



2026:CGHC:19197



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HIGH COURT OF CHHATTISGARH AT BILASPUR**WPS No. 969 of 2023****Order reserved on 23/01/2026****Order delivered on 25/04/2026**

1 - Manish Kumar Yadav S/o Shri Hori Lal Yadav, Aged About 43 Years R/o Quarter No. 5/63, Raj Kishore Nagar, Chandan, Mopka, Bilaspur District Bilaspur Chhattisgarh.

2 - Khem Prasad S/o Hemlal, Aged About 43 Years C/o Kewal Ram Verma, Sunder Vihar Near Nalanda English Med. School Fool Ki Badi, I E Bhili S.O, I E Bhilai Durg, District : Durg, Chhattisgarh

3 - Laxmi Kant Dubey S/o Gunakar Prasad Dubey Aged About 27 Years R/o House No. 73 Block No. 7 Housing Board Colony, Kabir Nagar, Raipur, Tatibandh, Raipur, District : Raipur, Chhattisgarh

4 - Nilesh Singh S/o Shri Jaipal Singh, Aged About 27 Years R/o Village Janji, District : Bilaspur, Chhattisgarh

5 - Ramashankar S/o Shri Ramsanehi Sahu Aged About 29 Years R/o 63 Sahu Para Sakari Bilaspur, District : Bilaspur, Chhattisgarh

--- Petitioners**versus**

1 - Food Corporation Of India, through its General Manager, Regional Office, Vidhan Sabha Road, Kapa Raipur District Raipur (C.G.)

2 - Deputy General Manager, Food Corporation Of India, Regional Office,



Vidhan Sabha Road, Kapa Raipur, District : Raipur, Chhattisgarh

3 - Assistant General Manager (Recruitment), Food Corporation Of India, Regional Officer, Vidhan Sabha Road, Kapa Raipur, District : Raipur, Chhattisgarh

4 - M/s MEL Training And Assessment Limited (Previously Maya Entertainment Ltd In Which Attest Testing Services Ltd Got Merged) Having Its Registered Office At A-65 Midc Marol Andheri (East), Mumbai 400093, Through Its Authorized Representative Mr. Yogesh L. Kulkarni

--- Respondents

WPS No. 3788 of 2023

Jaiyan Kumar Meena S/o Shri Ram Pratap Meena Aged About 30 Years R/o Village Lanki Post Devti, Tahsil Rajgarh, District : Alwar, Rajasthan

---Petitioner

Versus

1 - Food Corporation Of India Food Corporation Of India, Regional Office, Vidhan Sabha Road, Kapa Raipur, District : Raipur, Chhattisgarh

2 - Deputy General Manager Food Corporation Of India, Regional Office, Vidhan Sabha Road, Kapa Raipur, District : Raipur, Chhattisgarh

3 - Assistant General Manager (Recruitment) Food Corporation Of India, Regional Office, Vidhan Sabha Road, Kapa Raipur, District : Raipur, Chhattisgarh

4 - Assistant Director And Scientist C (Documents) Central Forensic Science Laboratory, Directorate Of Forensic Science Service, Ministry Of Home Affairs, Government Of India, Ramnathpur, Hyderabad- 500013.

--- Respondents



WPS No. 1144 of 2024

Harikesh Meena S/o Shri Jayanarayan Meena Aged About 34 Years R/o
Village Pahadi Miran, Post Manchi, Tahsil And District - Karauli, Rajasthan.
(Roll No. 12142125364)

---Petitioner

Versus

1 - Food Corporation Of India Regional Office, Vidhan Sabha Road, Kapa Mowa, Raipur, District Raipur (C.G.).

2 - Deputy General Manager Food Corporation Of India Regional Office
Vidhan Sabha Road, Kapa Mowa, Raipur, District - Raipur, Chhattisgarh.

3 - Assistant General Manager Food Corporation Of India Regional Office
Vidhan Sabha Road, Kapa Mowa, Raipur, District - Raipur, Chhattisgarh.

4 - Food Corporation Of India Headquarters 16-20 Barakhamba Lane, New Delhi.

5 - M/s M.E.L. Training And Assessment Limited (Previously Maya Entertainment Ltd. In Which Attest Testing Services Ltd. Got Merged)
Through Assistant Manager Legal Mr. Yogesh Laxman Kulkarni (Authorized Representative), Having Its Registered Office At A-65 M.I.D.C. Marol Andheri (East) Mumbai.

--- Respondents

WPS No. 1143 of 2024

Harikesh Meena Alias Harkesh Meena S/o Shri Siyram Meena Aged About
32 Years R/o Village Pahadi Miran, Post Manchi, Tahsil And District-Karauli,
Rajasthan (Roll No. 12142125363)

---Petitioner

Versus

1 - Food Corporation Of India Regional Office, Regional Office, Vidhan Sabha Road, Kapa Mowa, Raipur, District Raipur (C.G.).



2 - Deputy General Manager Food Corporation Of India Regional Office,
Vidhan Sabha Road, Kapa Mowa, Raipur, District-Raipur (Cg)

3 - Assistant General Manager Food Corporation Of India Regional Office,
Vidhan Sabha Road, Kapa Mowa, Raipur, District- Raipur (Cg)

4 - Food Corporation Of India Headquarters, 16- 20 Barakhamba Lane, New
Delhi.

5 - M/s Mel Training And Assessment Limited (Previously Maya
Entertainment Ltd. In Which Attest Testing Services Ltd. Got Merged),
Through Assistant Manager Legal Mr. Yogesh Laxman Kulkarni (Authorized
Representative), Having Its Registered Office At A-65 Midc Marol Andheri
(East) Mumbai

--- **Respondents**

(Cause title taken from Case Information System)

For respective Petitioners	:	Ms. Naushina Afrin Ali (through virtual mode), Mr. Topilal Bareth, Mr. Bharat Sharma, Mr. Vijay Chawla and Ms. Ankita Gouraha Advocates
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For respective Respondents	:	Mr. Prafull N. Bharat, Senior Advocate along with Mr. R.S. Patel and Mr. Ashish Sahu, Mr. Tanmay Thomas, Advocates
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Hon'ble Shri Justice Ravindra Kumar Agrawal

C.A.V. Order

1. All these writ petitions have a common issue, and therefore, they are being heard and decided together.
2. The **W.P.S. No. 969/2023** has been filed by the petitioners against the impugned information dated 12-01-2023 published in a daily newspaper, whereby the recruitment/selection process on the 114 posts of Watchman with the respondent department has been



cancelled after about 05 years of written examination. They prayed the following reliefs in the writ petition:-

“10.1 That the Hon’ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioners.

10.2 That, this Hon’ble Court may kindly be pleased to issue an appropriate writ/order/ direction and quash the impugned information dated 12.01.2023 published in view of the direction of the respondent No. 1 (Annexure P/1).

10.3 That, this Hon’ble Court may kindly be pleased to issue an appropriate writ/order/ direction and direct the respondent authorities i.e Respondent No. 2 to declare the results of the written examination of the Watchman after quashing of the impugned order.

10.4 That, this Hon’ble Court may kindly be pleased to issue an appropriate writ/order/ direction and direct the respondent authorities to take all consequential steps to make the appointments of the petitioners on the post of Watchman in the event of their selection after the declaration of results.



10.5 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and restrain the Respondent No. 1 from issuing fresh advertisement for recruitment of Watchman as only the declaration of result and publication of select/merit list of candidates is to be finalized by the respondent authorities for the recruitment process for the year 2017.

10.6 Any other relief/reliefs which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also kindly be granted."

3. The **W.P.S. No. 3788/2023** has been filed by the petitioner against the report of the Committee dated 28-02-2020, and also the opinion of the CFSL report, whereby the signature of the petitioner is found to be not matched with the signature of his answer sheet, and also the said cancellation of the recruitment process of 114 posts of Watchman with the department, and prayed for the following reliefs in the writ petition:-

"10.1 That the Hon'ble Court may kindly be pleased to call for the entire records pertaining to the case of the petitioners.

10.2 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and quash the committee report dated



28.02.2020 and the opinion of CFSL Hyderabad (Annexure P/1).

10.3 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and quash the impugned information dated 12.01.2023 published in view of the direction of the respondent No. 1 (Annexure P/2).

10.4 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the respondent authorities i.e Respondent No. 2 to declare the results of the written examination of the Watchman after quashing of the impugned order.

10.5 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and direct the respondent authorities to take all consequential steps to make the appointments of the petitioners on the post of Watchman in the event of their selection after the declaration of results.

10.6 That, this Hon'ble Court may kindly be pleased to issue an appropriate writ/order/direction and restrain the Respondent No. 1 from issuing fresh advertisement for recruitment of



Watchman as only the declaration of result and publication of select/merit list of candidates is to be finalized by the respondent authorities for the recruitment process for the year 2017.

10.7 Any other relief/reliefs which the Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also kindly be granted.”

4. The **W.P.S. No. 1143/2024** has been filed by the petitioner against the cancellation of recruitment of 114 posts of Watchman with the respondent department by the newspaper publication dated 12-02-2023 and also to declare the result, and prayed for the following reliefs:-

“1. That, the Hon'ble court may kindly be pleased to call for the entire records pertaining to the case of petitioner.

2. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders quashing the impugned order/ information/ communication dated 12.01.2023 (Annex.P/1) published by the respondent authorities.

3. That, this Hon'ble court may kindly be pleased to issue appropriate writ/writs, direction/directions, order/orders directing the respondent



authorities, respondent No. 2 to declare the results of the written examination for the post of Watchman pertaining to the advertisement No. Estt.IV/DR-Watchman/01/2017.

4. That, this Hon'ble court may kindly be pleased to issue appropriate writ/writs, direction/directions, order/orders directing the respondent authorities to take all necessary steps to make the appointment of the petitioner for the post of watchman in the event of his selection after the declaration of the results.

5. That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

5. The **W.P.S. No. 1144/2024** has been filed by the petitioner against the cancellation of the recruitment/selection process of 114 posts of Watchman with the respondent department, direction to the respondent authorities to declare the result and prayed for the following reliefs:-

1. That, the Hon'ble court may kindly be pleased to call for the entire records pertaining to the case of petitioner.



2. That, this Hon'ble Court may kindly be pleased to issue a writ/writs, direction/directions, order/orders quashing the impugned order/ information/ communication dated 12.01.2023 (Annex.P/1) published by the respondent authorities.

3. That, this Hon'ble court may kindly be pleased to issue appropriate writ/writs, direction/directions, order/orders directing the respondent authorities, respondent No. 2 to declare the results of the written examination for the post of Watchman pertaining to the advertisement No. Estt.IV/DR-Watchman/01/2017.

4. That, this Hon'ble court may kindly be pleased to issue appropriate writ/writs, direction/directions, order/orders directing the respondent authorities to take all necessary steps to make the appointment of the petitioner for the post of watchman in the event of his selection after the declaration of the results.

5. That, this Hon'ble Court may kindly be pleased to grant any other relief(s), which is deemed fit and proper in the aforesaid facts and circumstances of the case.”

**W.P.S. NO. 969/2023**

6. The petitioners have pleaded in the writ petition that the Food Corporation of India (hereinafter called as “FCI”), Chhattisgarh Region, initiated a recruitment process for the post of Watchman through an external agency, M/s Attest Testing Services Ltd., Mumbai. The respondents issued Advertisement No. Estt.IV/DR-Watchman/01/2017, published in the Employment News dated 19–25.08.2017, inviting online applications from eligible candidates for recruitment to the post of Watchman in FCI, Chhattisgarh Region. The written examination for the post of Watchman was conducted on 24.09.2017, as scheduled in the advertisement, through the said recruitment agency, M/s Attest Testing Services Ltd., Mumbai. Upon evaluation, 457 candidates, including the petitioners, were shortlisted for the Physical Endurance Test (PET), and the list of such candidates was published in June 2018. The PET was conducted on 18.08.2018 and 19.08.2018 at Pandit Ravishankar Shukla University, Raipur (Chhattisgarh). After completion of the PET, the recruitment agency, vide communication dated 17.09.2018, reported that 308 candidates had appeared, out of whom 160 qualified in all three events. However, upon scrutiny of the documents of 150 candidates, discrepancies were found in the signatures of 47 candidates between the written examination and PET attendance sheets, and accordingly, verification by a forensic expert was recommended.
7. It is also the case of the petitioners that, thereafter, the FCI Regional Office sought guidance from the Central Forensic Science Laboratory



(CFSL), Bhopal, vide letter dated 17.10.2018, regarding the verification process. Upon receipt of the requisite instructions, all 47 suspected cases were referred to CFSL, Bhopal, for examination of signatures vide letter dated 19.12.2018. In response, CFSL, Bhopal, vide letter dated 21.12.2018, informed that due to heavy pendency of cases and ongoing shifting of its premises, it was unable to undertake fresh examinations, and consequently returned the documents submitted by the FCI Regional Office, Raipur. Thereafter, the FCI Regional Office, Raipur, approached the Directorate of Forensic Science Services, Ministry of Home Affairs, New Delhi, vide letter dated 02.01.2019 and subsequent reminders, seeking intervention for expeditious verification of the doubtful cases. In response, permission was granted on 21.02.2019 to refer the matter to CFSL, Hyderabad, following which all 47 cases were forwarded to CFSL, Hyderabad, for examination vide letter dated 06.03.2019.

8. As the result of the recruitment process was not declared, certain candidates approached this Court by filing W.P.(S) No. 1851/2021 seeking expeditious publication of the result. The said writ petition was disposed of by order dated 25.03.2021 with observations in paragraphs 2 and 3 that the recruitment process was stated to be under investigation on account of alleged irregularities, and in view thereof, the respondent authorities had not proceeded further. The Court held that the respondents could not be faulted for such inaction and expressed an expectation that appropriate steps would be taken either to drop or to complete the recruitment process upon receipt of the investigation outcome.



9. The order dated 25.03.2021 was subjected to review in Review Petition No. 104/2021. Vide order dated 09.07.2021, the review petition was disposed of, noting the submission of the respondent FCI that there was in fact no CBI investigation, and that the matter pertained only to an internal enquiry arising out of allegations of irregularities, with the recruitment process already referred to CFSL, Hyderabad, for examination of the suspected signatures. It was further recorded that the Department would take a decision promptly upon receipt of the forensic report, and accordingly, the earlier reference to CBI investigation was directed to be treated as an internal departmental enquiry of the FCI. Thereafter, Writ Appeal No. 220/2021 was preferred against the order passed in the writ proceedings. The Division Bench of this Court, vide order dated 10.08.2021, declined to interfere in the matter and observed that no case for interference was made out. However, it was expected that the FCI would proceed expeditiously with the recruitment process upon receipt of the CFSL report from Hyderabad, and it was further observed that in the event of undue delay, the petitioners would be at liberty to approach the Court afresh.
10. The petitioners and other candidates, being aggrieved by the prolonged delay, submitted several RTI applications seeking the status of the recruitment process. In response dated 20.10.2021 and 01.12.2021, the FCI authorities informed that the recruitment process was still under consideration and that a final decision would be taken without delay upon receipt of the forensic/examination report. Further, replies furnished by the Directorate of Forensic Science Services,



Ministry of Home Affairs, Government of India, dated 11.07.2022 and 18.07.2022, disclosed that out of multiple referred cases, examination of only part of the cases had been completed, while the remaining cases were either under examination or pending initiation, and that reports in some cases had been collected by the forwarding authority, with the remaining yet to be finalized. Further, an RTI application was submitted before the Directorate of Forensic Science Services seeking the updated status of the examination of the signatures of the candidates. In reply dated 06.09.2022, it was informed that out of 86 cases, examination of 73 cases had been completed, while the remaining cases were under process. It was further stated that 71 cases had already been collected by the concerned authority.

11. It is also pleaded that further RTI applications dated 25.08.2022 and 07.10.2022 were filed before the Directorate of Forensic Science Services seeking information regarding the completion of examination of cases relating to CFSL (Bhopal). In response dated 23.09.2022 and 17.10.2022, it was informed that the examination in respect of CFSL (Bhopal) cases had been completed and that 76 cases had been collected by the concerned authority on 19.05.2022 and 29.08.2022. It was further indicated that document examination/signature verification had been conducted in respect of 96 and 76 candidates, respectively. Further RTI application dated 17.10.2022 was submitted seeking clarification regarding the status of examination of CFSL (Bhopal) cases. In reply dated 25.10.2022, it was informed that examination in all cases had been completed and that 76 cases had already been collected by the concerned authority on 19.05.2022 and 29.08.2022,



whereas reports in respect of 20 cases were yet to be collected. Subsequently, another RTI application dated 01.11.2022 was filed seeking reasons for the non-collection of the remaining 20 cases. In response dated 29.11.2022, it was informed that letters had already been issued on 26.09.2022 and 01.11.2022 for the collection of reports and exhibits about the said pending cases.

12. It is further pleaded that vide communications dated 19.10.2022 and 21.10.2022, the Assistant General Manager (Recruitment) and Chief General Manager, FCI, informed that the written examination and Physical Endurance Test had already been conducted on 24.09.2017, 18.08.2018 and 19.08.2018 respectively, and that the process of identification of candidates was pending before CFSL. It was further stated that upon receipt of the complete forensic report, a decision regarding the recruitment of Watchman would be taken. As per information dated 17.10.2022 and 25.10.2022 issued by the Directorate of Forensic Science Services, the examination in all cases was completed. It was further informed that 76 cases had already been collected by the concerned authority on 19.05.2022 and 29.08.2022, whereas 20 cases remained pending for collection. It was also indicated that letters for the collection of the remaining reports and exhibits had already been issued on 26.09.2022 and 01.11.2022; however, the respondent authorities had not collected the complete reports from CFSL.
13. It is further submitted that in comparable recruitments conducted by the Food Corporation of India, Regional Offices at Hyderabad and



Ahmedabad, the selection processes were completed within a reasonable time. In the Hyderabad Region, pursuant to an advertisement dated 22.07.2017, the written examination was conducted on 24.09.2017, results were declared on 10.11.2017, and appointment orders were issued by April 2018, with selected candidates having joined the organisation. Similarly, in the Ahmedabad Region, against the advertisement dated 30.12.2017, the written examination was held on 11.02.2018, and the recruitment process was duly completed with 93 candidates being appointed without undue delay.

