



\$~35 to 37, 40

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10630/2024

ROSHAN AND ORS

.....Petitioners

versus

UNION OF INDIA & ORS.

.....Respondents

With

W.P.(C) 11880/2024, W.P.(C) 12660/2024 & W.P.(C) 4738/2026.

For Petitioners: Ms. Latika Choudhury, Advocate in Items 37, 40.
Mr. Sachin Chauhan, Advocate in Item 35.
Dr. S.S. Hooda, Advocate in Item 36.

For Respondents: Mr. Sanjay Khanna, SC for NTA with Ms. Pragya Bhushan, Ms. Jaya Choudhary, Mr. Saurabh Pandey and Mr. Naman Dwivedi, Advocates.
Ms. Manisha Singh and Ms. Ritika, Advocate for JNU in Item 40.
Mr. Shoumendu Mukherji, SPC with Ms. Megha Sharm and Mr. Kalyan Babu, GP for UOI in Item 35.
Mr. Vasanth Rajasekaran, SSC with Mr. Karan Prakash, Mr. Harshvardhan Korada, Ms. Deepshikha Kumar and Mr. Om Bali, Advocates for JNU in Item 35.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

%

02.07.2026

1. This batch of writ petitions assails communications dated 5th February, 2024, 6th May, 2024, and 28th June, 2024, issued by the



Respondent-University in relation to Advertisement No. 1/RC(NT)/2023, whereby the recruitment process for the post of Multi-Tasking Staff¹ Group 'C', Pay Level-1, was initially withheld and thereafter withdrawn with immediate effect.

2. The Respondent-University had issued the aforesaid advertisement, inviting applications for various non-teaching posts, including 79 vacancies for the post of MTS. The Petitioners applied to the said post, participated in the selection process, qualified the written examination and were thereafter called for document verification. Before the recruitment process could culminate, the University, by notification dated 5th February, 2024, placed the process on hold on administrative grounds. The said position was reiterated by a subsequent notification dated 6th May, 2024.

3. Thereafter, by communication dated 28th June, 2024, the Respondent-University withdrew the recruitment process for the post of MTS with immediate effect, citing administrative reasons in terms of the general conditions of the advertisement. The impugned communication is extracted hereinunder:

“NOTICE

Re: Recruitment of Multi-Tasking Staff [Advt. No. 1/RC(NT)/2023]

This is to inform and notify to all the concerned that the competent authority of the Jawaharlal Nehru University has decided that the Advt. No. 1/RC(NT)/2023; only with respect to the recruitment for the post of Multi-Tasking Staff (MTS) at Group C, Pay Level 1, is hereby withdrawn with immediate effect for administrative reasons as per the General Terms and Conditions governing the aforesaid advertisement.”

¹ “MTS”



4. The Petitioners seek a direction to the Respondent-University to complete the recruitment process by issuing appointment letters in their favour, subject to verification of documents and fulfilment of the prescribed eligibility conditions.

5. At the outset, it is pertinent to note that a similar challenge to the impugned communications was considered by this Court in W.P.(C) 5421/2026. By a detailed order dated 22nd April, 2026, this Court dismissed the writ petition after examining the validity of the impugned action on merits. The Court further held that the petition, having been instituted nearly two years after the issuance of the impugned communications, was also liable to be dismissed on the ground of delay and laches.

6. In the present case, insofar as W.P.(C.) 10630/2024, W.P.(C.) 11880/2024 and W.P.(C.) 12660/2024 are concerned, the petitions were instituted shortly after issuance of the impugned communications and, therefore, the objection relating to delay and laches does not arise. However, W.P.(C.) 4738/2026, having been instituted nearly two years thereafter, stands on the same footing as W.P.(C) 5421/2026, and the findings recorded therein on the issue of delay and laches would equally govern the said petition.

