



2026:AHC:32161-DB

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 2096 of 2026

Pooran Lal Meena and 6 others

.....Petitioner(s)

Versus

Union of India and 4 others

.....Respondent(s)

Counsel for Petitioner(s) : Shyam Sundar Pal, Vinod Kumar
Counsel for Respondent(s) : A.S.G.I., Shiv Kumar Pal

Chief Justice's Court

HON'BLE ARUN BHANSALI, CHIEF JUSTICE
HON'BLE KSHITIJ SHAILENDRA, J.

1. Heard Shri Vinod Kumar, learned counsel for the petitioners and Shri Shiv Kumal Pal, learned counsel for respondent Nos.1 to 4.
2. The petitioners, who are seven in number, have assailed validity of the order dated 17.09.2025 whereby the Central Administrative Tribunal, Allahabad has dismissed their Original Application ('O.A.') No.578 of 2022 being devoid of merits. The O.A. was filed claiming a direction to the respondents to appoint the petitioners on Group-D posts with all consequential benefits in the light of judgment dated 02.05.2019 passed in O.A. No.291 of 2014 and to grant all other benefits from the date juniors were appointed. Further relief was claimed for decision on pending representation and to provide the result of 20% extra candidates along with vacancy chart of Group-D posts qua employment notice No.01/2007.
3. The case of the petitioners is that six of them, except petitioner No.5, belong to Scheduled Tribes Category (ST) and the petitioner No.5 belongs to Other Backward Class (OBC). All the petitioners applied for Group-D posts in pursuance of an employment notice No.01/2007 issued by the Railway Recruitment Cell, Allahabad against 2968 vacancies. The petitioners appeared in and cleared stages of written examination, paper verification and interview and were kept under select list of 20% extra selected candidates. Out of 2968 vacancies, only 2764 were filled in the year 2012 and additional list of 160 selected candidates was issued in the year 2013 and, after disqualifying 44 candidates, around 300 posts were

lying vacant due to non-turning up of the candidates.

4. Further case is that O.A. No.291 of 2014 was filled by three other candidates from select list of 20% extra candidates, which was decided by the Tribunal on 02.05.2019 directing the respondents to consider the claim of those applicants as well as other candidates from the said extra list for appointment against vacant posts due to non-joining of selected candidates. According to the petitioners, the respondents adopted pick and choose policy and issued offer of appointment to few persons without taking into consideration the claim of rest of the candidates of the said list and, therefore, the O.A. giving rise to the present writ petition was filed.

5. The claim of the petitioners was contested by the respondents by filing counter affidavit taking a stand that pursuant to the process of selection, a panel of 2764 eligible candidates was declared and result of 204 candidates was withheld. Subsequently, a list of 160 candidates was declared and due to some infirmities in documents, result of 44 candidates was withheld and was sent for inquiry but no request from establishment panel was received by the indenting Railway/unit.

6. As regards the petitioners herein, stand was taken in the counter affidavit as well as supplementary counter affidavit that pursuant to order dated 02.05.2019 passed by the Tribunal in O.A. No.291 of 2014, against 44 vacancies, category wise vacancies are 25(UR), 3(OBC), 6(SC), 10(ST), extended cut off rank was prepared for category Unreserved-2734, OBC-3664, SC-3836, ST-4706 and the candidates were selected accordingly. Further stand is that the ranks secured by the petitioners against extended cut off are: petitioner No. 1 (ST)-5420, petitioner No. 2 (ST)-5273, petitioner No. 3 (ST)-5067, petitioner No. 4 (ST)-5154, petitioner No. 5 (OBC)-3977, petitioner No. 6 (ST)-5408 and petitioner No. 7 (ST)-4909. Further stand is that the representation dated 30.05.2022 preferred by the petitioners was decided vide order dated 15.06.2022 clarifying that the number of vacancies are 44 instead of 300, as falsely claimed by the petitioners.

7. The Tribunal, after considering the case of the parties and also noticing the fact that subsequent to employment notification of 2007, further notifications of years 2010, 2012, 2013 and 2015 have already been

issued and selection process has also been completed, held that no relief can be granted to the petitioners for an additional reason that even if their case against 44 vacancies is tested, they would not fall within the cut off ranks of extended list in different categories and that more meritorious candidates are available in the list of 20% additional candidates. Consequently, the OA was dismissed.

