THEREFORE, you are called upon to answer the above anomalies and malpractices prima facie found on your part in conduct of the entire selection process of CCE 2014 leading to illegal selection of candidates with their eventual appointments to ACS (Junior Grade) and allied services.

Your written response/statement of defence against the aforesaid apparent and/or explicit prima facie malpractices and anomalies on your part is required to be taken into consideration before arriving at a final conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement of defence in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts, FSL reports and the above seized documents etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 11th day of August, 2022 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy Secretary to the
Govt. of Assam, Home & Political Dept.
Guwahati, Assam*

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

In the written reply dated 25-08-2022 submitted by **Dr. Doley**, he has denied any role in respect of fake answer scripts, fake signatures of invigilators and scrutinizers etc. As regards seizure of **26 nos.** of Admit cards/certificates of various examinations of **APSC** and **13 nos.** of small piece of papers containing the names and roll numbers of candidates, his version is that as he frequently used to go to his native place at Silapathar, Dhemaji, leaving behind his bungalow peon alone in the rented house, he is not aware as to who had left those documents in his house. According to him, the candidates named therein including **Smt. Devajyoti Gogoi** are totally unknown to him. As regards the statements of the arrested persons recorded in **Special Case No. 02/2017**, his stand is that such statements are false and baseless and are to be tested in the said criminal case. Copy of the written statement dated 25-08-2022 is reproduced below:

Sir,

In inviting your kind, gracious and sympathetic attention to the subject and reference cited above I have the honour to submit my statement of defence in connection with my alleged involvement in anomalies and malpractices reportedly found in connection with APSC (CCE-2014) as follows:

(1) I joined as a Member of Assam Public Commission on November 26th, 2012. Since my joining, I made my sincere efforts to strictly abide by what the Clause 4(ii) of The Assam Public Service Commission Regulation, 1951 (Amended up to 1968) reads thus: "The Chairman and Members of the Commission shall be competent, honest and impartial person of outstanding ability, integrity and high reputation who command confidence of the people and who would not allow themselves to be deflected by an extraneous consideration from discharging their duties of making selection on merit."

(2) Regarding the allegations of anomalies and malpractices if found in the conduct of Combined Competitive Examinations 2014 by APSC for recruitment against 180 posts of ACS and allied services, I humbly submit that I was quite ignorant of any such irregularities and my involvement in any unlawful act that is contrary to my professional ethics is absolutely baseless and I, therefore, strongly deny the allegations.

(3) With regard to fake Answer Scripts, fake signatures of invigilators, examiners and scrutinizers and answer scripts without signature of the invigilators of the Combined Competitive Main Examination (CCE- 2014), I would like to state that as a member of the Commission, I had no role as well as no any power and functions in these matters. The responsibilities of keeping or handling of confidential materials of both Preliminary and Main Examinations including Answer Scripts of the Main Examinations, getting the works of evaluation done, scrutinization, tabulation, preparation of

the result etc. of the Main Examinations are vested with the Principal Controller. The Principal Controller and the Chairman were the custodians of the STRONG ROOM where confidential materials were kept. No member has the access to or control of the STRONG ROOM.

Under such circumstances, allegation of my involvement in anomalies and malpractices if found any is imaginary and motivated and therefore, I strongly deny the allegation.

(4) I clarified in the earlier reply to your letter No. BKS/COM/IN-APSC/2019/07/112 Dated 23/02/2021 regarding the seizure of 26 Nos. of Admit cards/certificates of various examinations of APSC and 13 Nos. of small pieces of papers wherein names and/or Roll Nos. of candidates of APSC were written from my rented house during a House Search operation that frequently, I used to go to my home at Silapathar under Dhemaji District, Assam leaving my Bungalow Peon alone in the rented house and I did not know who left out the aforesaid admit cards, certificates, pieces of papers etc. and the seizure of the same from my rented house is also questionable. I strongly deny that any such documents have been seized from me. Now, allegations levelled against me of involvement in malpractices that out of 26 Nos. of Admit Cards/Certificates of various examinations of APSC and 13 Nos. of small pieces of papers wherein names and/or Roll Nos. of candidates of APSC examinations were written, two candidates, one some Smt. Devajyoti Gogoi who got selected for ACS in CCE-2014 and the other Akashee Duwarah who became successful for ACS in CCE 2013 by illegal means (as recorded in Enquiry Report) who are, in fact, totally unknown to me till today were illegally facilitated by me have no foundations. I never received any candidate's document relating to examinations held by APSC. Thus, with my sound conscience, I deny the allegations of involvement in malpractices in connection with CCE-2013 and CCE-2014, especially with Smt. Devajyoti Gogoi and Akashee Duwarah.

(5) With regard to the statements of arrested persons recorded u/s 161 and u/s 164 CrPC, and statements of various staff of APSC as well as other independent witnesses recorded u/s 161 CrPC & 164 CrPC are false and baseless and are to be tested during the course of trial in Dibrugarh Police Station Case No. 936/2016 (Special Case No. 02/2017). Any view taken on the basis of the said statements will prejudice me in trial.

In light of the above, I pray that I am innocent and I may be discharged from all the charges by the Hon'ble Commission.

Yours Truthfully
Sd/- Dr. Basanta Kumar Doley
(Ex-Member, APSC)

On a bare perusal of the said written statement, it is clearly discernable that there is no denial of the fact that the documents in questions containing the names of the selected candidates have been recovered and seized from his residence. He would not have kept documents related to examinations unnecessarily in his residence and for nothing. He being a responsible member of the **APSC** involved in the selection process, in the normal circumstances, should not have to do anything to do with the roll numbers contained in the piece of papers, admit card, calling letter etc. The feeble plea of not knowing anything as to how those papers pertaining to **APSC** examination including **CCE 2013** and **CCE 2014** could be found and seized from his residence, cannot rescue him from his involvement in the malpractices. It is unbelievable that the documents mentioned above could be in his possession unknowingly and without any reason, more particularly when one of the beneficiaries named in the said documents namely **Akashee Duwarah** is an ACS (Jr. Grade) officer who could secure illegal selection even after having failed in **CCE 2013**, but could get included in the Final Select List with illegal enhancement of marks. This aspect of the matter is vividly

discussed in the report of the Inquiry Commission pertaining to **CCE 2013** referred to above.

Above apart as that of **Dr. Samedur Rahman, Dr. Doley** is also participant and signatories to all the relevant documents of results pertaining to **CC (Prelims) Examination, 2014; CC (Main) Examination, 2014** and the **Final Select List of CCE 2014**. Thus he is equally responsible for the misdeeds under collective responsibility with the aforesaid individual materials revealed against him. It is really ridiculous for a responsible person occupying the key position of member, **APSC** to put forward his defence of not knowing anything although signatory to the relevant documents making the foundations of illegalities.

Brig. Ranjit Borthakur, SM (Retd.)

As in the case of **Dr. Samedur Rahman** and **Dr. Basanta Kumar Doley**, he was also a Member of the **APSC** and was involved in both **CCE 2014** and **CCE 2013** and the selections thereof. Having regard to the large scale anomalies and malpractices found and discussed above in respect of **CCE 2014**, and also having regard to prima facie revelations made by the related criminal case records, like others, he was also issued the notice dated 31-08-2022 pursuant to the order passed by the Commission on 06-08-2022. The allegations found against **Brig. Borthakur** and as reflected in the notice dated 31-08-2022 are as quoted below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2013/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination

including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

WHEREAS, it is found that during the relevant period including from the date of publication of the Advertisement for CCE-2014 till the publication of the results on 30-06-2016, you were also the Member of Assam Public Service Commission, which needless to say, is a very responsible position.

AND WHEREAS, during the course of the inquiry being conducted by the Commission, several malpractices and anomalies relating to the recruitment of various candidates through CCE-2014 conducted by Assam Public Service Commission have been found. During investigation of the Criminal Case of Dibrugarh Police Station case no. 936/2016 (Special case No. 02/2017), the Investigating Officer seized 1080 nos. of answer scripts of CCE (Main) 2014 which include 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators, examiners and scrutinizers signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014.

AND WHEREAS, in the above background facts and circumstances, question necessarily arises as to how such huge anomalies and illegalities could happen in a constitutional body like APSC of which you were a responsible Member shouldering individual and collective responsibility.

AND THEREFORE, your response to the said alleged malpractices and anomalies is required to be taken into consideration before arriving at a final Conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 31st day of August, 2022 as per order and authority vested on me by the Hon'ble Commission.

With Sincerely,

((Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

In his unsigned reply dated nil of September, 2022 received in the office of the Commission on 14-09-2022, **Brig. Borthakur** while giving the details of the examination programme of **CCE 2014**, has stated that the Final Select List was drawn and approved following the due procedure. In **Para-9** of the reply, he has stated that during his tenure in the Commission, allegation of corruptions and malpractices were sometimes heard. In this connection, he has referred to the documents annexed to the written reply which are his letters dated 07-06-2015 and 29-06-2016 by which he had allegedly brought to the notice of the **Governor of Assam** and the Chairman, **APSC** about the resentment of the cross section of the people with regard to the functioning of the **APSC** and entering into the confidential room on 28-06-2016 by then Chairman. He has also enclosed some other letters 21-02-2013, 22-12-2015, 20-05-2016 and 31-08-2016 all addressed to the Chairman, **APSC** on the issues of questions on précis writing; system of distribution of marks; leakage of marks allotted by him to the candidates prior to the declaration of results of selection of Fishery Extension Officers; working out the results for the post of Assistant Engineer (Irrigation) by the Chairman without following the basic formalities etc. He has also enclosed a particular note sheet put up by him in reference to **APSC's** internal note dated 21-05-2014 constituting a selection board consisting of only one member with the suggestions that instead of one member board, there should have been **02** members board, alternatively **04** boards consisting of **1** member. Copy of the written statement dated 25-08-2022 is reproduced below:

Respected Smti Borah,

1. Please refer to your letter no.BKS/CON/IN/APSC-CEE 2014/2022/07/55 dated 31 August, 2022 (received by me through Indian Post on 05 September, 2022) vide which you have enclosed copy of order dated 06th August 2022 of Hon'ble Chairman of APSC Inquiry Commission and Notice dated 31 August for my comments/response.

2. My written response is given in the succeeding paragraphs.

3. I joined as Member of Assam Public Service Commission on 24 December 2012. Subsequently, I was appointed as Chairman IC of the

Commission on 01 December 2016 and continued with the appointment till I demitted office on 11 April 2017.

4. It is a fact that that during the entire process of the conduct of CEE 2014, I was a Member of the Commission. The CCE 2014 was held in three different phases as under:-

(a) Preliminary Examination Held on 28.9.2014

(b) Main Examination Held from 31.5.2015 to 1.7.2015

(c) Viva voce Interview Held from 15.6.2016 to 24.6.2016

(d) Results Declared on 30.6.2016

5. As Member, we (including me) were deputed to various Examinations centers for supervising Preliminary Examinations. The Main Examinations of CCE 2014 was held in various venues (including APSC office premises) at Guwahati. The results of Preliminary as well as Main Examinations were approved during the meeting of the Commission and were declared on 17.12.2014 and on 18.5.2016 respectively.

6. As a member, I was part of the Interview Boards of CCE 2014. On termination of Viva-Voce interview each day, Individual member/Expert submitted his/her marks for each candidate interviewed in a sealed envelope to the Chairman.

7. For declaration of the Select List (Final results) the meeting of the Commission was held on 30th July 2016, wherein all Members were present. During the meeting, the PCE presented the merit list along with the marks obtained by the candidates. It was also checked whether all the parameters relating to reservation as given in the advertisement was maintained. On being satisfied on these aspects, Final select List was approved by the commission. The Results were declared on the same day.

8. It is further submitted that APSC (Procedure and Conduct of Business) Rules 2010 - Paras 32-73 defines the procedure relating to conduct of CCE. The Confidential Section of the Commission headed by PCE is entrusted with the responsibility of conduct of CCE. The PCE functions under the Chairman of the Commission. The PCE is assisted by Controller of Examination, Assistant Controller of the Examination and other Confidential Staff. I would also like to state that the APSC Regulation 1951 and the APSC (Procedure and Conduct of Business) Rules 2010 do not specifically prescribe the functions of Members of the Commission.

9. As far as corruption and malpractices in the Commission is concerned, it is further intimated that during my tenure in the commission allegation of corruptions and malpractices were sometimes heard. In a few instances,

organizations like AASU, AJYCP, Akhil Gogol, etc. protested against such alleged malpractices. In this connection, I am enclosing a copy of my letter to Governor's Secretariat in response to their query regarding a complaint of the conduct of CCE (2013). I had recommended an enquiry to unearth the truth which would restore the credentials of the Commission (Exhibits 1).

10. As far as CCE 2014 is concerned, I became aware of the certain anomalies during the conduct of the CCE after certain details of investigation conducted by the Police were known through electronic and print media. However, on one issue, I complained in written form to Chairman on 29th June, 2016 when I came to know that the Chairman had visited the Confidential Room on 28th June 2016. The Chairman responded on 01 July, 2016 stating that "Chairman of the Commission, APSC was in receipt of some serious allegations connected with the marks of CC Examinations (Main) 2014 and hence, it is the prime duty of the Chairman APSC to make on the spot enquiry ———". (My letter and Chairman APSC Reply are enclosed as Exhibit 2).

11. Besides I would like to state that ever since I joined the Commission, I as an individual or as part of the Commission had initiated number of measures to improve the functioning of the Commission in Administration as well as Professional issues. I am also enclosing a few of my correspondences in this regard. In brief, we achieved certain success as under:-

(a) Declaration of Results on the same day of termination of the Interview whenever possible. It is pertinent to note that on one instances when I was heading a single Board for Direct Recruitment in 2014, I could declare the results on the same day on completion of the interview and organizing Commission Meeting.

(b) Introduction of lottery system for the interview board to maintain highest degree of Confidentiality of interview Boards.

(c) Introduction of UPSC pattern for CCE. The first such Examinations was conducted of CCE 2020, the results are awaited.

(d) Videography of the Interviews.

(e) Issue of Comprehensive yearly Calendar of Examinations and Interviews. This started with effect from January 2017.

(f) In house evaluation of answer Scripts with effect from 2017.

(g) Besides I had offered individually or collectively a number of suggestions. One such important recommendation which was agreed in the Commission Meeting was to replacement of Assistant Controller of

Examination. The particular ACE had been working there for a very long tenure and appeared to have developed vested interest. If such recommendations were implemented at that time, I feel many of mal-practices could have been averted.

(h) My views on written papers on AFS held on 19th and 20th January 2013. (Pertinent to note that I had joined APSC on 24.12.2012) (Exhibits 3).

(i) Allotment of Interview Boards and of randomization of interview Boards (Exhibits 4).

(j) My observation on Interview for post of electrical inspector (Exhibits 5).

(k) My apprehension on interviews conducted for Fishery extension Officer (Exhibits 6).

(l) My refusal to attend Commission Meeting on Declaration of results on Assistant Engineer (Irrigation) (Exhibits 7).

12. To conclude, I joined the Commission in a difficult and challenging time. We tried to improve the functioning of the Commission. It is my satisfaction that many steps are taken or being taken to restore credibility of the Commission by the team and I am happy that the Commission is moving in right directions.

Sd/- Brig R Borthakur (Retd)

The documents referred to by him is to show his consciousness to the issues pertaining to transparency and fair-play in conduct of **APSC** examinations. Apart from the fact that there is no proof of receipt of the letters referred to the above, the issues raised therein are not germane to the issues involved before the Inquiry Commission. Ironically, the letter dated 20-05-2016 is also unsigned one. Thus it appears that the defence put forwarded by **Brig. Borthakur** is like beating around the bush. That apart, if he was so conscious, ought not to have confined himself only in writing such letters, but ought to have discussed the issues with all other members. Raising issues and bringing them to their logical conclusions are distinct and different. If there was any issue pertaining to examinations, as a responsible member of **APSC**, the same ought to have been agitated for solution. Moreover, the present

inquiry is not concerned with the issues allegedly raised by **Brig. Borthakur**.

As in the case of other members discussed above, **Brig. Borthakur** was also participant and signatory to the relevant documents pertaining to the results of **CC (Prelims) Examination, 2014; CC (Main) Examination, 2014** and the **Final Select List**, in which there were apparent illegalities already discussed above. His stand that the Final Select List was approved by the Commission after due deliberation and following the parameters is unbelievable having regard to the anomalies and malpractices noticed and discussed above regarding categorization of selected candidates undeservedly to the deprivation of other such selected candidates. That apart, the entire task being a collective responsibility, **Brig. Borthakur** cannot escape from the said responsibility. As already noted above, he is one of the signatories to the Final Select List drawn in violation of the above quoted provisions of the rules, but for which things would have been different with providing of posts as per the options/preference of choice instead of altering the same bypassing the same.

It will be pertinent and important to note here that there was no scope for any further manipulation in between drawing of the Final Select List and sending the same to the Govt. for approval and appointment which is also evident from the fact that the Final Select List approved by the Commission with the signatures of all the members and the one published and sent to the Govt. for approval and appointment is one and the same. Thus apparently whatever manipulations done and noticed by the Commission as reflected above were done while drawing the Final Select List which had the seal of approval of all the members.

Mrs. Nafifa Ahmed, IAS (Retd.)

As in the case of **Dr. Samedur Rahman, Dr. Basanta Kumar Doley** and **Brig. Ranjit Barthakur**, she was also a Member of the **APSC** and was involved in **CCE 2014** and the selection thereof. Having regard to the large scale anomalies and malpractices found and discussed above in respect of **CCE 2014**, and also having regard to prima facie revelations made by the related criminal case records, like others, she was also issued the notice dated 31-08-2022 pursuant to the order passed by the Commission on 06-08-2022. The allegations found against **Mrs. Nafifa Ahmed** and as reflected in the notice dated 31-08-2022 are as quoted below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

WHEREAS, you were also a Member of Assam Public Service Commission, which needless to say, is a very responsible position.

AND WHEREAS, during the course of the inquiry being conducted by the Commission, several malpractices and anomalies relating to the recruitment of various candidates through CCE-2014 conducted by Assam Public Service Commission have been found. During investigation of the Criminal Case of Dibrugarh Police Station case no. 936/2016 (Special case No. 02/2017), the Investigating Officer seized 1080 nos. of answer scripts of CCE (Main) 2014 which include 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators, examiners and scrutinizers signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014.

AND WHEREAS, in the above background facts and circumstances, question necessarily arises as to how such huge anomalies and illegalities could happen in a constitutional body like APSC of which you were a responsible Member shouldering individual and collective responsibility.

AND THEREFORE, your response to the said alleged malpractices and anomalies is required to be taken into consideration before arriving at a final Conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you

have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 31st day of August, 2022, as per order and authority vested on me by the Hon'ble Commission.

With Sincerely,

*((Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS
**HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003**

In her reply dated 12-09-2022 to the above notice, **Smt. Nafifa Ahmed** has denied any kind of her involvement in the anomalies and malpractices as disclosed in the notice. As stated in her written statement, she had joined the **APSC** as its member on 29-02-2016 and prior to that, the entire process of selection was supposed to have been completed for holding of the **CCE 2014** by the then officers and staff engaged for the purpose and thus there was no scope for her to get involved in the said process.

As stated in her written statement, the result of the Main examination was declared on 18-5-2016 and the viva-voce for the qualified candidates were held on 15-06-2016 to 24-06-2016. She was also included in one of the **03** interview boards which conducted the viva-voce. She has further stated that she had performed her duty to the best her ability with utmost devotion and sincerity and that after the interview was over, marks were awarded to the candidates and thereafter, the

marksheet was put in a sealed cover and handed over to the Chairman, **APSC** as was advised.

According to her, the Final Select List was prepared by the PCE, **APSC** taking into consideration the reservation rules in force. Her further stand is that after completion of Final Select List, the Chairman had convened a meeting of all the Board members for final approval of the same. While participating in the meeting, **she had randomly checked some marks obtained by some candidates and also due care had been taken to test check the reserved category candidates along with other member of the Commission.**

With the above stand, **Smt. Ahmed** has categorically denied any kind of her involvement in the malpractices during her tenure as member, **APSC**. Copy of her written statement dated 12-09-2022 is reproduced below for a ready reference.

Madam,

With ref to the above, I would like to say a few words before submitting my parawise replies for favour of information of the Hon'ble Mr. Justice B.K.Sharma and Chairman of the above mentioned Inquiry Commission.

1. *That Madam, Govt. Of Assam was pleased to issue a notification for appointing me as Member of the Assam Public Service Commission at the fag end of my entitled period of 2 years after my retirement on 05/07/2014, for the above post.*
2. *In pursuant to the above notification, I joined in my assignment as Member APSC on 29/02/2016.*
3. *My incumbency as the Member of APSC however came to an end on 05/07/2016, on attaining 62 years.*

4. *Notwithstanding the fact that my incumbency as Member of APSC is very short, I decided to join in the post because of its highly esteemed and prestigious constitutional stature.*

Regarding the allegation of malpractices and anomalies in conduct of of the CCE-14, I have put forth my submission in the following paras :

Para 1: No comment.

Para 2 :

- i) The holding of the Combined Competetive Exams-2014 for recruitment of Civil Service Officers and its allied cadres and declaration of result of the Preliminary examination had taken place before I had been appointed as Member of APSC.*
- ii) I have joined in my new assignment as Member of APSC on 29/02/16 only. As such I was aware of the Viva voce test which was scheduled to be held after my joining in the post of Member APSC.*

Para 3:

Admitted that the post of Member APSC is a responsible post. But the role of the Member is not specified in regard to the process of conducting the CCE as and when held by the APSC in the existing Rule.

Para 4:

- i) The responsibility of conducting the CCE are vested in the Principal Controller of Examination as per procedure laid down under Chapter IV of the Assam Public Service Commission (procedure and conduct of Business) Rule 2010.*

The panel of paper setters, moderators, scrutinisers etc. are treated as very secret documents and hence are kept under the safe custody of the Principal Controller of Examination under sealed cover and submitted to the Chairman/Commission on requisition. (Rule 34 under chapter iv of APSC Rule 2010)

The Chairman select the abovementioned persons from the approved panels kept under the custody of Principal Controller of Examinations.

- ii) *Likewise, the Secretary of the Commission subject to the approval of the Chairman, prepare a list of the persons to be appointed as invigilators. (Rule 49(a) under chapter iv Of APSC rule 2010).*

Para 5:

- i) *As stated in the foregoing paras, the entire process was supposed to have been completed for holding of the recruitment test for CCE-14 by the then officers and staff engaged for the for the purpose, before my joining as the Member of APSC in 2016.*
- ii) *Under the aforesaid circumstances, there was no scope for my involvement in the most confidential nature of works and to commit malpractices and anomalies alleged to have been resorted to, during the written examination held for CCE-14, which had been initiated, processed and completed before my appointment as Member of APSC in 2016.*
- iii) *Soon after my joining as Member of the APSC on 29/02/2016, the result of main examination was declared on 18/05/2016 and Viva voce of the qualified candidates were held from 15/06/2016 to 24/06/2016.*

The then Chairman of APSC had constituted 3 interview boards under the chairmanship of himself and two other senior most members. I had been included in one Board alongwith one senior officer from the Assam Secretariate representing Govt. Of Assam as members.

During the interview with the qualified candidates of CCE- 2014, I had performed my duty to the best of my ability and knowledge with utmost devotion and sincerity and without fear or favour.

Everyday, after the interview was over, the marks were awarded to the candidates, the mark sheet had been prepared and put into a sealed cover and handed over to the chairman as advised. After completion of the

interviews, the finale select was prepared by the Principal Controller of Examination taking into consideration Reservation Rules in Force.

After completion of the final select list for CCE-14, the Chairman had convened a meeting of the commission with all the Board members for final approval. While participating in the meeting I had randomly checked some marks obtained by some candidates and also due care had been taken to test check the reserved category candidates along with other members of the commission.

With all my humble submission as stated above, I beg to reiterate that-I had never been involved in any kind of malpractices in discharging my duties as a member of the APSC during my short tenure nor had I ever been aware of any such irregularity alleged to have been committed during the conduct of CCE.2014.

Apart from my duty as a Board member, I had often been asked to look after the administrative and policy making issues as and when arises and to submit my suggestions to him so as to discuss in the subsequent meeting with other members.

I had put my best effort to perform my duty as and when assigned by the Chairman of APSC, within the Constitutional jurisdiction and responsibility vested in me.

Submitted for favour of perusal and necessary action of the Hon'ble Mr. Justice B.K.Sharma, the Chairman of the aforesaid Inquiry Commission.

Yours faithfully

Sd/-Smti Nafisa Ahmed

As to what are the apparent anomalies in drawing the final select list is already discussed above. The required categorization of candidates in the Final Select List on the basis of their options/preference of choice in terms of the above referred rules was violated with impunity, but for which, allotment of posts would have been different. Once some candidates had been chosen for offering of jobs with their placement in

the final select list not as per their original options/preference of choice which is mandatorily required, the entire select list became defective. This anomaly naturally will have a significant bearing. If **Smt. Ahmed** had made the cross check as stated in her written statement towards final approval of the final select list, such anomalies could have been and ought to have been noticed. However, that was not be so. She being signatory of the Final Select List cannot now turn around the said position so as to take a different stand as taken in her written statement. It being a case of collective responsibility, any anomaly in drawing the final select list will have to owned by each one of the signatories including **Smt. Ahmed**.

Dr. Anupam Kumar Roy, IAS (Retd.)

As in the above referred cases, he was also a Member of the **APSC** and was involved in **CCE 2014** and the selection thereof. Having regard to the large scale anomalies and malpractices found and discussed above in respect of **CCE 2014**, and also having regard to prima facie revelations made by the related criminal case records, like others, he was also issued the notice dated 31-08-2022 pursuant to the order passed by the Commission on 06-08-2022. The allegations found against **Dr. Roy** and as reflected in the notice dated 31-08-2022 are as quoted below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, Inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

WHEREAS, you were also the Member of Assam Public Service Commission, which needless to say, is a very responsible position.

AND WHEREAS, during the course of the inquiry being conducted by the Commission, several malpractices and anomalies relating to the recruitment of various candidates through CCE-2014 conducted by Assam Public Service Commission have been found. During investigation of the Criminal Case of Dibrugarh Police Station case no. 936/2016 (Special case No. 02/2017), the Investigating Officer seized 1080 nos. of answer scripts of CCE (Main) 2014 which include 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators, examiners and scrutinizers signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014.

AND WHEREAS, in the above background facts and circumstances, question necessarily arises as to how such huge anomalies and illegalities could happen in a constitutional body like APSC of which you were a responsible Member shouldering individual and collective responsibility.

AND THEREFORE, your response to the said alleged malpractices and anomalies is required to be taken into consideration before arriving at a final Conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 31st day of August, 2022 as per order and authority vested on me by the Hon'ble Commission.

With Sincerely,

*((Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
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AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003.

In the written statement dated 12-09-2022, **Dr. Roy** has also denied his involvement in the anomalies and malpractices in **CCE 2014**. Stating that he had performed his assigned duty of personality test as a member of the interview board unbiasedly, he has also stated that he had participated in the meeting of the Commission convened on 30-06-2016 for approval of the final select list. According to him, due care was taken

to check the reservation of posts for different categories and that **along with other members present, he also checked the marksheet of the candidates placed before the Commission by the PCE.** Copy of the written statement dated 12-09-2022 is reproduced below for ready reference.

Madam,

I am in receipt of the order dated 6.8.2022 of the Hon'ble Mr. Justice B. K. Sharma Commission of Inquiry and Notice there on dated 31.08.2022 and my written statements are as follows:

1. Regarding Govt. Notification in the first para, I have no comment to offer on my behalf as it is a Govt. Notification.

2. Regarding second para of the Notice, I have no comment to make as it relates to the Assam Public Service Commission having published notification of CCE, 2014 for holding the examination.

3. In response to the third para, it is stated that as a responsible member, I was given duty for Personality Test of candidates, CCE, 2014, after the Chairman, had formed boards comprising three members in each such Board. A senior member of APSC chaired a Board. Of the three members in each Board, one was a Senior Govt. Officer as Govt. representative. The Personality tests were held from 15/06/2016 to 24.06.2016. Herein, I may state that I performed my duty in the Personality Test of CCE, 2014 unbiasedly, keeping in mind the Constitutional responsibility of a Member of APSC.

4. I had taken part in the meeting of Commission convened on 30. 06.16 after both the Personality tests were over, for approval of the final select list. In the meeting, due care was taken to check that reservations of posts for General, SC/ST/OBC, Women & Physically Challenged candidates were maintained as per the advertisement. Along with the other Members present, I also checked the marksheet of the candidates placed before the Commission by the Principal Controller of Examinations.

5. Herein, it may be stated that the roles of the Members have neither been clearly defined in APSC Regulations, 1951 nor in the APSC Rules, 2010. The basic responsibility of the Members as traditionally practiced is to conduct the personality test of candidates in any examination held by the Commission. Members also attend meetings on different policy/administrative matters of the Commission. Members perform any other duty allotted by the Chairman.

6. The Chairman as the Head of the Commission has exclusive prerogative to make appointment of Question Setters, Moderators, Evaluators, and Tabulators where Members are not involved.

7. The Question Papers and other confidential papers of CCE are kept in the safe custody of the Chairman and the Principal Controller of Examination, jointly.

8. The APSC Rules, 2010 envisages that the Personality Test evaluation sheets prepared by the Members must be handed over to the Chairman in a sealed cover after the personality test is over every day. Submitted those relevant records of interview accordingly at the end of the interviews to the Chairman.