7. Counsel for the Petitioners contends that, besides the issues examined in the aforesaid order, the present batch of petitions also raises certain additional questions which were neither urged nor considered in the earlier decision. Placing reliance on the decision of the Supreme Court in ***Shankarsan Dash v. Union of India***,² it is contended that although a candidate may not possess an indefeasible right to appointment merely upon



selection, the employer cannot, without *bona fide* reasons, arbitrarily abandon a recruitment process. It is urged that the recruitment process in the present case had substantially progressed, with the Petitioners having been shortlisted and called for document verification, and that the subsequent withdrawal of the recruitment process is liable to be tested on the touchstone of Articles 14 and 16 of the Constitution of India.

8. Counsel for the Petitioners further contend that the impugned communications disclose no cogent or discernible reasons for the abandonment of the recruitment process. It is submitted that the impugned decision has caused serious prejudice to several Petitioners, some of whom resigned from their existing employment, while others secured No Objection Certificates³ from their respective employers, in legitimate anticipation of joining the Respondent-University upon completion of the selection process. It is further urged that the abrupt withdrawal of the recruitment exercise, without affording the Petitioners any opportunity to be heard, is arbitrary and violative of the principles of natural justice

9. Conversely, counsel for the Respondent-University contends that the impugned decision was taken in the exercise of its administrative discretion, guided by prevailing institutional requirements and operational exigencies. It is submitted that considerations such as organisational priorities, staffing needs, and the availability of vacancies are inherently dynamic and fall squarely within the employer's administrative domain. The Respondent accordingly maintains that the decision is founded on relevant considerations, bears a rational nexus to institutional requirements, and is

² AIR 1991 SC 1612

³ "NOC"



neither arbitrary nor vitiated by *mala fides*.

10. Reliance is placed on Clause 21 contained in Section-C of the impugned recruitment advertisement, which provides that the University reserves the right to withdraw an advertisement, either partly or wholly, at any time without assigning any reason. It is submitted that, having participated in the recruitment process pursuant to the said advertisement, the Petitioners are bound by its terms and conditions, including the University's reserved right to withdraw the advertisement. It is, therefore, contended that no enforceable right accrues in favour of the Petitioners to seek completion of the recruitment process or appointment merely on account of their participation therein.

11. Counsel for the Respondent-University further submits that although the recruitment process for the post of MTS was initially withheld on administrative grounds and was ultimately withdrawn by communication dated 28th June, 2024, vacancies have subsequently been notified and filled through recruitment exercises undertaken pursuant to fresh advertisements, in accordance with the University's prevailing requirements.

12. The Court has considered the rival submissions. The principal challenge has already been considered by this Court in its judgment dated 22nd April, 2026 passed in W.P.(C.) 5421/2026. The findings recorded therein, which govern the principal controversy in the present batch, are extracted below for ease of reference:

“5. The Court has considered the aforesaid submissions and examined the material placed on record. At the outset, it must be noted that the recruitment notice initially placed on record by the Petitioner was incomplete, inasmuch as it did not include the eligibility criteria and the general terms and conditions forming part of the advertisement. A complete copy of the advertisement has been furnished by counsel for



Respondent Nos. 2 and 3 and is taken on record. A perusal thereof shows that Section C of the advertisement deals with the general terms and conditions. Clause 21 specifically stipulates that “The University reserves the right to withdraw an advertisement, either partly or wholly, at any time without assigning any reason.” This stipulation makes it clear that the Respondent University was vested with the authority to withdraw the recruitment process.

6. Furthermore, it is also material to note that the Petitioner had not been selected for the post in question; he had merely qualified the written examination and was called for the stage of document verification. It is well settled that mere participation in a selection process, or even inclusion in a select list, does not confer an indefeasible right to appointment, and it is for the government to decide whether to fill all the vacancies or not for a valid reason.

7. In this backdrop, the submission of the Respondents that the recruitment process could be withdrawn for administrative reasons, cannot be discarded as illegal. The existence of an express clause enabling withdrawal fortifies the position of the Respondents.

....XX....XX....XX....

