



**PRESENT: THE HON'BLE JUSTICE SUGATO MAJUMDAR
AND
THE HON'BLE JUSTICE OM NARAYAN RAI**

Judgment on : July 13, 2026

**OM NARAYAN RAI, J.**

1. Both the writ petitions commonly assail the order dated May 25, 2026 passed by the Central Administrative Tribunal, Kolkata¹ in OA 501/2026 and MA 286/2026. WP.CT 30 of 2026 additionally challenges the subsequent orders extending the initial interim order dated May 25, 2026. Accordingly, both these writ petitions are being disposed of by a common order.
2. WP.CT 26 of 2026 has been filed by respondents in the OA (i.e. Union of India, the Principal Conservator of Forests, the Chief Conservator of Forests and the Conservator of Forests). WP.CT 30 of 2026 has been filed by 23 (out of 28) candidates who have been selected for the post of Forest Rangers under the Andaman and Nicobar Administration.

Factual Matrix

3. Shorn of the unnecessary details, the brief facts necessary for the present purpose are as follows:
 - i. The petitioners and the private respondents² in WP.CT 30 of 2026 along with others had participated in a recruitment process initiated by the petitioners in WP.CT 26 of 2026 by publishing a “*Vacancy Notice*” dated July 25, 2025 for the group B, non-gazetted and non-ministerial executive posts of Forest Rangers.
 - ii. After the first phase of the recruitment process (which consisted of a written examination) was over, a panel of shortlisted candidates was

¹ Hereafter “the Tribunal”

² Hereafter “the OA applicants”



published on March 02, 2026³ by the Conservator of Forests (Head Quarters), Van Sadan, indicating that the shortlisted candidates would face the second phase of the recruitment process which comprised *inter alia* physical measurement and physical endurance test.

- iii. The OA applicants made a representation to the administration against the said panel complaining that as only the roll numbers of the shortlisted candidates had not been mentioned without disclosing the marks and that as the marks of all the other participants had not been disclosed, it was impossible for the OA applicants to gauge their position.
- iv. On March 20, 2025 the administration published the “*Final Merit List of the candidates for recruitment to the post of Forest Ranger*”. It contained the roll numbers, names and the marks of the selected candidates
- v. The OA applicants felt aggrieved by the action of the administration and approached the Tribunal by filing OA 351/2026⁴ praying for setting aside panel (of short listed candidates published on March 02, 2026).
- vi. Subsequently on March 24, 2026, the administration uploaded on their official website, the subject wise marks of all the candidates who had participated in the written examination.

³ Hereafter “the panel”

⁴ Hereafter “the OA”



- vii. Thereafter the matter was heard by the Tribunal on March 25, 2026. The order dated March 25, 2026 reveals that at the time of hearing, it was brought to the notice of the Tribunal that marks of all the candidates had been published by way of a subsequent press release dated March 24, 2026.
- viii. On hearing the parties before it the Tribunal passed an order granting fifteen days' time to the OA applicants to *"go through the said list published on March 24, 2026 and compare their positions vis-a-vis the selected candidates and to take appropriate steps (if so advised) immediately thereafter."*
- ix. Insofar as the respondents in the OA are concerned (i.e. the administration), the Tribunal directed them not to give effect to the result of the selection process till the next date of hearing. The administration was directed to file a short reply and the OA applicants were given liberty to rejoin. The matter was directed to be listed on April 16, 2026 under the heading *"For Orders"*.
- x. This Court has been informed by the Learned Advocates appearing for the parties that the interim order that was passed earlier on March 25, 2026 for a limited period has been kept extended from time to time and the same still subsists.
- xi. The petitioners of both the writ petitions are aggrieved by the interim order that is presently operating.
- xii. Feeling aggrieved, the petitioners in both the writ petitions are now before this Court. While the petitioners in WP.CT 26 of 2026 (i.e. the



respondents in the OA) are aggrieved because the interim order has stalled the appointments of Forest Rangers at a time when there is pronounced shortfall of such personnel, the petitioners in WP.CT 30 of 2026 (who are non-parties to the OA) are aggrieved because they are unable to get the fruits of their success in the recruitment process.

Petitioners' Arguments

4. Mr. Rakesh Kumar, learned Advocate (appearing for the petitioners in WP.CT 26 of 2026) made the following submissions:-

- i. The interim order is operating harshly against the administration as there is acute shortage of Forest Rangers. Despite selection of suitable candidates appointments cannot be given in view of the interim order.
- ii. The OA has lost life since the grievance of the OA applicants has been redressed.
- iii. The only grievance of the OA applicants was non publication of marks of the participating candidates and the names of the shortlisted candidates. The names of the selected candidates were published in the Press Release dated March 20, 2026 and the marks of all the participating candidates were published on March 24, 2026.
- iv. During the hearing of the OA the aforesaid aspect was brought to the notice of the Tribunal and such fact would be apparent from the order impugned itself.