14. It is also the case of the petitioners that, as per RTI information dated 28.12.2022 issued by CFSL, it was clarified that letters for the collection of reports were issued on 26.09.2022 and 01.11.2022, and that all cases had been collected by the concerned authority on 19.05.2022, 29.08.2022 and 06.12.2022, thereby indicating completion of forensic processing in respect of the referred cases. The FCI Regional Office, Chhattisgarh, vide reply dated 26.12.2022, informed that 96 reports had been received from the Directorate of Forensic Science Services, Ministry of Home Affairs, Government of India, and also referred to certain internal circulars. While similarly situated recruitment processes undertaken by FCI in other states, such as Gujarat and Andhra Pradesh, were concluded within a reasonable time, the recruitment process in question has remained pending for more than five years in the Chhattisgarh Region, despite completion of forensic examination, as informed by the competent authority despite repeated representations made by the petitioners, no effective



decision was taken by the respondents regarding declaration of results. Consequently, the petitioners were constrained to file WPS No. 9296/2022 on 08.12.2022 before this Court. The matter was initially taken up on 16.01.2023, and time was sought by the respondents for instructions, and a week's time was granted. However, during the pendency of the proceedings, the respondents, without passing any speaking order or assigning detailed reasons, issued a public notice dated 12.01.2023 published in *Dainik Bhaskar*, whereby the entire recruitment process initiated under Advertisement dated 19.08.2017 was cancelled on the ground of "unavoidable circumstances". The impugned information published in the newspaper dated 12.01.2023, whereby the entire recruitment process was cancelled, is cryptic, non-speaking, arbitrary and devoid of any reasoned justification and amounts to a colourable exercise of power on the part of the respondents. In these circumstances, the petitioners have approached this Court seeking the aforesaid reliefs.

W.P.S. 3788/2023

15. The instant writ petition has been preferred by the petitioner being aggrieved by the committee report dated 28.02.2020 as well as the opinion rendered by the Central Forensic Science Laboratory (CFSL), Hyderabad, wherein contradictory and allegedly erroneous conclusions have been recorded with respect to the petitioner's signatures. The facts and events of the recruitment process for the post of Watchman with the FCI, Chhattisgarh Region, are the same as the facts and pleadings made by the petitioners in W.P.S. No. 969/2023. The challenge in the present writ petition is the observation



of the report dated 28-02-2020 that “the person who wrote the blue enclosed signatures and writings stamped and marked S1 to S11 did not write the red enclosed signatures and writings similarly stamped and marked Q1 and Q2”, while at another place it has been stated that “the person who wrote the blue enclosed signatures and writings stamped and marked S1 to S11 also wrote the red enclosed signatures and writings similarly stamped and marked Q4 and Q5/33”, thereby giving rise to an apparent inconsistency and arbitrariness in the forensic opinion forming the basis of the impugned action. The petitioner has also assailed the subsequent information dated 12.01.2023, published in the newspaper on the same date, whereby the entire recruitment/selection process for filling up 114 posts of Watchmen, conducted pursuant to a written examination held more than five years earlier, has been cancelled in a cryptic and arbitrary manner, without assigning any cogent, justifiable or legally sustainable reasons, thereby causing serious prejudice to the selected/participating candidates, including the petitioner. In the present writ petition, the petitioner has additionally and specifically assailed the legality, validity and correctness of the committee report dated 28.02.2020 (Annexure P/1) along with the CFSL opinion forming its basis, and cannot constitute a valid foundation for the impugned cancellation decision dated 12.01.2023 (Annexure P/2).

W.P.S. 1143/2024 and W.P.S. 1144/2024

16. The respective petitioners, by way of both the present writ petitions, have assailed the impugned information dated 12.01.2023 published



in the newspaper on the same date (Annexure P/1), whereby the entire selection process for recruitment to 114 posts of Watchman under the Food Corporation of India, Chhattisgarh Region, has been cancelled after an inordinate delay of nearly five years from the date of conduct of the written examination held on 24.09.2017. It is the case of the respective petitioners that the said cancellation has been effected in a cryptic, arbitrary, and non-speaking manner, without disclosing any cogent reasons or legally sustainable grounds, thereby rendering the action of the respondent authorities illegal, unjustified, and contrary to the law laid down by the Hon'ble Supreme Court as well as this Court. The pleadings in both the writ petitions are the same as the pleadings made in the W.P.S. No. 969/2023, filed by some other petitioners/candidates. The recruitment process was initiated through an external agency, namely M/s Attest Testing Services Limited, Mumbai, pursuant to Advertisement No. Estt.IV/DR-Watchman/01/2017, and after completion of the written examination and Physical Efficiency Test (PET), 457 candidates were shortlisted, out of which 160 candidates were declared qualified. However, on suspicion regarding the mismatch of signatures of 47 candidates, the matter was referred for forensic examination, which itself suffered procedural delays and administrative indecision, including return of documents by CFSL, Bhopal and subsequent forwarding to CFSL, Hyderabad. Despite continuous correspondence and directions in earlier proceedings, no final decision was taken for a considerable period, resulting in prolonged uncertainty in the recruitment process. This Court had repeatedly observed that the authorities may proceed with



the recruitment in accordance with the forensic report and complete the process expeditiously, thereby negating any legal impediment for continuation of the selection. It is the grievance of the petitioners that the respondents, despite assuring expeditious completion before this Court, have abruptly cancelled the entire process after five years without any rational basis, which is stated to be mala fide, arbitrary, and violative of Article 14 of the Constitution of India. The similarly situated candidates have already challenged the very same cancellation order dated 12.01.2023 in W.P.S. No. 969/2023, thereby giving rise to an identical issue, and in both the present petitions, the petitioners have assailed the cancellation of entire recruitment process on the ground of inordinate delay, lack of transparency, and absence of any reasoned decision-making, which vitiates the impugned action in its entirety.

17. Ms. Naushina Ali, learned counsel for the petitioners (in W.P.S. No. 969/2023 and W.P.S. No. 3788/2023) would submit that the petitioners have challenged the impugned order dated 12.01.2023, published in a daily newspaper, that the same is manifestly arbitrary, cryptic, and bereft of any discernible reasons, particularly in light of the long and detailed recruitment process that preceded it. The record reveals that the recruitment to 114 posts of Watchman was initiated in the year 2017 through a duly notified advertisement, pursuant to which a written examination was conducted on 24.09.2017, followed by shortlisting of 457 candidates for the Physical Endurance Test (PET). The PET was conducted in August 2018, and thereafter, 160 candidates were declared successful. At this advanced stage, where



the process had substantially culminated, and only finalization of results remained, the respondents, after a lapse of more than five years, chose to cancel the entire selection without assigning any substantive justification, which renders the decision *ex facie* arbitrary and violative of the principles of fairness and transparency in public employment. Immediately after the PET, the recruitment agency flagged a limited issue concerning the mismatch of signatures of 47 candidates between the written examination and PET attendance sheets and suggested forensic verification. Instead of promptly acting on this recommendation, the respondents allowed the matter to remain dormant for an extended period. The petitioners have highlighted that even the initial report of the forensic laboratory was received as early as February 2020, yet no conclusive decision was taken for several months thereafter, and additional verifications were initiated only in October 2020 and subsequently in 2021. The delay is further compounded by the fact that, despite repeated judicial proceedings, including earlier writ petitions and directions of this Court to take a final decision upon receipt of forensic reports, the respondents failed to act with reasonable expedition. Such inaction, followed by an abrupt cancellation, is asserted to reflect a casual and negligent administrative approach.

18. She would further submit that it is also borne out from the pleadings and documents that the forensic examination did not indicate any widespread or systemic illegality affecting the entire selection process. On the contrary, the material demonstrates that out of the 160 candidates who qualified for the PET, 92 candidates were found to



have genuine signatures, while only a limited number were found to be doubtful, including 16 candidates suspected of proxy and certain others who did not appear for verification. Even as per the respondents' own stand, the irregularities were confined to a small segment of candidates and were identifiable. In such circumstances, the petitioners contend that the respondents were under an obligation to segregate the tainted candidates from the untainted ones and proceed to finalize the selection in respect of those whose candidature was found to be genuine, rather than annulling the entire process.

19. It is also submitted that the petitioners have further elaborated that the attempt of the respondents to attribute lapses to the recruitment agency is misplaced and contrary to the record. The agency, far from being negligent, had discharged its duties in a bona fide manner by promptly identifying discrepancies and recommending appropriate verification. The conduct of the written examination, preparation of the merit list, and organization of PET were all undertaken under the supervision and control of the respondents. Moreover, the presence of respondent officials and videographic recording of the process further negates any suggestion of large-scale malpractice attributable solely to the agency. Therefore, the plea now taken by the respondents appears to be an afterthought aimed at deflecting responsibility for their own administrative lapses. She would next submit that it is the grave prejudice caused by the protracted delay and eventual cancellation of the entire selection process. The candidates, who participated in the recruitment process in 2017, remained in a state of uncertainty for over five years, during which many of them crossed the



prescribed age limit for similar public employment opportunities. The petitioners argue that the respondents cannot be permitted to take advantage of their own delay and inefficiency to the detriment of the candidates. The contention that the recruitment process has become stale or infructuous due to the passage of time is specifically challenged as being self-serving, particularly when such delay is entirely attributable to the respondents' inaction.