9. Additionally, it is pertinent to note that the impugned notification was issued on 28th June, 2024, whereas the present petition has been instituted after a lapse of nearly two years. Such unexplained delay and laches also weigh against the Petitioner in seeking discretionary relief under Article 226 of the Constitution of India. In the absence of any satisfactory explanation for the delay, this Court is not inclined to exercise its writ jurisdiction to interfere with the impugned action, particularly when no vested or accrued right in favour of the Petitioner has been demonstrated.

10. For the foregoing reasons, the present petition is disposed of along with pending application(s), if any.”

13. In view of the aforesaid decision, the principal issue regarding the validity of the Respondent-University’s decision to withdraw the recruitment process no longer survives for fresh consideration. The only question that remains is whether the additional submissions advanced on behalf of the Petitioners distinguish the present batch from the earlier decision or otherwise warrant a departure from the conclusions already recorded by this Court.

14. The Petitioners have placed reliance on the judgement of the Supreme



Court in ***Shankarsan Dash*** to contend that an employer's decision not to fill up vacancies must be *bona fide* and free from arbitrariness. However, the said observation must be understood in the context in which it was rendered. In the judgment, the Supreme Court also held that the mere issuance of a recruitment notification and the existence of vacancies do not confer an indefeasible right to appointment upon successful candidates. A recruitment notification is merely an invitation to apply, and unless the applicable recruitment rules provide otherwise, the State is under no legal duty to fill all or any of the advertised vacancies. It is in that context that the Supreme Court clarified that the discretion not to fill vacancies cannot be exercised arbitrarily and must be founded on *bona fide* and appropriate reasons.

15. In the present case, the Petitioners have been unable to point to any provision in the applicable recruitment rules or any stipulation in the recruitment advertisement that casts a mandatory obligation upon the Respondent-University to fill the advertised vacancies or to carry the selection process through to appointment. The mere initiation of a recruitment process, even where vacancies exist and applications have been invited, does not create a vested or enforceable right in favour of candidates to insist that the vacancies be filled. At best, a candidate acquires a right to fair and non-arbitrary consideration in accordance with the governing rules. It is, therefore, well-settled that while an employer's decision to abandon or withdraw a recruitment process remains amenable to judicial review, the Court's scrutiny is confined to examining whether such decision is vitiated by arbitrariness, *mala fides*, extraneous considerations, or manifest unreasonableness. The question, therefore, is not whether the Respondent-University was bound to proceed with the recruitment, but whether the



decision to discontinue the process was founded on *bona fide* and germane considerations.

16. The Court is conscious that the counter affidavit filed by the Respondent-University does not furnish any detailed explanation for the withdrawal of the recruitment process and contains only a brief assertion in that regard. However, during the course of hearing, the Respondent-University has stated that following the decision dated 28th June 2024, the vacancies earmarked for the post of MTS were subsequently notified and filled through fresh recruitment exercises undertaken under later advertisements. This circumstance assumes significance. It indicates that the Respondent-University did not seek to abolish the posts, reduce the cadre strength, or permanently abandon the vacancies. The impugned decision was confined to discontinuance of the particular recruitment process then underway.

17. In service jurisprudence, the distinction between withdrawal of a recruitment process and abolition of vacancies is material. While the latter may raise issues concerning the existence of posts, the former concerns the employer's prerogative to determine the manner and timing of recruitment, subject only to the requirement that such decision be free from arbitrariness, *mala fides*, or extraneous considerations. Once the recruitment process stood withdrawn and the vacancies were thereafter filled through an independent recruitment exercise, the Petitioners cannot claim any vested or enforceable right to insist upon revival, continuation, or completion of the abandoned selection process. At best, the Petitioners were entitled to fair and lawful consideration under that process for so long as it subsisted. Upon its valid withdrawal, no surviving legal right remained capable of enforcement



through a writ of mandamus.