9. It may be mentioned that as per APSC Rules, 2010, the role of the Principal Controller of Examinations is to control, supervise, conduct and manage Examinations of the Commission. He is overall in charge of getting the question papers ready, receiving them from the Setters and then getting the answer scripts from the centers and keeps all of these papers in safe custody. He is authorized for evaluation of answer scripts, and scrutiny of mark sheets through Experts, he supervises tabulation of marks of the Written and Personality tests, coding, preparation of draft result sheet of the Examination, etc.

10. Likewise, the Secretary of the Commission performs important official duties, including selection of invigilators under the supervision of the Chairman in a confidential manner.

11. It is stated that a Member is not given a role to in the confidential office works of CCE. The works relating to the Written Examination of CCE, 2014, were already over, except the Personality test at the time when undersigned joined as Member on 01/03/2016. It was only later and with complete surprise that I came to know of the gross misdeeds, through the print and the electronic media and through the Police inquiry that followed.

12. In response to para four, it is stated that the CCE, 2014, started before my joining in APSC. The CCE, 2014 notification was published on 03/04/2014. The Prelim Exam was held on 28/09/2014, and results were declared on 17/12/2014. The Written Exam was held from 30/05/2015 to 01/07/2015. It is stated that after my joining, the result of the Main written Exam was declared on 18/05/2016.

13. I joined as Member of APSC on 01/03/2016 after my superannuation from services on 29/02/2016 as the Principal Secretary of Bodoland Territorial Council as well as the Commissioner & Secretary WPT & BC Dept. to the Govt. of Assam. The CCE, 2014 process started from 03/04/2014 with the publication of notification and the Written Exams were over when the undersigned was serving under the Govt. of Assam.

14. In response to para five it is stated that I was neither individually involved in any misdeed while performing the personality test nor was involved in any collective malpractice whatsoever. I was not at all aware of any foul play in CCE, 2014, prior to media coverage and police inquiry.

15. It may perhaps not be out of context there to humbly place before the Hon'ble Commission that several steps were taken as a team during the period from 11/04/2017 to 28/02/18 (date of retirement), when I discharged my duties as Chairman I/C. All these steps were taken, including the in-house system of assessing of answer scripts and the system of pro-rata marking, for ensuring greater transparency and efficiency in the APSC.

16. From the statements as mentioned above, I am to request you to kindly place before the Hon'ble Mr. Justice B. K. Sharma Inquiry Commission, that in no way was the undersigned involved in any anomaly or malpractice in CCE, 2014, or in any other aspect of the administration in the APSC.

Yours sincerely,

Sd/- Dr. Anupam Kumar Roy

As per the above stand of **Dr. Roy**, he had checked the marksheet of the candidates placed before the Commission and if that be so, such checking must have been in reference to the options/preference of choice exercised by the candidates which was a mandatory requirement for categorizing the candidates for placement in the final select list. Had the due care been taken, the kind of anomalies found in the final select list in so far as categorization of candidates is concerned, ought not to have occurred. This naturally gives rise to the suspicion as to whether such carelessness was intentional with the sole purpose of accommodating preferred candidates in the categories beyond their options/preference of choice. In any case, **Dr. Roy** being a responsible member and signatory to the Final Select List cannot absolve himself from such anomaly leading to drawing up of a defective Final Select List giving room for illegal accommodation and deprivation of candidates.

Shri Dhruba Jyoti Hazarika, IAS (Retd.)

As in the above referred cases, he was also a Member of the **APSC** and was involved in **CCE 2014** and the selection thereof. Having regard to the large scale anomalies and malpractices found and discussed above in respect of **CCE 2014**, and also having regard to prima facie revelations made by the related criminal case records, like others, he was also issued the notice dated 31-08-2022 pursuant to the order passed by the Commission on 06-08-2022. The allegations found against **Shri Hazarika** and as reflected in the notice dated 31-08-2022 are as quoted below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire,

inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

AND WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

WHEREAS, you were also the Member of Assam Public Service Commission, which needless to say, is a very responsible position.

AND WHEREAS, during the course of the inquiry being conducted by the Commission, several malpractices and anomalies relating to the recruitment of various candidates through CCE-2014 conducted by Assam Public Service Commission have been found. During investigation of the Criminal Case of Dibrugarh Police Station case no. 936/2016 (Special case No. 02/2017), the Investigating Officer seized 1080 nos. of answer scripts of CCE (Main) 2014 which include 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators, examiners and scrutineers signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014,

AND WHEREAS, in the above background facts and circumstances, question necessarily arises as to how such huge anomalies and illegalities could happen in a constitutional body like APSC of which you were a responsible Member shouldering individual and collective responsibility.

AND THEREFORE, your response to the said alleged malpractices and anomalies is required to be taken into consideration before arriving at a final Conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 31st day of August, 2022 as per order and authority vested on me by the Hon'ble Commission.

With Sincerely,

*((Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
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As in the other cases referred to above, **Shri Hazarika** also denied his involvement in the anomalies and malpractices as indicated in

the notice. **Shri Hazarika** had joined the **APSC** as its member after the results of **CC (Prelims) Examination, 2014** was already over. He had joined the **APSC** 03-03-2016 and thereafter, as In-charge Chairman of which he took charge on 28-02-2018 and remained as such till 31-07-2018. It was during his tenure, the result of the written examination was declared on 18-05-2016 and thereafter personality/ viva was carried out on 15-06-2016 to 22-06-2016 followed by preparation and declaration of Final Select List on 30-06-2016.

As stated in the written statement, the final merit list was placed before the Commission in a meeting convened by the then Chairman, **Shri R.K. Paul** on 30-06-2016. According to **Shri Hazarika**, *the merit list of candidates and their marksheets were placed by the PCE and checked and that checks were also made as to whether the parameters relating to reservations etc. had been maintained. After the same was done, the final select list was approved by the Commission and thereafter, the meeting was over and the PCE declared the final results.*

With the above stand and generally narrating the selection process, **Shri Hazarika** has also denied any involvement in the alleged anomalies and malpractices in **CCE 2014**. However, the fact of the matter is that he was also very much present in the meeting that was convened on 30-06-2016 for finalization of the Final Select List. The kind of anomalies and manipulations found in the select list need no repetition. **Shri Hazarika** being signatory to the said Final Select List cannot absolve himself from the said anomalies and malpractices in drawing the same. As discussed above, the task involved was a collective responsibility. The position that has emerged with wrong categorization of selected candidates is already discussed above in detail and needs no repetition. **Shri Hazarika** cannot absolve himself from the said position by shunning ignorance.

A. Nanda Babu Singha, ACS (Retd.):

He was the all important person of the **APSC** during the relevant time in the capacity of Principal Controller of Examination (**PCE**), although ought to have recused himself from conducting in any manner in the said capacity in **CCE 2014** in view of his daughter being a candidate for the same. In the capacity of **PCE**, he was the custodian of the **Strong Room** in which answer scripts along with all other important and confidential examination related documents are kept. When it was found that there was wholesome violations of the laid down norms and procedure in respect of his functioning even to the extent of apparent unauthorized defacing of **OMR** sheets of **CC (Prelims) Examination, 2014** giving rise to anomalies and malpractices in conduct of **CCE 2014**, he was asked to explain the circumstances relating to the same. That was done by way of issuance of notice to him on 04-08-2022 pursuant to the order passed by the Commission on 13-07-2022. The allegations found against him and as disclosed in the notice are quoted below.

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive

Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014. Pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the Interview/Viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

AND WHEREAS, in course of inquiry conducted by this Commission, certain illegalities/irregularities relating to the recruitment of various candidates through CCE-2014 conducted by APSC have been found. From the records of Criminal Case of Dibrugarh Police Station Case no. 936/2016 (Special case No. 02/2017), it is revealed that 21 Nos. of Candidates who appeared in CCE 2014 and secured Government jobs through APSC have been arrested for securing jobs through malpractices in the said examination.

AND WHEREAS, as per the records, the arrested candidates appeared in their respective papers of CCE-2014 on the dates scheduled by APSC and received the answer scripts on the days of examinations provided by the APSC authority putting their signatures on the attendance list as was furnished, which was also signed by the invigilators' upon verifications at the examination hall. The answer scripts were also signed by invigilators' upon verifications. After the examinations were over, the answer scripts were brought to confidential room of APSC office at Khanapara and subsequently examined by the Examiners as per Assam Public Service Commission (Procedure and Conduct of Business) Rules of 2010.

AND WHEREAS, as is revealed from the case records of the related Criminal Case being Dibrugarh PS Case no. 936/2016 (Special Case No. 02/2017), during the course of investigation, 1080 nos. of answer scripts of CCE (Main) 2014 had been seized by the Police which included the 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful.

AND WHEREAS, in spite of the order under Memo No. 164PSC/PS-5/2000-2001 dated 16-05-2014, requiring you to dissociate yourself from all

the examination works in connection with CCE 2014 passed by the then Chairman of APSC, Shri Rakesh Kumar Paul on the basis of your letter under Memo No. 22PSC/CON/Exam-84/2012-13(M) dated 15-05-2014 in which you had disclosed about your daughter Minerva Devi Arambam having applied for CCE 2014, you had actively participated in the said examination as will be evident from the followings :

1. It is under your signature, the notification no. 19PSC/CON/E-112/CC(P)2014-15 dated 17-12-2014 declaring the results of CCE(P) 2014 held on 28-09-2014 was issued.
2. It was under your signature, the notification no. 5PSC/CON/E-121/2014-15 dated 29-10-2014 pertaining to uploading of Answer Keys of General Studies and all the optional subjects in APSC's website www.apsc.nic.in was issued.
3. It was also under your signature, the programme for CCE (Main) 2014 vide No. 18PSC/P-6/2014-15 dated 07-04-2015 was issued.
4. It was under your signature, the letter No. 308PSC/Sty-2/96-97, Vol-III dated 10-04-2015 on the subject of "Printing of Answer Booklets for Combined Competitive (Main) Examination", was issued to the Director of Printing and Stationeries, Assam, Bamunimaidan, Guwahati intimating about holding of the CC (Main) Examination, 2014 and the requirement of total no. of Main Answer Booklets and Additional Answer Booklets.
5. It was also under your signature, the decision to deface the answer scripts of CCE (Prelims) 2014 was recorded and conveyed indicating therein the no. of OMR sheets to be defaced and the defacement was made on 29-06-2015 that too amidst the CC (Main) Examinations, 2014, in your presence with clear signature in the related document. The process was preceded by your notes at note sheet page no. 71^N and 72^N of the relevant File.
6. You had also issued the notification under Memo No. 16PSC/E-6/2014-15(A) dated 21-01-2015 by which extension of the last date of submission forms CC(Main) Exam 2014 till 30-01-2015 was notified.

7. You had also issued the information relating to "probable question pattern of ensuing Combined Competitive (Main) Examination, 2014" under No. 36PSC/CON/E-112/CC(P)/2014-15 dated 06-01-2015.
8. It is also found that the Notification bearing No. 32PSC/E-6/2014-15 dated 07-05-2015 was issued by you notifying that the Admission Certificate (Admit Card), Instructions for candidates and Specimen Copy of cover page of Answer Booklet had been uploaded in the Commission's website www.apsc.nic.in.
9. You had even issued letter No. 57PSC/E-6/2014-15 dated 21-05-2015 addressed to one of the candidates namely Joy mala Nunisa seeking clarification from her the reasons for signing her surname as "Daulagupu" in the application for CC(M) Exam, 2014 (Roll No. 0917445).

AND WHEREAS, the above instances of your active participation in the entire selection process even to the extent of particular communication to a particular candidate are only illustrative and not exhaustive, instances are at galore of prima facie proof of your active participation in the entire selection process of CCE 2014 inspite of your above referred self declaration and the order passed by then Chairman of APSC debarring you from participating in the same, leaving no sanctity in the matter as in normal circumstances expected of.

AND WHEREAS, as per the report furnished by the APSC vide its letter No. 108PSC/Estt.-06/2022-23 dated 12-07-2022, total 1,20,000 OMR sheets had been procured, but on the other hand total 49,179 had been defaced as per the note dated 29-06-2015 jointly signed by you and the then Secretary, APSC. Thus the question necessarily arises as to where are the remaining OMR sheets i.e. 70,821 (1,20,000 - 49,179). Further, as has been revealed by the aforesaid letter dated 12-07-2022, the total no. of candidates appeared in General Studies in CC (Prel.) Examination, 2014 is 24,456, but total no. of OMR sheet pertaining to the said subject came to be defaced is 24,467. Thus there is apparent discrepancy need to be explained by you.

AND WHEREAS, as per the information furnished by the APSC vide its letter No. 12PSC/Estt.-06/2022-2023 dated 28-06-2022, the Cut Off marks

in CC (PreL) Examination, 2014 for last category namely PWD (OH) was 218, but on the other hand the candidates securing lesser numbers than the said Cut Off marks had also been declared passed vide the above referred notification dated 17-12-2014 issued by you.

NOW THEREFORE, you are called upon to answer the above anomalies prima facie found on your part in conduct of the entire selection process of CCE 2014 in which your daughter namely Minerva Devi Arambam had appeared and cleared leading to her appointment in ACS (Junior Grade).

AND WHEREAS your written response/statement of defence against the aforesaid apparent and/or explicit prima facie malpractices and anomalies on your part is required to be taken into consideration before arriving at a final conclusion.

NOW THEREFORE, if you have anything to say against the aforesaid allegations, you may file your response/ written statement of defence in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts, FSL reports and the above noted notifications/orders etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 04th day of August, 2022 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS

**HEDAYETPUR, MAGISTRATE COLONY,
AVE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003**

On receipt of the notice, **Shri Singha** by his written response dated 24-08-2022 although furnished his explanation relating to the allegations against him, but lastly prayed for allowing him to peruse altogether **09 files** as indicated in **Para-18** of the response. Before such a prayer, he in his written response has stated as to how he wanted to recuse himself from the post of **PCE** in view of his daughter namely **Minarva Devi Arambam** being a candidate for **CCE 2014**. Although he had informed about the same to the Superior authorities by his letter dated 15-05-2014 but as stated by him, no action was taken on the said communication and consequently, he had to continue as the **PCE**.

As regards the Chairman, **APSC's** order dated 16-05-2014 requiring him to dissociate himself from the examination works, **Shri Singha** in **Para-03** of his reply, has denied receipt of the said order as the same was not served on him, rather delivered belatedly **on or after** publication of the results of prelims examination on 17-12-2014. According to him, he had objected to such belated delivery of the order, but the same was brushed aside by the Chairman. **Shri Singha** has admitted that he has put his signatures on the results sheet of **CC (Prelims) Examination, 2014** declared on 17-12-2014 and no one including the Chairman objected to the same. His further stand is that had there been violation of the order dated 16-05-2014, there would have been departmental proceeding against him. According to him, he had maintained highest level of honesty and integrity while discharging his duty as **PCE**.

Regarding uploading of answer keys pertaining to **General Studies** and all the **optional subjects** on 29-10-2014, his stand is that

he had to do so as the **PCE** and in absence of the order dated 16-05-2014. According to him defacing of **OMR** sheets of **CC (Prelims) Examination, 2014** was made under relevant provisions of **APSC (Procedure and Conduct of Business) Rules, 2010** with due approval of the Chairman. Such approval was accorded by the Chairman on 26-06-2015.

In **Para-13** of the reply, **Shri Singha** has stated that had the order dated 16-05-2014 been brought to his notice, he would have dissociated himself from the confidential works of **CCE 2014** immediately. However, he could not do so as the said order was brought to his notice only **on or after** 17-12-2014. Responding to the allegation of unauthorized defacing of **OMR** sheets, he has taken the plea of ignorance as to how there could be **11 Nos. of OMR** in excess as he had to depend on the Lists and Details provided by the employees.

Since **Shri Singha** along with the above explanation discussed in a nutshell, also prayed for perusal of certain files as indicated in **Para-18**. The Commission provide him with the opportunity to peruse the said files lying in the office of the **APSC**. Pursuant thereto, **Shri Singha** carried out the exercise of perusal of the files in the office of the **APSC** and thereafter submitted his second reply on 10-10-2022. The pleas of **Shri Singha** as taken in the second reply are briefly discussed below.

Reiterating his earlier stand of his desire to recuse himself from **CCE 2014** as **PCE** due to his daughter being a candidate, **Shri Singha** has stated that the order dated 16-05-2014 was not brought to his notice till 17-12-2014 (on or after). According to him, this position is well reflected on perusal of the concerned file which he had done on 29-09-2022 as there was no entry in the Dak Book/Peon Book showing delivery of the order to him. His stand in this regard is more or less the same as in his first reply referred to above.

As regard the publication of the programme for **CC (Main) Examination of CCE 2014** on 07-04-2015, **Shri Singha** has stated that he had no role to play in the said process and his role was limited to publication of the programme in the nature of a ministerial work after the same was approved by the Chairman. So far as placing of order for printing of answer booklets for **CC (Main) Examination, 2014** to the Director of Printing and Stationeries, Assam vide letter 10-04-2015, his plea is that the relevant file was endorsed to him by the Secretary, **APSC** for his signatures etc. **Shri Singha** vetted the draft letter and sent back to the Secretary who thereafter put up the same before the Chairman on 09-04-2015 followed by his signature on 10-04-2015 that was prepared in the name of the PCE. His explanation is that the format of answer booklet only contains bare minimum particulars relating to Roll Numbers of candidates, evaluation of answers and marks obtained against each questions, necessary guidelines for the candidates etc. His stand is that no substantive action was required of him and he did the things as per requirement of the Commission.

As regard the defacing of OMR sheets, **Shri Singha's** stand is that the same was done after obtaining the approval of the Chairman on 26-05-2015. Referring to his another role of issuance of notification dated 21-01-2015 regarding extension of last date of submission of forms for **CC (Main) Examination , 2014**, his stand is that the same was done with the approval of the Chairman, for which the file was put up before him. According to him, he was performing only the ministerial works after 17-12-2014 on which date purportedly he came to know about the order dated 16-05-2014.

Dealing with the notification dated 06-01-2015 regarding probable question pattern of **CC (Main) Examination, 2014**, the same is the stand of **Shri Singha** that he had issued the same with the approval of the Chairman and all other members which according to him was also a ministerial work. Regarding uploading of admit card etc, the

stand of **Shri Singha** is that the issuance of notification dated 07-05-2015 was in the nature of ministerial work with the approval of the Chairman. Dealing with the letter dated 21-05-2015 issued to **Joymala Nunisa** seeking clarification about her surname "**Doulagapu**", **Shri Singha** has taken the same plea of simply issuing the same with the approval of the Chairman and that the same was also in the nature of ministerial work.

In **Para-13** of the reply, **Shri Singha** has stated that he had to perform his duties as no action was taken on his letter dated 15-05-2014 seeking to recuse himself from performing duties of **PCE**. Finally he has stated that since the investigating agency has thoroughly carried out investigation in **Dibrugarh PS Case No. 936/2018** and nothing was found against his daughter and thus he cannot be held to have committed any anomaly on the sole premise of his daughter having cleared the selection in the category of ACS (Jr. Grade).

For a ready reference, both the written statements dated 24-08-2022 and 10-10-2022 are quoted below.

24.08.2022

THE DEPONENT MOST RESPECTFULLY STATES:

That the notice dated 04.08.2022 issued to the deponent in pursuance to the order dated 13.07.2022 was received on 08.08.2022 and I had sought time for extension for filing my written statement vide my letter dated 17.08.2022. It is pertinent to mention herein that certain documents, as enumerated below, are required to be furnished to me for tendering an effective reply to the notice dated 04.08.2022. However, with a view to expedite the proceedings against me, I am, without prejudice to my right to prefer an effective written statement against the order dated 04.08.2022, on being furnished with a copy of the documents, as sought for below, I am submitting my written statement to the order dated 04.08.2022 as follows;

1. That I categorically deny the allegations levelled against me in the notice dated 04.08.2022 save and except what has been specifically admitted herein. It is pertinent to mention herein that I was recruited in the year 1984 to the Assam Civil Service and on 31.12.2015, I had retired from service as the Additional Secretary to the Govt. of Assam, Dept. of Excise. It may be mentioned that during my entire service tenure in the Assam Civil service my integrity was beyond doubt and I had maintained high standards in discharge of duties assigned to me. There arose no occasion during my service career requiring the authorities to even call for an explanation from me with regards to any irregularity in discharge of my duties. I came to be appointed as Principal Controller of Examinations, APSC and I had worked in such capacity w.e.f. 11.03.2013 to 13.07.2015 without any blemish. While functioning as the Principal Controller of Examinations, APSC, I had initiated measures for bringing transparency in the conduct of the Combined Civil Service Examination and had introduced the process of uploading the 'Answer Keys' of the preliminary examinations.

2. That with regard to the contents of paragraph nos. 1, 2, 3, 4 and 5 of the notice, I beg to state that the same are matters of record and I deny anything contrary to the records.

3. That with regard to the contents of paragraph 6 of the notice, I beg to state that vide letter No. 22PSC/CON/Exam- 84/2012-13(M) dated 15.05.2014, I had duly informed the Principal Secretary to the Govt. of Assam, Department of Personnel (A), with a copy to the Chairman, Assam Public Service Commission (APSC for short) about the fact that my daughter, namely Minarva Devi Arambam was appearing in the Combined Competitive (Preliminary) Examination (CCE), 2014 and for the said reason I wanted to recuse myself from the post of Principal Controller of Examination, APSC as there might be a doubt in the minds of the candidates that I might favour my daughter in the examinations and as such I had written to my superior authorities intimating the same in spite of the fact that the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, does not provide for any rule requiring me to make such disclosure. However, no action was taken upon my communication

dated 15.05.2014 and as such in absence of any affirmative action from the authorities, I had to continue as the Principal Controller of Examinations, Assam Public Service Commission. It is vehemently denied that the Chairman of APSC had issued and served the Order bearing Memo No. 164PSC/PS-5/2000-2001 dated 16.05.2014 requiring me to dissociate myself from the examination works in connection with CCE 2014. I categorically state herein that the Order dated 16.05.2014 was not served upon me on the said date and the same was delivered to me rather belatedly on or after publication of the results of preliminary examination on 17.12.2014. The established procedure of the Commission is such that every official communication is made only after the same is recorded in the Dak Book/Peon Book and a perusal of the same would clearly establish my claim that the order was not furnished to me on 16.05.2014 and the same was an afterthought by the then Chairman of APSC solely to implicate me and save his own skin. The said communication came into existence only on or after 17.12.2014 and I had also objected to the same being delivered to me at a belated stage by violating the established procedure followed by the Commission for service of official communication. However, my objection was brushed aside by the then Chairman of APSC and the same would stand established from the Dak Book/Peon Book maintained by the Commission and the manner of processing the examination works subsequent to the alleged issuance of the order on 16.05.2014 will clearly establish that the no order requiring me to dissociate me from the examination works was served to me on 16.05.2014. A bare perusal of the Order dated 16.05.2014 shows that the same purportedly issued with copy to all Hon'ble Members of the APSC, Secretary, APSC, Smti Biva Sarma COE, and Sri P. Kaibarta, ACE. It therefore belies every logic as to why I would be allowed to hold and function in the post of Principal Controller of Examinations, APSC if the purported order was issued on 16.05.2014 with copies to the concerned persons. It is pertinent to mention herein that all actions taken by the Commission are done with prior intimation and approval of the Chairman and as such it is devoid of any logic as to why the Chairman and Hon'ble Members of the Commission had allowed me to function inspite of the order dated 16.05.2014 thereby directing me to dissociate from the examination

works of CCE, 2014. Furthermore, the results of the preliminary examination of CCE 2014 was declared on 17.12.2014 and I had put my signature on the same and it was within the knowledge of all the members and the Chairman APSC and no one objected towards it and as such the chain of events clearly reveal that the Order dated 16.05.2014 was an afterthought and the same was not furnished to me on 16.05.2014. Furthermore, my claim that the Order dated 16.05.2014 was not issued to me on the said date also stands fortified by the fact that had I been functioning in violation of the order dated 16.05.2014, departmental proceedings ought to have been initiated against me. However, till date no departmental proceeding has been initiated against me and as such it is obvious that the order dated 16.05.2014 was never issued to me on the said date and I cannot be held to be acting in violation of the purported order dated 16.05.2014. However, while discharging my duties, I had maintained the highest level of honesty and integrity and I had maintained total transparency with regards to my work. I always acted with the approval and directions of the Chairman, APSC whenever required. It is pertinent to mention herein that had I been served with the order dated 16.05.2014, I would have immediately disassociated myself with the affairs of CCE 2014, which I did after the said communication was brought to my notice on or after 17.12.2014.

4. That with regard to the contents of paragraph 6(1) of the notice, I beg to state that the preparation of result of CCE 2014 was exclusively done by an outsourced agency engaged by APSC as usual. It was their sole responsibility to prepare the result of preliminary examination of CCE, 2014 for which we provided them with answers in the OMR sheets as per their requirement and then they prepared the result through their assigned process only on the basis of number of vacancies, women reservation and other reservations as provided by APSC according to advertisement. After the preparation of result booklet, they endorse necessary certificate in the 1st page of the result booklet. It was their responsibility to prepare the result correctly. After receiving the result booklet, the APSC in a meeting attended by the Chairman APSC and other members of APSC, Secretary APSC, myself and other requisite staff thoroughly verified the result booklet and

only then accorded approval and allowed the same to be published. It is pertinent to mention herein that the publication of results was done after due approval of the Chairman and the Members on 17.12.2014 and as such it is nothing but obvious that the Chairman, APSC had not issued any order till such date, i.e., 17.12.2014 thereby asking me to dissociate myself from the examination works of CCE, 2014 inasmuch as had I been served with the order dated 16.05.2014, purportedly issued by the Chairman, APSC, I would not have been allowed to participate in the meeting attended to by the Chairman himself and take part in the process and as such the allegation levelled against me that inspite of the Order dated 16.05.2014 issued by the Chairman, APSC, I had not dissociated myself from the examination works of CCE, 2014 is outrightly perverse and cannot stand the scrutiny of law.

5. That with regard to the contents of Paragraph 6(2) of the Notice dated 04.08.2022, I beg to state that, uploading of answer keys pertaining to General Studies and all the optional subjects were done on 29.10.2014 as because I was discharging my duties as Principal Controller of Examination of APSC. As stated above, the order of the Chairman APSC vide memo no. 164 PSC/PS- 5/2000-2001 dated 16.05.2014 which kept me aside from the confidential works of CCE, 2014 was not received by me at the time of uploading the answer keys. Therefore, I was working with the assigned work and under directions of the Chairman APSC and a thorough enquiry will reveal the truth. However, the relevant file of notification no. 5PSC/CON/E-121/2014-15 dated 29.10.2014 is required to be perused to provide appropriate reply.

Uploading of answer keys of the CCE 2014 was for the first time introduced in the history of APSC in the line of other Examinations like UPSC etc. It was done as part of certain reforms in the conduct of the examination so that evaluation of OMR sheet through which preliminary examination of CCE was conducted and was done on the basis of correct answers only. Any challenge or objection raised by the candidate regarding any answer was thoroughly examined and accepted if found correct. That is how final evaluation of answers of CCE 2014 was done on the basis of correct answers only.

In order to improve the standard in the setting of question papers of different optional subjects in the CC (Main) Examination, 2014 uniformity was brought in, some illustrations are given below regarding CCE (Main) 2013 that appeared in 2014.

(a) Sociology paper I and II – Total No. of questions 10 for each paper, out of which 8 questions were to be answered.

(b) Education Paper I and II – Total No. of question for Paper I was 9. All were compulsory. For Paper II, total No of questions 8. All were compulsory.

(c) Political Science Paper I and II - Total No. of questions 07 for each paper with alternative question to choose.

(d) Geography Paper I – Total No of question was 12. All were compulsory.

Geography Paper II – Total No of question was 10. All were compulsory.

(e) History Paper I – Total No. of question 14 out of which 5 questions were to be answered.

History Paper II – Total No. of questions 11 out of which 5 questions were to be answered.

In that manner all the questions for different optional subjects were set in a haphazard way. But during the CCE 2014, a new format was introduced after through discussion with some reputed professors of different colleges of Guwahati and the Commission had duly approved the introduction of the new format. Accordingly, a model was furnished and therein uniformity was brought in as far as possible particularly in the Arts subjects. The model question paper was divided into A and B part, equal No of questions were set for all subjects with fix words i.e. 250 words for Part A and 150 words for Part B.

This was an attempt made so that candidates appearing in different subjects do not suffer for no fault on their part and justice is ensured. Different in number of questions to be attempted might have brought

different in marks scoring. More number of questions to be attempted might fetch more marks than less numbers of questions attempted.

6. *That with regard to the contents of Paragraph 6(3) of the Notice, I beg to state that the Publication of Programme for CCE(Main) 2014 vide no. 18PSC/P-6/2014-15 Dated 07.04.2015, the relevant file is required to be perused to provide appropriate reply and as such the right to tender an effective reply is hereby reserved.*

7. *That with regard to the contents of Paragraph 6(4) of the Notice, I beg to state that the order for Printing of Answer Book let for CC (Main) 2014 Examination was issued to Director of Printing and Stationeries, Assam Vide No. 308 PSC/Sty-2/96-97 Vol-III dated 10/04/2015, the relevant file is required to be perused to provide appropriate reply and as such the right to tender an effective reply is hereby reserved.*

8. *That with regard to the contents of Paragraph 6(5) of the Notice, I beg to state that defacing of Answer scripts of CCE (Preliminary Examination) 2014 was made on under relevant provisions of Rule 70 (1) of APSC (Procedure and Conduct of Business) Rules 2010. It was done after obtaining due approval of Chairman APSC on 26.06.2015 after obtaining views of RTI Cell and Legal Cell and the same is reflected at 64N and 70N of the Note- Sheet of the relevant file. However, as regards the answer sheets of CC(P) 2013, the same were not defaced due to the opinion rendered by the Legal Cell as certain legal matters were pending in relation to the same. The Superintendent of the Confidential Branch of APSC had then moved the files slated for defacing as there was lack of storage for the same at the Confidential Branch. Then the files were placed before me by the Assistant Controller of Examination APSC Mr. P. Kaibarta and I presented the same before the Chairman APSC for his approval and when he approved of the same on 26.06.2015, the sheets were defaced as per procedure in presence of the Secretary APSC on 29.06.2015 and as such there has been no violation of any provision APSC (Procedure and Conduct of Business) Rules 2010.*

9. *That with regard to the contents of Paragraph 6(6) of the Notice, I beg to state that the notification No. 16 PSC/E-6/2014- 15(A) Dated*

21.01.2015 regarding extension of the last date of submission of forms for CC(M) Examination 2014, the relevant file is required to be perused to provide appropriate reply and as such the right to tender an effective reply is hereby reserved.