20. She would lastly submit that the petitioners have anchored their submissions on settled legal principles governing the cancellation of recruitment processes. It is argued that wholesale cancellation can be justified only where the entire process is vitiated by pervasive illegality or where it is impossible to distinguish between tainted and untainted candidates. In the present case, the factual record, including forensic findings, clearly establishes that segregation was not only possible but had effectively been carried out. Therefore, the decision to cancel the entire recruitment, instead of adopting a proportionate course of action by excluding only the tainted candidates, is alleged to be irrational, disproportionate, and contrary to the doctrine of fairness. The impugned action, thus, stands vitiated by arbitrariness, non-application of mind, and colourable exercise of power, warranting judicial interference.

21. In support of her submission, she relied upon the judgments of “**S. Pratap Singh v. State of Punjab**” 1963 SCC OnLine SC 10, “**Shankarshan Dash v. Union of India**” 1991 (3) SCC 47, “**Mahesh Chandra v. Regional Manager, U.P. Financial Corporation and**



Others” 1993 (2) SCC 279, **“Union of India and Others v. Rajesh P.U. Puthuvalnikathu and Another”** 2003 (7) SCC 285, **“Inderpreet Singh Kahlon and Others v. State of Punjab and Others”** 2006 (11) SCC 356, **“East Coast Railway and Another v. Mahadev Appa Rao and Others”** 2010 (7) SCC 678, **“High Court of Punjab and Haryana at Chandigarh v. State of Punjab and Others”** 2010 (11) SCC 684, **“Uttar Pradesh Jal Nigam and Others v. Ajit Singh Patel and Others”** 2019 (12) SCC 285, **“Sachin Kumar and Others v. Delhi Subordinate Service Selection Board (DSSSB) and Others”** 2021 (4) SCC 631, **“Sivanandan C.T. and Others v. High Court of Kerala and Others”** 2024 (3) SCC 799, **“Vanshika Yadav v. Union of India and Others”** 2024 (9) SCC 743, **“State of West Bengal v. Baishakhi Bhattacharyya (Chatterjee) and Others”** order dated 03-04-2025 by Supreme Court in SLP (C) No. 9586 of 2024, **“Tej Prakash Pathak v. Rajasthan High Court and Others”** 2025 (2) SCC 1, **“Amit Kumar Bhardwaj v. State of Chhattisgarh and Others”** order dated 29-07-2025 passed by Coordinate Bench of this Court in W.P.S. No. 2311/2024.

22. Mr. Bharat Sharma, learned counsel appearing for the petitioner in W.P.S. No. 1143/2024 and 1144/2024, while adopting the submissions made by Ms. Naushina Ali, learned counsel for the petitioners in W.P.S. No. 969/2023, would make an additional submission that the impugned communication dated 12.01.2023 is ex facie arbitrary and illegal, inasmuch as the respondents have cancelled the entire recruitment process after an inordinate delay of nearly six years without assigning any reasons whatsoever. It is submitted that the



recruitment process, initiated in 2017, had substantially progressed through all stages, including the written examination and PET, in which the petitioners were declared successful and thus formed part of the zone of consideration for appointment. Despite judicial orders requiring the respondents to take a final decision upon receipt of forensic reports, the respondents failed to act diligently and, instead, chose to abruptly cancel the process in a cryptic manner. The petitioners further submit that such an order, which neither discloses reasons nor reflects any objective satisfaction based on material on record, is per se arbitrary and contrary to settled principles of administrative law. Reliance is placed on the judgment in “**East Coast Railway v. Mahadev Appa Rao**” 2010 (7) SCC 678, wherein it has been held that even though a candidate does not possess an indefeasible right to appointment, the State cannot exercise its power to cancel a selection process arbitrarily, and the absence of reasons is itself indicative of non-application of mind, rendering the decision legally unsustainable and amenable to judicial review under Articles 14 and 16 of the Constitution.

23. He would also submit that the action of the respondents in cancelling the entire selection process on account of alleged irregularities pertaining to a limited number of candidates is wholly contrary to the settled doctrine of segregation of tainted and untainted candidates. It is submitted that the material on record, including the forensic verification reports, clearly demonstrates that a substantial number of candidates, including the petitioners, were found to be genuine, with their signatures duly verified by the competent forensic authority. Even



as per the respondents' own stand, the alleged discrepancies were confined to a small group of candidates, while the majority remained untainted. In such circumstances, the respondents were duty-bound to segregate the tainted candidates and proceed with the recruitment process in respect of the eligible and meritorious candidates, instead of resorting to wholesale cancellation. He would also submit that the petitioners cannot be made to suffer for the alleged misconduct of others, particularly when they have successfully cleared all stages of the selection process and have been waiting for years for its culmination. Placing reliance on "**Union of India vs. Rajesh P.U. Puthuvalnikathu**" 2003 (7) SCC 285 and "**Sachin Kumar vs. DSSSB**" 2021 (4) SCC 631, it is submitted that where irregularities are not systemic and it is possible to identify and exclude the wrongdoers, cancellation of the entire process is an extreme and unwarranted measure. The impugned action, therefore, is not only arbitrary and excessive but also violative of the constitutional mandate of fairness, reasonableness, and equality in public employment, resulting in grave prejudice to the petitioners who have now also suffered loss of opportunity due to the passage of time and crossing of the age limit. Therefore, the impugned action of the respondent authorities in cancelling the entire selection process is liable to be quashed.

24. Per contra, Mr. Prafull N. Bharat, Senior Advocate, assisted by Mr. R.S. Patel, learned counsel for the respondent Food Corporation of India, in all these petitions, would oppose the submissions of the learned counsel for the petitioners and submitted that the recruitment process initiated under Advertisement No. Estt. IV/DR-Watchman/



01/2017, and was governed strictly by the terms and conditions stipulated therein, which were binding on all candidates. The advertisement clearly provided that mere participation in the written test or Physical Endurance Test (PET) would not confer any vested right to appointment, and that eligibility conditions would be verified subsequently. It was further stipulated that the decision of the Corporation in all matters relating to examination, evaluation, and preparation of the merit list would be final and not open to challenge. Thus, the petitioners cannot claim any enforceable right merely on the basis of having participated in any stage of the selection process. The recruitment process was entrusted to an independent agency, initially Attest Testing Services Limited (later MEL Training and Assessment Limited), through a transparent tender process. However, during the course of the selection process, serious irregularities surfaced, particularly concerning the authenticity of candidates' identities. The agency itself raised concerns regarding mismatch of signatures between written examination records and PET attendance sheets, prompting a detailed forensic examination. These developments clearly indicate that the process was vitiated by factors beyond the respondent's control and required thorough scrutiny to uphold fairness. The forensic examination conducted by the Central Forensic Science Laboratory (CFSL), Hyderabad and subsequently by CFSL, Bhopal, revealed alarming discrepancies. A significant number of candidates were found to have mismatched signatures, indicating impersonation and participation of proxy candidates. Additionally, several candidates failed to appear for specimen signature verification despite being given



opportunities. The reports collectively establish that a substantial portion of the candidates in the selection process were either bogus or their identity could not be conclusively verified, thereby striking at the root of the recruitment's integrity. In light of these findings, the entire selection process stood irreparably tainted. The presence of large-scale impersonation and the inability to conclusively verify candidate identities rendered it impossible to segregate genuine candidates from fraudulent ones with certainty. In such circumstances, continuing with the selection process or declaring results would have resulted in grave injustice and compromised the principles of fairness, transparency, and equality in public employment.

25. He would further submit that the selection list had neither been finalized nor published at any stage. It remained under departmental consideration, and therefore, no candidate acquired any indefeasible right to appointment. It is a settled principle of law that an unfinalized or unpublished selection list does not create any cause of action. Consequently, the decision to cancel the recruitment process cannot be said to have infringed any legal right of the petitioners. Considering the magnitude of irregularities, the findings of expert forensic bodies, and the necessity to preserve the sanctity of the recruitment process, the respondent took a conscious and reasoned decision to cancel the entire selection process. This decision was neither arbitrary nor unreasonable but was taken in the larger public interest to ensure purity in public recruitment.