5. Mr. Kabir, learned Senior Advocate (appearing for the petitioners in WP.CT 30 of 2026) has made the following submissions:-

- i. In terms of Section 19(3) of the Central Administrative Tribunals Act, 1985⁵ the Tribunal could have admitted the OA only if it was satisfied that the case was fit for adjudication or trial.
- ii. Since the main plank of the case run in the OA is non-publication of the marks obtained by the candidates who had participated in the selection process and such marks were not only published prior to the matter being heard by the Tribunal but also brought to the notice of the Tribunal, the Tribunal should not have admitted the OA at all.
- iii. Going by the provisions of Section 20(2)(a) of the 1985 Act the OA could not have been entertained by the Tribunal without a final order being passed by the relevant authority thereby rejecting the representation made by the OA applicants in connection with their grievances regarding non-publication of the marks of all the candidates. In the case at hand, it is admitted that marks of all the candidates were published on March 24, 2026 i.e. prior to the date on which the Tribunal heard the OA for admission and that being so the representation of the OA applicants stood answered in the affirmative leaving no cause for them to be aggrieved.
- iv. Section 22 of the 1985 Act, provides that the Tribunal is to be guided by the principles of natural justice and that being so, the Tribunal

⁵ Hereafter "the 1985 Act"



could not have proceeded to pass an interim order without affording an opportunity of hearing to the persons adversely affected by such order.

- v. Section 24 of the 1985 Act, mandates that no interim order shall be passed by the Tribunal unless copies of the application along with annexures are served not only upon the persons arrayed as parties to the application but also on persons who would be affected by any order that may be passed thereon and unless such persons are heard.
- vi. The status report of the OA (at page 152 of WP.CT 30 of 2026) clearly demonstrates that it was filed on March 23, 2026 and that prior to the said date, by way of a press release dated March 20, 2026 the final merit list of the candidates for recruitment to the posts of Forest Rangers in the Department of Environment and Forests, Andaman and Nicobar Islands, 2025 specifying the names of such candidates along with marks secured by them had already been published. It, therefore, could not be contended that as the OA applicants were unaware of the names of the selected candidates so they could not be impleaded.
- vii. The fact that the Tribunal granted fifteen days' time to the OA applicants in order to enable them to *"go through the said list published on March 24, 2026 and compare their positions vis-a-vis the selected candidates and to take appropriate steps (if so advised)"*



immediately thereafter.” clearly shows that Tribunal has also tacitly acknowledged that the OA had lost life.

- viii. A judgment of the Hon’ble Supreme Court in the case of ***Krishnadatt Awasthy – versus – State of M.P. and others***⁶ was cited to support the contention that no order should have been passed in the absence of the petitioners in WP.CT 30 of 2026 (i.e. the successful candidates whose name featured in the final merit list).
- ix. Rule 4(5)(a) of the Central Administration Tribunal (Procedure) Rules, 1987⁷ enable the Tribunal to permit more than one person to join together and file a single application only if the Tribunal is satisfied, having regard to the cause of action and the nature of relief prayed for, that they have a common interest in the matter. In the instant case the OA applicants could not have approached the Tribunal jointly since question of appointment of each of the OA applicants would require assessment and examination of each of their respective cases individually and separately giving rise to separate causes of action. There was no commonality of interest in them.

6. Mr. Rakesh Kumar also adopted the submissions of Mr. Kabir.

Respondents’ Arguments

7. Mr. P.C. Das, learned Advocate appearing for the OA applicants made the following submissions:-

⁶ (2025) 7 SCC 545

⁷ Hereafter “the 1987 Rules”



- i. The writ petitions are not maintainable. WP.CT 30 of 2026 is not maintainable since as the jurat portion thereof does not reveal who has authorized the deponent thereof to affirm the affidavit.
- ii. WP.CT 26 of 2026, is not maintainable since the petitioners therein are not parties to the original application and therefore they could not have straightway come before this Court by way of a writ petition. Filing of a miscellaneous application seeking vacation of the impugned order was/is the appropriate remedy available to the petitioners. They could not have bypassed the same.
- iii. The OA applicants have sought for the setting aside of the impugned panel on the ground that the same is vitiated due to want of transparency. If marks secured by each of the participating candidates are not published there is no way for a particular candidate to know why his name did not feature in the list while the other person's name did.
- iv. Since the impugned panel only mentioned the roll numbers of the short listed candidates, therefore the OA applicants did not know who the short-listed candidates were and that being so, they could not add them as parties to the OA.
- v. The OA applicants made a representation before the administration but such representation was left unaddressed.