10. That with regard to the contents of Paragraph 6(7) of the Notice, I beg to state that the notification No. 36 PSC/CON/E- 112/CC(P) 2014-15 Dated 06/01/2015 regarding probable question pattern of CC (Main) Examination 2014, the relevant file is required to be perused to provide appropriate reply and as such the right to tender an effective reply is hereby reserved.

11. That with regard to the contents of Paragraph 6(8) of the Notice, I beg to state that Notification No. 32 PSC/E-6/2014-15 dated 07.05.2015 for uploading of Admit Card etc., the relevant file is required to be perused to provide appropriate reply and as such the right to tender an effective reply is hereby reserved.

12. That with regard to the contents of Paragraph 6(9) of the Notice, I beg to state that the letter no. 57 PSC/E-6/2014-2015 Dated 21/05/2015 was issued to Joymala Nunisa seeking clarification from her about her surname "Daulagapu", the relevant file is required to be perused to provide appropriate reply and as such the right to tender an effective reply is hereby reserved.

13. That with regard to the contents of Paragraph 7 of the Notice, I beg to reiterate and reaffirm the statements made in Paragraph 4 of this Written Statement and further state that I had to perform my duties as no action was taken upon my letter dated 15.05.2014 instead of just sitting idle waiting for an order/ direction/ reply either from the Govt. or the APSC. It is pertinent to mention herein that withdrawing and/or remaining absent from performing my duties, without there being any order from the authorities would have rendered me liable for departmental proceeding and as such I had no other alternative but to undertake my duties as the Principal Controller of Examinations, APSC. The works were required to be processed continuously and results were to be declared on time. I reiterate

herein that had any order been issued by the Government or the APSC on time or at any time between the dates till declaration of results, i.e., till 17.12.2014 I would have certainly disassociated myself from confidential works of CCE 2014 immediately. It may be mentioned here that on or after 17.12.2014, i.e., after the order purportedly issued on 16.05.2014 was brought to my notice, I had not associated myself with any of the confidential works pertaining to CCE 2014 and had only discharged ministerial duties as per the requirement of the Commission.

14. That with regard to the contents of paragraph 8 of the Notice, I beg to state that as per the report of APSC, total no. of OMR sheets procured was 1,20,000 out of which, 49,179 had been defaced and the balance remaining OMR sheets numbered 70,821 (1,20,000-49,179). As per the note at number 63 of the related file, the then Superintendent of the Confidential Branch Sri TK Sharma noted that unused OMR sheets were kept at the storeroom of the branch. Further, the total number of OMR sheets defaced pertaining to General Studies in CCE 2014 was 24,467 wherein total number of candidates appeared in General Studies in CCE 2014 was 24,456 resulting in 11 numbers of OMR sheets in excess being defaced. But, due to lapse of considerable time, I cannot ascertain the reason for 11 excess sheets being defaced as I had to depend on the lists and details provided by the employees/ persons of the branch tasked for this purpose as the same cannot be undertaken solely by me and it was not possible and practical to cross check each and every detail of the same. I therefore, at this distant point of time, cannot explain the discrepancy in reported number of OMR sheets being defaced.

15. That with regard to the contents of paragraph 9 of the Notice, I beg to state that as per the APSC letter no. 12PSC/Estt.- 06/2022-2023 dated 28.06.2022, the cut off marks in CC(Prc.) Examination 2014 for last category namely PWD (OH) was 218 and the same was secured by three candidates bearing sl. no. 2145, 2146 and 2147 but three candidates bearing sl. no. 2148 who secured 208 marks and 2149 and 2150 secured 204 marks each respectively. The last three candidates securing less than 218 marks had been declared passed as they belonged to visually impaired category. As

such, I state that the candidates bearing sl. no. 2148, 2149 and 2150 had passed and their names were declared as passed by notification dated 17.12.2014 for the aforementioned reason of being visually impaired and as such there is no irregularity occasioning in the matter and the same was done in conformity with the rules and guidelines holding the field.

16. That with regard to the contents of Paragraph 10 of the Notice dated 04/08/2022, I beg to state that the same is entirely based on conjectures and surmises inasmuch as the mere fact that my daughter had appeared and cleared the CCE 2014 cannot lead to be presumption that I was involved in any anomaly in conduct of the examination, more so in view of the fact that I, on my own accord, had written the letter dated 15.05.2014 thereby duly intimating the authorities that my daughter would be appearing in the examination. It is pertinent to mention herein that the Investigating Officer of Dibrugarh P.S. 936/2016 had thoroughly investigated the matter and my daughter was not named in the chargesheet as an accused and the same is prima facie reflective of the fact that the investigating authority had not found any material to assign criminality to my daughter and her appointment not being a fraudulent act, I cannot be held to have committed any anomaly on the sole premise that my daughter had cleared the examination and was appointed in ACS (Junior Grade).

17. That it is pertinent to mention herein that the most harrowing aspect is that no action was being taken on my letter No. 22PSC/CON/Exam-84/2012-13(M) dated 15.05.2014 by the Government or the APSC and issuance of a back dated order by Chairman APSC Vide No. 164PSC/PS-5/2000-2001 dated 16.05.2014. In the meantime, the investigating Agency in Dibrugarh P.S. Case No. 936/16 had already summoned me on 16.12.2016, 17.12.2016 and again on 26.08.2019 and 28.08.2019 interrogated and statement recorded. My statement was also recorded by a Judicial Magistrate on 10.11.2017 at Guwahati u/s 164 CRPC. I had co-operated with the Police during their investigation whenever I was summoned by the investigating official. The Investigating Officer of the said case had submitted the Chargesheet pertaining to Dibrugarh P.S. Case No. 936/2016 before the concerned court and I was not named as an accused in the

chargesheet and the same clearly proves that the investigating agency had not found any prima facie material to show that I was involved in any criminality in the matter. As such I pray that, given the circumstances involved, I be exonerated from the allegations levelled against me vide the notice dated 04.08.2022.

18. That I beg to state that certain documents are necessary to be perused in order to enable me to tender an effective reply to the notice dated 04.08.2022 and as such I may kindly be allowed to peruse the below mentioned files/ records/ proceedings pertaining to and along with the letters/ orders/ notifications etc.:-

a. File relating to order issued by the Chairman APSC vide no. 164PSC/PS-5/2000-2001 dated 16.05.2014 and also the dak book/peon book by which the aforementioned order was served on me.

b. Files or proceeding book relating to the declaration of results of CCE, 2014 vide no. 19PSC/CON/E-112/CC(P) 2014-15 dated 17.12.2014.

c. Files relating to the uploading of answer keys of General Studies and other papers vide no. 5PSC/CON/E-121/2014-15 dated 29.10.2014.

d. Files relating to publication of programme for CC (Main) Examination 2014 vide no. 18PSC/P-6/2014- 15 dated 07.04.2015.

e. Files relating to answer booklets for CC (Main) Examination 2014 vide no. 308PSC/Sty-2/96-97 Vol.III dated 10.04.2015.

f. Files relating to extension of last dates for submission of forms for CC (Main) Examination 2014 vide no. 16PSC/E-6/2014-15(A) dated 21.01.2015.

g. Files relating to probable question patterns vide dated no. 36PSC/CON/E-112/CC(P)/2014-15 06.01.2015.

h. Files pertaining to issuance of admit cards etc. vide no. 32PSC/E-6/2014-15 dated 07.05.2015.

i. Files pertaining to change of surname of Joyimala Nunisa etc. vide no. 57PSC/E-6/2014-15 dated 21.05.2015.

It is requested that on being granted access to the files mentioned above, I may be granted further 10 (ten) days' time to prefer an effective reply in the points/issues involved

19. *In the premises aforesaid, it is most respectfully prayed that the Hon'ble Commission be graciously pleased to examine the contentions raised by me hereinabove alongwith the contemporaneous records and on a consideration of the matter be pleased to exonerate me from the allegations as levelled against me. Further, in the event this Hon'ble Commission is not satisfied with the contentions raised by me, I pray that before arriving at any conclusion pertaining to the allegations levelled against me, I be granted an opportunity to prefer and effective reply after being granted access to the files mentioned in Paragraph 18 above.*

20. *That the statements made hereinabove are true to the best of my knowledge and belief.*

10.10.2022

THE DEPONENT MOST RESPECTFULLY STATES:

That the notice dated 04.08.2022 issued to the deponent in pursuance to the order dated 13.07.2022 was received on 08.08.2022 and I had sought time for extension for filing my written statement vide my letter dated 17.08.2022. It is pertinent to mention herein that certain documents were required to be furnished to me for tendering an effective reply to the notice dated 04.08.2022 and as such I had submitted a written statement, in part, on 24.08.2022 and I had categorically stated therein that the files sought by me may be allowed to be inspected for tendering an effective reply.

Accordingly, I was allowed to inspect the files on 29.09.2022 and vide order communication bearing No. BKS/COM/IN/APSC-CCE 14/2022/04/66 dated 30.09.2022, I was directed to furnish my written statement within 10.10.2022. Accordingly, I am submitting my written statement, in continuation to my previous written statement dated 24.08.2022, pursuant to the order dated 04.08.2022 as follows;

1. That I categorically deny the allegations levelled against me in the notice dated 04.08.2022. Save and except what has been specifically admitted herein, all other allegations/charges as levelled against me are categorically denied. It is pertinent to mention herein that I was recruited in the year 1984 to the Assam Civil Service and on 31.12.2015, I had retired from service as the Additional Secretary to the Govt. of Assam, Dept. of Excise. It may be mentioned that during my entire service tenure in the Assam Civil service my integrity was beyond doubt and I had maintained high standards in discharge of duties assigned to me. There arose no occasion during my service career requiring the authorities to even call for an explanation from me with regards to any irregularity in discharge of my duties. I came to be appointed as Principal Controller of Examinations, APSC and I had worked in such capacity w.e.f. 11.03.2013 to 13.07.2015 without any blemish. While functioning as the Principal Controller of Examinations, APSC, I had initiated measures for bringing transparency in the conduct of the Combined Civil Service Examination and had introduced the process of uploading the 'Answer Keys' of the preliminary examinations.

2. That with regard to the contents of paragraph nos. 1, 2, 3, 4 and 5 of the notice, I beg to state that the same are matters of record and I deny anything that is contrary to and/or inconsistent with the records.

3. That with regard to the contents of paragraph 6 of the notice, I beg to state that vide letter No. 22PSC/CON/Exam- 84/2012-13(M) dated 15.05.2014, I had duly informed the Principal Secretary to the Govt. of Assam, Department of Personnel (A), with a copy to the Chairman, Assam Public Service Commission (APSC for short) about the fact that my daughter, namely Minarva Devi Arambam was appearing in the Combined Competitive (Preliminary) Examination (CCE), 2014 and for the said reason

2

I wanted to recuse myself from the post of Principal Controller of Examination, APSC as there might be a doubt in the minds of the candidates that I might favour my daughter in the examinations and as such I had written to my superior authorities intimating the same inspite of the fact that the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, does not provide for any rule requiring me to make such disclosure. However, no action was taken upon my communication dated 15.05.2014 and as such in absence of any affirmative action from the authorities, I had to continue as the Principal Controller of Examinations, Assam Public Service Commission. It is vehemently denied that the Chairman of APSC had issued and served the Order bearing Memo No. 164PSC/PS-5/2000- 2001 dated 16.05.2014 requiring me to dissociate myself from the examination works in connection with CCE 2014. I categorically state herein that the Order dated 16.05.2014 was not served upon me on the said date and the same was delivered to me rather belatedly on or after publication of the results of preliminary examination on 17.12.2014. The established procedure of the Commission is such that every official communication is made only after the same is recorded in the Dak Book/Peon Book and a perusal of the same would clearly establish my claim that the order was not furnished to me on 16.05.2014 and the same was an afterthought by the then Chairman of APSC solely to implicate me and save his own skin. The said communication came into existence only on or after 17.12.2014 and I had also objected to the same being delivered to me at a belated stage by violating the established procedure followed by the Commission for service of official communication. However, my objection was brushed aside by the then Chairman of APSC and the same would stand established from the Dak Book/Peon Book maintained by the Commission and the manner of processing the examination works subsequent to the alleged issuance of the order on 16.05.2014 which would clearly establish that the no order requiring me to dissociate me from the examination works was served to me on 16.05.2014. A bare perusal of the Order dated 16.05.2014 shows that the same purportedly was issued with copy to all Hon'ble Members of the APSC, Secretary, APSC, Smtl Biva Sarna COE, and Sri P. Kalbarta, ACE. It therefore belies every logic as to why I would be

allowed to hold and function in the post of Principal Controller of Examinations, APSC if the purported order was issued on 16.05.2014 with copies to the concerned persons. It is pertinent to mention hereby that all actions taken by the Commission are done with prior intimation and approval of the Chairman and as such it is devoid of any logic as to why the Chairman and Hon'ble Members of the Commission had allowed me to function inspite of the order dated 16.05.2014 which was issued purportedly directing me to dissociate from the examination works of CCE, 2014. Furthermore, the results of the preliminary examination of CCE 2014 was declared on 17.12.2014 and I had put my signature on the same and it was within the knowledge of all the members and the Chairman APSC and no one objected towards it and as such the chain of events clearly reveal that the Order dated 16.05.2014 was an afterthought and the same was not furnished to me on 16.05.2014. It is relevant to mention herein that on 29.09.2022, Shri Pankaj Sharma, P.S. to the erstwhile Chairman, APSC, Shri Rakesh Paul and also to the present Chairman, APSC had produced the file relating to the order dated 16.05.2014. From perusal of the file, it was found that there was no entry in the Dak Book/Peon Book showing that such document was served upon me, as is the established procedure in the department and as such it is evident from the original records that the order dated 16.05.2014 was not served upon me on 16.05.2014. It is equally harrowing to mention that the copy of the order purportedly dated 16.05.2014, which was served on me and the order 'in original' contained in the file are not one and the same and there is vast dissimilarity between the signature of the Chairman in the original order contained in the file and the signature contained in the copy issued to me and a perusal of both clearly shows that the copy served upon me is not a exact replica of the original copy contained in the file and as such this Hon'ble Commission may be pleased to inquire into the said aspect of the matter. Furthermore, my claim that the Order dated 16.05.2014 was not issued to me on the said date also stands fortified by the fact that although had I been functioning as the Principal Controller of Examinations, APSC even after the order dated 16.05.2014, no departmental proceedings came to be initiated against me or any communication issued to me requiring me to explain as to how I was

functioning as the Principal Controller of Examinations, APSC, inspite of the order dated 16.05.2014. However, till date no departmental proceeding has been initiated against me and as such it is obvious that the order dated 16.05.2014 was never issued to me on the said date and I cannot be held to be acting in violation of the purported order dated 16.05.2014. However, while discharging my duties, I had maintained the highest level of honesty and integrity and I had maintained total transparency with regards to my work. I always acted with the approval and directions of the Chairman, APSC whenever required. It is pertinent to mention herein that had I been served with the order dated 16.05.2014, I would have immediately disassociated myself with the affairs of CCE 2014, which I did after the said communication was brought to my notice on or after 17.12.2014.

4. That with regard to the contents of paragraph 6(1) of the notice, I beg to state that the preparation of result of CCE 2014 was exclusively done by an outsourced agency engaged by APSC as usual. It was their sole responsibility to prepare the result of preliminary examination of CCE, 2014 for which we provided them with answers in the OMR sheets as per their requirement and then they prepared the result sheet through their assigned process only on the basis of number of vacancies, women reservation and other reservations as provided by APSC according to advertisement. After the preparation of result booklet, they endorse necessary certificate in the 1st page of the result booklet. It was their responsibility to prepare the result correctly. After receiving the result booklet, the APSC in a meeting attended by the Chairman APSC and other members of APSC, Secretary APSC, myself and other requisite staff thoroughly verified the result booklet and only then accorded approval and allowed the same to be published. It is pertinent to mention herein that the publication of results was done after due approval of the Chairman and the Members on 17.12.2014 and as such it is nothing but obvious that the Chairman, APSC had not issued any order till such date, i.e., 17.12.2014 thereby asking me to dissociate myself from the examination works of CCE, 2014 inasmuch as had I been served with the order dated 16.05.2014, purportedly issued by the Chairman, APSC, I would not have been allowed to participate in the meeting attended to by the Chairman himself and take part in the process and as such the allegation

levelled against me that inspite of the Order dated 16.05.2014 issued by the Chairman, APSC, I had not dissociated myself from the examination works of CCE, 2014 is outrightly perverse and cannot stand the scrutiny of law.

5. That with regard to the contents of Paragraph 6(2) of the Notice dated 04.08.2022, I beg to state that, uploading of answer keys pertaining to General Studies and all the optional subjects were done on 29.10.2014 as because I was discharging my duties as Principal Controller of Examination of APSC. As stated above, the order of the Chairman APSC vide memo no. 164 PSC/PS- 5/2000-2001 dated 16.05.2014 which kept me aside from the confidential works of CCE, 2014 was not received by me at the time of uploading the answer keys. Therefore, I was working with the assigned work and under directions of the Chairman APSC and a thorough enquiry will reveal the truth. However, the relevant file of notification no. 5PSC/CON/E-121/2014-15 dated 29.10.2014 was requested to be furnished to me for inspection. However, while I was personally present in the office on 29.09.2022, I was informed that the file sought by me could not be traced out and as such the veracity of such statement made by the department is highly doubtful. I would like to submit herein that a perusal of the records would have revealed that I was working with the assigned work and under the directions of the Chairman, APSC and I did not undertake any action suo motu.

Uploading of answer keys of the CCE 2014 was for the first time introduced in the history of APSC in the line of other Examinations like UPSC etc. It was done as part of certain reforms in the conduct of the examination so that evaluation of OMR sheet through which preliminary examination of CCE was conducted and was done on the basis of correct answers only. Any challenge or objection raised by the candidate regarding any answer was thoroughly examined and accepted if found correct. That is how final evaluation of answers of CCE 2014 was done on the basis of correct answers only.

In order to improve the standard in the setting of question papers of different optional subjects in the CC (Main) Examination, 2014 uniformity

was brought in, some illustrations are given below regarding CCE (Main) 2013 that was held in 2014.

(a) Sociology paper I and II – Total No. of questions 10 for each paper, out of which 8 questions were to be answered.

(b) Education Paper I and II – Total No. of question for Paper I was 9. All were compulsory. For Paper II, total No of questions 8. All were compulsory.

(c) Political Science Paper I and II – Total No. of questions 07 for each paper with alternative question to choose.

(d) Geography Paper I = Total No of question was 12. All were compulsory.

Geography Paper II = Total No of question was 10. All were compulsory.

(e) History Paper I = Total No. of question 14 out of which 5 questions were to be answered.

History Paper II = Total No. of questions 11 out of which 5 questions were to be answered.

In that manner all the questions for different optional subjects were set in a haphazard way. But during the CCE 2014, a new format was introduced after through discussion with some reputed professors of different colleges of Guwahati and the Commission had duly approved the introduction of the new format. Accordingly, a model was furnished and therein uniformity was brought in as far as possible particularly in the Arts subjects. The model question paper was divided into A and B part, equal No of questions were set for all subjects with fix words i.e. 250 words for Part A and 150 words for Part B.

This was an attempt made so that candidates appearing in different subjects do not suffer for no fault on their part and justice is ensured. Difference in the number of questions to be attempted might have brought difference in the scoring pattern. More number of questions to be attempted might fetch more marks than less numbers of questions attempted.

6. That with regard to the contents of Paragraph 6(3) of the Notice, I beg to state that the Publication of Programme for CCE(Main) 2014 vide no. 18PSC/P-6/2014-15 Dated 07.04.2015, the relevant file was produced for inspection on 29.09.2022 by Sri Bhupesh Sarma, Superintendent, Examination Branch, APSC and the same was inspected in his presence. A perusal of the relevant file reflected that the Commission arrived at a decision in this aspect on 25.03.2015 and accordingly the same was up before the Chairman, APSC who accorded his approval on 06.04.2015 (9N of the relevant file) and accordingly I published the same on 07.04.2015. It is pertinent to mention herein that I had no role to play in the said process and my function was limited to publication of the programme, the same being in the nature of ministerial work, after the same was duly approved by the Chairman, APSC.

7. That with regard to the contents of Paragraph 6(4) of the Notice, I beg to state that the order for Printing of Answer Book let for CC (Main) 2014 Examination was issued to Director of Printing and Stationeries, Assam Vide No. 308 PSC/Sty-2/96-97 Vol-III dated 10/04/2015, the relevant file was produced for inspection on 29.09.2022 by Shri Rajkumar Kirtania, Senior Administrative Assistant of Nazareth Branch and the same was inspected in his presence. Upon perusal of the same, it was found that vide 43N of the file, it was put up to the Secretary, APSC on 08.04.2015 by the Nazir with the draft at Page 308 for obtaining my signature, being the Principal Controller of Examinations. The Secretary, APSC endorsed the file to me on the same day with a direction to check the contents of the draft and upon such instructions, I vetted the draft and sent it back to the Secretary, APSC who thereafter put-up the same before the Chairman, APSC and the Chairman, APSC approved the same on 09.04.2015 and only after such approval from the Chairman on 09.04.2015, I had put my signature on 10.04.2015 on the draft letter at Page 308 which was prepared in the name of the Principal Controller of Examinations. It is pertinent to mention herein that the format of Answer Booklet only contains bare minimum particulars relating to the Roll No. of candidates, evaluation of answers and marks obtained against each question and necessary guidelines for the candidates for answering the questions and as such no vital

information is contained therein. Paragraph 6(4) of the notice itself reflects that vide the letter dated 10.04.2015, the Director of Printing and Stationaries, Assam, Bamunimaldam was intimated regarding the requirement of total no. of Main answer booklets and additional answer booklets and it is prima facie evident that the act of mere intimation of number of booklets is in the nature of ministerial work and does not require any substantive action to be taken by me, being the then Principal Controller of Examination and I had done the same as per the requirement of the Commission.

8. That with regard to the contents of Paragraph 6(5) of the Notice, I beg to state that defacing of Answer scripts of CCE (Preliminary Examination) 2014 was made on under relevant provisions of Rule 70 (1) of APSC (Procedure and Conduct of Business) Rules 2010. It was done after obtaining due approval of Chairman APSC on 26.06.2015 after obtaining views of RTI Cell and Legal Cell and the same is reflected at 64" and 70" of the Note-Sheet of the relevant file. However, as regards the answer sheets of CC(P) 2013, the same were not defaced due to the opinion rendered by the Legal Cell as certain legal matters were pending in relation to the same. The Superintendent of the Confidential Branch of APSC had then moved the files slated for defacing as there was lack of storage for the same at the Confidential Branch. Then the files were placed before me by the Assistant Controller of Examination APSC Mr. P. Kaibarta and I presented the same before the Chairman APSC for his approval and when he approved of the same on 26.06.2015, the sheets were defaced as per procedure in presence of the Secretary APSC on 29.06.2015 and as such there has been no violation of any provision APSC (Procedure and Conduct of Business) Rules 2010.

9. That with regard to the contents of Paragraph 6(6) of the Notice, I beg to state that the notification No. 16 PSC/E-6/2014- 15(A) Dated 21.01.2015 regarding extension of the last date of submission of forms for CC(M) Examination 2014 was issued after approval of the Chairman, APSC. Upon inspection of the file relating to issuance of the said notification on 29.09.2022, the file being produced by Shri Bhupesh Sharma, Superintendent, Examination Branch and inspected in his

presence, it was found at 3N that the file was put up before me for extension of last date for submission of forms and the Chairman approved the same and accordingly, the notification dated 21.01.2015 came to be published. It is submitted herein that I was only undertaking ministerial works after 17.12.2014 and I was not involved in any decision-making process. It is also submitted herein that all actions taken by me was so done with due approval of the Chairman, APSC and the members of the Commission.

10. That with regard to the contents of Paragraph 6(7) of the Notice, I beg to state that the notification No. 36 PSC/CON/E- 112/CC(P) 2014-15 Dated 06/01/2015 regarding probable question pattern of CC (Main) Examination 2014, the relevant file was produced for inspection on 29.09.2022 by Shri Pabitra Swargiary, Senior Administrative Assistant and the same was inspected in his presence. A perusal of the same reflects that there was a detailed discussion on 19.12.2014 and 24.12.2014 as the concept relating to rationalization of probable question pattern in CCE (Main) was a new concept in the department and the discussion was attended by the Chairman, APSC, members of the Commission as well as senior question setters and on 30.12.2014 (Page 34 and 35), the Chairman and all the members of the Commission approved the same for uploading. The said fact is reflected at 5N of the relevant file and accordingly, I had issued the notification dated 06.01.2015 after the same was duly approved by the Chairman, APSC and all the members of APSC. It is reiterated herein that the same was in the nature of ministerial work and I had issued the notification as per the requirement of the Commission and had not participated in the decision making process.

11. That with regard to the contents of Paragraph 6(8) of the Notice, I beg to state that Notification No. 32 PSC/E-6/2014-15 dated 07.05.2015 for uploading of Admit Card etc., the relevant file was produced for inspection 29.09.2022 by Shri Bhupesh Sarma, Superintendent, Examination Branch and the same was inspected in his presence. I submit herein that the issuance of the notification dated 07.05.2015 was in the nature of ministerial work as per the requirement of the Commission and after due approval of the Chairman. The said statement stands fortified by the fact that on

05.05.2015 (15N of the relevant file), the Chairman, APSC had approved for publication of the said notification and as instructed, I had to put my signature for issuance of the said notification, in the capacity of me being the then Principal Controller of Examinations. It is reiterated herein that the said action was in the nature of ministerial work and I had not undertaken any substantial duty as the Principal Controller of Examinations, APSC and had remained away from all confidential works pertaining to CCE, 2014 w.e.f. 17.12.2014.

12. That with regard to the contents of Paragraph 6(9) of the Notice, I beg to state that the letter no. 57 PSC/E-6/2014-2015 Dated 21/05/2015 was issued to Joymala Nunisa seeking clarification from her about her surname "Daulagapu", the relevant file was inspected by me on 29.09.2022. The relevant file was produced by Shri Bhupesh Sarma, Superintendent, Examination Branch and the same was inspected in his presence. A perusal of the said file clearly reflects that the Chairman had approved the same on 20.05.2015 (22N of the relevant file) and I had only issued the communication on 21.05.2015. It is reiterated herein that the same was in the nature of ministerial work and I had issued the notification as per the requirement of the Commission.

13. That with regard to the contents of Paragraph 7 of the Notice, I beg to reiterate and reaffirm the statements made in Paragraph 4 of this Written Statement and further state that I had to perform my duties as no action was taken upon my letter dated 15.05.2014 instead of just sitting idle waiting for an order/ direction/ reply either from the Govt. or the APSC. It is pertinent to mention herein that withdrawing and/or remaining absent from performing my duties, without there being any order from the authorities would have rendered me liable for departmental proceeding and as such I had no other alternative but to undertake my duties as the Principal Controller of Examinations, APSC. The works were required to be processed continuously and results were to be declared on time. I reiterate herein that had any order been issued by the Government or the APSC on time or at any time between the dates till declaration of results, i.e., till 17.12.2014 I would have certainly disassociated myself from confidential

works of CCE 2014 immediately. It may be mentioned here that on or after 17.12.2014, i.e., after the order purportedly issued on 16.05.2014 was brought to my notice, I had not associated myself with any of the confidential works pertaining to CCE 2014 and had only discharged ministerial duties as per the requirement of the Commission.

14. That with regard to the contents of paragraph 8 of the Notice, I beg to state that as per the report of APSC, total no. of OMR sheets procured was 1,20,000 out of which, 49,179 had been defaced and the balance remaining OMR sheets numbered 70,821 (1,20,000-49,179) was not defaced. As per the note at number 63 of the related file, the then Superintendent of the Confidential Branch Sri TK Sharma noted that unused OMR sheets were kept at the storeroom of the branch. Further, the total number of OMR sheets defaced pertaining to General Studies in CCE 2014 was 24,467 wherein total number of candidates appeared in General Studies in CCE 2014 was 24,456 resulting in 11 numbers of OMR sheets in excess being defaced. But, due to lapse of considerable time, I cannot ascertain the reason for 11 excess sheets being defaced as I had to depend on the lists and details provided by the employees/ persons of the branch tasked for this purpose as the same cannot be undertaken solely by me and it was not possible and practical to cross check each and every detail of the same. I therefore, at this distant point of time, cannot explain the discrepancy in reported number of OMR sheets being defaced and TOF ASSP also as to why 11 numbers of OMR sheets came to be defaced in excess.

15. That with regard to the contents of paragraph 9 of the Notice, I beg to state that as per the APSC letter no. 12PSC/Estt.-06/2022-2023 dated 28.06.2022, the cut off marks in CC(Pre.) Examination 2014 for last category namely PWD (OH) was 218 and the same was secured by three candidates bearing sl. no. 2145, 2146 and 2147 but three candidates bearing sl. no. 2148 who secured 208 marks and 2149 and 2150 secured 204 marks each respectively. The last three candidates securing less than 218 marks had been declared passed as they belonged to visually impaired category. As such, I state that the candidates bearing sl. no. 2148, 2149 and 2150 had passed and their names were declared as passed by notification dated



17.12.2014 for the aforementioned reason of being visually impaired and as such there is no irregularity occasioning in the matter and the same was done in conformity with the rules and guidelines holding the field.