26. It is next submitted that while the principle of segregation between tainted and untainted candidates has been recognized in service jurisprudence, its applicability is contingent upon the facts and circumstances of each case. Segregation is permissible only when the irregularities are limited in scope, clearly identifiable, and the integrity of the remaining selection process is demonstrably intact. In the present case, however, the material on record, particularly the forensic reports, reveals that the irregularities are not confined to a few isolated instances but are widespread and systemic, thereby vitiating the entire process at its core.
27. He would rely upon the judgments of **“Rai Shivendra Bahadur v. Governing Body of Nalanda College, Bihar Sharif”** AIR 1962 SC 1210, **“Gohil Vishvaraj Hanubhai and Others v. State of Gujrat and Others”** 2017 (13) SCC 621, **“Tej Prakash Pathak and Others v. Rajasthan High Court and Others”** 2025 (2) SCC 1, **“State of Assam and Others v. Arbinda Rabha and Others”** 2025 (7) SCC 705, **“State of West Bengal v. Baishakhi Bhattacharyya (Chatterjee) and Others”** 2025 SCC OnLine SC 719.
28. Mr. Tanmay Thomas, learned counsel for the Respondent M/s MEL Training and Assessment Ltd. (Respondent No. 4 in W.P.S. No. 969/2023, Respondent No. 5 in W.P.S. No. 1143/2024, and W.P.S. No. 1144/2024), would submit that the respondent No. 4/agency is the examination conducting agency, and its role in the recruitment process was strictly limited to conducting the examination and related logistical functions in terms of the Letter of Acceptance dated 28.01.2017



executed with the FCI. The Agency had no authority in matters concerning final selection, appointment, or issuance of the select list, which squarely fell within the domain of FCI. Therefore, no enforceable right or obligation arises against the agency vis-à-vis the claims made by the petitioners, and its present submissions are confined solely to assisting this Court in compliance with the directions issued. It is further submitted that the entire recruitment process, including the written examination conducted on 24.09.2017 and the subsequent Physical Endurance Test (PET), was carried out by the Agency strictly in accordance with the instructions, supervision, and presence of officials of FCI. Upon completion of the written examination, results were duly processed and published on the designated recruitment portal, and candidates were shortlisted transparently on the basis of merit. Thereafter, PET was conducted for the shortlisted candidates, resulting in 160 candidates qualifying. The Agency had also prepared a merit list based on written examination marks of PET-qualified candidates; however, the same was not declared solely due to express instructions from FCI pending forensic verification. He would further submit that upon noticing certain prima facie discrepancies in signatures, he proactively informed FCI and recommended forensic verification to ensure the integrity of the process. Thereafter, all actions relating to forensic examination, including the collection of specimen signatures and referral to CFSL, were undertaken by FCI, with the Agency extending full cooperation. The Agency has, from time to time, handed over all original records, including OMR sheets, attendance sheets, and other relevant documents, as and when



requisitioned by FCI. At no stage has the Agency withheld any material or impeded the process; rather, it has acted diligently and transparently in aid of the recruitment authority. It is next submitted that the identification of “disputed” and “undisputed” candidates is within the exclusive purview of FCI, and no such classification has been communicated to the Agency thus far. The Agency is bound by any further directions of this court, if made, in accordance with law.

29. I have heard the rival submissions of the learned counsel for the respective parties and perused the documents annexed with the petition by the respective parties, and gone through their respective pleadings.
30. Having considered the rival submissions and the material placed on record, this Court finds that the recruitment process in question was initiated in the year 2017 and had substantially progressed through all its essential stages, including written examination and Physical Endurance Test (PET), culminating in the shortlisting of candidates. It is not in dispute that 457 candidates were shortlisted and 160 candidates were declared successful in PET, and thereafter the process was stalled primarily on account of alleged signature discrepancies in respect of a limited number of candidates. The agency informed about the discrepancies in the signatures of the 47 candidates from their written examination answer sheets. The overall sequence of events demonstrates that the recruitment had reached an advanced stage and only the final declaration of the result remained pending. In such circumstances, the respondents were required to act



with promptitude and conclude the process within a reasonable timeframe, particularly when no statutory embargo or legal prohibition existed to indefinitely withhold the result.

31. It is further relevant to note that even as per the forensic material now sought to be relied upon by the respondents, the alleged irregularities are not unidentifiable to justify wholesale cancellation of the recruitment process, but are, on the contrary, clearly demarcated and confined to specific categories of candidates whose cases have been individually examined by the CFSL, Hyderabad and CFSL, Bhopal. The reports indicate that out of the candidates subjected to forensic scrutiny, a distinct classification has emerged between those whose specimen signatures matched the record (untainted candidates), those whose signatures were found to be forged or mismatched (tainted candidates), and those who either failed to appear for verification or whose opinion could not be conclusively determined despite multiple attempts. The respondents' own stand discloses that approximately 16 candidates were found to be proxy candidates, 28 candidates failed to appear for specimen signature verification, and a further set of cases were either conclusively opined as genuine or doubtful based on repeated forensic attempts, thereby demonstrating that the exercise undertaken was not inconclusive in toto but yielded identifiable results capable of classification. From the record, it also revealed that segregation about the mismatch of the signatures of the candidates. The data given in the committee report dated 11-01-2023 is as below:-

1. Agency failed to submit questioned document 1
(Jeetesh Kumar Meena)



2.	Not definite case (Required more specimen)	21
3.	Yet to receive (Kamal Kishor Sahu)	1
4.	Genuine	92
5.	Genuine ** (signature not matched)	2
6.	Proxy	16
7.	Not turned up for signature specimen	27

32. The fact that out of the candidates referred for verification, a substantial number were already found either genuine or tainted, and only a limited subset remained inconclusive or absent, clearly establishes that the process of segregation was not only feasible but had in fact already been substantially undertaken by the expert agencies themselves. In such circumstances, the contention of the respondents that the entire selection process stood vitiated in a manner rendering segregation impossible is not borne out from the record. On the contrary, the forensic findings themselves provide a rational and objective basis to separate tainted candidates from untainted ones, and to preserve the result of those candidates whose credentials have been found to be genuine. Therefore, the material on record does not justify the extreme step of cancelling the entire recruitment process, particularly when the doctrine of severability and segregation is clearly attracted, and when identifiable tainted candidates can be excluded without affecting the integrity of the selection of untainted candidates who have already been verified through independent scientific examination.
33. It is apposite here to note the earlier orders passed in writ petitions filed by the petitioners. In W.P.S. No. 1851/2021, the following order was passed by the coordinate bench of this Court on 25-03-2021:-



“2. However, perusal of the pleadings of the writ petition itself would show that the matter of recruitment of Watchman by the respondents in Chhattisgarh region was subjected to a CBI investigation on account of certain complaints of illegalities and corruption leveled in the course of recruitment. That since the matter is under CBI investigation, the authorities of the respondents have laid their hands off. Even otherwise since the matter is under CBI investigation further order is also not communicated to the respondents from the CBI to proceed further with the recruitment process. The respondent-authorities therefore cannot be blamed for not further proceedings with the recruitment process.

3. It is expected that the respondent-authorities shall take appropriate steps either dropping the entire alleged tainted recruitment process or continue with the recruitment process and by completing the recruitment process immediately after the CBI communicates to the respondents.”

34. Thereafter, a Review Petition no. 104/2021 was filed by the petitioners in which the following order was passed on 09-07-2021:-

“5. Mr. R.S. Patel, learned Counsel for Respondent - Food Corporation of India, has filed



their reply to the present Review Petition categorically stating that though there is no CBI investigation and the said observation in the order has been crept in on account of certain incorrect statement made by Petitioners, however, there is no such enquiry/investigation in respect of alleged complaint received from the Chhattisgarh region of mass copying/other malpractices detected in the recruitment process and the matter has already been sent for expert report to the Central Forensic Science Laboratory, Hyderabad and the Department would be taking a decision immediately on receipt of the report from the said Laboratory. He further submits that they have also sent a reminder to the Laboratory for an expeditious submission of report.

6. In view of the said submission by learned Counsel for Respondents, this Court is of the opinion that no strong case has been made out for review of the order dated 25.3.2021. However, the observation made in the order so far as the CBI investigation is concerned, the same may be treated as deleted and instead of it should be treated as investigation/enquiry at the level of the Food Corporation of India.”



35. The petitioners thereafter filed the Writ Appeal No. 220/2021 before Hon'ble Division Bench of this Court, which was dismissed on 10-08-2021 with certain observations that:-

“4. In the review petition filed by the petitioners, the learned Single Judge has deleted the said part of the order, wherein there was reference of C.B.I. investigation. However, as informed by learned Standing counsel for the F.C.I., the matter has already been sent for expert report to the Central Forensic Science Laboratory, Hyderabad and the department would be taking a decision immediately on receipt of the report from the said laboratory. Learned Standing counsel also submitted before the Court that they have also sent a reminder to the laboratory for an expeditious submission of report.

5. Shri Parag Kotecha, Advocate appearing with Shri Vivek Kumar Agrawal, Advocate for the appellants submits that in other region, appointments have already been made. Therefore, there is no impediment for the F.C.I. to proceed further in the matter but yet the recruitment process is not finalized.

6. Having heard Shri Parag Kotecha, learned counsel for the appellants and learned Standing



counsel for the F.C.I., we are of the view that no interference in this intra Court appeal is called for. Once statement has been made by learned Standing counsel for the F.C.I., we hope that the F.C.I. shall proceed further in the matter immediately on receipt of report from Central Forensic Science Laboratory, Hyderabad. If the recruitment process remains pending for unreasonably long period, the petitioner would be at liberty to move afresh before this Court.”

36. In the order passed by Hon'ble Division Bench of this Court in W.A. No. 220/2021, the statement made in the earlier writ petition by the FCI was considered and observed that the FCI shall proceed further in the matter immediately on receipt of report from CFSL, Hyderabad. Therefore, the authorities concerned were required to complete the recruitment process. These efforts reflect an intent to participate transparently in a competitive examination on the strength of merit and a fair selection process with legitimate expectations.