- vi. A judgment of the Hon'ble Supreme Court in the case of ***Gaurav Mahla and others – versus – State of Haryana and others***⁸ was cited to contend that issuance of proper advertisement, conducting a fair and transparent selection process and appointment by the competent authority were norms mandatorily required to be followed in matters pertaining to public employment.
- vii. This Court should refrain from interfering with the impugned order passed by the Tribunal since the matter is returnable before the Tribunal on July 17, 2026.

Analysis and Decision

8. Heard learned Advocates appearing for the respective parties and considered the material on record.
9. The present legal wrestle is over an interim order that has stalled the appointment of Forest Rangers for more than three months. Since the petitioners have approached this Court against an interim order passed by the Tribunal.
10. The points of maintainability of the two writ petitions though absolutely technical should be dealt with first.
11. As regards WP.CT 26 of 2026 the charge on maintainability is too weak to result in the dismissal of the writ petition. It has been alleged that the deponent of the affidavit has not disclosed who authorized him to affirm the affidavit. It is true that the jurat portion does not reveal who authorized the deponent to affirm the affidavit on behalf of

⁸ Special Leave Petition (Civil) No. 23061 of 2025 delivered on June 11, 2026



the other writ two writ petitioners, but that by itself would not be sufficient to negate the writ petition itself.

12. It is noticed that the writ petition has been affirmed by the officer who is *“holding the charge of Conservator of Forests (Headquarters) in the Department of Environment & Forests, A & N Administration*. The Conservator of Forests (Headquarters) Andaman and Nicobar Islands has been arrayed as the respondent no.4 in the OA.
13. The vacancy notice marking initiation of the recruitment process and delineating the terms and conditions of the recruitment process, the impugned panel and the final merit list of the selected candidates have all been published under the signature of the Conservator of Forests (Headquarters).
14. Even before the Tribunal, the short reply that has been filed on behalf of the respondents in the OA, has been verified by the same person who is the deponent in the affidavit in support of the writ petition filed before this Court.
15. In such view of the matter the Conservator of Forests (Headquarters) alone was/is competent to maintain the writ petition even if he lacked the authority to affirm the petition on behalf of the Union of India, the Chief Secretary, A& N Administration and the Principal Chief Conservator of Forests (Headquarters) who have been arrayed as petitioners along with the Conservator of Forests (Headquarters). The technical objection as regards the maintainability of WP.CT 26 of 2026



due to the perceived defect in the affirmation of the affidavit is therefore overruled.

16. The objection as regards the maintainability of WP.CT 30 of 2026 is equally unmeritorious. It is true that the petitioners in the said writ petition are non-parties to the OA but they are clearly persons aggrieved by the interim order passed by the Tribunal as it directly affects their interests. They are unable to get appointed to the posts despite being selected. It is well settled that a petition seeking issuance of a writ of certiorari may be filed by any “aggrieved person”. The judgment of the Hon’ble Supreme Court in the case of **Jasbhai Motibhai Desai v. Roshan Kumar, Haji Bashir Ahmed**⁹, is a treatise on the concept of “person aggrieved”. The following paragraphs of the said judgment deserve special attention in the present context:

13. This takes us to the further question: Who is an “aggrieved person” and what are the qualifications requisite for such a status? The expression “aggrieved person” denotes an elastic, and to an extent, an elusive concept. It cannot be confined within the bounds of a rigid, exact and comprehensive definition. At best, its features can be described in a broad tentative manner. Its scope and meaning depends on diverse, variable factors such as the content and intent of the statute of which contravention is alleged, the specific circumstances of the case, the nature and extent of the petitioner's interest, and the nature and extent of the prejudice or injury suffered by him. English courts have sometimes put a restricted and sometimes a wide construction on the expression “aggrieved person”. However, some general tests have been devised to ascertain whether an applicant is eligible for this category so as to have the necessary locus standi or “standing” to invoke certiorari jurisdiction.