16. That with regard to the contents of Paragraph 10 of the Notice dated 04/08/2022, I beg to state that the same is entirely based on conjectures and surmises inasmuch as the mere fact that my daughter had appeared and cleared the CCE 2014 cannot lead to be presumption that I was involved in any anomaly in conduct of the examination, more so in view of the fact that I, on my own accord, had written the letter dated 15.05.2014 thereby duly intimating the authorities that my daughter would be appearing in the examination. It is pertinent to mention herein that the Investigating Officer of Dibrugarh P.S. 936/2016 had thoroughly ye investigated the matter and my daughter was not named in the chargesheet as an accused and the same is prima facie reflective of the fact that the investigating authority had not found any material to assign criminality to my daughter and her appointment not being a fraudulent act, I cannot be held to have committed any anomaly on the sole premise that my daughter had cleared the examination and was appointed in ACS (Junior Grade).

17. That it is pertinent to mention herein that the most harrowing aspect is that no action was being taken on my letter No. 22PSC/CON/Exam-84/2012-13(M) dated 15.05.2014 by the Government or the APSC and issuance of a back dated order by Chairman APSC Vide No. 164PSC/PS-5/2000-2001 dated 16.05.2014. In the meantime, the investigating Agency in Dibrugarh P.S. Case No. 936/16 had already summoned me on 16.12.2016, 17.12.2016 and again on 26.08.2019 and 28.08.2019 interrogated me and my statement was recorded. My statement was also recorded by a Judicial Magistrate on 10.11.2017 at Guwahati u/s 164 CRPC. I had co-operated with the Police during their investigation whenever I was summoned by the investigating officer. The Investigating Officer of the said case had submitted the Chargesheet pertaining to Dibrugarh P.S. Case No. 936/2016 before the concerned court and I was not named as an accused in the chargesheet and the same clearly proves that the investigating agency had not found any prima facie material to show that I was involved in any

criminality in the matter. As such I pray that, given the circumstances involved, I be exonerated from the allegations levelled against me vide the notice dated 04.08.2022.

18. *That the statements made hereinabove are true to the best of my knowledge and belief.*

In the premises aforesaid, it is most respectfully prayed that the Hon'ble Commission be graciously pleased to examine the contentions raised by me hereinabove alongwith the contemporaneous records and on a consideration of the matter be pleased to exonerate me from the allegation as levelled against me.

Above stand of **Shri Singha** is ridiculous. He has gone even to the extent of saying that although he had discharged his duties and functions of **PCE**, but they were sort of ministerial works, unmindful of the fact that he had discharged those duties and functions in the capacity of **PCE** that too in complete disregard of his own volition to dissociate himself from the said capacity, his daughter being involved in the examination and followed by written order in this regard of the Chairman issued on 16-05-2014. If there was any such willingness and in fact there should have been on the part of **Shri Singha**, followed by an order to that effect purportedly not served upon him till 17-12-2014, it was all the more necessary and incumbent on the part of **Shri Singha** to completely dissociate himself from all examination related works of **CCE 2014**. It is hardly believable that the order dated 16-05-2014 was not brought to his notice immediately. Even if that was so and in view of his own volition to disassociate himself by his letter dated 15-05-2014, **Shri Singha** ought to have enquired about the fate of the said letter instead of routinely associating himself in all examination related affairs without any

reservation whatsoever. The kind of defence that has been put forwarded is ridiculous.

Even if the above story put forwarded by **Shri Singha** as his defence is accepted, then also question necessarily will arise as to why he continued to function as **PCE** and thereby discharged all examination related matters even after receipt of the order dated 16-05-2014 on 17-12-2014. There is also nothing on record of making protest whatsoever on alleged late serving of the order dated 16-05-2014 on him. As a responsible, rather the sole person occupying the highest position of all examination related matters as the **PCE**, he ought to have raised protest or expressed resentment for making him to function in spite of the order dated 16-05-2014. Not only he did not do that, but also continued to participate in all examination related matters as spelt out in the show cause notice. His defence in this regard will shock the conscience of any reasonable man. His defence of performing only ministerial work is hilarious.

Apart from the revelations made in the show cause notice regarding his continued functioning as **PCE**, it has also come to notice of the Commission that not only the functions indicated in the show cause notice, **Shri Singha** also continued to discharge duties and functions of **PCE** even after issuance of the order dated 16-05-2014 requiring him to dissociate from functioning as such and even if, the said order came to his notice only on 17-12-2014, he continued to effectively deal with all the examination related matters as became evident during the course of his perusal of the files he had sought for perusal during which, 02 of the staff of the Commission were present. Having noticed those incidents of his continued functioning as **PCE**, the Commission has obtained the copies of the relevant documents including the notesheets of the files from the **APSC**. These documents/note sheets clearly reveal his uninterrupted functioning as **PCE** throughout the **CCE 2014** and all related matters thereto.

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In view of the above, there is absolute suppression of material fact on the part of **Shri Singha** regarding his role and function as **PCE** in **CCE 2014**. He falsely tried to defend himself firstly by depicting ignorance of the order 16-05-2014 and secondly by stating that he could come to know about the said order only on 17-12-2014 requiring him to dissociate himself as **PCE** in **CCE 2014**. This position is fortified from the fact that by the said order dated 16-05-2014, while absolving **Shri Singha** from the duties and functions of **PCE** in respect of **CCE 2014**, simultaneously, **Smt. Biva Sarma**, the then Deputy Secretary of **APSC** was entrusted to look after the entire examination process relating to **CCE 2014** in place of **Shri Singha**. Thus it is inconceivable that **Shri Singha** was not aware of the said order dated 16-05-2014. It was his utmost duty and responsibility not to engage himself in any work pertaining to **CCE 2014**, but to entrust the same to said **Smt. Biva Sarma**.

As the documents received from the **APSC** furnished vide letter no. 24PSC/Estt.-06/2022-2023/Pt.-II dated 01-10-2022, would reveal, **Shri Singha** irrespective of the above position, continued to function full fledgedely which he has described as ministerial work in reference to part of such work. The documents received from the **APSC** make shocking revelations as to how **Shri Singha** acted in every aspects of the examination even to the extent of summoning candidates for personnel appearance before **APSC** on the specified dates and time. There is absolutely no manner of doubt that there was no any impact at all on his own volition vide his letter dated 15-05-2014 and Chairman's order dated 16-05-2014 for disassociating himself from **CCE 2014**.

As to why the Chairman and all other members became party to such illegal functioning of **Shri Singha** as the **PCE** throughout the examination of **CCE 2014** can well be imagined. There is nothing on record to show that anyone had objected to such continued functioning of **Shri Singha** which in the natural course is expected of from a body and his associates like **APSC**. Instead of becoming a conscience keeper, **Shri**

Singha with the blessings of his masters in the **APSC** remained as the Strong Room keeper.

Above being the situation and going by the nature of the anomalies and malpractices, the selection of his daughter namely **Minerva Debi Abarham** is not above suspicion, rather conspicuous. She being a candidate of **CCE-2014**, in all fairness and also in view of the facts and circumstances narrated above, her father, said **Shri Singha** ought to have fully disassociated himself from the said examination, but he did not. As discussed above, he continued with the entire examination process with his full authority and power. It is in this process, his daughter namely **Minerva Debi Abarham** got selected to **ACS Jr. Grade**. Thus her selection cannot be said to founded on fairness and transparency.

Smt. Biva Sarma:

She was the Deputy Secretary (Since Retd.) of **APSC**. By an order dated 16-05-2014, she was entrusted to look after the entire examination process relating to **CCE 2014** in place of **Shri A.N.B. Singha**, the then **PCE**. Such a course of action was adopted keeping in mind the fact of **Shri Singha's** daughter **Minerva Devi Arambam** was to appear in the said examination.

In view of the above position and having regard to the anomalies and malpractices leading to registration of **Dibrugarh PS Case No. 936/2016 (Special Case No. 02/2017)** and consequential arrest of numbers of purported selected candidates and the officials of the **APSC** and also recoveries made of thousands of answer scripts including fake answer scripts, **Smt. Sarma** was issued with the notice dated 09-08-2022 in terms of the Commission's order dated 06-08-2022 to explain the circumstances leading to such anomalies and malpractices. As spelt out in the notice, she was asked to explain as to how **Shri Singha** could continue to function as **PCE** in **CCE 2014** bypassing her in spite of

the above order dated 16-05-2014. Instead of repeating the allegations indicated in the notice, for a ready reference, the notice dated 09-08-202 is reproduced below, which will speak for itself.

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

WHEREAS, it is found that as per APSC's order No. 164PSC/PS-5/2000-2001 dated 16-05-2014, you were entrusted to look after the entire examination process relating to CCE 2014 in place of A.N.B. Singha, the then Principal Controller of Examinations, APSC, keeping in mind the fact of his daughter namely Minerva Devi Arambam was to appear in the said examination. Be it stated here that Minerva Devi Arambam eventually got selected in the said examination.

WHEREAS, as per the Rule 1(m) of the Chapter-I of Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010,

"Principal Controller means the Principal Controller of Examinations of the Assam Public Service Commission who shall be in overall control, supervision, conduct and management of all examination of the Commission" and as per Rule 32 to Rule 70 of the Chapter-IV, Principal Controller of Examinations is the overall in-charge of receiving question papers set by experts, getting the papers moderated, printing of question papers set by the experts, storing of the question papers safely till dispatch of the papers to the examination centers. He/She is also overall in-charge of receiving answer scripts, keeping the answer scripts in safe custody, evaluation of answer scripts, undertaking scrutiny of marks through experts, coding, tabulation, declaration of the written examinations, arrangement for viva-voce test, collection of marksheet from respective boards on the same evening of viva-voce, keeping them in safe custody, preparation of results in coded form and decoding of select list after approval of the Commission and declaration of final results with approval of the Chairman.

WHEREAS, as per Office Memorandum of APSC Notification No. 15PSC/CON/Exam-20/2010-2011 dated 12-07-2011 regarding "Guidelines of maintenance of the Strong Room under Double Lock Key system", in case of Combined Competitive Examination (CCE), one pair of keys of the Strong Room shall remain with the Chairman of the Commission and the other shall be with the Principal Controller of Examinations.

WHEREAS, needless to say that strict adherence to the above rules and procedure in conducting Examinations by Assam Public Service Commission was mandatory, more particularly by you being the overall in-charge in conduct of the Examinations. However during the course of the inquiry being conducted by the Commission, the following anomalies and malpractices in discharge of your duties and functions while conducting the CCE-2014, are prima facie found against you.

- *In course of inquiry conducted by this Commission, certain gross illegalities/irregularities relating to the selection and recruitment of various candidates through CCE-2014 conducted by APSC have been found. From the records of Criminal Case of Dibrugarh Police Station Case no. 936/2016 (Special case No. 02/2017), it is revealed*

that 21 Nos. of candidates who appeared in CCE 2014 and secured Government jobs through APSC have been arrested for securing jobs through malpractices in the said examination.

- As per the records, the arrested candidates appeared in their respective papers of CCE-2014 on the dates scheduled by APSC and received the answer scripts on the days of examinations provided by the APSC authority putting their signatures on the attendance list as was furnished, which was also signed by the invigilators' upon verifications at the examination hall. The answer scripts were also signed by invigilators' upon verifications. After the examinations were over, the answer scripts were brought to confidential room of APSC office at Khanapara and subsequently examined by the Examiners as per Assam Public Service Commission (Procedure and Conduct of Business) Rules of 2010.

But as is revealed from the case records of the related Criminal Case being Dibrugarh PS Case no. 936/2016 (Special Case No. 02/2017), during the course of investigation, 1080 nos. of answer scripts of CCE (Main) 2014 had been seized by the Police which included the 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful.

AND WHEREAS, in view of the above, the question necessarily arises as to how such huge anomalies and malpractices could take place during your tenure as overall in-charge of conducting the entire examination process relating to CCE 2014, unless there was active connivance on your part, more particularly being the overall in-charge in place of the then PCE, APSC and consequently being the custodian of one set of keys of the Strong Room of APSC where the written answer scripts of the said examination had been kept.

AND WHEREAS, inspite of the above referred order dated 16-05-2014, requiring Shri A.N.B. Singha, the then PCE, APSC to dissociate

himself from all the examination works in connection with CCE 2014 passed by the then Chairman of APSC, Shri Rakesh Kumar Paul on the basis of his letter under Memo No. 22PSC/CON/Exam-84/2012-13(M) dated 15-05-2014 in which he had disclosed about his daughter Minerva Devi Arambam having applied for CCE 2014, Shri Singha had actively participated in the said examination as will be evident from the followings :

10. It is under his signature, the notification no. 19PSC/CON/E-112/CC(P)2014-15 dated 17-12-2014 declaring the results of CCE(P) 2014 held on 28-09-2014 was issued.
11. It was under his signature, the notification no. 5PSC/CON/E-121/2014-15 dated 29-10-2014 pertaining to uploading of Answer Keys of General Studies and all the optional subjects in APSC's website www.apsc.nic.in was issued.
12. It was also under his signature, the programme for CCE (Main) 2014 vide No. 18PSC/P-6/2014-15 dated 07-04-2015 was issued.
13. It was under his signature, the letter No. 308PSC/Sty-2/96-97, Vol-III dated 10-04-2015 on the subject of "Printing of Answer Booklets for Combined Competitive (Main) Examination", was issued to the Director of Printing and Stationeries, Assam, Bamunimaidan, Guwahati intimating about holding of the CC (Main) Examination, 2014 and the requirement of total no. of Main Answer Booklets and Additional Answer Booklets.
14. It was also under his signature, the decision to deface the answer scripts of CCE (Prelims) 2014 was recorded and conveyed indicating therein the no. of OMR sheets to be defaced and the defacement was made on 29-06-2015 that too amidst the CC (Main) Examinations, 2014, in his presence with clear signature in the related document. The process was preceded by his notes at note sheet page no. 71st and 72nd of the relevant File.
15. Shri Singha had also issued the notification under Memo No. 16PSC/E-6/2014-15(A) dated 21-01-2015 by which extension of the last date of submission forms CC(Main) Exam 2014 till 30-01-2015 was notified.

16. Shri Singha had also issued the information relating to "probable question pattern of ensuing Combined Competitive (Main) Examination, 2014" under No. 36PSC/CON/E-112/CC(P)/2014-15 dated 06-01-2015.
17. It is also found that the Notification bearing No. 32PSC/E-6/2014-15 dated 07-05-2015 was issued by Shri Singha notifying that the Admission Certificate (Admit Card), Instructions for candidates and Specimen Copy of cover page of Answer Booklet had been uploaded in the Commission's website www.apsc.nic.in.
18. He had even issued letter No. 57PSC/E-6/2014-15 dated 21-05-2015 addressed to one of the candidates namely Joymala Nunisa seeking clarification from her the reasons for signing her surname as "Daulagupu" in the application for CC(M) Exam, 2014 (Roll No. 0917445).

AND WHEREAS, the above instances of Shri Singha's active participation in the entire selection process even to the extent of particular communication to a particular candidate are only illustrative and not exhaustive. Instances are at galore of prima facie proof of his active participation in the entire selection process of CCE 2014 inspite of his above referred self declaration and the order passed by then Chairman of APSC debarring himself from participating in the same, leaving no sanctity in the matter as in normal circumstances expected of.

In view of the above, the question necessarily arises as to how Shri A.N.B. Singha, the then PCE, APSC could continue to act in that capacity bypassing you entrusted with the entire examination process of CCE 2014, unless there was active connivance and deliberate violation of the above referred order dated 16-05-2014 on your part. This bears significance in view of the large scale anomalies and malpractices in conduct of the CCE 2014 as has come to the notice of the Commission and indicated above.

AND WHEREAS, as per the report furnished by the APSC vide its letter No. 108PSC/Estt.-06/2022-23 dated 12-07-2022, total 1,20,000 OMR sheets had been procured, but on the other hand total 49,179 had been defaced as per the note dated 29-06-2015 jointly signed by Shri Singha and the then Secretary, APSC. Such notes and defacement could not have been

done by Shri Singha as the same was none of his business, you being the overall in-charge of the entire examination process. Interestingly, such prima facie unauthorized defacement was done by Shri Singha amidst the CC (Main) Examination, 2014.

AND WHEREAS, as has been revealed by the aforesaid letter dated 12-07-2022, the total no. of candidates appeared in General Studies in CC (Prel.) Examination, 2014 is 24,456, but total no. of OMR sheet pertaining to the said subject came to be defaced is 24,467. Thus there is apparent discrepancy need to be explained by you.

AND WHEREAS, as per the information furnished by the APSC vide its letter No. 12PSC/EstL-06/2022-2023 dated 28-06-2022, the Cut Off marks in CC (Prel.) Examination, 2014 for last category namely PWD (OH) was 218, but on the other hand the candidates securing lesser numbers than the said Cut Off marks had also been declared passed vide the above referred notification dated 17-12-2014 issued unauthorizedly by Shri Singha.

NOW THEREFORE, you are called upon to answer the above anomalies and malpractices prima facie found on your part in conduct of the entire selection process of CCE 2014 leading to illegal selection of candidates with their eventual appointments to ACS (Junior Grade) and allied services.

Your written response/statement of defence against the aforesaid apparent and/or explicit prima facie malpractices and anomalies on your part is required to be taken into consideration before arriving at a final conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement of defence in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts, FSL reports and the above noted notifications/orders etc., you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you

have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 08th day of August, 2022 as per order and authority vested on me by the Hon'ble Commission.

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.,
Guwahati, Assam*

OFFICE ADDRESS
HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

Responding to the said notice, **Smt. Sarma** in her reply dated 23-08-2022 has narrated the functioning of the **APSC** in respect of conduct of examinations and as to how, files were moved at different levels including through her. Stating about her retirement from service on 31-07-2015, she has stated that till such retirement, the examination process was upto receipt of answer scripts from various centres across Assam. It was in 3rd week of July, 2015, **Shri Bharat Bhusan Dev Choudhury, ACS** was appointed as **PCE**.

Dealing with the issue relating to custody of Strong Room keys, she in her reply has stated that during her tenure from 2013 to 31-07-2015, one Pair of Keys remained with the Chairperson of the **APSC** and the other with the Assistant Controller of Examination namely **Shri Pabitra Kaibarta**, although as per the requirement of the Rules, one pair of the Keys should have been under her custody. However, it was not so and was never handed over to her.

Further narrating her stand in the matter, she has stated that during her tenure as the Controller of Examination from 2013 to 31-07-2015, she was entrusted only with the job of preparation of question papers and there was no allegations against her. Admitting that she was entrusted to look after the entire process relating to **CCE 2014** in place of **Shri A.N.B. Singha**, the then **PCE**, she has stated that it was under her guidance and supervision, the question papers of preliminary and Main examination were prepared as per prescribed rule and standard procedure. She has also stated that she was never entrusted with the responsibility of preparation of answer sheets and OMR sheets. Generally narrating the examination procedure and her related works, she has stated that although as per the requirement of the rules, one pair of keys should have been with her as the in-charge **PCE** from 2013 to 31-07-2015, but the same was never handed over to her.

She has dealt with the moot question as to how in spite of order dated 16-05-2014 requiring her to be the overall in-charge of CCE 2014 in place of **Shri Singha** by stating that **Shri Singha** was directed to dissociate himself from all examination works in connection with **CCE 2014** as his daughter was to appear in the said examination. As regards the continued functioning of **Shri Singha** as the PCE in spite of the arrangement made by the aforesaid order dated 16-05-2014, her stand is that **Shri Singha** was given the power by the Chairman and not by her. As regards the continued active role of **Shri Singha** including the declaration of results etc. and defacing of OMR sheets, her stand is that she had no role in the same. For a ready reference, her reply dated 23-08-2022 is quoted below.

Sir,

I have received a copy of the Notice dated 09.08.2022 on 10.08.2022 in my residence. I have gone through the contents of the Notice which was accompanied by a Forwarding Letter and an Order dated 06.08.2022 passed

by Hon'ble Mr. Justice B.K. Sharma, Chairman of the Commission of Inquiry Relating To Affairs of APSC (CCE-2014).

That Sir, I have understood the contents of the said Notice and herein I specifically and categorically reply to each and every statements made in the aforesaid Notice.

That Sir, at the inception before replying to the statements made in the aforesaid Notice, I would like to apprise Your Good Office that I have joined the APSC in the year 1975 in a clerical post and I have retired on 31.07.2015 as Deputy Secretary, APSC.

During my whole career in service, there is no any whisper of any allegations against me by any person whosoever. Right from the inception because of my honest, sincerity and sheer hard work, I have been promoted repeatedly during my service career. I was appointed as Controller of Examination, APSC in the year 2013 but now I do not remember in which month the appointment was made.

That Sir, during my tenure as Controller of Examination, APSC from 2013 to 31.07.2015, my job was to deal with files which are routed from Clerical Level to Chairman, APSC. The files are routed to me through the Assistant Controller of Examination, APSC. I make notes in the file and forward the file to the Principal Controller of Examination, APSC. It is the Principal Controller of Examination, APSC who forward the file to the Chairman, APSC.

That Sir, with regard to the functioning of APSC is concern, it is to state that APSC conducts the examination for Grade I & Grade II officers of various Departments of Govt. of Assam as per the Service Rules of the particular Department/the APSC Regulation, 1951. When there exist any vacancy in any Department of Govt. of Assam, same are communicated to the General Examination Branch, APSC. The file is endorsed to the Secretary of APSC who by his endorsement forwards the same to the General Branch, APSC for floating Advertisement for the required post. It is the General Branch, APSC which is responsible for making advertisement. On the basis of advertisement, the applications are received by the General

Branch, APSC. The applications which are received are scrutinized by the Examination General Branch under the Deputy Secretary, APSC. Lists are prepared by General Branch, APSC of the Applicants, thereafter the file is sent to the Secretary, APSC and with his note, the Secretary forward the same to the Chairperson, APSC for approval and on his approval, the General Branch of APSC then prepares the Attendance List which is subject wise. Thereafter they ascertain the number of candidates to be called for. Be it stated herein that if the Service Rules provided for the particular Department provides for Written Test, then APSC conducts Written Test and if the Service Rules provided for the particular Department provides for Written Test and Viva Voce, then APSC conducts both the Written Test and Viva Voce, the advertisement itself describes the nature of Examination to be held. In case of Written Examination, it is confidentially communicated to me by General Branch and in case of Viva Voce, it is the General Branch, APSC who decides all the modules of Viva Voce Examination with the advice of Secretary of APSC and Chairperson, APSC. After ascertaining the same, they communicate confidentially to me being the Controller of Examinations, APSC.

That Sir, in case of Written Examination, on receipt of confidential communication from General Branch, as to the number of candidates, my duty is to make a note and thereafter sent the Approved List of Professors who would prepare the Question Papers to the Principal Controller of Examinations, APSC, who then forwards the same to the Chairperson, who selects the Professors in various subjects and the file comes back to Principal Controller of Examinations who thereafter forwards the same to me as Controller of Examination. Be it stated herein that there exists an approved List of Professors who would prepare the Question Papers.

That Sir, accordingly in our Department communication was made to the Professors concerned confidentially to prepare the Question Papers. The Professor concerned prepares the Question Paper and confidentially under sealed envelope they submit the same either to the Chairperson, APSC or the Principal Controller of Examinations. The Chairperson, APSC endorse the sealed envelope without opening the same and either sent the

same to the Principal Controller of Examinations and sometimes to me, to keep the same in Strong Room.

That Sir, there is again another approved List of Press. The Chairperson, APSC decides to whom the Work Order is to be issued for printing the Question Papers or the OMR Sheets. As per the selection being done by the APSC Chairperson, the sealed envelopes are forwarded confidentially to the press to whom the work of printing is given. Printing press shall be answerable for maintaining secrecy and Principal Controller of examinations will issue instruction to ensure secrecy.

That Sir, after the printing, the Question Papers are received by the Chairperson and on receiving the Question Papers, the same is forwarded to the Principal Controller of Examination or me for keeping the same in Strong Room. Be it stated herein that the Question Papers after being received from Press by Chairman, APSC in sealed envelope and kept in Strong Room, these Question Papers are never been opened. On the date of Examination, the Question Papers are sent to respective venues. However in case, where the examination is to be held at distant venues, the same are sent on an earlier date with Police escort and the same are kept in respective District Treasury.

That Sir on a subject, suppose 3 (three) professors make 3 (three) different Question Papers, then in the same manner they are submitted to Chairperson in sealed cover and without opening the same, endorsed the same, to be kept in Strong Room.

That Sir, there is also an approved List of Moderators. It is the Chairman who selects the 3 (three) number of Moderators on each of the subjects from the approved List and the same are sent to us in our Department accordingly. The 3 (three) number of Moderators of the concerned subject is informed confidentially. They thereafter comes to the APSC Office and then they are handed over confidentially the 3 (three) Question Papers which were under sealed cover, prepared by the 3 (three) different Professors. The 3(three) Moderators prepare 3(three) different Question Papers from the 3 (three) numbers of Question Papers prepared by

3 (three) Professors. Each Question Paper prepared by 3 (three) Moderators are then sealed in envelopes respectively and these three envelopes are submitted before the Chairperson or the Principal Controller of Examinations or his nominee not below the rank of Controller of Examination after getting a proper receipt. Be it stated herein that the Moderators will not put any identification mark over the covers. The Chairperson selects one of them and thereafter the same is kept in Strong Room for the purpose of sending the same to the press.

Be it stated herein that the earlier 3 (three) numbers of Question Papers prepared by the 3 (three) numbers of professors which were kept in Strong Room were opened by Moderators for preparing the respective Question Papers. After preparation of the Question Papers by Moderators, the respective Question Papers prepared by the 3 (three) number of Professors are again sealed and kept in the Strong Room. Further the other 2 (two) Question Papers prepared by the other 2 (two) Moderators which are not sent for printing, are kept in the Strong Room.

That Sir, the OMR Sheets which are used during Preliminary Examination of APSC are prepared by the Nazir Branch of APSC and after being approved by Chairperson, the same are sent to approved Press for printing. In case of Main Examination of APSC, the Answer Sheets are prepared by the Nazir Branch with the approval of Chairperson and the same is sent to approved Press after approval of Chairperson.

That Sir, so far Preliminary Examination is concerned, the OMR Sheets are handed over to the Firm concerned, which is selected by way of tender, for checking the OMR Sheets. They prepare the Result Sheet and same is placed before the Confidential Branch, APSC as per the marks obtained and keeping in view the reservation policies, Select List is prepared and published with the approval of the Chairperson, APSC.

That Sir, with regard to checking of Answer Scripts with regard to Main Examination, after receiving of the answer scripts from the whole of Assam. One Code Roll Number shall be allotted to each candidate for all the subjects by the Principal Controller of Examinations before the Answer

Books are dispatched to the examiner for assessment. However, Commission may see/check the methodology or procedure of coding and de-codings. The Roll No. is removed for maintaining secrecy. Thereafter, the Answer Scripts are handed over to approved professors for checking. This is done confidentially.

That Sir, Answer Scripts also contains a tabulation sheet which is filled up by professor concerned as per the marks given by him. Thereafter these tabulation sheets are handed over to our Department in sealed cover which is kept in the Strong Room and the respective Answer Scripts are also handed over wrapped in brown paper and sealed.

That Sir, on receipt of all the Answer Scripts each envelope submitted by respective professors which contains tabulation sheets are opened in our Branch and each code is decoded in the computer against each Roll Number.

That Sir, thereafter Final Select List is prepared for Viva Voce as per Merit List, keeping in view the principle/ratio of 1:11 candidates against each post.

That Sir, as per procedure being followed, the Viva Voce examination preparation is done by General Examination Branch as per approval of Chairperson, APSC and not by our Branch.

That Sir, I retired from service on 31.07.2015. I was in service till receipt of answer scripts from various centres across Assam. The Answer Scripts are received by our confidential Branch. Thereafter, I retired from service on 31.07.2015.

And so far the 2014 Main Examination is concerned in 3rd week of July of 2015, Sri Bharat Bhusan Dev Choudhury, ACS was appointed as Principal Controller of Examination.

That Sir, during my tenure Preliminary and Main Examination for the year 2014 were held. So far as the Preliminary Examination 2014 is concerned, the preparation of OMR Sheets is the sole responsibility of Nazir Branch which was done by the approval of Chairperson.

Further, so far as the Main Examination 2014 is concerned, it is the Nazir Branch who with the approval of Chairperson prepares the Answer Scripts as aforesaid and for the purpose of brevity I am not repeating the same.

So, far the preparation of the Question Papers of Preliminary and Main Examination of year 2014 is concerned, this has been done meticulously directly under my supervision under the approval of Chairman.

That Sir, the Strong Room has two keys. During my tenure from 2013 to 31.07.2015 one pair of the keys remained with the Chairperson of the APSC and the other key remained with the Assistant Controller of Examination namely Pabitra Koibarta. Under the Rules, one of the keys should be under my custody but during my tenure from 2013 to 31.07.2015 at no point of time, it was under my custody. During my tenure from 2013 to 31.07.2015 the key was never handed over to me.

That Sir, coming back to the Notice dated 09.08.2022 so far as the allegations of the anomalies and malpractices in conduct of CC Examination 2014 is concerned, I state that during my tenure of holding the post of Controller of Examinations from 2013 to 31.07.2015, I was entrusted only with the job of preparation of Question Papers and I have done the same under the procedure prescribed and followed by APSC and these are matters of records. There is no any whisper of allegation of any wrong doing on my part regarding the preparation of Question Papers.