37. In the case of “**High Court of Punjab and Haryana v. State of Punjab**” (supra) the Hon'ble Supreme Court has held that:-

“7. The relevant paras of the judgment of *Inderpreet Singh Kahlon*¹ are reproduced hereinbelow: (SCC pp. 400-01, paras 93-95)



“93. We must, however, express our satisfaction that no candidate for the year 2001 has been appointed. It is one thing to say that having regard to the nature of selection process, no person is appointed from the select list as no person has a right to be appointed only because his name appears in the select list, but, in our opinion, a different standard must be adopted for terminating the services of the officers who had completed about three years of service. Some of them, as noticed hereinbefore, passed departmental tests. Some have been given higher responsibilities. They had completed the period of probation and some were nearing the completion thereof. They presumably had been working to the satisfaction of the authorities concerned.

94. The impugned judgment as also the orders of the State Government and the High Court are, thus, liable to be set aside and directions are issued. Although the impugned judgments cannot be sustained, we are of the opinion that the interest of justice would be subserved if the matters



are remitted to the High Court for consideration of the matters afresh. However, with a view to segregate the tainted from the non-tainted, and that in the interest of justice the High Court should be requested to constitute two independent Scrutiny Committees—one relating to the executive officers and the other relating to the judicial officers. (emphasis supplied by us)

95. We would, furthermore, request the High Court to consider the desirability of delineating the area which would fall for consideration by such Committees within a time-frame. Copies of such reports of the Committees shall be supplied to the learned counsel for the petitioners and/or at least they should be given inspection thereof. The parties shall be given opportunity to inspect any document including the answer sheets, etc. if an application, in that behalf is filed. Such inspection shall, however, be permitted to be made only in the presence of an officer of the court. The appellants shall be given two weeks' time only for submitting their



objections to such reports and their comments, if any, on any material whereupon the High Court places reliance from the date of supply of copies or inspection is given. Having regard to the fact that the appellants are out of job for a long time, we would request the High Court to consider the desirability disposing of the matter as expeditiously as possible and preferably within the period of three months from the date of receipt of the copy of this order. Before parting with the case, however, we may observe that it is expected that the State having regard to the magnitude of the matter shall leave no stone unturned to bring the guilty to book. It is the duty of the State to unearth the scam and spare no officer howsoever high he may be. We expect the State to make a thorough investigation into the matter. These appeals are allowed to the aforementioned extent and with the directions and observations made hereinbefore.”

38. Their lordships of the Hon’ble Supreme Court has further held in the case of “**Vanshika Yadav**” (supra) that:-



“62. The facts of this case and the resultant issue before this Court do not call for the development of new legal principles. It is settled law that the cancellation of an examination, either for the purposes of gaining admission into professional and other courses or for the purpose of recruitment to a government post, is justified only in cases where the sanctity of the exam is found to be compromised at a systemic level. Courts may direct the cancellation of an examination or approve such cancellation by the competent authority only if it is not possible to separate the tainted candidates from the untainted ones.

68. In arriving at a conclusion as to whether an examination suffers from widespread issues, courts must ensure that allegations of malpractice are substantiated and that the material on record, including investigative reports, point to that conclusion. There must be at least some evidence to allow the Court to reach that conclusion. This standard need not be unduly strict. To elaborate, it is not necessary for the material on record to point to one and only conclusion which is that malpractice has taken place at a systemic level. However, there must be



a real possibility of systemic malaise as borne out by the material before the Court.

87. In the previous section which sets out the position of law on this issue, this Court noticed that the purpose of assessing whether the sanctity of the exam has been vitiated at a systemic level was to facilitate and encourage a proportional response. If it is possible to separate the tainted candidates from the untainted ones, there would be no justification to cancel the exam. This is because honest candidates would be made to suffer without reason due to the actions of some unscrupulous candidates. It is also important for the response to malpractice to be proportionate. Ordering a re-test would disrupt the academic schedule for the year. The delay in completing admission will impact the availability of resident doctors to attend to patient care in the future. Any such direction will have disproportionate consequences for candidates from marginalised backgrounds. They would be disadvantaged, in the event of a re-exam- neither are desirable outcomes.”



39. The issue is considered by the Hon'ble Supreme Court in the case of **"Uttar Pradesh Jal Nigam and Others"** (supra) in which it has been held that:-

"14. Suffice it to observe that while disposing of the special leave petition filed by the appellants on the earlier occasion vide order dated 16-3-2018³, this Court has neither disturbed the conclusion reached by the High Court in its order dated 28-11-2017¹ nor granted liberty to the appellants to challenge the said conclusion in the review application or for that matter, by way of a fresh special leave petition. The relevant conclusion of the High Court in its order dated 28-11-2017¹, reads thus: (Ajit Singh Patel case, SCC OnLine All para 37)

"37. In view of the above, we are of the considered opinion that the impugned order dated 11-8-2017 has been passed in violation of principles of natural justice without issuing notice and without affording opportunity of hearing to the petitioners, no exercise was undertaken to distinguish the case of tainted and non-tainted candidates to arrive at the conclusion while c passing the impugned order as such the impugned order dated



11-8-2017 is not sustainable and is liable to be set aside."

40. In the case of "**Baishakhi Bhattacharyya**" (supra), the Hon'ble Supreme Court further held that:-

"18. In Vanshika Yadav v. Union of India, this Court observed that a holistic view must be adopted by assessing the extent of unfair means used and whether it is possible to separate the tainted candidates from the untainted ones. The court must ensure that allegations of malpractice are substantiated and that the material on record, including investigative reports, supports this conclusion. There must be at least some evidence for the court to reach such a conclusion. However, the standard of evidence need not be unduly strict. Specifically, the material on record need not point to a single, definitive conclusion that malpractice occurred at a systemic level. Nevertheless, there must be a real possibility of systemic malaise, as reflected in the material before the court.

19. The following principles emerge from the aforesaid discussion:

*When an in-depth factual inquiry reveals systemic irregularities, such as malaise or



fraud, that undermine the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity.

*The decision to cancel the selection en masse must be based on the satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond a reasonable doubt. The standard of evidence should be reasonable certainty of systemic malaise. The probability test is applicable.

*Despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the selection process is proven, due weightage has to be given to maintaining the purity of the selection process.

*Individual notice and hearing may not be necessary in all cases for practical reasons when the facts establish that the entire



selection process is vitiated with illegalities at a large scale.”

41. In the case of “**Mahadev Appa Rao**” (supra), the Hon’ble Supreme Court has considered that:-

“14. It is evident from the above that while no candidate acquires an indefeasible right to a post merely because he has appeared in the examination or even found a place in the select list, yet the State does not d enjoy an unqualified prerogative to refuse an appointment in an arbitrary fashion or to disregard the merit of the candidates as reflected by the merit list prepared at the end of the selection process. The validity of the State's decision not to make an appointment is thus a matter which is not beyond judicial review before a competent writ court. If any such decision is indeed found to be arbitrary, appropriate directions can be issued in the matter.

17. It is trite that Article 14 of the Constitution strikes at arbitrariness which is an antithesis of the guarantee contained in Articles 14 and 16 of the Constitution. Whether or not the cancellation of the typing test was arbitrary is a question which the Court shall have to examine once a



challenge is mounted to any such action, no matter the candidates do not have an indefeasible right to claim an appointment against the advertised posts.

18. What then is meant by arbitrary/arbitrariness and how far can the decision of the competent authority in the present case be described as arbitrary?

19. Black's Law Dictionary describes the term "arbitrary" in the following words:

"Arbitrary. 1. Depending on individual discretion; specif.. determined by a judge rather than by fixed rules, procedures, or law. 2. (Of a judicial decision) founded on prejudice or preference rather than on reason or fact. This type of decision is often termed arbitrary and capricious."

20. To the same effect is the meaning given to the expression "arbitrary" by Corpus Juris Secundum which explains the term in the following words:

"Arbitrary. Based alone upon one's will, and not upon any course of reasoning and exercise of judgment; bound by no law;



capricious; exercised according to one's own will or caprice and therefore conveying a notion of a tendency to abuse possession of power; fixed or done capriciously or at pleasure, without adequate determining principle, non-rational, or not done or acting according to reason or judgment; not based upon actuality but beyond a reasonable extent; not founded in the nature of things; not governed by any fixed rules or standard; also, in a somewhat different sense, absolute in power, despotic, or tyrannical; harsh and unforbearing. When applied to acts, 'arbitrary' has been held to connote a disregard of evidence or of the proper weight thereof; to express an idea opposed to administrative, executive, judicial, or legislative discretion; and to imply at least an element of bad faith, and has been compared with 'willful'."

21. There is no precise statutory or other definition of the term "arbitrary". In *Shrilekha Vidyarthi v. State of U.P.*¹¹ this Court explained that the true import of the expression "arbitrariness" is more easily visualised than



precisely stated or defined and that whether or not an act is arbitrary would be determined on the facts and circumstances of a given case. This Court observed: (SCC p. 243, para 36)

"36. The meaning and true import of arbitrariness is more easily visualised than precisely stated or defined. The question, whether an impugned act is arbitrary or not, is ultimately to be answered on the facts and in the circumstances of a given case. An obvious test to apply is to see whether there is any discernible principle emerging from the impugned act and if so, does it satisfy the test of reasonableness, Where a mode is prescribed for doing an act and there is no impediment in following that procedure, performance of the act otherwise and in a manner which does not disclose any discernible principle which is reasonable, may itself attract the vice of arbitrariness. Every State action must be informed by reason and it follows that an act uninformed by reason, is arbitrary. The rule of law contemplates governance by laws and not by humour, whims or caprices of the men to whom the



governance is entrusted for the time being. It is trite that 'be you ever so high, the laws are above you'. This is what men in power must remember, always."