8. Learned counsel for the petitioners has made submissions that since many candidates, despite their selection, did not turn up to join the posts, claim of candidates (including the petitioners) from extra list of 20% candidates still survives and, therefore, in compliance of the order dated 02.05.2019 passed in O.A. No.291 of 2014, the petitioners should have been granted relief as claimed by them. Further submission has been made that under identical circumstances, High Court of Madhya Pradesh at Jabalpur has decided **Misc. Petition No.5700 of 2025 (Sumit Ahirwar v. Union of India and others)** on 12.01.2026 and though judgment is subsequent to passing of the impugned order by the Tribunal, the same be read in favour of the petitioners and writ petition be allowed.

9. Learned counsel for the contesting respondents has supported the order impugned and submission has been made that the stand of the petitioners regarding 300 vacancies has been found without any basis and only 44 posts were vacant, subsequent notifications were issued and selection process based thereupon has also been completed and, even otherwise, as the petitioners were quite low in the order of merit in their respective categories, they have no case.

10. We have considered the submissions made and have perused the material available on record.

11. A perusal of record indicates that insofar as the O.A. No.291 of 2014 is concerned, the same was filed by three persons other than the present petitioners. Nevertheless, the direction issued by the Tribunal in its order dated 02.05.2019 was to consider the claim of the applicants in O.A. as well as other candidates from extra list of 20% candidates for appointment against vacant posts due to non-joining of selected candidates from select lists issued by the department in March, 2012 and August, 2013.

12. It is not in dispute that the representation submitted by the petitioners in the year 2022 was decided by the competent authority on 15.06.2022 indicating that only 44 posts remain and not 300, as wrongly alleged by the petitioners and that the said remaining posts were being filled up in compliance of the order dated 02.05.2019 passed in O.A. No.291 of 2014. The petitioners, at that very stage, filed the O.A. giving rise to the present writ petition and after exchange of affidavits, this fact very much came on record that against 44 vacancies, category wise vacancies are 25(Unreserved), 3(OBC), 6(SC), 10(ST) and extended cut off rank for category Unreserved is 2734, for OBC it is 3664, for SC the same is 3836 and for ST it is 4706 and the candidates were selected accordingly. Further, the ranks secured by the petitioners against extended cut off are: petitioner No. 1 (ST) -5420, petitioner No. 2 (ST)-5273, petitioner No. 3 (ST)-5067, petitioner No. 4 (ST)-5154, petitioner No. 5 (OBC)-3977, petitioner No. 6 (ST)-5408 and petitioner No. 7 (ST)-4909.

13. The above fact situation, apart from other aspects of the matter, has been taken into consideration by the Tribunal while observing that even if the case of the petitioners is considered against 44 vacancies, they would not fall within the cut off ranks of the extended list in different categories. We find the said observation of the Tribunal is perfectly justified, inasmuch as, out of 7 petitioners before this Court, 6 belong to ST Category and 1 belongs to OBC Category but cut off ranks obtained by all the petitioners are quite below the cut off for the respective categories. Therefore, even if this Court, in these proceedings, goes to the extent of considering the petitioners' claim for appointment they would fall much-much below the cut off ranks set by the respondents.

14. We find from the rejoinder affidavit filed by the petitioners before the Tribunal that the stand taken by the respondents, based upon the cut off ranks, was not seriously disputed and no material was placed by the petitioners to belie the said stand or to dispute the correctness of their cut off rank position(s).

15. As far as the submission made on behalf of the petitioners that the respondents were duty bound to disclose as to how many candidates did not turn up for joining and how many remained for consideration, we do

not find any force in the said submission, particularly in view of the fact that the stand taken by the petitioners regarding existence of 300 vacancies stood belied from the record position and qua existing 44 vacancies, their claim based upon the cut off ranks is also found baseless and the petitioners go out of the zone of consideration.

16. Insofar as the judgment of Madhya Pradesh High Court in the case of **Sumit Ahirwar (supra)** is concerned, the same is of no assistance to the petitioners, inasmuch as, in that case, Union of India took a stand regarding existence of no vacancy in the Establishment but petitioners therein explained the vacancy position and, in that background, direction was issued by the High Court for undertaking exercise of examining the vacancy of the post in question and considering the case of the said petitioners, subject to their suitability.

17. In the present case, once the vacancy position has been clearly indicated by the respondents as 44 and the relevant rank positions based upon the cut off determined by the respondents take the petitioners away from the zone of consideration, we find that the petitioners have no case to get appointment.

18. In view of the above discussion, we do not find any error in the order passed by the Tribunal.

19. Consequently, the writ petition has no substance and is, therefore, **dismissed**.

(Kshitij Shailendra, J) (Arun Bhansali, CJ)

February 12, 2026
Jyotsana