That Sir, so far as the allegation of anomalies and malpractices by any member of APSC or Chairman or staff or any other members of APSC is concerned, I humbly state that so far as the role and responsibility entrusted to me is preparation of Question Papers as per standard procedure, which I have done with a sense of responsibility. I have never indulged in any wrong doing or malpractices from the date of my appointment till the date of my retirement.

That Sir, with regard to the preliminary examination and Main examination, the results of which were stated to be declared on 17.12.2014 and 18.05.2016 respectively, I humbly state before Your Goodself that the

question papers for Preliminary and Main Examination is prepared by my Department under my supervision and the same has been done under the established rules and procedures. The OMR Sheets for Preliminary Examination does not come within the purview of my responsibility as in time in memory done by the Nazir Branch of APSC, who does it with the approval of the Chairperson, APSC. Similarly, so far as the Answer Scripts of Main Examination is concerned, the same is not within the purview of my responsibility from the time in memory and the same is always being done by the Nazir Branch of APSC with the approval of the Chairperson.

I retired from service on 31.07.2015 after the Main Examination was held and Answer Scripts were received by the Confidential Branch. At the time of verse of my retirement, Government of Assam appointed Principal Controller of Examination. During the tenure of my office, no Answer Scripts were burnt and it is not within my knowledge.

That Sir, so far as the allegation that I was entrusted to look after the entire process relating to CC Examination 2014 in place of A.N.B. Singha, the then Principal Controller of Examinations, APSC, keeping in mind the fact of his daughter was to appear in the said examination, I humbly submit that it is a fact that under my guidance and supervision the Question Papers of Preliminary and Main Examination were prepared as per prescribed Rule and standard procedure. I was never entrusted with the responsibility of preparation of Answer Scripts and OMR Sheets, these are matters of records.

That Sir, with regard to the allegation that the Principal Controller of Examinations, APSC shall be in overall control, supervision, conduct and management of all examination of the Commissions and that the Principal Controller of Examinations is the overall in-charge of receiving question papers set by experts, getting the papers moderated, printing of question papers set by the experts, storing of the questions papers safely till dispatch of the papers to the examination centres, I humbly state that it is a fact that I have taken the responsibility in the year 2014 and as per rules and as per approved List of Experts, approved List of Moderators and as per approved

List of Printers, question papers were prepared with the approval of Chairperson, APSC and this was done as per prescribed procedure.

The question papers prepared by the professors are received by the Chairperson, APSC and kept in Strong Room with his endorsement. Question papers prepared by the Moderators in the APSC Building are handed over in sealed cover. The question papers prepared by Moderators, in sealed cover are put up before the Chairperson, who takes the decision as to which of the question papers which is in sealed cover is to be sent for printing. It is the Chairperson who selects who would be the approved printer. The printed question papers are received by the Chairperson from the approved printer, and the same are kept in Strong Room till dispatch to the concerned examination centres.

That Sir, so far as the allegation of overall in-charge of receiving answer scripts, keeping the answer scripts in safe custody, evaluation of answer scripts, undertaking scrutiny of marks through experts, coding, tabulation, declaration of the written examinations, arrangement for viva-voce test, collection of marksheets from respective boards on the same evening viva-voce, keeping them in safe custody, preparation of results in coded form and decoding of select list after approval of the Commission and declaration of final results with approval of the Chairman and so on and so far is concerned, I humbly state that during my tenure as Controller of Examinations from 2013 to 31.07.2015, so far the Question Papers is concerned, I have already stated above the mechanism as to how the Question Papers of Preliminary Examinations are prepared, there is no lapses or deviation from the prescribed rules and stand procedure so far preparation of question papers of Preliminary Examinations is concerned. So far there is no any allegation of lapses against me, so far preparation of question papers of preliminary examinations is concerned.

Further with regard to the preparation of OMR Sheets of Preliminary Examinations is concerned, it is not the responsibility of Controller of Examinations but it is the duty of Nazir Branch, APSC who does it with the approval of Chairperson.

So far the preparation of question papers of Main Examination is concerned, I have already stated herein above and there is no lapses in preparation of question papers, which is prepared as per rules and standard procedure.

But, so far the printing of Answer Scripts of Main Examinations is concerned, it is not under the control of the Controller of Examinations but under the control of control of the Nazir Branch, APSC.

Further, I beg to state that OMR Sheets' Evaluation Process was outsourced to a Private Firm so far Preliminary Examinations is concerned, whereas as concerned to Main Examination as Controller of Examinations, I was in service till the time of answer scripts were received back from various Examination Centres from all over Assam and thereafter I retired from service on 31.07.2015.

That Sir, with regard to allegation as to maintenance of the Strong Room under double lock key system, in case of CCE 2014 one pair of keys of the strong room shall remain with Chairman of the commission and the other key shall be with the Principal controller of examination. I beg to state that the keys were never been entrusted to me at any point of time, one pair of keys remained with the Chairman of the Commission and the other remained with the Assistant Controller of Examination Pabitra Koibarta. I was holding the post of In-charge of Principal Controller of Examinations from 2013 to 31.07.2015 and key of strong room was never handover to me during that period.

That Sir, with regard to allegations of finding of anomalies and malpractices in discharge of duties and functions while conducting the CCE-2014, I specifically and categorically deny all the allegations, there is no dirt of truth in such allegations. The allegations are contrary to records.

That Sir, with regard to the allegation that illegalities/irregularities has been found in connection with Dibrugarh P.S. Case No. 936/2016 (Special Case No. 02/2017) is concerned, it is for your kind information that the matter was investigated by Assam Police and the Police have seized various documents, but no whisper of any allegations has been levelled

against me in connection with Dibrugarh P.S. Case No. 936/2016. Police has never examined me in connection with Dibrugarh P.S. Case No. 936/2016 as there is no material against me of wrong doing on my part.

That Sir, with regard to the allegations that in connection with Dibrugarh P.S. Case No. 936/2016 is concerned during investigation 1080 numbers of answer scripts of CCE Examination 2014 were seized by police which included 88 numbers of fake answer scripts on which 21 numbers of successful arrested candidates with one more candidate totalling to 22 had written their answers and were awarded marks on basis of which were declared successful. I respectfully submit that answer sheets of Main Examination were prepared by Nazir Branch, APSC and with approval of Chairman, APSC these papers are printed in various approved press. The Nazir Branch does not come under the purview of the Controller of Examinations and is outside my purview. Usually Answer Scripts are printed by Government Press but due to lack of man power, they refused to print. According to my knowledge, the answer scripts are printed in various approved press through the Nazir Branch with approval of Chairman. This is done from time in memorial.

Further, I beg to submit that I was holding the office of Principal Controller of Examinations since 2014. The answer scripts written by candidates all over Assam are kept in strong room. During the verge of my retirement the Government appointed Principal of Controller of Examinations.

That with regard to the allegation that how such huge anomalies and malpractices took place in my tenure for CCE 2014 under my supervision, I humbly state that I am not the overall In-charge of the examinations whether Prelims or Main is concerned. My responsibilities as Controller of Examinations was with regard to preparation of question papers with the help of experts with the approval of Chairman. There is no any whisper of allegation so far preparation of question papers is concerned.

Responsibility of preparation of OMR Sheets and Answer Scripts is of Nazir Branch who prepared the same with the approval of the Chairman, APSC.

During my whole tenure, I have performed my duties and responsibilities as per the laid down rules and principles and there is no iota of allegations against me or there is no default on my part on doing my responsibility. It is also on record that whatever I have done is as per law and I have followed the rules and procedures strictly and I have taken the steps as per the laid down rules and procedure.

That Sir, with regard to allegation of Sri A.N.B. Singha, the then PCE, APSC that he has been directed to dissociate himself from all the examination works in connection with CCE 2014 as his daughter is appearing in CCE 2014 and Shri Singha had actively participated in the said examination works, I humbly submit that by the order dated 16/5/2014 the Chairman directed Mr. Singha to dissociate himself from all the examination works in connection with CCE 2014 since his daughter is appearing in CCE 2014 which is matter of records.

That Sir, so far as the allegation of declaring the results of CEE (P) 2014 held on 28/9/2014 issued under his signature is concerned, I humbly submit that for the Preliminary Examination 2014 Mr. Singha had no role in making the question papers. Further Mr. Singha had no role in checking OMR sheets as it was outsourced to a private firm and it is a matter of record. He had only signed the final result which was prepared by a private firm, by virtue of holding his post as Principal Controller of Examinations.

That so far as the allegation of uploading of Answer keys of General Studies and all the optional subjects in APSC's website under his signature, I have nothing to comment as he has been given power by the Chairman APSC and not by me.

That so far with regard to allegation that under his signature the result of CCE 2014 was issued and under his signature printing of answer booklets for CC (Main) Examination issued and with requirement of total numbers of main answer booklets and additional answer booklets, with

regard to defacement of answer scripts of CCE (Prelims) 2014 under his signature and defacement was made in 29.06.2015 is concerned, I humbly submit that I have no role in the aforementioned activities. That the records will make it clear, as the file never came to me, I was not aware of the aforesaid facts.

That Sir, Nazir Branch is an independent branch not under me.

That Sir, with regard to allegation of A.N.B Singha issued notification dated 06.1.2015 and again issued notification dated 7/5/2015 is concerned, I beg to state that the aforesaid file never came to me as it is not within my responsibility.

That Sir, with regard to issuance of letter dated 21.05.2015 is concerned, it is not within my knowledge.

That Sir, with regard to the allegation that how Shri Singha could bypass me, while I was entrusted with the entire examination process of CCE 2014, I beg to state that the aforesaid allegation has no legs to stand in view of the fact that the responsibility with regard to preparation of question papers and keeping the question papers and OMR sheets in safe custody, I have already narrated the responsibility herein above. I have no role in preparation of Answer Scripts which is done by Nazir Branch with approval of Chair person.

That Sir, with regard to the allegation that in total 1,20,000 OMR sheets had been procured but on the other hand 49,170 has been defaced. I beg to state that the Controller of Examinations role is to inform the Nazir Branch as to the requirement of OMR Sheets. The Nazir Branch prepares the OMR sheets and they hand over OMR sheets including extra OMR sheets which are received by our Branch in view of fact that in case damage takes place, that can be utilised. To every examination centre, extra OMR sheets are sent alongwith the OMR Sheets to meet any eventualities, for that record is also maintained. After examination is over OMR sheets are deposited in our Branch and extra sheets which are not used are deposited to Nazir Branch APSC. The Nazir Branch comes under Secretary, APSC and I am not responsible for anything done in Nazir Branch.

That Sir, with regard to the allegation that the total number of candidates appeared in General studies in CC(Prelims) Examination, 2014 is 24456 but total number of OMR sheets pertaining to said subject came to be defaced is 24467 is concerned, I humbly state that as far as I remember some candidates who did not receive call letters also appeared in the Examination. The Principal of said examination centre allowed such candidates to appear in the examination by taking an undertaking from candidates. Extra OMR sheets are required for that purpose, the undertaking along with OMR sheets are taken back in our Branch. After receipt of the same, we verify the same with record, if found in order the OMR sheets are taken on record and if the OMR sheets is contrary to record, the OMR sheets are rejected, to this effect all records are maintained.

That Sir, with regard to the allegations that the cut off marks in CC (Prel.) Examination 2014 for last category PWD(OH) was 218 but on the other hand the candidates securing lesser marks than cut off marks were also declared passed, I humbly submit that so far as I remember the cut off marks was fixed by the firm who have been outsourced to check the OMR sheets. Against each post the number of candidates to be called for the main examination is 1:11. This 11 candidates included all the physically disabled candidates. If in PWD Department the candidates with physical disability scored less than 218 as per the proportionate share to the number of post which will be filled by disabled candidates, the disabled candidates who score the highest is included inspite of they score lesser marks. Being the cut off mark 218, if the disabled candidate have scored 180 marks and 2(two) candidates have scored same marks, then both the candidates will be included in the merit list accordingly both of them were included in merit list.

That Sir, in my whole service carrier, I have served APSC to the best of y capabilities. In the aforesaid Department, I have started my carrier as clerk and promoted to the level of Controller of Examination because of my hard work, sincerity and honesty. I have never indulged in malpractices or entertained any person whosoever, keeping in view the very interest of the

Institution/Department. I have provided my service to the best interest of the institution and the society at large.

I have acted responsibly to my duties to the best of my abilities and as per rules. I have acted as per the procedure established and procedure followed in APSC.

There is no whisper of any allegation against me. That on repeated occasions it has been stated that I am overall In-charge of APSC Examination, which is not only incorrect but also contrary to the Rules and materials on record. There is also division of responsibilities and functions as per the rules.

I am solely responsible for preparing the Question Papers with the help of Experts. I am responsible for conducting examinations in various centres and receiving answer scripts and keeping the same in strong rooms. During my tenure, no answer scripts of main examination were checked by experts. I retired on 31.07.2015 and thereafter the answer scripts were checked by Experts and therefore I cannot comment on it.

Further, I beg to state that the aforesaid statement of mine is best to my knowledge and belief and it is also very difficult for me to remember all the details of the 2014 CCE examination, since more than 7 years has passed of the same and also, I beg to state that I have been suffering from mental depression for the last 3 (Three) years and under medication for the same.

I believe and have that much of confidence on Your Goodself that Your Goodself would apply your judicious mind to the materials available on record and after going through my reply, would pass appropriate orders exonerating me from all the allegations levelled against me.

Thanking You.

Yours faithfully,

Sd/- Biva Sarma

Retired Deputy Secretary, APSC

From her aforesaid reply, two things have categorically emerged, firstly she was well aware of the order dated 16-05-2014 requiring her to look after all examination related matters of **CCE 2014** in place of **Shri A.N.B. Singha**, the then **PCE** and secondly, in terms of the said order, she was to perform the duties and responsibilities of the **PCE** in view of the fact that **Shri Singha's** daughter was appearing in **CCE 2014**. However, that was not be so and the order dated 16-05-2014 was a mere eye wash keeping intact all the examination related matters of **CCE 2014** for **Shri Singha**, although ought to have been performed by **Smt. Sarmah**. This is preciously the reason as to why she has submitted the kind of reply which is evasive in nature. It is really not understood as to how **Shri Singha** could defy the order dated 16-05-2014 and **Smt. Sarma** could accept the said position. There is nothing on record to show that **Smt. Sarmah** had ever raised any protest or at least a concern, for total defiance of the said order dated 16-05-2014. It appears that all concerned in the **APSC** entangled with the **CCE 2014** more particularly the Chairman **Shri Paul**, **Shri Singha** and **Smt. Sarma** worked in tandem. Incidentally, **Smt. Sarma's** son namely **Shri Abhisekh Borbora** got selected in **CCE 2013** during the tenure of **Shri Singha** as **PCE**. However, he could not retain the post as his selection turned out to be tainted with malpractices. He was arrested in connection with the aforementioned **Dibrugarh PS Case No. 936/2016** and thereafter his service was dispensed with during the period of probation.

From the above revelation of fact, it cannot be said that **Smt. Biva Sarma** was unaware of the real state of affairs. Her plea of herself being not involved and that everything was as per the desire of the Chairman is also not acceptable having regard to the key position she was occupying in the **APSC** with the onerous job of examination related matters of **CCE 2014** in place of **Shri Singha**, the then **PCE**.

Shri Bharat Bhusan Dev Choudhury, IAS (Retd.)

He was appointed as the Principal Controller of Examination, **APSC** on 21-07-2015 just after completion of **CC (Main) Examination, 2014** and he continued to work as such till 10-02-2016. It was during his tenure, all vital examination matters of **CCE 2014** such as coding of answer scripts, sending of the answer scripts to examiners for evaluation, receiving back the same after evaluation and keeping them in the Strong Room, preparation of mark sheets etc. were done. When it was found that many candidates got selection through backdoors indulging in malpractices and were arrested and that 1080 nos. of answer scripts including **88 nos.** of fake answer scripts had been seized by the police during investigation of **Dibrugarh PS Case No. 936/2016, Shri Dev Choudhury** was issued with the notice dated 01-09-2022 pursuant to the order of the Commission dated 06-08-2022 asking him to explain the circumstances as to how such anomalies and malpractices could happen during his tenure as the PCE. For a ready reference, the notice dated 01-09-2022 is reproduced below:

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive

Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

AND WHEREAS, it is found that as per APSC's order No. 164PSC/PS-5/2000-2001 dated 16-05-2014, Shri Biva Sharma, the then Deputy Secretary, APSC was entrusted to look after the entire examination process relating to CCE 2014 in place of A.N.B. Singha, the then Principal Controller of Examinations, APSC, keeping in mind the fact of his daughter namely Minerva Devi Arambam was to appear in the said examination. Be it stated here that Minerva Devi Arambam eventually got selected in the said examination.

AND WHEREAS, prior to the retirement of Smt. Biva Sharma, you were appointed as Principal Controller of Examination, APSC on 21-07-2015 i.e. just after completion of CC (Main) examination 2014 and you worked in the said post till 10-02-2016.

AND WHEREAS, as per the Rule 1(m) of the Chapter-I of Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, "Principal Controller means the Principal Controller of Examinations of the Assam Public Service Commission who shall be in overall control, supervision, conduct and management of all examination of the Commission" and as per Rule 32 to Rule 70 of the Chapter-IV, Principal Controller of Examinations is the overall in-charge of receiving question papers set by experts, getting the papers moderated, printing of question papers set by the experts, storing of the question papers safely till dispatch of the papers to the examination centers. He/She is also overall in-charge of receiving answer scripts, keeping the answer scripts in safe custody, evaluation of answer scripts, undertaking scrutiny of marks through experts, coding, tabulation, declaration of the written examinations, arrangement for viva-voce test, collection of marksheets from respective boards on the same evening of viva-voce, keeping them in safe custody, preparation of results in

coded form and decoding of select list after approval of the Commission and declaration of final results with approval of the Chairman.

AND WHEREAS, as per Office Memorandum of APSC Notification No. 15PSC/CON/Exam-20/2010-2011 dated 12-07-2011 regarding "Guidelines of maintenance of the Strong Room under Double Lock Key system", in case of Combined Competitive Examination (CCE), one pair of keys of the Strong Room shall remain with the Chairman of the Commission and the other shall be with the Principal Controller of Examinations.

AND WHEREAS, needless to say that strict adherence to the above rules and procedure in conducting Examinations by Assam Public Service Commission was mandatory, more particularly by you being the PCE in conduct of the Examinations. However during the course of the inquiry being conducted by the Commission, the following anomalies and malpractices in conducting the CCE-2014 are prima facie found:

- In course of inquiry conducted by this Commission, certain gross illegalities/irregularities relating to the selection and recruitment of various candidates through CCE-2014 conducted by APSC have been found. From the records of Criminal Case of Dibrugarh Police Station Case no. 936/2016 (Special case No. 02/2017), it is revealed that 21 Nos. of candidates who appeared in CCE 2014 and secured Government jobs through APSC have been arrested for securing jobs through malpractices in the said examination.*
- As per the records, the arrested candidates appeared in their respective papers of CCE-2014 on the dates scheduled by APSC and received the answer scripts on the days of examinations provided by the APSC authority putting their signatures on the attendance list as was furnished, which was also signed by the invigilators' upon verifications at the examination hall. The answer scripts were also signed by invigilators' upon verifications. After the examinations were over, the answer scripts were brought to confidential room of APSC office at Khanapara and subsequently examined by the Examiners as per Assam Public Service Commission (Procedure and Conduct of Business) Rules of 2010.*

But as is revealed from the case records of the related Criminal Case being Dibrugarh PS Case no. 936/2016 (Special Case No. 02/2017), during the course of investigation, 1080 nos. of answer scripts of CCE (Main) 2014 had been seized by the Police which included the 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators', examiners' and scrutlnizers' signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014. Apart from above, answer scripts of some selected candidates are also missing from the Strong Room.

AND WHEREAS, in view of the above, the question necessarily arises as to how such huge anomalies and malpractices could take place during your tenure as overall in-charge of conducting the examination process relating to CCE 2014, unless there was active connivance on your part, more particularly being the PCE, APSC in which capacity, you were also the custodian of one set of keys of the Strong Room of APSC where the written answer scripts of the said examination had been kept.

NOW THEREFORE, you are called upon to answer the above anomalies and malpractices prima facie found on your part in conduct of the entire selection process of CCE 2014 leading to illegal selection of candidates with their eventual appointments to ACS (Junior Grade) and allied services.

Your written response/statement of defence against the aforesaid apparent and/or explicit prima facie malpractices and anomalies on your part is required to be taken into consideration before arriving at a final conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement of defence in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports, you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 1st day of September, 2022 as per order and authority vested on me by the Hon'ble Commission.

Yours faithfully,

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS

**HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003**

Responding to the notice, **Shri Dev Choudhury** submitted his written statement on 20-09-2022 inter-alia stating about the various phases of the examination including his letter dated 02-11-2015 addressed to the Secretary, **APSC** requesting for installation of CCTVs in the Strong Room and other rooms where confidential works are done.

As regards keeping of one key of the Strong Room with him as the PCE as per the requirement of the guidelines, **he has referred to the provisions thereof with the statement that after his joining in**

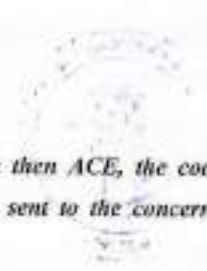
APSC, one pair of the keys of the Strong Room was handed over to him by the then Chairman. However, in the same breath, his stand is that since the coding was done in the Strong Room by then Assistant Controller of Examination (ACE) as per the approval of the Chairman, the key of the Strong Room was also kept by the then ACE for smooth completion of the coding works.

His said reply dated 20-09-2022 is quoted below.

Madam,

I am in receipt of the letter under reference enclosing the copy of the order dated 6.8.2022 of the Hon'ble Mr Justice BK Sharma Commission of Inquiry and submit my written statement as under:

- 1. That in pursuance to the advertisement in connection with the CCE, 2014, the Commission conducted the Preliminary examination to the said examination on 28.09.2014 result of which was declared on 17.12.2014. Further, the Main examination to the said examination was conducted w.e.f. 31.5.2015 to 1.7.2015. The result of the Main examination was declared on 18.05.2016 while the final recommendation was declared on 30.06.2016.*
- 2. That I joined in the Commission as Principal Controller of Examination on 21.07.2015 and I was released from the Commission on 10.02.2016.*
- 3. That since the C.C.(Main) Examination, 2014 was concluded before my joining, Shri Pabitra Kaibarta, the then Asstt. Controller of Examinations (ACE) was entrusted vide order dated 27th July, 2015, with the approval of the then Chairman, to open the sealed packets observing all necessary formalities and to complete the coding process. A copy of the order dated 27th July, 2015 is enclosed herewith for your ready reference.*

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4. *That after completion of the coding by the then ACE, the coded answer sheets of the CC(Main), 2014 were sent to the concerned experts for evaluation.*
 5. *That while the evaluation process was going on, I vide my letter dated 2nd November, 2015 requested the Secretary, APSC for installation of CCTVs in the strong room and other rooms where confidential works are done to maintain utmost secrecy as the CCTVs already installed are out of order. A copy of the letter dated 2nd November, 2015 is enclosed herewith for your ready reference.*
 6. *Regarding keeping one key of the Strong room with the Principal Controller of Examinations under 'Guidelines For maintenance of the Strong Room under Double Lock Key system, it is stated as below:-*
 - (a) *though the strong Room shall be under overall control, supervision and under management of the Principal Controller of Examinations, however, as per Clause 1(A) of the APSC Guidelines For maintenance of the Strong Room under Double Lock Key system vide no.15PSC/CON/Exam-20/2010-2011 dated 12/07/2011, Strong Room was required to be placed under the Double Lock system of "Controller of Examination" and "the Assistant Controller of Examination". Clause 1(A) of the said guideline dated 12/7/2011 is quoted herein below:*
 - "I) (A) The existing Strong Room shall be placed under "Double Lock System". The 1st pair of keys, including the duplicate key for the "Iron Grill" (hereinafter called the outer Lock) shall remain with the "Controller of Examination" (herein after called the In-Charge of the Strong Room). The Second pair of the keys, including the duplicate key for the inner wooden door (hereinafter called the inner Lock) shall remain with the Asstt. Controller of Examinations. He shall be the custodian of the records, materials and documents kept inside the strong room (hereinafter called Custodian)".

- (b) *As per Clause 3(B) of the guidelines, Manuscripts of question papers in respect of C.C. Examination till dispatch for printing shall be kept in the Almirah/Drawers under twin lock where one pair of keys shall remain with the Chairperson and the other shall be with the Principal Controller of Examinations.*

Clause 3 of the said guidelines is quoted herein below: -

"3) Manuscripts of question papers till dispatch for printing shall be kept in the Almirah/Drawers under twin lock as in the following:-

- (A) in case of other examinations, one pair of keys shall remain with the Principal Controller and other shall be with the Controller of Examinations.*
- (B) In case of C.C. examination, one pair of keys shall remain with the Chairperson and the other shall be with the Principal Controller of Examinations."*
- (C) *After my joining in the APSC, one pair of keys of the strong Room was handed over to me by the then Chairman. However, as stated in paragraph 3 above, since the coding was done in the strong room by the then ACE as per approval of Hon'ble Chairman, APSC, the key of the strong room was also kept by the then ACE for smooth completion of the coding works.*
7. *It is pertinent to mention here that while the evaluation of the answer scripts of the CC(Main), 2014 was going on, I was released by the Commission vide order dated 10th February, 2016 (copy enclosed). Accordingly, I handed over the charge of the office of the Principal Controller of Examinations to Hareswar Das, the then Controller of Examinations vide certificate of transfer of charge dated 10th February, 2016 (copy enclosed).*
8. *That in the event of requiring more information in the interest of the inquiry, I am ready to furnish the same, as and when required, and also attend the Commission of Inquiry when directed accordingly.*



*Sd/- B. B. Dev Choudhury, IAS (Retd.)
Former Principal Controller of Exams
Assam Public Service Commission
Khanapara, Guwahati-22*

While it is true that by the time **Shri Dev Choudhury** had joined the Commission as **PCE** on 21-07-2015, the Main examination of **CCE 2014** was already concluded during the period from 31-05-2015 to 01-07-2015, but all subsequent works such as coding of answer scripts, sending of the answer scripts to examiners for evaluation, receiving back the same after evaluation and keeping them in the Strong Room, preparation of mark sheets etc. were done during his tenure as PCE. As per the requirement of the provisions of **APSC (Procedure and Conduct of Business) Rules, 2010**, it was the overall responsibility of the PCE as detailed in **Chapter-IV** to the said rules which inter-alia include all the tasks as enumerated in the show cause notice. In this connection, **Rule 52, 53, 56, 57, 59, 60, 61, 63, 64** etc. of the Rules may be referred to. However, **Shri Dev Choudhury** in his written statement has simply referred to the order dated 27-07-2015 issued under his signature as the **PCE** by which with the approval of the Chairman **Shri Paul**, the then **ACE Shri P Kaibarta**, was entrusted with the task of opening the sealed packets of answer scripts of **CCE 2014**.

There is no gainsaying that such kind of an order cannot override the prescribed rules. Moreover, even if the **ACE** was entrusted with a particular work, **Shri Dev Choudhury** could not have and ought not to have altogether absolved himself from his responsible position of **PCE** more particularly when the **ACE** was entrusted with the opening of sealed packets of the answer scripts and not the consequential actions thereof. **Shri Dev Choudhury** in his capacity as **PCE** ought to have maintained overall control over the entire system of examination as entrusted by the provisions of the rules. The kind of anomalies and

malpractices surfaced in **CCE 2014** leading to illegal selection of candidates even to the extent of providing fake answer scripts is really shocking and **Shri Dev Choudhury** being the overall in-charge of the examination in his capacity as **PCE** cannot shun ignorance of such illegalities and malpractices.

Shri Babul Saharia, ACS :

He was the Principal Controller of Examination for the period from 01-03-2016 to till publication of the results of **CCE 2014** and thus was occupying the key position in the **APSC**. In was during his tenure, the entire action such as preparation of tabulation sheets as per marksheets of the candidates, publication of **CC (Main) Examination's** result, Viva-voce, categorization of candidates in the Final Select List as per the marks obtained and preference of choice given etc.

As revealed from the records of the related criminal case being **Dibrugarh PS Case No. 936/2016 (Special Case No. 02/2017)**, **21** candidates, who appeared in the **CCE 2014**, were illegally selected through malpractices. It is also revealed that **1080** nos. of answer scripts of the said examination have been seized by the police which include **88** nos. of fake answer scripts on which the aforesaid **21** candidates arrested in the said criminal case and another candidate, although not arrested had written their answers and awarded marks on the basis of which, they were declared successful. Interestingly, in some answer scripts, the answers to the questions were written by some other persons and not by the candidates.

Noticing the above revelations and at a time when **Shri Saharia** was the PCE and in which capacity, he had discharged the above functions, the Commission thought it prudent to obtain his explanation relating to the said illegalities and accordingly, he was issued with the notice dated 07-09-2022 pursuant to the order of the Commission passed

on 06-08-2022. Instead of repeating the revelations made in the notice, the notice itself is reproduced below.

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, Inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE-2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/malpractice, if any, accordingly.

WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 and pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

AND WHEREAS, it is found that during the relevant period w.e.f. 01-03-2016 to till the publication of the results of CCE 2014, you were the Principal Controller of Examinations in Assam Public Service Commission, which needless to say, is a very responsible position.

