



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No. 15193 of 2025

Aniruddha Purohit and Others ***Petitioners***
Ms. Saswati Mohapatra, Advocate
-versus-
Union of India and Others ***Opp. Parties***
Mr. Manoj Kumar Pati, Sr. Panel Counsel

CORAM:
JUSTICE KRISHNA SHRIPAD DIXIT
JUSTICE CHITTARANJAN DASH

Order No.

ORDER
24.02.2026

09. Group-D Railway employees are knocking at the doors of Writ Court for assailing the order dated 08.05.2025 of the Central Administrative Tribunal, Cuttack Bench, Cuttack, whereby their O.A.No. 260/00692 of 2024 has been negatived. In the said OA, they had called in question the order dated 26.09.2024 whereby the selection list for the promotional posts of Goods Train Manager has been rescinded on the ground that the Notification dated 10.01.2024, which had set the promotion process itself was faulty.

2. Learned counsel appearing for the Petitioners vehemently argues that the process for promotion was initiated in terms of the Notification dated 10.01.2024 issued in terms of Railway Board Circular of 2018; the said circular was acted upon in several other occasions of promotion in the Sambalpur Division itself; the selection process having been accomplished, the Select List was published wherein Petitioners rightly figured; that being the position, the same could not have been rescinded on the allegation of six other employees, who were admittedly



ineligible in the fray; even these employees have been promoted subsequently vide order dated 12.03.2025; the view of Tribunal that the selectee does not have indefeasible right to appointment itself is defective in view of march of law by a catena of decisions; there was no ambiguity of any kind in the subject notification that had set the promotional ball for rolling; that being the position, there was absolutely no justification for the so-called Committee to hold that there was ambiguity in the notification and therefore, the process should be rescinded.

3. Learned Senior Panel Counsel appearing for the OPs makes submissions in justification of the impugned order and the reasons on which it has been constructed. He tells us that a High Level Committee having looked into the matter have recommended for rescinding of selection process on account of the subject notification being ambiguous as to particular qualification; because of that those, who were otherwise eligible, could not enter the zone of consideration for promotion. The petition being one under Article 227, which gives a limited supervisory jurisdiction, this Court cannot undertake a deeper examination of the impugned order, as it is sitting in appeal over the same. So contending, he seeks dismissal of the Writ Petition.

4. Having heard learned counsel for the parties and having perused the petition papers, we are inclined to grant indulgence in the matter as under and for the following reasons:

4.1. There is absolutely no dispute as to Petitioners being eligible and qualified for staking their claim for promotion to the higher cadre of Goods Train Manager and that accordingly,



they had staked their claim pursuant to the advertisement dated 10.01.2024. The last date of applying was 31.01.2024. After the initial scrutiny accomplished on 05.02.2024, the eligibility list of candidates was published on 28.02.2024. Written examination was conducted in the 1st week of April, 2024. Result was published on 05.08.2024 favouring the candidature of Petitioners and negating that of six ineligible candidates.

4.2. On the representation of the said six ineligible candidates made on 11.09.2024, the Select List came to be rescinded vide Notification dated 26.09.2024 acting on the recommendation of a Committee that allegedly conducted enquiry and came to a conclusion that the eligibility conditions stipulated in the notification dated 10.01.2024 were ambiguous. This is bit difficult to agree with, inasmuch as the same has been done at the instance of ineligible candidates, who having staked their claim for promotion, were not favoured. They had not raised even a little finger while participating in the process. Their representation made subsequently is only an afterthought clandestinely intended to halt the process and thereby denying to the Petitioners their rightful career advancement by way of promotion. This aspect of the matter has not been duly treated by the Tribunal.

4.3. It is very relevant to mention that the very same condition of eligibility/qualification specified by the Railway Management vide 2018 Circular has been acted upon in other promotional process in the very same Sambalpur Division and that 67 persons came to be selected & promoted in the UR category out of 129 in the Select List, vide order dated



19.11.2021. It remains to be a mystery wrapped in enigma as to how abruptly the subject stipulation becomes ambiguous and process of promotion becomes flawed. At no point of time, any opportunity of hearing was given by the OPs nor by the Enquiry Committee nor were given a copy of the Enquiry Report that had recommended cancellation of the process. If all the aspirants for promotion do understand what the stipulation in substance was, there was absolutely no justification whatsoever to hold it ambiguous.

4.4. The vehement submission of learned Senior Panel Counsel appearing for the OPs contends that merely because names of the Petitioners figured in the Selection List, that would not give them an indefeasible right to promotion, is too broad a proposition to be accepted. The right is not indefeasible is true. That does not mean the Select List can be set at naught for the fall of a hat. When the process has been accomplished, there has to be a cogent reason as to why the same should be rescinded and the selectees should be denied promotion. The Apex Court in ***East Coast Railway vs. Mahadev Appa Rao***, (2010) 7 SCC 678 at Para-14 and 17 has made certain observations which reflect our view:

“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 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.”

4.5. Learned counsel for the Petitioners is right in contending that the Tribunal has structured the impugned order relying on **Hamma Prasad v. Union of India**, (1996) 10 SCC 742, **S. Renuka v. State of A.P.**, (2002) 5 SCC 195 and **State of Orissa v. Rajkishore Nanda**, AIR 2010 SC 2100. In **Rajkishore**, it is observed as under:

"A person whose name appears in the select list does not acquire any indefeasible right of appointment. Empanelment at the best is a condition of eligibility for purpose of appointment and by itself does not amount to selection or create a vested right to be appointed. The vacancies have to be filled up as per the statutory rules and in conformity with the constitutional mandate."

One cannot have any quarrel with the above proposition which obtains in the Service Jurisprudence since long. However, when the decision to rescind the Select List itself is found to be flawed, there is no justification for the OPs to halt the selection process from fructifying into appointment, which aspect has been discussed in **Mahadev Appa Rao supra**. Oft quoted decision of House of Lords **Quinn v. Leatham**, [1901] AC 495 (HL) becomes relevant here also. Lord Halsbury observed that a decision is an authority for the proposition that it lays down in a



given fact matrix, and not for all that which logically follows from what has been so laid down. The Tribunal failed to notice that, the OPs being a constitutionally ordained model employer, vide ***Bhupendra Nath Hazarika v. State of Assam***, AIR 2013 SC 234, could not have acted like East India Company of the Colonial Era. They have to conduct themselves without any arbitrariness & unreasonableness. Their action should be just & fair. Anything less than that would not do in a welfare governance founded on Rule of Law.

In the result, the petition is allowed. A Writ of Certiorari issues quashing the impugned order of the Tribunal; Petitioners' O.A. No. 260/00692 of 2024 having been favoured, the cancellation order dated 26.09.2024 is set aside. A Writ of Mandamus issues to the Opposite Parties to accomplish the promotion process by operating the Select List dated 05.08.2024 within an outer limit of eight (8) weeks. Delay shall be viewed seriously at the next level of legal battle, if and when launched, costs reluctantly made easy.

Web copy of order to be acted upon by all concerned.

(Krishna Shripad Dixit)
Judge

(Chittaranjan Dash)
Judge