22. Dealing with the principle governing exercise of official power Prof. De Smith, Woolf and Jowell in their celebrated book on Judicial Review of Administrative Action emphasised how the decision-maker invested with the d wide discretion is expected to exercise that discretion in accordance with the general principles governing exercise of power in a constitutional democracy unless of course the statute under which such power is exercisable indicates otherwise. One of the most fundamental principles of the rule of law recognised in all democratic systems is that the power vested in any competent authority shall not be exercised arbitrarily and that the power is exercised that it does not lead to any unfair discrimination. The following passage from the above is in this regard apposite:

"We have seen in a number of situations how the scope of an official power cannot be interpreted in isolation from general



principles governing the exercise of power in a constitutional democracy. The courts presume that these principles apply to the exercise of all powers and that even where the decision-maker is invested with wide discretion, that discretion is to be exercised in accordance with those principles unless Parliament clearly indicates otherwise. One such principle, the rule of law, contains within it a number of requirements such as the right of the individual to access to the law and that power should not be arbitrarily exercised. The rule of law above all rests upon the principle of legal certainty, which will be considered here, along with a principle which is partly but not wholly contained within the rule of law, namely, the principle of equality, or equal treatment without unfair discrimination."

23. Arbitrariness in the making of an order by an authority can manifest itself in different forms. Non-application of mind by the authority making the order is only one of them. Every order passed by a public authority must disclose due and proper application of mind by the person



making the order. This may be evident from the order itself or the record contemporaneously maintained. Application of mind is best demonstrated by disclosure of mind by the authority making the order. And disclosure is best done by recording the reasons that led the authority to pass the order in question. Absence of reasons either in the order passed by the authority or in the record contemporaneously maintained is clearly suggestive of the order being arbitrary hence legally unsustainable.”

42. This Court further finds that the delay of nearly five to six years in finalizing the recruitment process is wholly unexplained and unjustified. The record reveals repeated administrative indecision, shifting of forensic examination between different laboratories, and prolonged pendency at the level of CFSL. Despite forensic reports having been substantially received and RTI replies indicating completion of examination in most cases, the respondents failed to take a final decision. Such inordinate delay, attributable solely to the respondent authorities, has rendered the recruitment process arbitrary in its operation. It is well settled that public employment processes must be concluded within a reasonable time, and unexplained delay itself becomes a ground of judicial scrutiny under Article 14 of the Constitution of India.



43. The impugned cancellation of the entire selection process vide communication dated 12.01.2023 is found to be cryptic, non-speaking and devoid of any material reasoning. The expression “unavoidable circumstances” employed in the impugned decision does not disclose any rational basis or objective satisfaction for scrapping the entire recruitment. The law is well settled that even where a decision is within the executive domain, it must be supported by reasons, especially when it adversely affects the rights and legitimate expectations of a large number of candidates. The absence of reasons, particularly in a case where the recruitment had almost reached culmination, vitiates the decision-making process and renders the impugned action arbitrary.
44. This Court also finds substance in the submission of the petitioners that the respondents failed to adopt a proportionate and legally sustainable course of action by not segregating tainted candidates from untainted candidates. The material on record, including forensic reports referred to by both parties, indicates that alleged irregularities were confined to a limited number of candidates. There is nothing to establish that the entire selection process was vitiated or irretrievably compromised. The law consistently recognizes that where segregation is possible, cancellation of the entire selection is impermissible. In the present case, the respondents have neither demonstrated the impossibility of segregation nor undertaken any exercise to distinguish genuine candidates from suspected ones. The doctrine of legitimate expectation squarely applies to the facts of the present case. The petitioners, having successfully cleared the written examination and



PET and having remained in the select zone for several years, were legitimately expecting finalization of results. This expectation was further reinforced by repeated assurances and representations made by the respondents before this Court and in RTI responses, indicating that the process would be concluded upon receipt of forensic reports. The abrupt cancellation after such prolonged delay has defeated this legitimate expectation without any justified cause, thereby rendering the action arbitrary and unfair.

45. It is also evident that the respondents have attempted to justify the cancellation on the grounds of alleged large-scale irregularities; however, the material placed on record does not support such a sweeping conclusion. The forensic findings, even as projected by the respondents, do not establish systemic or pervasive fraud affecting the entire selection. At best, they point to isolated discrepancies, which could have been addressed by excluding doubtful candidates. In the absence of cogent material demonstrating that the entire process was irreparably vitiated, the extreme step of wholesale cancellation cannot be sustained in law. To segregate tainted and untainted candidates respects the constitutional mandate of equality, fairness and justice. It ensures that the innocent candidates are not deprived of their rights due to allegations against others and that the ongoing investigation by the competent authority is not hampered or prejudiced.
46. The petitioners, having participated in the recruitment process with due preparation and having successfully qualified in the written examination as well as the Physical Endurance Test, were legitimately



entitled to fair consideration for appointment; however, on account of alleged irregularities attributable only to a limited number of candidates, the entire process was abruptly cancelled, thereby depriving the petitioners of their rightful opportunity. Such action has caused not only grave prejudice but also significant mental agony and uncertainty, as the petitioners remained in prolonged anticipation of the outcome for several years. During this extended period of inaction, many of the petitioners have either crossed or are on the verge of crossing the prescribed age limit for similar public employment, effectively foreclosing their future prospects. The petitioners, who are otherwise untainted and have fulfilled all requirements of the selection process, cannot be made to suffer for the alleged misconduct of others, and any such deprivation would be wholly unjust, arbitrary, and contrary to the principles of fairness governing public employment.

47. At no point during the written examination or PET were the petitioners found ineligible or unfit. The examination conducting agency or the FCI did not raise any concern regarding the eligibility, character or conduct of the petitioners. This sequence of events clearly establishes that the petitioners had every legitimate expectation of receiving their appointment orders in due course, and such expectations cannot be dismissed as unfounded. The abrupt deviation from this process occurred only after about five to six years, when the order was passed on 10-08-2021 in W.A. No. 220/2021. In the present case, though it is submitted that the matter is handed over to the Central Bureau of Investigation (CBI) for further inquiry, but, to date, there is no material on record to substantiate any outcome of the said inquiry. The future



prospects of the aspirants who have secured their positions through a rigorous and competitive process cannot be stalled merely on the basis of complaints against some of the candidates. Many candidates have been selected and are waiting for their appointment orders. Under such circumstances, it would be unjust to categorise them as the “tainted candidates”. The CBI is already conducting a thorough investigation/inquiry. If any petitioners are found to be involved in any wrongdoing, appropriate consequences will undoubtedly follow. In the case of “**Shankarshan Dash**” (supra), the Hon’ble Supreme Court has held that the state or its instrumentalities cannot arbitrarily deny appointment to a selected candidate. When the action of the authorities concerned in denying an appointment to a selected candidate is challenged, the burden lies on the respondent to justify its decision not to appoint the candidate from the select list.

48. In the case of “**Sachin Kumar and Others**” (supra), the Hon’ble Supreme Court reaffirmed the principles that even in cases involving large-scale irregularities, the right of bona fide candidates must be protected. It has been categorically held that malfeasance on the part of a few individuals should not result in penalizing those who were not involved in any wrongdoing. The state authorities are obligated to distinguish between culpable and innocent candidates, and ensure that those found to be uninvolved in any malpractice are not unjustly denied their appointments. In para 35, 41 and 42, it has been held that:-



“35. In deciding this batch of SLPs, we need not reinvent the wheel. Over the last five decades, several decisions of this Court have dealt with the fundamental issue of when the process of an examination can stand vitiated. Essentially, the answer to the issue turns upon whether the irregularities in the process have taken place at a systemic level so as to vitiate the sanctity of the process. There are cases which border upon or cross over into the domain of fraud as a result of which the credibility and legitimacy of the process is denuded. This constitutes one end of the spectrum where the authority conducting the examination or convening the selection process comes to the conclusion that as a result of supervening event or circumstances, the process has lost its legitimacy, leaving no option but to cancel it in its entirety. Where a decision along those lines is taken, it does not turn upon a fact-finding exercise into individual acts involving the use of malpractices or unfair means. Where a recourse to unfair means has taken place on a systemic scale, it may be difficult to segregate the tainted from the untainted participants in the process. Large-scale irregularities including those which have the effect of denying equal access to



similarly circumstanced candidates are suggestive of a malaise which has eroded the credibility of the process. At the other end of the spectrum are cases where some of the participants in the process who appear at the examination or selection test are guilty of irregularities. In such a case, it may well be possible to segregate persons who are guilty of wrongdoing from others who have adhered to the rules and to exclude the former from the process. In such a case, those who are innocent of wrongdoing should not pay a price for those who are actually found to be involved in irregularities. By segregating the wrongdoers, the selection of the untainted candidates can be allowed to pass muster by taking the selection process to its logical conclusion. This is not a mere matter of administrative procedure but as a principle of service jurisprudence it finds embodiment in the constitutional duty by which public bodies have to act fairly and reasonably. A fair and reasonable process of selection to posts subject to the norm of equality of opportunity under Article 16(1) is a constitutional requirement. A fair and reasonable process is a fundamental requirement of Article 14 as well. Where the recruitment to public



employment stands vitiated as a consequence of systemic fraud or irregularities, the entire process becomes illegitimate. On the other hand, where it is possible to segregate persons who have indulged in malpractices and to penalise them for their wrongdoing, it would be unfair to impose the burden of their wrongdoing on those who are free from taint. To treat the innocent and the wrongdoers equally by subjecting the former to the consequence of the cancellation of the entire process would be contrary to Article 14 because unequals would then be treated equally. The requirement that a public body must act in fair and reasonable terms animates the entire process of selection. The decisions of the recruiting body are hence subject to judicial control subject to the settled principle that the recruiting authority must have a measure of discretion to take decisions in accordance with law which are best suited to preserve the sanctity of the process. Now it is in the backdrop of these principles, that it becomes appropriate to advert to the precedents of this Court which hold the field.