AND WHEREAS, as per the Rule 1(m) of the Chapter-I of Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010, "Principal Controller means the Principal Controller of Examinations of the Assam Public Service Commission who shall be in overall control, supervision, conduct and management of all examination of the Commission" and as per Rule 32 to Rule 70 of the Chapter-IV, Principal Controller of Examinations is the overall in-charge of receiving question papers set by experts, getting the papers moderated, printing of question papers set by the experts, storing of the question papers safely till dispatch of

the papers to the examination centers. He/She is also overall in-charge of receiving answer scripts, keeping the answer scripts in safe custody, evaluation of answer scripts, undertaking scrutiny of marks through experts, coding, tabulation, declaration of the written examinations, arrangement for viva-voce test, collection of marksheets from respective boards on the same evening of viva-voce, keeping them in safe custody, preparation of results in coded form and decoding of select list after approval of the Commission and declaration of final results with approval of the Chairman.

AND WHEREAS, as per Office Memorandum of APSC Notification No. 15PSC/CON/Exam-20/2010-2011 dated 12-07-2011 regarding "Guidelines of maintenance of the Strong Room under Double Lock Key system", in case of Combined Competitive Examination (CCE), one pair of keys of the Strong Room shall remain with the Chairman of the Commission and the other shall be with the Principal Controller of Examinations.

AND WHEREAS, needless to say that strict adherence to the above rules and procedure in conducting Examinations by Assam Public Service Commission was mandatory, more particularly by you being the PCE in conduct of the Examinations. However during the course of the inquiry being conducted by the Commission, the following anomalies and malpractices in conducting the CCE-2014 are prima facie found:

- In course of inquiry conducted by this Commission, certain gross illegalities/irregularities relating to the selection and recruitment of various candidates through CCE-2014 conducted by APSC have been found. From the records of Criminal Case of Dibrugarh Police Station Case no. 936/2016 (Special case No. 02/2017), it is revealed that 21 Nos. of candidates who appeared in CCE 2014 and secured Government jobs through APSC have been arrested for securing jobs through malpractices in the said examination.
- As per the records, the arrested candidates appeared in their respective papers of CCE-2014 on the dates scheduled by APSC and received the answer scripts on the days of examinations provided by the APSC authority putting their signatures on the attendance list as was furnished, which was also signed by the invigilators' upon verifications at the examination hall. The answer scripts were also signed by invigilators' upon verifications. After the examinations were over, the answer scripts were brought to confidential room of

APSC office at Khanapara and subsequently examined by the Examiners as per Assam Public Service Commission (Procedure and Conduct of Business) Rules of 2010.

But as is revealed from the case records of the related Criminal Case being Dibrugarh PS Case no. 936/2016 (Special Case No. 02/2017), during the course of investigation, 1080 nos. of answer scripts of CCE (Main) 2014 had been seized by the Police which included the 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful. In some answer scripts, the invigilators', examiners' and scrutinizers' signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014. Apart from above, answer scripts of some selected candidates are also missing from the Strong Room.

AND WHEREAS, In view of the above, the question necessarily arises as to how such huge anomalies and malpractices could take place during your tenure as overall in-charge of conducting the examination process relating to CCE 2014, unless there was active connivance on your part, more particularly being the PCE, APSC in which capacity, you were also the custodian of one set of keys of the Strong Room of APSC where the written answer scripts of the said examination had been kept.

NOW THEREFORE, you are called upon to answer the above anomalies and malpractices prima facie found on your part in conduct of the entire selection process of CCE 2014 leading to illegal selection of candidates with their eventual appointments to ACS (Junior Grade) and allied services.

Your written response/statement of defence against the aforesaid apparent and/or explicit prima facie malpractices and anomalies on your part is required to be taken into consideration before arriving at a final conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement of defence in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports, you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on the 7th day of September, 2022 as per order and authority vested on me by the Hon'ble Commission,

Yours faithfully,

*(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam*

OFFICE ADDRESS

**HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003**

Responding to the notice, **Shri Saharia** by his application dated 29-09-2022 prayed for **15(fifteen)** days time for documents verification for an effective reply to the notice, which was allowed vide order dated 29-09-2022. However, in spite of the said opportunity, **Shri Saharia** did not make verification of the documents without any reservation and submitted his written statement on 10-10-2022 in which he has admitted that it was after his joining the **APSC** as the **PCE**, the result of main examination followed by interview/viva-voce were declared respectively on 18-05-2016 and 30-06-2016. He has also admitted that in terms of the relevant provisions of the 2010 Rules referred to above, the PCE shall be in overall control, supervision, conduct and management of

all examinations of APSC. In this connection, he has referred to **Rule 34, 36,40,41,52,53,56,57,58,59,60,61,63,64,65,66 and 67 of the 2010 Rules.**

According to him, during his tenure as **PCE**, he had strictly followed the rules and procedures in conducting examinations including the one in question and that there was no anomalies and malpractices on his part. Referring to the **Guidelines of maintenance of the Strong Room under double lock key system**, his stand is that though there is provision for keeping one pair of keys of the Strong Room with the Chairman of the Commission and the other pair with the **PCE**, but during his service period as **PCE**, while conducting **CCE 2014**, the said provisions had not been followed and in spite of his request to the Commission and more particularly the Chairman, his entitled pair of keys was not handed over to him at any point of time and all the keys of the Strong Room were in possession of the then Chairman. According to him, he had no other option, but to discharge his duties without being the custodian of the keys of Strong Room.

Referring to the related criminal case and involvement of **22** illegally selected candidates, his stand is that he was no way involved in the said illegality. According to him, he had duly followed the rules and procedures of all the examination matters.

For a ready reference, the reply to notice dated 10-10-2022 is also reproduced below.

BEGS TO STATE:

1. *That, I have received the aforesaid notice dated 07.09.2022 on 20.09.2022 and I have submitted an application on 29.09.2022 before the Secretary to this Hon'ble Commission praying for further 15 days time to submit my written statement which has been allowed till 11.10.2022 and accordingly, I have submitted this present written statement within the period allowed by the Secretary of this Hon'ble Commission.*

2. That, at the very outset, I stoutly denied all the allegations/anomalies leveled against me vide notice dated 07.09.2022.

3. That, I joined in service under the Government of Assam as Circle Officer attached in Teak Revenue Circle on 25.05.1992 and thereafter, I served in different station holding different post of responsibility under the Government of Assam assigned to me and there was no any blemished in my service career till my retirement on attaining the age of superannuation on 30.09.2020. During my service period, I was transferred from the post of District Development Commissioner, Barpeta and posted as Principal Controller of Examination, Assam Public Service Commission where I joined on 01.03.2016 and I was transferred from Assam Public Service Commission in the month of February, 2018 and posted again as District Development Commissioner, Barpeta.

4. That, prior to my joining as Principal Controller of Examination, Assam Public Service Commission, Assam Public Service Commission initiated the process of Combined Competitive Examination, 2014 for recruitment of 180 posts of Assam Civil Service (ACS) and allied cadres and results of Preliminary Examination was declared on 17.12.2014 i.e. prior to my joining as Principal Controller of Examination, Assam Public Service Commission. After my joining as Principal Controller of Examination, Assam Public Service Commission, the result of main examination was declared on 18.05.2016 and interview/viva- voce was completed on 24.06.2016 and final result of CCE-2014 was declared on 30.06.2016.

5. That, Rule 1 (m) of the Assam Public Service Commission (Procedure and Conduct of Business) Rules, 2010 (hereinafter referred to as the APSC Rules 2010) provides that Principal Controller means the Principal Controller of Examinations of the Assam Public Service Commission who shall be in overall control, supervision, conduct and management of all examination of the Commission.

6. That, the duties and responsibilities of Principal Controller of Examinations of Assam Public Service Commission as provided in Chapter-IV of the APSC Rules 2010 are as under-

Rule 34: The penal of examiners for each subject in which Commission holds examination, when prepared shall be a secret documents and it shall be kept in safe custody by the Principal Controller of Examination under seal and cover and shall be submitted to the Chairperson/the Commission on requisition. Register shall be maintained to keep record of the movement of the document.

Rule 36: Two or more paper setters where necessary will be required to set a question paper in their own handwriting as per syllabus, which will be received in sealed cover and shall be kept in the safe custody of the Principal Controller of Examinations. For objective type of question paper, the paper setter will be required to supply the answer keys also.

Rule 40: The Chairperson will select one of the moderated question papers without opening the sealed covers and send it to the printing press, who will print them, do the proof reading and put up the question papers in sealed covers according to the list of examinations centres, provided by Principal Controller of Examinations.

Rule 41: Printing press shall be answerable for maintaining secrecy and Principal Controller of Examination will issue instruction to ensure secrecy.

Rule 52: Sealed packets containing answer scripts after being received from the centers by the Principal Controller of Examination shall be opened after appraisal of the Commission.

Rule 53: One Code Roll number shall be allotted to each candidates for all the subjects by the Principal Controller of Examination before the answer books are dispatched to the examiner for assessment, However, Commission may see/check the methodology or procedure of coding and de-codings.

Rule 56: packets containing answer scripts shall be made uniformly as regards the number of scripts and shall be sent to the respective examiner by the Principal Controller of Examination and the examined scripts are to be collected on the specified date. Instructions shall be given to the examiners that no marks should be over written and the marks should be given clearly

and legibly. If necessary, it may be cut by a line across it and the new mark allocated may be written over it by putting signature.

Rule 57: Ordinarily three weeks time shall be allowed for return of assessed answer books to the Principal Controller of Examination by the examiners, but the Commission may in special circumstances and on a request made by the examiner extend the time to a reasonable period.

Rules 58: The Principal Controller of Examination or the officer in charge shall report to the Chairperson the position regarding the return of answer books immediately after the time limit.

Rule 59: The scrutinizers will be appointed at the rate of one scrutinizer for every five examiners, and shall scrutinize all the answer scripts according to the guidelines provided by the Commission. The scrutinizer will ensure the correctness of the total marks recorded by the examiners. If he finds any discrepancy/deviation, he shall bring to the notice of the Principal Controller of Examination, who in turn, shall bring to the notice of the Commission for further course of action as deemed fit and proper. The format of mark sheet shall be designed by the Commission giving details of the question numbers and marks secured. The format of scrutiny slip shall also be designed and provided by the Commission. The answer scripts shall be kept in the safe custody of the Principal Controller of Examinations.

Rule 60: After all scripts are scrutinized, then the tabulation work shall be done by the Principal Controller of Examination and tabulators appointed by the Chairperson from the panel list approved by the Commission under the supervision of the Principal Controller of Examinations.

Rule 61: The tabulation shall be done in duplicate and when tabulation is over, results can be checked by comparison. Merit list in coded form is also to be prepared by the tabulator. Principal Controller of Examination will supervise during the tabulation work. Mark sheets in coded form is duplicate shall be placed before the Commission for authentication and documentation by their signatures.

Rule 63: As soon as the tabulation is completed and thoroughly checked by the office and the Commission as provided for in the above Rules, the Principal Controller of Examination shall submit the results before the Commission in the form and manner to be prescribed by the Commission to decide how many candidates are considered fit for being admitted to personality test/interview. The number of candidates to be admitted to the personality test/interview will be twice i.e. 1:2, the number of vacancies to be filled in the various services and posts maintaining Reservation policies and as per relevant Rules of recruitment.

Rule 64: The Principal Controller of Examination will ensure correct tabulation of marks and correct restoration of original Roll numbers of candidates. The de-coding work shall be done by the coder himself.

Rule 66: On each day after the interview is over and marks are awarded to each candidate, the mark sheet prepared shall be placed in sealed covers and handed over to the Chairperson by the Chairman of the respective Board and finally will be kept by the Principal Controller of Examination in safe custody.

Rule 67: After completion of the interview/Personality Test, the marks obtained in Interview/Personality Test shall be added to the marks obtained by the candidates in the written examination. Thereafter on the basis of total so obtained the merit list shall be prepared and placed before the Commission by the Principal Controller of Examination for final preparation of the select list service/postwise, on the basis of order of preference given by the candidates and Reservation Rules in force.

7. *That, during my service period as Principal Controller of Examination of APSC, I had strictly followed the rules and procedures in conducting Examinations as per provisions of prescribed rules and procedures including the CCE-2014. I had not deviated from the prescribed Rules and Procedures in conducting the Examinations during my service period as Principal Controller of Examination of APSC including the CCE-2014. There was no anomalies and malpractices in conducting the CCE-*

2014 Examination on my part being the Principal Controller of Examination.

8. That with regard to the provisions of the APSC Notification No. 15 PSC/CON/Exam-20/2010-2011 dated 12.07.2011 regarding "Guidelines of maintenance of the Strong Room under Double Lock Key system" in case of Combined Competitive Examination (CCE), I beg to state that though there is a provision for keeping one pair of keys of the Strong Room with the Chairman of the Commission and the other pair of keys of the Strong Room shall be with the Principal Controller of Examination but during my service period as Principal Controller of Examination of APSC while conducting CCE-2014, the said provisions had not followed and inspite of my repeated request to the Commission more particularly to the then Chairman, the pair of keys of the Strong Room had not been handed over to me at any point of time and all the keys of the Strong Room were in possession of the then Chairman. My request to follow the provisions of said APSC Notification dated 12.07.2011 regarding "Guidelines of maintenance of the Strong Room under Double Lock Key system" had not been responded by the Commission including the then Chairman and during my service period as Principal Controller of Examination while CCE-2014 was going on, I was not in possession of any keys of the Strong Room. There is no any record in the APSC as regards handing over of one set of keys of the Strong Room to me during my service period while CCE- 2014 was going on, as per provisions of the said Notification dated 12.07.2011.

9. That, as regards the observation made in the Notice dated 07.09.2022 regarding finding of certain gross illegalities/irregularities relating to the selection and recruitment of various candidates through CCE-2014 and as regards the records of Dibrugarh Police Station Case No. 936/2016 (Special Case No. 02/2017), I have no comment to offer.

10. That with regard to the question raised against me in the Notice dated 07.09.2022 as to how such alleged huge anomalies and malpractices could take place during my tenure as overall in-charge of conducting the examination process relating to CCE-2014, unless there was active connivance on my part more particularly being Principal Controller of

Examination, APSC in which capacity, I was also the custodian of one set of keys of the Strong Room of APSC where written answer scripts of the said examination had been kept, I beg to state that though as per provisions of APSC Notification dated 12.07.2011 regarding "Guidelines of maintenance of the Strong Room under Double Lock Key system" one pair of keys of the strong room shall be with the Principal Controller of Examination, APSC, but during my service tenure as Principal Controller of Examination, APSC while CCE-2014 was going on, I had not been provided any keys of the Strong Room and all the sets of keys of the Strong Room were with the then Chairman. I had made repeated request to the then Chairman to provide me a pair of keys of the Strong Room as per provisions of the APSC Notification dated 12.07.2011, but my request was not responded and the then Chairman had kept all the keys of the Strong Room in his custody and told me not to repeat such request in future. I had no other option but to discharge my duties without being custodian of keys of Strong Room as provided in the APSC Notification dated 12.07.2011.

As regards the finding during the course of investigation of Dibrugarh Police Station case No. 936/2016 (Special Case No. 02/2017) regarding finding of 88 nos. of fake answer scripts on which the 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling 22 (twenty two) had written their answers and were awarded marks, on the basis of which declared successful, I beg to state that I am not anyway involved with the said anomalies. It is true that I being the Principal Controller of Examination, APSC during my service period, I had kept the sealed packets containing the answer scripts after being received from the centres in strong room and subsequently, all the rules and procedures of examinations such as evaluation of answer scripts, coding, tabulation, declaration of written examination, preparation of results in coded form and decoding of select list after approval of the Commission, had been followed. But though I was entitled for a set of keys of the Strong Room wherein the answer scripts were kept, the same was not provided to me during my service period as Principal Controller of Examination, APSC. Therefore, I am not anyway connected with regard to the findings of Dibrugarh PS Case No. 936/2016 (Special Case No. 02/2017) as regards the

anomalies of fake signatures of invigilators, examiners' and scrutinizers' in some answer scripts, no any signatures of invigilators in some answer scripts, the answers to the questions were written by some other person and not by the candidates in some answer scripts and missing of answer scripts of some selected candidates from the strong room.

11. That, as regards the allegation leveled against me in the notice dated 07.09.2022 to the effect that the above anomalies and malpractices prima facie found on my part in conduct of the entire selection process of CCE 2014 leading to illegal selection of candidates with their eventual appointments to ACS (Junior Grade) and allied services, I have specifically denied the said allegation and beg to state that I had discharged my duties as Principal Controller of Examination, APSC as per prescribed Rules and Procedure and I am not anyway involved with the aforesaid allegations. Further, there is no any record in the APSC as regards handing over of one set keys of the strong room to me during my service period as Principal Controller of Examination, APSC while conducting CCE 2014. Since I was not the custodian of keys of the Strong Room while conducting CCE 2014, therefore, I am not liable for the said alleged anomalies and malpractices as alleged in the notice dated 07.09.2022.

12. That, I beg to state that I am not any way connected even remotely with the alleged anomalies and malpractices as alleged in the notice dated 07.09.2022.

13. That, I have an unblemished service record during my service period till my retirement on attaining the age of superannuation on 30.09.2020 and I had discharged my duties and responsibilities as Principal Controller of Examination, APSC as per Rules and Procedures. From the above facts and circumstances stated above, I stoutly denied all the allegations leveled against me in the notice dated 07.09.2022. I had served to the Government of Assam in different capacity since the date of my joining in service with utmost sincerity, dedication and devotion and to the best of my ability including my service tenure as Principal Controller of Examination, APSC and I have an unblemished service record.

Under the above facts and circumstances, I humbly request Your Honour to accept my written statement against the Notice dated 07.09.2022 and be pleased to exonerate me from all the allegations leveled against me in the Notice dated 07.09.2022 and be pleased to drop my case from further inquiry by this Hon'ble Commission.

And for this act of kindness, I shall remain ever grateful.

Date:10/10/2022

Yours faithfully

*Sd/- Shri Babul Saharia, ACS
Ex-Principal Controller of Examination, APSC
Resident of village-Bengenahati, P.O. Goreswar,
P. S. Goreswar, District-Tamulpur, Assam.
Mobile No. 88764-84115*

Above stand of **Shri Saharia** is not at all convincing. He being the overall in-charge of the related examination, which he himself has admitted by referring to the various provisions of the Rules, cannot simply deny his involvement in the anomalies and malpractices in conducting **CCE 2014** as already discussed above. The reason assigned by him for not being in possession of one pair of keys of the Strong Room as mandatorily required is also not convincing. After having admitted that he was entitled to have possession of one pair of keys as per the rules, he cannot simply take the plea of not being in possession of the same because of non handing over by the Chairman. If such defence is allowed that too in the sensitive functioning of a Constitutional body like **APSC** involved in the process of public employment, there will be no sanctity left in the rules and procedures to be followed towards discharging the said functions by the **APSC**.

It is really shocking that it was during his tenure there could be fake answer scripts on which the aforementioned **21** candidates could write their answers with eventual selection. Be it stated here that another selected candidate namely **Mrs. Wahida Begum** presently serving as

Superintendent of Taxes, is also not only beneficiary of the fake answer scripts, but even her answers were written by somebody else on those fake answer scripts. Thus perversity in selection was even to that extent.

Above apart and as already discussed above, there were also anomalies in drawing the final select list, in which **Shri Saharia** as the **PCE** had a major role to play. As per the provisions of the Rules already referred to above, it is the **PCE** under whose guidance and supervision, the final select list is required to be prepared with categorization of candidates as per their options/preference of choice vis-à-vis the marks obtained by them. However, as apparent on the face of the records, the options/preference of choice was given a good bye for some chosen candidates, but for which things would have been different as already discussed above in detail.

In the above context, Shri Saharia's statement already quoted above will have a bearing. In the said statement, he has admitted that there was anomalies in drawing the Final Select List.

Thus by simply denying his involvement in the anomalies and malpractices **Shri Saharia** cannot absolve himself from his liability in the capacity of **PCE**. If such a defence is allowed, everyone tainted and guilty will have easy escape from any kind of liability of their own actions/inactions.

Shri Pabitra Kaibarta :

Shri Pabitra Kaibarta was involved in the **CCE 2014** as Assistant Controller of Examinations from the very beginning and was in the knowhow of the things because of his large scale involvement in the entire examination process. As to what are the anomalies and malpractices that took place in **CCE 2014** are discussed above umpteen number of times. It was found that during the investigation of **Dibrugarh**

PS Case No. 936/2016 apart from recovery of **1080** nos. of answer scripts including fake answer scripts of **21** selected candidates, there was also recovery and seizure of all the keys of the Strong Room from the possession of **Kaibarta** prima facie establishing his involvement in the said anomalies and malpractices. That apart, as already indicated above, there was also defacing of OMR sheets with gross anomalies. The statement of the accused persons in the related criminal case have also revealed his active connivance in committing fraud, anomalies and malpractices in **CCE 2014** leading to selection of unsuccessful candidates.

In the aforesaid circumstances and pursuant to the order of the Commission dated 06-08-2022, **Shri Kaibarta** was issued with the notice dated 15-11-2022 to explain his position in such anomalies and malpractices. For a ready reference, the notice is reproduced below.

WHEREAS, the Government of Assam in the Political (A) Department vide Notification No. PLA.440/2015/293/ECF-72687 dated 20-05-2022 issued under the Signature of the Principal Secretary to the Govt. of Assam, Home & Political Department has constituted the One Man Inquiry Commission under the Chairmanship of Hon'ble Mr. Justice B.K. Sharma to Inquire, inter-alia into (i) the allegations of anomalies and malpractices in conduct of CCE -2014 and (ii) the entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/ malpractice, if any, accordingly.

WHEREAS, Assam Public Service Commission published notification to hold the Combined Competitive Examination 2014 for recruitment against 180 Posts of Assam Civil Service (ACS) and allied cadres in accordance with the Assam Public Services Combined Competitive Examination Rule 1989 vide Commission's Notification No. 7PSC/E-8/2013-2014 dated 03-04-2014. Pursuant to the advertisement and written examination, the results of preliminary and Main examination were also declared on 17-12-2014 and 18-05-2016 respectively. Thereafter, the

Interview/viva-voce was completed on 24-06-2016 and the final recommendation of the CCE-2014 was declared on 30-06-2016.

AND WHEREAS, in course of inquiry conducted by this Commission, certain illegalities/irregularities relating to the recruitment of various candidates through CCE-2014 conducted by APSC have been found. From the records of Criminal Case of Dibrugarh Police Station Case no. 936/2016 (Special case No. 02/2017), it is revealed that 21 Nos. of candidates who appeared in CCE 2014 and secured Government jobs through APSC have been arrested for securing jobs through malpractices in the said examination.

AND WHEREAS, as per the records, the arrested candidates appeared in their respective papers of CCE-2014 on the dates scheduled by APSC and received the answer scripts on the days of examinations provided by the APSC authority putting their signatures on the attendance list as was furnished, which was also signed by the invigilators' upon verifications at the examination hall. The answer scripts were also signed by invigilators' upon verifications. After the examinations were over, the answer scripts were brought to confidential room of APSC office at Khanapara and subsequently examined by the Examiners as per Assam Public Service Commission (Procedure and Conduct of Business) Rules of 2010.

AND WHEREAS, as per notification under Memo No. 35PSC/CON/E-141/CC(M)/2014-15 dated 27-07-2015 issued by Shri Bharat Bhusan Deb Chouhury, the then Principal Controller of Examination, APSC, you were entrusted to open the sealed packets of Answer Scripts of CC (Main) Examinations, 2014 and to complete the coding process. Accordingly, you coded the answer scripts and sent the coded answer scripts to the concerned experts for evaluation.

AND WHEREAS, as is revealed from the case records of the related Criminal Case being Dibrugarh PS Case no. 936/2016 (Special Case No. 02/2017), during the course of investigation, 1080 nos. of answer scripts of CCE (Main) 2014 had been seized by the Police which included the 88 nos. of fake answer scripts on which the aforesaid 21 nos. of successful arrested candidates along with another candidate (not yet arrested) totaling to 22 (twenty two) had written their answers and were awarded marks, on

13/11/16

the basis of which declared successful. In some answer scripts, the invigilators', examiners' and scrutinizers' signatures are also found fake, whereas in some answer scripts, there is no any signature of invigilators. More interestingly, in some answer scripts, the answers to the questions were written by some other person and not by the candidate based on which, the alleged candidate got selection in CCE 2014. Apart from above, answer scripts of some selected candidates are also missing from the Strong Room.

AND WHEREAS, on 17-11-2016, the Investigating Officer seized all the keys of the Strong Room of Assam Public Service Commission from the drawer of your office room. As the keys of the strong room of APSC were recovered and seized from your possession, hence recovery of fake answer scripts in Confidential room of APSC clearly indicate your active involvement in the entire episode of committing anomalies and malpractices in conduct the CCE - 2014.

AND WHEREAS, as per the report furnished by the APSC vide its letter No. 108PSC/Estt-06/2022-23 dated 12-07-2022, total 1,20,000 OMR sheets had been procured, but on the other hand total 49,179 had been defaced as per the note dated 29-06-2015. Thus the question necessarily arises as to where are the remaining OMR sheets i.e. 70,821 (1,20,000 - 49,179). Further, as has been revealed by the aforesaid letter dated 12-07-2022, the total no. of candidates appeared in General Studies in CC (Prel.) Examination, 2014 is 24,456, but total no. of OMR sheet pertaining to the said subject came to be defaced is 24,467. Thus there is apparent discrepancy need to be explained by you as you were also working as the Assistant Controller of Examination during the said examination.

AND WHEREAS, statements of Shri Rakesh Kr. Paul, the then Chairman ; Dr. Basanta Kumar Doley and Dr. Samedur Rahman, both, the then members of Assam Public Service Commission, and statements of other members of APSC recorded u/s 161 CrPC and statement of various staff of APSC as well as other independent witnesses recorded u/s 161 CrPC & 164 CrPC in connection with Dirugarh Police Station Case No. 936/2016, clearly reveal about your active involvement in committing fraud, anomalies and malpractices in the said Combined Competitive Examination conducted by APSC leading to selection of unsuccessful candidates.

AND WHEREAS, in view of the above, the question necessarily arises as to how such huge anomalies and malpractices could take place during your tenure in conducting the examination process relating to CCE 2014, unless there was active connivance on your part, more particularly being the Assistant Controller of Examination, APSC in which capacity, you were also the custodian of one set of keys of the Strong Room of APSC where the written answer scripts of the said examination had been kept.

NOW THEREFORE, you are called upon to answer the above anomalies and malpractices prima facie found on your part in conduct of the entire selection process of CCE 2014 leading to illegal selection of candidates with their eventual appointments to ACS (Junior Grade) and allied services.

Your written response/statement of defence against the aforesaid apparent and/or explicit prima facie malpractices and anomalies on your part is required to be taken into consideration before arriving at a final conclusion.

If you have anything to say against the aforesaid allegations, you may file your response/ written statement of defence in the Office of the Commission (Address given below) within 15 (fifteen) days from the date of receipt of this notice. If you are desirous of seeing the particular fake Answer scripts and FSL reports, you may do so by visiting the office of the Commission during office hours.

If you do not submit any written statement or any response to this notice within the time limit specified above, it shall be presumed that you have nothing to say against the aforesaid allegations and the Commission shall proceed with the matter in accordance with law.

This notice is issued on this 15th day of November, 2022 as per order and authority vested on me by the Hon'ble Commission.



(Sharmistha Borah, ACS)
Secretary to Hon'ble Mr. Justice B.K. Sharma
Inquiry Commission & Deputy
Secretary to the Govt. of Assam, Home
& Political Dept.
Guwahati, Assam

OFFICE ADDRESS

HEDAYETPUR, MAGISTRATE COLONY,
AYE BUILDING, 1ST FLOOR, HOUSE NO-4
GUWAHATI-781003

On receipt of the notice, **Shri Kaibarta** submitted his written statement on 05-12-2022 denying the allegations made against him. His stand is that **Shri Rakesh Kumar Paul**, the then Chairman of **APSC**, being his superior, he had to follow his orders. Referring to the criminal proceeding in the matter, he has stated that presently he is facing the same.

His further stand in the matter is that as usual when the answer scripts in sealed packets of **CC (Main) 2014** came to his office, he had opened the same with the permission of the Chairman and thereafter, codified and sent to the experts for evaluation. Being the superior authority, **Shri Paul** had free access to each and every part of the department and at times, he used to call **Shri Kaibarta** for the answer scripts for verification and he being a junior staff had to obey the dictates. He has further stated that sometimes the answer scripts were returned back immediately and some others were kept for three to five days. According to him, he was ignorant about the fake answer scripts.

Referring to his office location alongside the Strong Room, **Shri Kaibarta** has stated that one pair of the Strong Room was with him and even the other pair of keys was handed over to him by the Chairman. With this statement, he has tried to justify the recovery of the keys from his possession.

With the above statement, **Shri Kaibarta** has defended himself in respect of the anomalies and malpractices which took place in

CCE 2014. For a ready reference, his written statement dated 05-12-2022, is also quoted below:

Dear Madam,

Most respectfully I beg to state that I have acknowledged the receipt of the notice under reference on 23.11.2022 and have gone through the same. Regret to inform your Good self that I have been dragged in the case for no fault of my own. All the allegations mated upon me are false and concocted and I have been made a escape goat in the case. Of course, I was the Assistant Examination of Controller, APSC at the relevant time in 2014 and 2016 when the APSC examination for recruitment of 180 posts of ACS and allied cadres was conducted. I beg to state that it was my only curse for which I have been suffering.

Madam, Mr. Rakesh Kumar Paul was the chairman of APSC CCE 2014 when the alleged anomalies and malpractices were committed. He was my superior officer and I used to work under his control and command. Being my senior officer what he passed orders and command I had to follow and being the subordinate staff of the aforesaid Mr. Paul I could have not violated his order because had I violated his order it would have been tantamount to the breach of discipline in the department and I would have been prosecuted under the departmental proceeding. Under that impact I had never thought to disobey the command of my senior officer Mr. Paul.