18. The Petitioners' reliance on ***Shankarsan Dash*** is misplaced. That decision arose in a materially different factual setting. The Constitution Bench was concerned with a situation where vacancies remained unfilled despite the existence of a duly prepared select list, and the challenge was directed against the State's decision not to make appointments against those vacancies. The Court accordingly examined whether the refusal to fill the notified posts was arbitrary and, upon finding that the applicable recruitment rules did not impose a mandatory obligation to fill every advertised vacancy, declined to issue a mandamus directing appointment. The present case stands on an altogether different footing. The recruitment process had not matured into a select list or culminated in any appointment. The Petitioners had merely qualified the written examination and were awaiting the next stage of the selection process when the Respondent-University decided to withdraw the recruitment exercise itself. The controversy, therefore, does not concern a refusal to appoint candidates from an existing select list; it concerns the legality of a decision to discontinue an ongoing recruitment process before its culmination, a question to which the ratio of ***Shankarsan Dash*** applies only in a limited sense.

19. It is also relevant to note that Clause 21 of the General Terms and Conditions accompanying the impugned advertisement expressly reserved to the University the right to withdraw the advertisement, either wholly or partly, at any stage without assigning reasons. While such a stipulation cannot be construed as conferring an unfettered discretion and remains subject to the constitutional requirements of fairness, non-arbitrariness, and reasonableness, it nevertheless indicates that the recruitment process was not



intended to be irrevocable merely because certain stages had been completed. The clause thus lends support to the University's position that the recruitment exercise could be withdrawn prior to its culmination, provided the decision to do so is otherwise legally sustainable.

20. The Petitioners' submission that the recruitment process had substantially progressed, inasmuch as they had qualified the written examination and were called for document verification, also does not advance their case. It may be undeniable that the Petitioners had reached an advanced stage of the selection process. However, mere progression through successive stages of recruitment cannot, by itself, crystallise a legal right to appointment. What remains determinative is whether the process had culminated in the creation of an enforceable entitlement. In the present case, no final select list had been acted upon and no appointment letters had been issued before the Respondent-University, on 28th June, 2024, took the decision to withdraw the recruitment exercise. The Petitioners, therefore, possessed at best a legitimate expectation of being considered further in the selection process, but not a vested right capable of being enforced through a writ of mandamus.

21. This Court is not unmindful of the hardship asserted by certain Petitioners who state that they resigned from existing employment, declined other opportunities, or obtained No Objection Certificates in anticipation of joining the Respondent-University. Such circumstances, if established, may have resulted in genuine personal prejudice and disappointment. Nevertheless, judicial review must proceed on the basis of legally enforceable rights and not solely on the basis of the consequences that may flow from an administrative decision. An expectation of appointment,



however *bona fide* or strongly held, cannot mature into an enforceable legal entitlement merely because a candidate has altered his or her position on the assumption that the recruitment process would culminate in appointment. To hold otherwise would be to confer legal rights where none had yet accrued under the governing recruitment framework.

22. The challenge founded on the principles of natural justice is equally untenable. The impugned decision was not directed against any individual candidate, nor was it based on any adverse assessment regarding the eligibility, suitability, or conduct of the Petitioners. It was a decision of general application to withdraw the recruitment process for the post of MTS in its entirety and operated uniformly upon all candidates participating therein. The requirement of a pre-decisional hearing ordinarily arises where an administrative action entails civil consequences flowing from an individual determination affecting a person's rights or interests. Where, however, the authority takes a policy decision of general application that does not involve any adjudication upon the rights, qualifications, or conduct of particular individuals, the *audi alteram partem* rule has limited application. In the facts of the present case, the decision under challenge belonged to the latter category and, therefore, did not attract an obligation to afford an individual hearing to each candidate before its issuance.

23. In light of the foregoing discussion, this Court finds no ground to depart from the view taken in the judgment dated 22nd April, 2026, in W.P.(C.) 5421/2026. The additional submissions advanced on behalf of the Petitioners, when examined in the context of the applicable legal principles and the factual matrix of the present case, do not disclose any circumstance that would justify a different conclusion. This Court is,



therefore, unable to hold that the impugned communications are vitiated by arbitrariness, *mala fides*, procedural unfairness, or any other infirmity warranting interference in exercise of the extraordinary jurisdiction under Article 226 of the Constitution of India.

24. Accordingly, and for the reasons recorded hereinabove, the present petitions are dismissed. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

JULY 2, 2026

nk