41. On the other hand, the judgment of a two-Judge Bench of this Court in *Union of India v.*



Rajesh P.U.11 involved a situation where a selection list consequent to a written examination, interview and physical fitness test for filling up the posts of constables in the CBI was cancelled, due to allegations of favouritism on the part of the officers conducting the physical efficiency test and irregularities in the written examination. A challenge to the cancellation failed before the Tribunal upon which proceedings were initiated before the High Court. A committee had been appointed by the Director, CBI, which upon meticulous examination found that 31 candidates who were otherwise Ineligible were included in the selection list and an equal number of eligible candidates was ousted. In this backdrop, the High Court found 12 that there was no justification to cancel the entire selection when the impact of irregularities which had crept into the evaluation of merits could be identified specifically and was found on verifying the records to have resulted in 31 candidates being selected undeservedly.

42. Upholding the view of the High Court, a two-Judge Bench of this Court held: (Rajesh P.U. case, SCC p. 290, para 6)



"6.... In the light of the above and in the absence of any specific or categorical finding supported by any concrete and relevant material that widespread infirmities of an all-pervasive nature, which could be really said to have undermined the very process itself in its entirety or as a whole and it was impossible to weed out the beneficiaries of one or the other irregularities, or illegalities, if any, there was hardly any justification in law to deny appointment to the other selected candidates whose selections were not found to be, in any manner, vitiated for any one or the other reasons. Applying a unilaterally rigid and arbitrary standard to cancel the entirety of the selections despite the firm and positive information that except 31 of such selected candidates, no infirmity could be found with reference to others, is nothing but total disregard of relevancies and allowing to be carried away by irrelevancies, giving a complete go-by to contextual considerations throwing to the winds the principle of proportionality in going farther than what was strictly and



reasonably to meet the situation. In short, the competent authority completely misdirected itself in taking such an extreme and unreasonable decision of cancelling the entire selections, wholly unwarranted and unnecessary even on the factual situation found too, and totally in excess of the nature and gravity of what was at stake, thereby virtually rendering such decision to be irrational."

49. In further support of this principle, the Hon'ble Supreme Court, in ***Union of India & Others vs. Rajesh P.U., Puthuvalnikathu & Another***, reported in (2003) 7 SCC 285, held that the adoption of a rigid and arbitrary standard to annul the entire selection process, despite concrete and positive information suggesting that irregularities pertained only to a few candidates, is legally untenable. The Court observed that such a decision displays a blatant disregard for relevant considerations and reflects a complete misdirection of the exercise of discretion by the competent authority. The cancellation of the entire selection, in such circumstances, was held to be excessive, irrational, and grossly disproportionate to the actual irregularities detected. Relevant paragraph is quoted below for ready reference:

"6.Applying a unilaterally rigid and arbitrary standard to cancel the entirety of the selections despite the firm and positive



information that except 31 of such selected candidates, no infirmity could be found with reference to others, is nothing but total disregard of relevancies and allowing to be carried away by irrelevancies, giving a complete go-by to contextual considerations throwing to the winds the principle of proportionality in going farther than what was strictly and reasonably to meet the situation. In short, the competent authority completely misdirected itself in taking such an extreme and unreasonable decision of cancelling the entire selections, wholly unwarranted and unnecessary even on the factual situation found too, and totally in excess of the nature and gravity of what was at stake, thereby virtually rendering such decision to be irrational.

7. For all the reasons stated above, we could not find any infirmity whatsoever in the judgment of the High Court which adopted a practical, pragmatic, rational and realistic solution to the problem. The appeal, therefore, fails and shall stand dismissed. The interim order earlier granted thus automatically stands revoked. The appointments shall be made within 60 days from this day, without any further delay. No costs.”



50. This Court is also of the considered view that the respondents cannot be permitted to take advantage of their own administrative lapses and prolonged inaction. The delay in finalization of the recruitment process, coupled with failure to promptly act on forensic reports, lies squarely at the doorstep of the respondents. The candidates, including the petitioners, cannot be made to suffer for inefficiency or indecision of the recruiting authority. Such conduct offends the constitutional mandate of fairness and equality in public employment under Articles 14 and 16 of the Constitution of India.

51. In the case of “**Shivnandan C.T.**” (supra), the Hon’ble Supreme Court has held that:-

“18. The basis of the doctrine of legitimate expectation in public law is founded on the principles of fairness and non-arbitrariness in Government dealings with individuals. It recognises that a public authority’s promise or past conduct will give rise to a legitimate expectation. The doctrine is premised on the notion that public authorities, while performing their public duties, ought to honour their promises or past practices. The legitimacy of an expectation can be inferred if it is rooted in law, custom, or established procedure.”

52. In the case of “**Shankarshan Dash**” (supra), the Hon’ble Supreme Court has held that:-



“7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at b the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in *State of Haryana v. Subhash Chander Marwaha*, *Neelima Shangla v. State of Haryana*², or *Jatendra Kumar v. State of Punjab*.”



53. In the case of “**Tej Prakash Pathak**” (supra), the Hon’ble Supreme Court has held that:-

“63. In Section (C) above, we have already noticed the Constitution Bench decision of this Court in *Shankarsan Dash*⁴⁵ where it was held: (SCC p. 51, para 7)

"7. ... Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted."

64. Thus, in light of the decision in *Shankarsan Dash*⁴⁵, a candidate placed in the select list gets no indefeasible right to be appointed even if vacancies are available. Similar was the view taken by this Court in *Subash Chander Marwaha*³ where against 15 vacancies only top 7 from the



select list were appointed. But there is a caveat. The State or its instrumentality cannot arbitrarily deny appointment to a selected candidate. Therefore, when a challenge is laid to State's action in respect of denying appointment to a selected candidate, the burden is on the State to justify its decision for not making appointment from the select list.

65.6. Placement in the select list gives no indefeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list."

54. The reliance placed by the respondents on the judgments cited by them does not advance their case in the facts of the present matter. It is no doubt well settled, as held in **Shankarsan Dash** (supra) and reiterated in **Tej Prakash Pathak** (supra), that a candidate does not acquire an indefeasible right to appointment merely by participating in or even qualifying a selection process. However, these very authorities equally emphasize that the State cannot act arbitrarily or deny appointment without bona fide and justifiable reasons. Similarly, while the respondents have sought to rely on decisions such as **Baishakhi Bhattacharyya** (supra) and **Gohil Vishvaraj Hanubhai** (supra) to



contend that large-scale irregularities justify cancellation, those judgments are clearly distinguishable, as they apply only in cases where the entire selection process is vitiated by systemic fraud or where segregation between tainted and untainted candidates is impossible.

55. In the present case, the material on record, including the forensic reports, unmistakably demonstrates that the alleged irregularities were confined to identifiable candidates and that segregation was not only possible but had in fact been substantially undertaken. Therefore, the respondents' plea that the entire process stood irreparably tainted and incapable of segregation is not supported by the evidence. Consequently, the principles laid down in the judgments cited by the respondents, instead of supporting wholesale cancellation, reinforce the requirement of a fair, proportionate, and reasoned decision, and thus do not enure to their benefit in the present case.
56. In view of the foregoing discussion, this Court is of the considered opinion that the impugned cancellation order dated 12.01.2023 cannot be sustained in law. The same suffers from arbitrariness, non-application of mind, absence of reasons, and failure to adopt a proportionate course of action. Consequently, all the writ petitions deserve to be **allowed**. The impugned cancellation is hereby quashed and set aside. The respondents are directed to proceed with the recruitment process in accordance with the law by segregating tainted and untainted candidates on the basis of available forensic material and other records, and to complete the selection process and declare



the result of eligible candidates within a period of three months from the date of receipt of a copy of this order.

57. However, such appointments shall be subject to the outcome of the ongoing CBI inquiry/investigation. The respondent FCI is directed to include a clear and unambiguous clause in the appointment orders stipulating that any adverse findings emerging in the future pursuant to the CBI inquiry/investigation may lead to appropriate legal action, including termination of service. This safeguard ensures that the appointments are not to be treated as final exoneration or immunity from scrutiny.

Sd/-
(Ravindra Kumar Agrawal)
Judge

ved



HEAD NOTE

Where irregularities in a recruitment process are confined to identifiable candidates and segregation between tainted and untainted candidates is feasible, wholesale cancellation of the entire selection is arbitrary and impermissible, and the authority must proceed by excluding only the tainted candidates.