Madam, so far as the Special Case No. 02/2017 is concerned I am facing the trial. As usual when the answer script in sealed packets of CC (main) examination, 2014 came to my office, it was opened by the permission of the Chairman because the sanction of the chairman for opening the sealed packets is mandatory and under his instruction also the answer scripts were codified and sent to the concerned expert for evaluation. Being the superior authority, Mr. Poul had free access each and every part of the department. Sometimes he used to call for the answer sheet for verification and being a junior staff to him I used to place the same in his office. Sometimes the answer scripts were returned back immediately and some ones were kept of three or five days on the count of verification. In good faith as also being the

junior staff to Mr. Paul I obeyed all his command and order. The allegation that 88 numbers of fake answer script of CCE (Main), 2014 were found fake is not known to me. How, when and where it happened I am completely ignorant.

Madam, may I bring the kind notice to your Good self that the strong room was situated at the 3rd Floor of the APSC building where my office was also located while the office of the Chairman Mr. Paul was at the ground floor. Whatever may be the rules but since my entire service tenure I have been observing that one set of keys remained with the Chairman and the one set of keys, the Asstt. Controller of Examination, APSC used to keep with him. Even the Chairman had handed over the set of keys of the strong room to me which was in his possession for the safe custody. It was a general customary which had been coming since long in the department. The allegation that the keys of the strong room had been recovered from my office had been occasioned only due to the aforesaid circumstance and custom prevailing there. Moreover, I was under the obligation and command of my superior officer, Mr. Paul. It may not be termed as a criminal conspiracy. I beg to state that I was an abysmal dark as to the alleged anomalies going on under my superior officer and staffs. Whatever answer script and copies I was asked to keep in the officer I had to do that under the command of my officer. It was in fact not in my knowledge and acquaintance that the aforesaid answer script were forged ones. Be it stated here that no incrementing material has been recovered from my house. The alleged forged answer script was recovered from my office only because that I had no knowledge about the nature of the alleged anomalies going on in my department.

Madam, with regard to defacing the OMR of CC (Prel) Examination, 2014 I beg to state that OMR is handled in the computer section of the APSC department and the staff of computer section is responsible for that and I have no knowledge about the said defacing of OMR.

Madam, I beg to state that even before the Police as also before the learned Judicial Magistrate while making my statements recorded U/S 161/164 I had made explicitly clear that I was nowhere involved in the case and I have

been made an escape goat in the entire matter. I am confident that I will be able to prove my innocence in all the proceedings being conducted against me.

It is therefore prayed that your Good self may be pleased and kind enough to exempt me from all the charges and allegations mated upon me and for this benevolence I shall ever pray.

Yours faithfully
Sd/-Pabitra Kaibarta

Above stand of **Shri Kaibarta** leaves no manner of doubt that both **Shri Kaibarta** and **Shri Paul**, the then Chairman of **APSC** were working hand in glove. If it is assumed that he had obeyed the dictate of **Shri Paul**, the same being illegal and in complete violation of the Rules, **Shri Kaibarta** cannot absolve himself from his own liability of criminal acts. By such conducts on his part, **Shri Kaibarta** not only violated the Rules, but also actively connived with **Shri Paul** even to the extent of allowing him to take the answer scripts from the Strong Room which under no circumstances could have been permitted without following the rules and procedures. Such admission on the part of **Shri Kaibarta** speaks volumes of the illegalities and malpractices perpetrated by **Shri Paul** and his associates which naturally include **Shri Kaibarta**. His wholesome involvement in the entire game plan reducing the **APSC** to an entity of providing jobs for money and other extraneous consideration is also reflected in the earlier report of the Commission dated 21-03-2022 pertaining to **CCE 2013**. In the said report, there is elaborate discussion of his involvement in the entire episode of perpetrating malpractices in **CCE 2013** with clear admission on his part.

Above apart, in the statement made before the Commission by **Shri Kaibarta** on 13-12-2022, he has categorically admitted that there was illegality in drawing in the Final Select List. However, he has sought to give a twist to the same by saying that there was alteration and manipulation in the Final Select List only at the behest of **Shri Paul** after

the same was finalized, inasmuch as upon a cross verification of the Final Select List finalized on 30-06-2016 in presence of all the members vis-à-vis the list that was sent to the govt. on the same date for approval and further follow up action, it is revealed that there was no such alteration and manipulations between the lists finalized and sent to the govt. **Thus it is apparent that whatever manipulations and interpolations etc. had been done in violation of the prescribed norms relating to categorization of candidates in the Final Select List in terms of their options/preference of choice vis-à-vis the marks obtained by them, the same was being the finalizing the merit list signed by the members named above in Chapter-VII.**

In view of the above coupled with the wholesome anomalies and malpractices as already noticed and recorded, both in CCE 2013 and CCE 2014 of which he was the most integral part being the confidant of Shri Rakesh Kumar Paul, the then Chairman, APSC, Shri Kaibarta was the main instrument/tool of the entire episode and naturally so when he was kept in the same position for years together for obvious reasons.

CHAPTER -IX

ANSWERS TO THE TERMS OF REFERENCES:



• TERMS OF REFERENCE NO. (1) AND (2):

Terms of reference (1):

To enquire into the allegations of anomalies and malpractices in conduct of CCE -2014 and

Terms of reference (2):

The entire process of selection of the candidates and role of Chairman and other Members of Assam Public Service Examination including the staff and candidates and to fix the responsibility/fault/ malpractice, if any, accordingly.

The above two reference, while considered taking into account the anomalies and malpractices discussed above and found established, will have to be answered in the affirmative with the finding that there were huge anomalies and malpractices in conduct of **CCE 2014** with the individual roles played by the incumbents named in the earlier chapters.

Anomalies and malpractices are writ large on the face of it and in every stages of the entire examination, be it, Preliminary Examinations, Main Examinations and preparation and drawal of the Final Select List.

In the preliminary examinations, already discussed above, huge anomalies are found. Admittedly, there were wrong answer keys resulting in some illegal selection and deprivation of deserving candidates. Although clarification is sought to be given that whenever the matter relating to wrong answer keys was brought to the notice of the authority, the same were corrected, but on cross verification by the Commission, it is found that the desired corrective measures had not been taken, but for which the results would have been different with the inclusion of some

deserving candidates in the preliminary result sheet with the exclusion of some other undeserving candidates.

Although the Commission desired to examine the OMR sheets, but could not do so as the same had been defaced even before the entire examination relating to **CCE 2014** was over that too by an unauthorized person namely **Shri A.N.B. Singha**, the then Principal Controller of Examinations, who as per his own so called volition expressed his disassociation from the entire examination in view of the fact that his daughter had appeared in the said examination. **Such volition had the alleged seal of approval of the then Chairman, APSC Shri Rakesh Kumar Paul, who had issued an order dated 16-05-2014 debarring Shri Singha from associating in the said examination and entrusted the task to Smt. Biva Sarma. However, that has turned to be a well planned design both on the part of Shri Singha and Shri Paul only to show on paper without any reality attached to it inasmuch as contrary to such voluntariness and order, Shri Singha with the active connivance of Shri Paul continued to discharge the duties and functions including all important matters relating to entire CCE (Preliminary) 2014 even to the extent of defacing the OMR sheets with the approval of Shri Paul. Other members of the APSC and related officials also remained silent spectators to the same.**

Adding insult to the injury, even the number of used **OMR** sheets defaced by **Shri Singha** does not tally with the number of candidates appeared in the preliminary examinations. This aspect of the matter leading to violation of **rule 70** of the **APSC (Procedure and Conduct of Business) Rules, 2010**, is already discussed above. **Thus the APSC, a constitutional body meant for selecting deserving candidates was reduced to a private property of Shri Paul and Shri Singha. They could do anything as per their game plan playing with the hands of meritorious and deserving candidates.**

As to what prevailed in the **CCE (Main) 2014** are vividly discussed above. It is really shocking that as many as **22** candidates could get selection by means of fake answer scripts duly authenticated by the Forensic Science Laboratory. Out of these **22** candidates, **21** candidates are already involved in the aforementioned **Dibrugarh PS Case No. 936/2016 (Special Case No. 02/2017)** now pending trial before the learned **Special Judge, Assam, Guwahati**. As reported, their services have already been dispensed with. So far as the **22nd candidate** is concerned, her **05(five)** answer scripts out of **total 06** are fake as has been authenticated by the FSL. Not only that, even the handwritings appearing in those answer scripts are not of the candidate herself except in the covering first pages of each one of the answer scripts and last two pages of one of the answer scripts. This aspect of the matter has already been discussed in details in **Chapter VI** of this report. **Thus here is a candidate who is fortunate enough to occupy the high merit position in the select list with eventual occupation of a coveted post without writing her answers even in the fake answer scripts. Mockery of the system at the behest of Shri Rakesh Paul and his company was at its peak.**

In this connection, it will be pertinent to refer to the statement of **Shri Pabitra Kaibarta** made before the Commission already discussed above. Accordingly to his statement, **Shri Rakesh Kr. Paul**, the then Chairman of **APSC** had free access to the Strong Room and used to take out the chosen answer scripts from there with eventual return of the same after few days. As per the own admission of the **Shri Kaibarta**, he himself used to help **Shri Paul** in the process.

During the course of inquiry, the Commission has found that the police had seized the Main answer scripts from the Strong Room and out of those answer scripts, fake answer scripts relate to arrested **21** candidates and so also the **22nd candidate**, discussed above. Thus there is no manner of doubt that **Shri Paul** and his company had free access to

the Strong Room even to the extent of taking out answer scripts and replacing them by fake answer scripts. Significantly, those fake answer scripts are the product of "M/S Subhadeep Printers" owned by **Shri Rajeev Paul**, own brother of **Shri Rakesh Kumar Paul**. This has also been testified by the FSL in its report. **Illegalities had no bound.**

As regards viva-voce/interview relating to **CCE 2014** is concerned, the same being an indoor event without any system of CCTV Footage or Videography etc, though it is not possible to directly find out any fault therein, but in the circumstances of the entire evaluation, it cannot be said to be a transparent one. For example, the illegally selected candidates had been awarded comparatively higher marks. **In some cases, the Chairman and Members of the interview board constituted for the purpose of viva-voce/interview had awarded cent percent mark, which is in normal circumstances is not expected of, more particularly when other members did not allot such higher mark even to the extent of awarding full mark.**

This now leads us to the final stage of the examination which is the preparation and drawal of the Final Select List of **CCE 2014**. As already discussed above, in some cases, the preference of choice/options exercised by the candidates was not adhered to, but for which the select list for them would have been different. While in some cases, the candidates were categorized in higher posts bypassing the laid down procedure, in some cases, the candidates deserving higher posts were categorized in lower posts. Had the proper procedure been followed, some candidates could not have got any place in the Final Select List.

As revealed from the materials on record and also as per the established procedure, it was the duty of the Principal Controller of Examination to prepare the Final Select List and to place before the Commission consisting the members thereof. Following the said procedure, the then **PCE** namely **Shri Babul Saharia**, ACS prepared the Select List in association with **Shri Pabitra Kaibarta**, the then **ACE**.

Upon such preparation, the same was placed before the Commission consisting of the members namely **Shri Rakesh Kumar Paul (Chairman); Dr. Samedur Rahman; Dr. Basanta Doley; Dr. A. K. Roy; Brig. Ranjit Barthakur; Mrs. Nafifa Ahmed and Shri Dhruba Hazarika**, all members. This aspect of the matter has been testified by both **Shri Babul Saharia** and **Shri Pabitra Kaibarta**. As per the laid down procedure, the Select List so prepared is to be finally drawn and signed by all the members after cross-checking etc. However, as it is found on perusal of the related documents including the Final Select List, the members finalizing the same with their due signatures gave a total goodbye to the established procedure of drawing the same keeping in mind the choice of preference/options exercised by the candidates vis-a-vis the total marks obtained by them. The resulted affect as already discussed was allotment of higher positions than the deserving position and vise-a-versa.

Above being the situation, the members approving and signing the Final Select List cannot shirk off their responsibility by shunning ignorance. Their such conduct led to a faulty Final Select List in which some deserving candidates got categorized in lower posts and some higher posts irrespective of their choice of preference/options which ought to have been followed in terms of rule **3B of CCE Rule 1989**. Thus there is reason to be believed that all the members acted in tandem towards drawing the faulty Final Select List for the obvious reasons.

With the above analysis and findings arrived at by Commission, the **Terms of Reference (1) and (2)** stand answered in the affirmative with the conclusion that there was large scale of anomalies and malpractices in the **CCE 2014** with the active connivance of the above named Chairman, Members, PCE and ACE of the **APSC** for obvious reasons as a fall out of which, the above named so called selected candidates could get selection. Needless to say that the said candidates and their so called well wishers/parents/guardians are also involved in

entire episode, but for which such a situation creating the entire episode of illegality in selection obviously for extraneous consideration would not have been resulted.

Terms of Reference No. 03:

*To inquire into the system followed by **APSC** for setting of questions for conducting **CCE, 2014** including the qualifications, integrity and competency of the question setters and whether the question setters are properly trained and briefed by the Commission; to enquire further whether the **APSC** prepares panel of question setters and the modalities for selection of question setters. To suggest improvement in mode of selection and preparation of the panel of dedicated question setters;*

The above reference can be divided into four parts- (i) the system followed by the **APSC** on setting of questions for conducting CCE 2014; (ii) qualifications, integrity and competency of the question setters; (iii) whether the question setters are properly trained and briefed by the Commission and (iv) whether the **APSC** prepares panel of question setters and modalities of selection of question setters.

On perusal of the relevant materials including the related Advertisement No.02/2014 issued vide notification No. 7PSC/E-8/2013-2014 dated 03-04-2014 notifying holding of preliminary examination of **CCE 2014** for screening candidates for the Main Examinations for recruitment to various posts, it appears that the **CCE 2014** was the said examination was conducted as per the provisions of the **Assam Public Service (Combined Competitive Examinations) 1989** and **APSC (Procedure and Conduct of Business) Rules, 2010**. Eventually the 2010 rules came to be repealed in 2019 operative from 1st April, 2019 promulgated vide **APSC** notification no. 210PSC/E-14/2017-2018 dated 01-04-2019.

This term of reference is in *pari materia* with that of reference no. 03 of the Notification No. PLA.440/2015/102/ECF-72687

dated 8th July, 2019 issued by the Government of Assam, Political (A) Department in the name of the Governor under the signature of the Additional Chief Secretary to the Government of Assam, Home & Political Department, by which an Inquiry Commission was constituted under the Chairmanship of the undersigned to inquire into the anomalies and malpractices pertaining to **CCE 2013**. The report of the said Commission has exclusively dealt with this term of reference along with others and thus needs no repetition and consequently, may be reverted back to the said report for the Commission's answer to the said reference.

However, as regards the issue no.(i) under the said reference, on perusal of the questions paper of both the examinations i.e **CC(Main) Examination 2013 and CC(Main) Examination, 2014**, it is found that there is no any major variance in the pattern of question settings except **General Studies** paper. While in **CC (Main) Examination, 2013**, the limit imposed in total words in answering the different questions was in or about **5550**, but in **CC (Main) Examination, 2014**, the limit was drastically reduced to in or about **3500**. If these limits are compared with that of **UPSC** examinations conducted during that time, it is found that the same is at a much higher level than that of limitation in **UPSC** examination. If this aspect of the matter is considered in reference to the prescribed limitations of words in both the examinations i.e **CC (Main) Examination, 2013 and CC (Main) Examination, 2014**, the same was in much higher side when compared with the time limit for answering the questions. This situation gives room for a serious concern and/or suspicion on two counts firstly, as to what was the necessity to make such drastic reduction of words limits between the two examinations held in short gap and secondly, even limitation of **3500** words not to speak of **5550** words is on much higher limit for a candidate to produce his answers within **03** hours. Be it placed on record that some of the tainted candidates even with such higher limitations could score much higher marks. Such variation of limitation of words while maintaining the patten of questions, is also not conducive.

In addition to the above, the Commission would also like to suggest that to maintain transparency and to quell any doubt, it will be appropriate for the **APSC** to follow **UPSC** pattern in which both questions and places for answers designed with the limit of words are in combined position without any separation of question patterns and answer sheets with the scope of procuring additional answer scripts.

With the above answer to issue no. (i) under terms of **reference no. 03**, the Commission's task is to answer the others issues which upon evaluation and consideration found to be already answered in the earlier report of the Commission referred to above and thus needs no repetition and consequently, the said answer as contained in the said report may be treated as a part of this report.

Terms of reference No. 4:

To inquire into the modalities adopted by the **APSC** for moderation of questions set for **CCE 2014**, whether clear distinction and demarcation is there between question setters and moderators, Incidents in the past where due to ambiguity in answer keys corrective measures had to be taken by the Commission, to ascertain the fault on the part of question setters and ways to eradicate any future possibilities of such situations;

This term of reference has a nexus with the terms of **reference no. 04** of the Inquiry Commission pertaining to **CCE 2013** under the Chairmanship of the undersigned. Nothing more is to be added than the answer already furnished against the said reference in the report dated 21-03-2022 and may be referred to as a part of this report. Needless to put emphasis once again that the moderators should be well experienced in the line with at least minimum **25 years** of experience and that the moderators and question setters should be distinct and separate without any intermingling between the two. Further, issue relating to wrong answer keys much be looked into with all its seriousness. As the Commission has experienced, wrong answer keys not dealt with at

appropriate time and level in both the examinations, deprived many deserving candidates and benefited undeserved ones. The Commission would suggest that the question setters and the moderators should maintain the chain towards correct keys before holding the examination to avoid any confusion and chaos and to maintain fair play and transparency in conducting the examinations.

Terms of reference no. 5:

To inquire and study the system followed by the Commission for holding the viva-voce/interview of the candidates, marking pattern under the existing rules and whether proper transparency is maintained during the viva-voce/interview of the candidates appearing CCE 2014.

On perusal of the related materials, it is found that the provisions of The **APSC (Procedure & Conduct of Business) Rules, 2010** along with the **Assam Public Service Combined Competitive Examination Rules, 1989**, which were in force till 1st April, 2019, were in operation in conducting the **CCE 2014** including the viva-voce/interview. For a ready the relevant provisions of the said rules are quoted below:

The APSC (Procedure & Conduct of Business) Rules, 2010

21.(i) The Chairperson shall constitute Boards for interview/viva-voce test of candidates for various posts for which selection is to be made.

(ii) Single member or Multiple-member Boards may be constituted taking into consideration the grade, status and importance of the post in respect of which the selection is to be made.

The Assam Public Service Combined Competitive Examination Rules, 1989 (Page 13).

Interview Test : The candidates will be interviewed by a Board who will have before them a record of career. He will be asked questions on matters of general interest. The object of the interview is to assess the personal

suitability of the candidate for a career in public service. In board terms, this is really an assessment of not only his intellectual qualities but also social traits and his interest in current affairs. Some of the qualities to be judged are alertness, critical power of administration, clear and logical expression, balance of mental judgement, variety and depth of interest, ability for social cohesion and leadership, intellectual and moral integrity. It will be in the nature of purposive conversation to see that the candidates have intelligent interest not only in their special academic studies but also in the events which are happening around them both inside and outside their own State or country as well as in modern currents of thoughts and discoveries.

As the Commission could gather on perusal of the materials on records, the marking pattern for **CCE 2014** viva-voce/interview was as follows:

Sl. No.	Particulars	Marks
1.	General Bearing & Understanding (The Chairman and the Member shall evaluate the candidate separately and give marks in two different sheets.	75 + 75 = 150
2.	Knowledge having relevance on cadre/posts under Combined Competitive Examination (to be evaluated by the Adviser) the Adviser had to give grading to the candidates as Excellent, Very Good, Good and Average which could be translated into numerical figures as 50, 45, 40 and 35 respectively.	50
	Total	200

In reference to the above pattern of marking system which was also prevalent in **CCE 2013** conducted by the **APSC**, the earlier Inquiry Commission headed by the undersigned that was constituted to inquiry into the anomalies and malpractices in conduct of **CCE 2013**, the report thereof dated 21-03-2022 has elaborately discussed about the procedure being followed and the loopholes thereof. For the sack of brevity, the findings and recommendations thereof are not repeated

herein again and may be referred to as and when required and found necessary.

To the above extent, the findings and recommendations as contained in the Inquiry Report of **CCE 2013** in respect of the same terms of reference shall form part of this report. As pointed out in the said report, the system of marking pattern require wholesome reforms and evolutions eradicating any room for suspicion and to maintain complete transparency as required in any selection judging merit of the candidates. Having regard to the parameters and criteria for awarding marks, suffice is to say that proper transparency in conducting the viva-voce/interview was not maintained giving room for arbitrariness and element of extraneous considerations. All the details in this regard, have been elaborately discussed in the earlier report pertaining to **CCE 2013**.

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CHAPTER-X

A CONSOLIDATED SUMMARY OF THE ILLEGALLY SELECTED CANDIDATES

The anomalies and malpractices found established in respect of illegal selection of candidates in **CCE-2014** are already discussed in detail in the previous chapters. **However, a summary of the same is given below. While doing so and taking into account the fact that the entire episode had emanated pursuant to registration of Dibrugarh PS Case No. 936/2016 involved in both CCE-2013 and CCE-2014 and that for CCE-2013, a Commission of Inquiry was constituted under the Chairmanship of the undersigned followed by the report thereof dated 21-03-2022 pointing out large scale malpractice and anomalies and having regard to the nexus between both the selections, the Commission is of the considered view that a summary of the illegal beneficiaries of both the selections be placed in one Chapter for convenience and ready reference.**

A. Combined Competitive Examinations -2014

- (i) **21 (twenty one) candidates of CCE-2014 arrested and facing trial in the connected criminal case being Special Case No. 02/2017 and whose services are already dispensed with.**

Sl. No	Name	Roll No.	Selection to category	Nature of anomalies and malpractices	Details in Page numbers
1.	Bhargav Phukan	0915934	APS Jr. Grade	All answer scripts of CC (Mains) Examination of the candidate on which he had written the answers are fake (not printed in authorised Assam Govt.	Page no. 40 to 44

				Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
2.	Dhrubojyoti Chakraborty	0913138	ACS Jr. Grade	02(two) answer scripts of CC (Mains) Examination of the candidate namely General Studies and Political Science Paper-I on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 45 to 48
3.	Dr. Ganesh Chandra Das	0901250	ACS Jr. Grade	03(three) answer scripts of CC (Mains) Examination of the candidate namely General English; Chemistry Paper-II and Education Paper-I on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 48 to 51
4.	Manzoor Elahi Laskar	1900853	ACS Jr. Grade	02(two) answer scripts of CC (Mains) Examination of the candidate namely General Studies and Law Paper-I on which he had written the answers are fake (not printed in authorised	Page no. 51 to 56

				Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
5.	Smt. Moon Mazoomder	0900714	ACS Jr. Grade	04(Four) answer scripts of CC (Mains) Examination of the candidate namely General English; Botany Paper-I; Botany Paper-II and Political Science Paper-I on which she had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 57 to 59
6.	Mustafa Ahmed Borbhaya	0917467	ACS Jr. Grade	05(Five) answer scripts of CC (Mains) Examination of the candidate namely General Studies; Law paper-I; Law Paper-II; Political Science Paper-I and Political Science Paper-II on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 59 to 62
7.	Nipan Kumar Pathak	0917622	Inspector of Taxes	All answer scripts of CC (Mains) Examination of the candidate on which he	Page no. 62 to 69

				had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
8.	Smt. Pallavi Sarma	0913684	APS Jr. Grade	03(three) answer scripts of CC (Mains) Examination of the candidate namely General English; Sociology Paper-I and Sociology Paper-II on which she had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 69 to 73
9.	Rhituraj Neog	0920192	Superintendent of Taxes	All answer scripts of CC (Mains) Examination of the candidate on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 74 to 79
10.	Vikash Kumar Pincha	0914121	Superintendent of Taxes	05(five) answer scripts of CC (Mains) Examination of the candidate namely General Studies; General English; Sociology Paper-I; Political Science Paper-I and Political Science	Page no. 79 to 84

				Paper-II on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
11	Smt. Barnali Das	0700270	ACS Jr. Grade	All answer scripts of CC (Mains) Examination of the candidate on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 84 to 87
12.	Smt. Deepshika Phukan	0916232	ACS Jr. Grade	03 (three) answer scripts of CC (Mains) Examination of the candidate namely General Studies; General English; and Political Science Paper-II on which she had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 87 to 92
13	Gulshan Daolagapu	0911155	APS Jr. Grade	04(four) answer scripts of CC (Mains) Examination of the candidate namely General English; History Paper-	Page no. 92 to 97

				II; Political Science Paper-I and Political Science Paper-II on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
14.	Smt. Leena Krishna Kakati	0917064	ACS Jr. Grade	04(four) answer scripts of CC (Mains) Examination of the candidate namely General Studies; Political Science Paper-I; Political Science Paper-II and Anthropology Paper-I on which she had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 97 to 100
15.	Smt. Monika Teronpi	0600236	ACS Jr. Grade	05(five) answer scripts of CC (Mains) Examination of the candidate namely General English; Economics Paper-I; Economics Paper-II; Sociology Paper-I and Sociology Paper-II on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother	Page no. 100 to 103

				of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
16	Prasenjit Kr. Ghosh	0907716	DTO	03(three) answer scripts of CC (Mains) Examination of the candidate namely General English; Sociology Paper-II and Education Paper-I on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 103 to 107
17	Saibur Rahman Barbhuiya	0917267	ACS Jr. Grade	04(four) answer scripts of CC (Mains) Examination of the candidate namely General Studies; Education Paper-I; History Paper-I and History Paper-II on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 107 to 110
18	Smt. Srabanti Sengupta	0501408	ACS Jr. Grade	04(four) answer scripts of CC (Mains) Examination of the candidate namely General English; Sociology Paper-I; Sociology Paper-II and Political Science Paper-I on which he had written the answers are fake (not	Page no. 110 to 114

				printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
19.	Smt. Suranjita Hazarika	0908298	DTO	All answer scripts of CC (Mains) Examination of the candidate on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 114 to 116
20	Utpal Bhuyan	0912815	ACS Jr. Grade	02(two) answer scripts of CC (Mains) Examination of the candidate namely Sociology Paper-II and History Paper-II on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	Page no. 117 to 119
21	Susovan Das	1200118	ACS Jr. Grade	02(two) answer scripts of CC (Mains) Examination of the candidate namely General Studies and General English on which he had written the answers are fake (not printed in authorised Assam Govt. Press, but	Page no. 119 to 124

				printed in M/S Subhadeep Printers, a printing press of Shri Rajeev Paul, own brother of Shri Rakesh Kr. Paul, the then Chairman of APSC and who is still absconding).	
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(ii) **Further malpractice and anomalies found by the Commission during the course of inquiry against the other candidates who are still in service and/or not brought within the perview of criminal investigation.**

Sl. No	Name	Roll No.	Selection to category	Nature of anomalies and malpractices	Details at Page numbers
1.	Smt. Wahida Begum	0918884	Superintendent of Taxes	- Although cover pages of 05 (five) answer scripts of General Studies; General English; Political Science Paper-I; Political Science Paper-II and Education Paper-II are genuine, but the remaining pages on which the answers are written are all fake. - Further, even the answers are not in her handwriting, but somebody else(s) had written the answers for her based on which she could qualify.	Page no. 124 to 129

2.	Smt. Bhanita Nath	0906259	APS Jr. Grade	- Illegally categorised in the APS Jr. Grade depriving genuine and legitimately entitled candidate to be included in the Grade. - Having regard to her choice of preference and the the total marks secured by her, she was entitled to the post of Superintendent of Excise.	Page no. 136 to 140
3.	Smt. Manabi Das	0913431	Superintendent of Excise	- Illegally categorised in the Superintendent of Excise depriving genuine and legitimately entitled candidate to be included in the category. - Having regard to her choice of preference and the the total marks secured by her, she was entitled to the post of Inspector of Tax.	Page no. 140 to 145
4	Vikash Kumar Pincha	0914121	Superintendent of Tax	Apart from the fact of his answer scripts being the product of forgery already discussed above, even leaving aside that he was illegally categorised	Page no. 146 to 147

				as Superintendent of Tax as against entitled category of DTO.	
5	Abhisekh Dey	0904861	APS Jr. Grade	- Illegally categorised as APS Jr. Grade depriving genuine and legitimately entitled candidate to be included in the category. - Having regard to his choice of preference and the the total marks secured by him, he was entitled to the post of Superintendent of Tax.	Page no. 154 to 159
6.	Ganapati Roy	0913204	Superintendent of Tax	- Illegally categorised as Superintendent of Tax depriving genuine and legitimately entitled candidate to be included in the category. - Having regard to his choice of preference and the the total marks secured by him, he was entitled to the post of Superintendent of Excise.	Page no. 159 to 168
7	Bedanga Saikia	Bhusan 0912991	Superintendent of Excise	Illegally categorised as Superintendent of Excise depriving	Page no. 168 to 173

				genuine and legitimately entitled candidate to be included in the category. • Having regard to his choice of preference and the the total marks secured by him, he was entitled to the post of Inspector of Tax.	
8.	Soraj Kumar Deka	1701186	APS Jr. Grade	• Illegally categorised as APS Jr. Grade depriving genuine and legitimately entitled candidate to be included in the category. • Having regard to his choice of preference and the the total marks secured by him, he was entitled to the post of Superintendent of Excise.	Page no. 173 to 174
9.	Manashjyoti Das	1701186	Superintendent of Excise	• Illegally categorised as Superintendent of Excise depriving genuine and legitimately entitled candidate to be included in the category. • Having regard to his choice of preference and	Page no. 174 to 180

				the the total marks secured by him, he was entitled to the post of Inspector of Tax.	
10.	Nipan Kumar Pathak	0917622	Inspector of Tax	Apart from the fact of his all answer scripts being the product of forgery already discussed above, even leaving aside that he was illegally categorised as Inspector of Tax, as against entitled category of APS Jr. Grade.	Page no. 180 to 181
11	Soumarjyoti Bhuyan	0912627	APS Jr. Grade	• Illegally categorised as APS Jr. Grade depriving genuine and legitimately entitled candidate to be included in the category. • Having regard to his choice of preference and the the total marks secured by him, he was entitled to the post of Inspector of Tax.	Page no. 181 to 188

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Such illegal categorization indicated above, apart from depriving candidates from their entitled categorization, also must have deprived genuine candidates even for selection/ categorization more so, when considered selection of candidates on the basis of fake answer scripts. Thus no sanctity was left to the final select list.

Above apart and as the discussions made above have revealed, the selection of Minerva Devi Arambam and Shri Birbal Brahma (Page No.130-131) are also not straight way in the category of transparency and fairplay. While in the case of Minerva Devi Arambam, selected and appointed to ACS Jr. Grade, her father namely Shri A.N.B. Singha kept on discharging his duties and functions as PCE, APSC defying his own volition and order of the Chairman, APSC to dissociate himself from functioning as PCE in view of his daughter's appearance in the examination and also the normal practice and procedure towards maintaining transparency and fairplay in selection in such a situation, coupled with the malpractices and illegalities during his tenure as PCE, in the case of Shri Birbal Brahma, selected and appointed as Inspector of Taxes, he could take the assistance of 03(three) scribes for 06(six) subjects in the CC (Mains) Examinations, 2014. Be it stated here that details of such assistance and authority thereof including maximum number of scribes, a candidate could take help of, could not be furnished by the APSC although asked for by the Commission. His medical condition entitling him to the help as many as 03(three) scribes could also not be furnished by the APSC.

B. Combined Competitive Examinations- 2013

- (i) 39 (Thirty nine) candidates of CCE-2013 arrested and facing trial in the connected criminal case being Special Case No. 02/2017 and whose services are already dispensed with.

Sl. No	Name	Roll No.	Selection to category	Nature of anomalies and malpractices
1.	Shri Bhaskar Dutta Das	0913355	ACS (Jr. Grade)	• Fake answer script of General English. • His answer script of General English was recovered from the house of Shri Rakesh Kumar Paul vide MR No. 334/2016. • As against the original 148 out of 300

				secured in General English , the same was enhanced to 198 in duplicate fake answer script with the reflection of the same in the Final Tabulation Sheet based on which the Final results declared.
2.	Shri Bhaskar Chandra Dev Sarma	0922597	ACS (Jr. Grade)	• Fake answer scripts of General English and General Studies. • His answer scripts of General English and General Studies were recovered from the house of Shri Rakesh Kumar Paul vide MR No. 340/2016 • As against originally secured total marks of 104 (General Studies); 99 (General English); 45 (Political Science Paper-I) and 93 (Assamese Paper-II), the same are enhanced to 194; 199; 95 and 113 respectively with the reflection of the same in the Final Tabulation Sheet based on which the Final results declared.
3.	Shri Amrit Jyoti Sharma	0916777	ACS (Jr. Grade)	• Fake answer scripts of General English and General Studies. • His answer scripts of General English and General Studies were recovered from the house of Shri Rakesh Kumar Paul vide MR No. 340/2016. • As against original total mark secured in General English which is 89, the same is enhanced to 189 in fake answer script with the reflection of the same in the Final Tabulation Sheet. • Also originally secured 86 (General English); 41 (Education Paper-I); 62 (Education Paper-II); 77 (Sociology Paper I) and 92 (Sociology Paper-II), same were enhanced to 186; 111; 112; 117 and 132 respectively in the Final Tabulation Sheet based on which the Final results declared.
4.	Shri Hemanta Saikia	0926334	APS (Jr. Grade)	• 02 (two) fake answer scripts of General English and Sociology Paper-I.

5.	Shri Jayanta Kumar Nath	0900476	APS (Jr. Grade)	03 (three) fake answer scripts of General English; Sociology Paper-I and Sociology Paper-II.
6.	Shri Dwithun Borgoyary	0926159	ACS (Jr. Grade)	- Fake answer script of General English. - Illegal enhancement of marks in answer scripts of Psychology Paper-I and Paper-II.
7.	Subbira Imran	1601047	APS (Jr. Grade)	02 (two) fake answer scripts of General English and General Studies.
8.	Shri Raju Saha	0100493	Labour Inspector	04 (four) fake answer scripts of General English, General Studies, Commerce & Accountancy Paper-I and Paper-II.
9.	Shri Debajit Bora	1600869	ACS (Jr. Grade)	02 (two) fake answer scripts of General English and General Studies. - First page of Education Paper-II answer script is duplicate whereas inner pages are genuine having some alterations of marks in 04(four) answers. - Illegal enhancement of marks in answer scripts of Education Paper-I.
10.	Shri Harshajyoti Bora	1601770	APS (Jr. Grade)	04 (four) fake answer scripts of General English, General Studies, Sociology Paper-I and Paper-II.
11.	Smt. Pallabi Sarma Chowdhury	0926357	ACS (Jr. Grade)	05 (five) fake answer scripts of General English, General Studies, Sociology Paper-I, Sociology Paper-II and Political Science Paper-I. - Illegal enhancement of mark in answer script of Political Science Paper-II.
12.	Shri Amarjit Das	0400903	Assistant Employment Officer	04 (four) fake answer scripts of General English, Sociology Paper-I, Sociology Paper-II and Education Paper-I. - Illegal enhancement of marks in answer scripts of Education Paper-II.
13.	Shri Jatindra Prasad Baruah	1602521	APS (Jr. Grade)	02 (two) fake answer scripts of General English and General Studies. - First page of Political Science Paper-II answer script is duplicate

				whereas inner pages are genuine having some alterations of marks in some answers. • Illegal enhancement of mark in answer script of Political Science Paper-I.
14.	Shri Kunal Das	0923070	ACS (Jr. Grade)	• 05 (five) fake answer scripts of General English, General Studies, Political Science Paper-I, Political Science Paper-II and Sociology Paper-I.
15	Shri Dilip Kumar Kalita	1100148	APS (Jr. Grade)	• 05 (five) fake answer scripts of General English, General Studies, Agriculture Paper-I, Agriculture Paper-II and Education Paper-I.
16	Shri Kamal Debnath	0101720	ACS (Jr. Grade)	• Fake answer script of General Studies. • Illegal enhancement of marks in answer scripts of General English, Sociology Paper-I, Sociology Paper-II, Economics Paper-I and Economics Paper-II.
17	Shri Jyotirmoy Adhikari	0904942	Labour Inspector	• 02 (two) fake answer scripts of General English and Education Paper-I. • First page of Political Science Paper-I answer script is duplicate whereas inner pages are genuine having some alterations of marks in 06 (six) answers. • Illegal enhancement of marks in answer scripts of Political Science Paper-II.
18	Badrul Islam Choudhury	1200403	ACS (Jr. Grade)	• All the answer scripts are fake.
19	Smt. Sunayana Aidew	0916412	Superintendent of Taxes	• 04 (four) fake answer scripts of General English, General Studies, Sociology Paper-I and Political Science Paper-I.
20	Smt. Rumi Saikia	0916538	ACS (Jr. Grade)	• Fake answer script of General English. • Illegal enhancement of mark in answer scripts of History Paper-I. • As against the original 114 out of 300 secured in General Studies, the same was enhanced by 214 in the Final Tabulation Sheet.

21	Smt. Nisha Mondal Deka	0918120	ACS (Jr. Grade)	02 (two) fake answer scripts of General English and General Studies. - Illegal enhancement of marks in answer scripts of Sociology Paper-I and Law Paper-II.
22	Shri Satyajit Sarkar	1401610	Assistant Employment Officer	- Fake answer script of General Studies. - First pages of 04(four) answer scripts of Education Paper-I; Education Paper-II, Political Science Paper-I and Political Science Paper-II are original, whereas inner pages are duplicate. - In his answer script of General English, there are marks of alterations in the Book Number.
23	Shri Koushik Kalita	0910347	APS (Jr. Grade)	02 (two) fake answer scripts of General English and General Studies.
24	Shri Hrituraj Gogoi	0503190	ACS (Jr. Grade)	Fake answer script of General English.
25	Smt. Barnali Devi	0900052	Inspector of Taxes	Fake answer script of General English.
26	Smt. Kavita Das	0914964	APS (Jr. Grade)	- Fake answer script of General English - Illegal enhancement of marks in answer scripts of Sociology Paper-I and Education Paper-II.
27	Shri Rakesh Gupta	0917845	APS (Jr. Grade)	- Fake answer script of General English - Illegal enhancement of marks in answer scripts of Education Paper-I, Sociology Paper-I and Sociology Paper-II.
28	Smt. Avisika Baruah	1100686	ACS (Jr. Grade)	05 (five) fake answer scripts of General English, General Studies, Political Science Paper-I, Political Science Paper-II and Commerce & Accountancy Paper-I. - She became approver in the related Criminal Case and pleaded guilty that she paid Rs.10,00,000/- to Shri Rakesh Kumar Paul for her selection.

29	Smt. Geetali Doley	0501479	ACS (Jr. Grade)	• Fake answer script of General English • Illegal enhancement of marks in answer scripts of Education Paper-I.
30	Shri Dehabrata Dey	0902306	APS (Jr. Grade)	• 02 (two) fake answer scripts of Sociology Paper-I and Sociology Paper-II. • He became approver in the related Criminal Case and pleaded guilty that he paid Rs. 35,00,000/- to Shri Rakesh Kumar Paul for his selection.
31	Smt. Sudipta Goswami Bhattacharjee	1200394	Assistant Employment Officer	• 02 (two) fake answer scripts of General English and General Studies. • Illegal enhancement of marks in answer scripts of Political Science Paper-II.
32	Shri Sanjan Phukan	0915152	ACS (Jr. Grade)	• 03 (three) fake answer scripts of Sociology Paper-I, Sociology Paper-II and History Paper-I. • He became approver in the related Criminal Case and pleaded guilty that he paid Rs. 10,00,000/- to Shri Rakesh Kumar Paul for his selection.
33	Shri Himangshu Choudhury	0700722	ACS (Jr. Grade)	• All the answer scripts are fake.
34	Shri Anirudha Roy	0919847	ACS (Jr. Grade)	• 03 (three) fake answer scripts of General English, General Studies and Maths Paper-II.
35	Shri Joydev Mahanta	0700580	ACS (Jr. Grade)	• 03 (three) fake answer scripts of General English, law Paper-II and Political Science Paper-I.
36	Shri Manash Pratim Haloi	0902384	Superintendent of Taxes	• As against the original 141 out of 300 secured in General English, the same was enhanced by 191 in the Final Tabulation Sheet • His rest 05 (five) answer scripts are missing from the custody of APSC and the same are could not verified.
37	Shri Rajarshi Sen Deka	0911588	ACS (Jr. Grade)	• 03 (three) fake answer scripts of General English, Political Science Paper-I and Political Science Paper-II.

38	Shri Dipak Khanikar	1102642	ACS (Jr. Grade)	05 (five) fake answer scripts of General English, Sociology Paper-I, Sociology Paper-II, History Paper-I and History Paper-II.
39	Shri Abhishek Borbora	0904779	Inspector of Excise	Fake answer script of Education Paper-II.

(ii) **Further anomalies and malpractices found by the Commission during the course of inquiry against the other candidates who are still in service.**

Sl. No	Name	Roll No.	Selection category	Nature of anomalies and malpractices	Remarks
1	Shri Dhruvajyoti Hatibharua	0300020	ACS (Jr. Grade)	As against the originally secured marks 98 (General English); 99 (Sociology Paper-I) and 48 (Sociology Paper-II), same were enhanced to 148; 119 and 108 respectively in the Final Tabulation Sheet based on which the Final results declared.	Without the illegal enhancement of mark, he could not have qualified. Thus <u>he is a failed candidate</u> , but included in the final merit list illegally.
2	Smt. Akashee Duwarah	1100109	ACS (Jr. Grade)	- As against the originally secured marks 107 (General Studies); 69 (Education Paper-I); 68 (Education Paper-II) and 87 (Sociology Paper-I), same were enhanced to 187; 129, 118 and 117 respectively in the Final Tabulation Sheet based on which the Final results declared. - She could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks. - Her Bio-Data was recovered from the residence of Dr. Basanta Kumar Doley.	Without the illegal enhancement of mark, she could not have qualified. Thus <u>she is a failed candidate</u> , but included in the final merit list illegally.
3	Shri Tridib Roy	1900780	ACS (Jr. Grade)	As against the originally secured marks 144	Without the illegal enhancement

				(General English), same was enhanced to 196 in the Final Tabulation Sheet based on which the Final results declared.	of mark, <u>he could not have been included in the ACS Jr. Grade.</u>
4	Shri Bikram Aditya Bora	0922273	ACS (Jr. Grade)	As against the originally secured marks 95 (Political Science Paper-II) and 82 (Sociology Paper-I), same were enhanced to 121 and 122 in the Final Tabulation Sheet based on which the Final results declared.	Without the illegal enhancement of mark, <u>he could not have been included in the rank in which he has been placed under ACS Jr. Grade</u>
5	Shri Kalyan Kumar Das	0900481	APS (Jr. Grade)	- As against the originally secured marks 92 (General English), 109 (General Studies, 95 (Sociology Paper-I) and 38 (Sociology Paper-II), same were enhanced to 192, 189, 115 and 108 in the Final Tabulation Sheet based on which the Final results declared - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, he could not have qualified. Thus <u>he is a failed candidate</u> , but included in the final merit list illegally.
6	Shri Faruk Ahmed	0915149	APS (Jr. Grade)	- As against the originally secured marks 99 (General English), 55 (Political Science Paper-I) and 71 (Political Science Paper-II), same were enhanced to 199, 105 and 101 in the Final Tabulation Sheet based on which the Final results declared - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, he could not have qualified. Thus <u>he is a failed candidate</u> , but included in the final merit list illegally.

7	Shri Dipankar Dutta Lahkar	0913050	APS (Jr. Grade)	- As against the originally secured marks 55 (General English) and 53 (Political Science Paper-II), same were enhanced to 155 and 103 in the Final Tabulation Sheet based on which the Final results declared. - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.
8	Smt. Nabanita Sharma	0910058	APS (Jr. Grade)	As against the originally secured marks 123 (General English), same was enhanced to 173 in the Final Tabulation Sheet based on which the Final results declared.	Without the illegal enhancement of mark, <u>she could not have been included in the APS Jr. Grade</u> .
9	Shri Kula Pradip Bhattacharya	0926796	APS (Jr. Grade)	As against the originally secured marks 97 (Education Paper-II) and 88 (Sociology Paper-I) same were enhanced to 117 and 111 in the Final Tabulation Sheet based on which the Final results declared.	Without the illegal enhancement of mark, he could not have qualified. Thus <u>he is a failed candidate</u> , but included in the final merit list illegally.
10	Shri Nilanjali Gogoi	0916330	APS (Jr. Grade)	- As against the originally secured marks 125 (General English) and 106 (History Paper-I) same were enhanced to 175 and 166 in the Final Tabulation Sheet based on which the Final results declared. - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.

11	Shri Nitu Moni Das	0908998	APS (Jr. Grade)	- As against the originally secured marks 48 (General English), 49 (Education Paper-II) and 70 (Sociology Paper-I), same were enhanced to 148, 149 and 100 in the Final Tabulation Sheet based on which the Final results declared. - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.
12	Shri Sourav Pran Sharma	0101839	Inspector of Excise	- As against the originally secured marks 161 (General English), 143 (General Studies), 100 (Political Science Paper-I) and 80 (Political Science Paper-II), same were enhanced to 210, 220, 120 and 120 in the Final Tabulation Sheet based on which the Final results declared. - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.
13	Shri Bikash Sarma	0923003	Assistant Registrar of Cooperative Societies	- As against the originally secured marks 52 (General English), 61 (Political Science Paper-I), 66 (Political Science Paper-II), 119 (Assamese paper-I) and 109 (Assamese Paper-II), same were enhanced to 202, 111, 116, 139 and 129 in the Final Tabulation Sheet based on which the Final results declared. - He could not have got selection in the final merit	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.

				list of CCE (Mains) 2013 without the aforesaid enhanced marks.	
14	Shri Borkiri Terang	0600890	Inspector of Taxes (He got selection of APS (Jr. Grade) in CCE 2014)	As against the originally secured marks 61 (Political Science Paper-I), same was enhanced to 134 in the Final Tabulation Sheet based on which the Final results declared.	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.
15	Shri Jayanta Doley	0915442	Superintendent of Taxes	- As against the originally secured marks 71 (General English), 77 (General Studies) and 87 (History Paper-I), same were enhanced to 171, 177 and 151 in the Final Tabulation Sheet based on which the Final results declared. - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.
16	Shri Dhiraj Kumar Jain	0923661	ACS (Jr. Grade)	- As against the originally secured marks 109 (General English), 130 (General Studies), 92 (Political Science Paper-I) and 76 (Sociology Paper-I), same were enhanced to 189, 180, 132 and 126 in the Final Tabulation Sheet based on which the Final results declared. - He could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, <u>he could not have qualified</u> . Thus he is a failed candidate, but included in the final merit list illegally.
17	Smt. Sukanya Das	0500188	APS (Jr. Grade)	Fake answer scripts of Chemical Engineering	Illegal selection not

				Paper-I and Chemical Engineering Paper-II. - The aforesaid fake answer scripts of Smt. Sukanya Das were recovered from the house of Shri Rakesh Kumar Paul. - As against the originally secured marks 118 (Chemical Engineering Paper-I) and 100 (Chemical Engineering Paper-II), same were enhanced to 148 and 160 in the Final Tabulation Sheet based on which the Final results declared.	only by way of <u>enhancement of marks than the originally secured ones in 02(two) answer scripts, but also additional 02(two) answer scripts.</u>
18	Smt. Rumir Timunpi	0922538	APS (Jr. Grade)	- As against the originally secured marks 125 (General English), 61 (Political Science Paper-I), 77 (Political Science Paper-II) and 85 (Sociology Paper-I), same were enhanced to 175, 111, 127 and 135 in the Final Tabulation Sheet based on which the Final results declared. - She could not have got selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	Without the illegal enhancement of mark, <u>she could not have qualified.</u> Thus she is a failed candidate, but included in the final merit list illegally.
19	Shri Pushkal Gogoi	0923789	APS (Jr. Grade)	- As against the originally secured marks 130 (General Studies), 80 (Political Science Paper-I), 74 (Political Science Paper-II) and 88 (Sociology Paper-I), same were enhanced to 180, 120, 104 and 118 respectively in the Final Tabulation Sheet based on which the Final results declared. - He could not have got	Without the illegal enhancement of mark, <u>he could not have qualified.</u> Thus he is a failed candidate, but included in the final merit list illegally.

				selection in the final merit list of CCE (Mains) 2013 without the aforesaid enhanced marks.	
20	Smt. Priyanka Deka	0918233	Inspector of Taxes	Illegal enhancement of marks in answer scripts of Law Paper-I, Law Paper-II and Sociology Paper-I.	Illegal enhancement of marks by Shri Rakesh Kr. Paul, the then Chairman, APSC himself.
21	Smt. Aseema Kalita	0908669	APS (Jr. Grade)	Illegal enhancement of marks in answer script of Education Paper-I.	Illegal enhancement of marks by Shri Rakesh Kr. Paul, the then Chairman, APSC himself.
22	Shri Amitraj Choudhury	0915678	APS (Jr. Grade)	Illegal enhancement of marks in answer scripts of Sociology Paper-I and History Paper-I.	Illegal enhancement of marks
23	Shri Gittartha Baruah	0907884	Assistant Employment Officer	Illegal enhancement of marks in answer scripts of Economics Paper-I, Economics Paper-II and Commerce & Accountancy Paper-II.	Illegal enhancement of marks
24	Shri Rituraj Doley	0915102	APS (Jr. Grade)	Illegal enhancement of marks in answer scripts of Education Paper-II and History Paper-II.	Illegal enhancement of marks
25	Shri Rakesh Das	0915160	Assistant Employment Officer	- Insertion of duplicate pages in the answer scripts of Assamese Paper-I, Assamese Paper-II, Sociology Paper-I and Sociology Paper-II. - As per FSL report, his other two answer scripts are also fake.	Illegal selection being favoured with fake answer scripts.
26	Shri Anal Jyoti Das	0912230	APS (Jr. Grade)	Illegal enhancement of marks.	Illegal enhancement of marks.
27	Shri Sahjahan Sarkar	0918522	APS (Jr. Grade)	Insertion of duplicate pages in all answer scripts	Illegal selection

				i.e. General English, General Studies, Law Paper-I, Law Paper-II, Sociology Paper-I and Sociology Paper-I.	being favoured with fake answer scripts.
28	Shri Jagadish Brahma	0921791	ACS (Jr. Grade)	• Insertion of duplicate pages in the answer scripts of Political Science Paper-II.	Illegal selection being favoured with fake answer scripts
29	Shri Aolcharjya Jibon Baruah	0914842	APS (Jr. Grade)	• Insertion of 08 fake pages in the answer script of Political Science Paper-I.	Illegal selection being favoured with fake answer scripts
30	Shri Swarup Kr Bhattacharjya	0909200	APS (Jr. Grade)	• Marks of alteration in the Book number in each pages of General English. • Illegal enhancement of marks in answer script of General English.	Marks of alteration in the Book number and illegal enhancement
31	Smt. Nandita Hazarika	0914741	ACS (Jr. Grade)	• Illegal enhancement of marks in answer script of General English.	Illegal selection with illegal enhancement of marks.
32	Shri Hitesh Mazumdar	0900521	ACS (Jr. Grade)	• Illegal enhancement of marks.	Name found in dubious 09 loose page tabulation sheets coupled with non availability of answer scripts.
33	Shri Chakradhar Deka	0900594	Assistant Registrar of Cooperative Societies	• Illegal enhancement of marks.	Name found in dubious 09 loose page tabulation sheets coupled with non availability of answer scripts.
34	Smt. Nandini Kakati	0923057	APS (Jr. Grade)	• Illegal enhancement of marks.	Name found in dubious 09 loose page

					tabulation sheets coupled with non availability of answer scripts.
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Above summary confines only to the dubiously selected candidates and not the perpetrators thereof, which include the then Chairman and members of the APSC including PCE, ACE and other staff of the APSC and so also some outsiders. As regards their involvement and role in the entire episode, the same is vividly discussed above particularly Chapter VIII (Page No. 202 to 336) and Chapter V (Page No. 21 to 35).

The revelations, the Commission has come across during the course of the inquiry relating to anomalies and malpractices and discussed in detail in the previous chapters would naturally shock the conscience of the right thinking people, more particularly, the candidates who would have been selected but for inclusion of the names of the illegally selected candidates in the final merit list. In this connection, the discussions regarding wrong answer keys relating to **CC (Prelims) Examination** may also be referred to.

The scope, ambit, jurisdiction and nature of the functioning of the Commission being confined to well defined parameters and yardsticks, naturally it could not venture upon the areas entrusted and well defined for other agencies. The Commission could detect the above anomalies and malpractices unearthing for which it was constituted. Having regard to the nature of the illegalities committed in the selection, it is now for the competent authority to take a call and decide as to whether the resultant effect of the findings arrived at by the Commission should confine only in respect of the candidates indicated above or the entire selection. **Needless to say that the perpetrators of the illegal selection and the beneficiaries thereof, will have to be dealt with, with firm hands.**

CHAPTER-XI

CONCLUSION

The kind of anomalies and malpractices found established in conduct of **CCE 2014** are akin to **CCE 2013** relating to which another Inquiry Commission was constituted under the Chairmanship of the undersigned. Having regard to the large scale anomalies and malpractices which the Inquiry Commission pertaining to **CCE 2013** was confronted with, the Commission in its conclusion expressed its anguish and deep concern on degradation of moral values. The **2013** episode of all round illegality perpetrated in conducting the **CCE 2013** was again repeated in **CCE 2014** also with wholesome compromise of the basic tenets of selection on merit reducing the **APSC** to a private guild and an entity of job for extraneous consideration, be it monetary or others.

The manner and method in which **Shri Rakesh Kumar Paul** was inducted to **APSC** firstly as a member and later on as the Chairman, is already discussed in the earlier report of the Inquiry Commission referred to above. As the Commission could gather, during the incumbency of **Shri Rakesh Kr. Paul** from **2008** till his arrest in **2016**, he was associated with more than **200** selections including **CCEs**. The kind of conduct on his part in conducting the **CCE 2013** and **CCE 2014** leave no manner of doubt that he was associated with the illegalities not only in respect of the said two examinations, but also in other examinations. With that kind of a situation, what was in store both for **APSC** selection and the deserving candidates could well be imagined.

Shri Rakesh Kr. Paul as the Chairman of the Commission could not have made the illegal selections possible unless there were extending and supporting hands for him. Some of the details in this regard have been discussed in the report in the concerned chapters. The much talked about issue is that the illegally selected candidates of their own could not have indulged in the malpractices towards securing jobs

unless there were supporting hands over their heads, be it their guardians, so called well wishers and the members of the powers that be.

In the above context, it may not be out of place to mention here that the consultation of the call details of Shri Rakesh Kr. Paul, Shri Naba Kanta Patir and other arrested members and staff of the APSC have revealed that a few illegally selected candidates and guardians of candidates used to call Shri Rakesh Kr. Paul and others involved in Dibrugarh PS Case No. 936/2016 (Special Case No. 02/2017) directly. Some other such calls, reportedly of high dignitaries including that of police personnel are also found in the call lists of Shri Rakesh Kr. Paul and others mentioned above. While it is true that merely on the basis of such calls, nothing can be attributed negatively and that by itself may not establish any link with the illegal selections, but the timing of such calls including the fact that in the normal circumstances, such calls are not expected of to and from the key personnel of APSC, gives rise to suspicion making it a matter to ponder about. However, in absence of any definite proof in this regard, not even any allegation or complaint made to the Commission, it is difficult to express any definite opinion in this regard. The Commission cannot make any findings on guess work coupled with the fact that this aspect of the matter may not fall within the first two terms of reference.

Having regard to the huge anomalies and malpractices, the Commission has come across in conduct of both **CCE 2013** and **CCE 2014**, no amount of condemnation will be sufficient and in fact words fail to express anything in this regard. With the limited scope of unearthing the anomalies and malpractices in conduct of **CCE 2014** preceded by **CCE 2013**, the Commission could do the same to the extent possible within that scope. If the ambit, scope and jurisdiction are extended towards unearthing the illegalities not only in respect of **CCE 2013** and **CCE 2014**

through appropriate agencies, many more such illegalities are likely to come to light.

After all, it is the beneficiaries of such illegalities through whom, the state administration is being run. While it is true that services of some such illegal appointees have been dispensed with, but many more are still in the administration occupying high and key positions. As to what could be the state of affairs with such illegal appointees can well be imagined. With their illegal presence in service, not only the administration and for that matter, the public will suffer, but it will carry a very wrong message towards compromising merit and performance of deserving candidates.

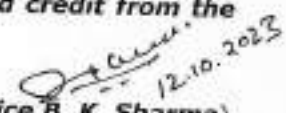
The Commission would like to conclude the report with a heavy heart being confronted with the large scale illegalities committed by the perpetrators occupying key positions in the **APSC** compromising all norms of fair-play and transparency in conduct of examinations relating to public employment, with the hope that there will be no such recurrence in future with the creation of a kind of situation in which the deserving candidates can repose full confidence in conduct of selections by the **APSC**.

The report is concluded with the following expressions of thoughts of great **Shakespeare** and **Burke** respectively:

"O that estates, degrees, and offices were not derived corruptly, and that clear honor were purchased by the merit of the wearer"

"Corrupt influence is itself the perennial spring of all prodigality and disorder; it loads us more than millions of debt; takes away vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of constitution"

12th October, 2023
Guwahati-781003


(Justice B. K. Sharma)
Chairman of the Inquiry Commission.

MR. JUSTICE B.K. SHARMA
COMMISSION OF INQUIRY RELATING TO AFFAIRS OF APSC (CCE -2014)
HEDAYETPUR, MAGISTRATE COLONY, 1ST FLOOR, HOUSE NO-4, GUWAHATI-781003

ORDER

02-11-2023

This is in reference to the Commission's report dated **12.10.2023** submitted to the Government yesterday (**01.11.2023**). Commission's orders in this regard passed on **31.10.2023** and **01.11.2023** may also be referred to.

There is an inadvertent error in the report in not including the name of **Shri Dibya Jyoti Karjee** in **Chapter X** of the report " **A consolidated summary of the illegally selected candidates**", although his name is clearly mentioned in **Chapter VII "Anomalies and Discrepancies in the Final Select List of CCE 2014"** at **Serial No.4**.

In view of the above, this order is passed in the form of corrigendum so as to include the name of **Shri Dibyajyoti Karjee** at **Sl. No. 12** in **Chapter X** of the report dated **12.10.2023** as follows:-

Sl. No	Name	Roll No.	Selection category	Nature of anomalies and malpractices	Details at Page numbers
12.	Dibyajyoti Karjee	0905142	DTO	- Illegally categorized as DTO depriving genuine and legitimately entitled candidate to be included in the category. - Having regard to his choice of preference and the total marks secured by him, he was entitled to the post of Labour Officer.	Page no. 147 to 154

This Order/Corrigendum may be treated as part of the Enquiry Report dated **12.10.2023** and shall be kept/incorporated therein as **Sl. No.12** immediately after the chart containing the names up to **Sl. No. 11** in **Chapter X** at **page 360**.

Let the authority be informed of this order through the Secretary to the Commission for necessary follow up action.


Justice B.K. Sharma
Former Judge
Chairman of the Commission
02.11.2023