⁹ (1976) 1 SCC 671



37. *It will be seen that in the context of locus standi to apply for a writ of certiorari, an applicant may ordinarily fall in any of these categories: (i) “person aggrieved”; (ii) “stranger”; (iii) busybody or meddlesome interloper. Persons in the last category are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.*

38. *The distinction between the first and second categories of applicants, though real, is not always well-demarcated. The first category has, as it were, two concentric zones; a solid central zone of certainty, and a grey outer circle of lessening certainty in a sliding centrifugal scale, with an outermost nebulous fringe of uncertainty. Applicants falling within the central zone are those whose legal rights have been infringed. Such applicants undoubtedly stand in the category of “persons aggrieved”. In the grey outer circle the bounds which separate the first category from the second, intermix, interfuse and overlap increasingly in a centrifugal direction. All persons in this outer zone may not be “persons aggrieved”.*

39. *To distinguish such applicants from “strangers”, among them, some broad tests may be deduced from the conspectus made above. These tests are not absolute and ultimate. Their efficacy varies according to the circumstances of the case, including the statutory context in which the matter falls to be considered. These are: Whether the applicant is a person whose legal right has been infringed? Has he suffered a legal wrong or injury, in the sense, that his interest, recognised by law, has been prejudicially and directly affected by the act or omission of the authority, complained of? Is he a person who has suffered a legal grievance, a person*



“against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something, or wrongfully affected his title to something?”

Has he a special and substantial grievance of his own beyond some grievance or inconvenience suffered by him in common with the rest of the public? Was he entitled to object and be heard by the authority before it took the impugned action? If so, was he prejudicially affected in the exercise of that right by the act of usurpation of jurisdiction on the part of the authority? Is the statute, in the context of which the scope of the words “person aggrieved” is being considered, a social welfare measure designed to lay down ethical or professional standards of conduct for the community? Or is it a statute dealing with private rights of particular individuals?

(Emphasis supplied by us)

17. The underlined text of the excerpt from the judgment in **Motibhai Desai** (supra) clearly applies to the writ petitioners in WP.CT 30 of 2026, whose appointments have been stalled due to the interim order passed by the Tribunal.
18. This Court is conscious of the legal position that candidates successful in a recruitment process do not acquire an indefeasible right to be appointed which cannot be legitimately denied, unless the relevant recruitment rules so indicate¹⁰, yet it is also equally well settled that such persons have interest in protecting and defending the selection lists¹¹ and if the selection list itself is stultified or further action on the basis of the selection list is stayed by an interim order then to that extent the interest of such persons would definitely be affected.

¹⁰ **Shankarsan Dash v. Union of India**; (1991) 3 SCC 47

¹¹ **All India SC & ST Employees' Assn. v. A. Arthur Jeen**; (2001) 6 SCC 380



19. In the light of the above, the challenge to maintainability of WP.CT 30 of 2026 also stands negated.
20. This takes us to the main challenge in the writ petitions. We are conscious that we are testing an interim order and the scope of these writ petitions would therefore be limited. However, even at this stage it would be required to be examined whether the case run by the OA applicants was so compelling that the selection list could be paralysed by an interim order and whether such interim order should be allowed to continue.
21. The pleadings in paragraphs 4.1 to 4.6 are devoted to statements of facts. Paragraphs 4.7 to 4.8 contain pleadings alleging lack of transparency due to non-publication of marks and the names of the short listed candidates in the panel that was published on March 02, 2026. Paragraph 4.8 also refers to the representation made by the OA applicants to the administration. Paragraph 4.9 alleges that the participating candidates had been asked to write their names on the OMR sheets which breached the requirement of maintaining anonymity of candidates in public examinations.
22. As many as thirteen grounds have been cited in the OA to claim the principal relief of setting aside the panel published on March 02, 2026.
23. Summarily, Ground nos. I to V are in the nature of statement of facts (averments). Ground no. VI alleges that the panel disclosed only the roll numbers of the candidates without the marks thereby hampering



transparency. Ground no. VII relates to non-consideration of the petitioners' representation for publication of the names, roll numbers and marks of all the participating candidates. Ground no. VIII alleges that a representation had been made by the OA applicants asserting that the participating candidates had been asked to write their names on the OMR sheets and that without considering such representation the panel was published. Ground no. IX, X and XI dilate on the effects of non-publication of marks. Ground no. XII asserts the purity of the recruitment process and Ground no. XIII summarizes the requirements to qualify the various tests for the advertised posts.

24. Thus the pleadings and the grounds read together indicate that non-publication of names and marks of the short listed candidates and non-publication of the marks of all the participating candidates (which includes the selected candidates as well) constitute the two main grounds for seeking annulment of the panel. There is also a third assertion that participating candidates had been asked to write their names on the OMR sheets.

25. It is evident from the order dated March 25, 2026 that by the time the OA was taken up for admission hearing by the Tribunal the two main grounds taken by the OA applicants had perished.

26. The Tribunal has relied on Para XVI of the "Vacancy Notice" dated July 25, 2025 to form a *prima facie* opinion that the administration "*in the very beginning ought to have published the subject wise marks of*



all the candidates who appeared in the written examination to avoid any such question regarding transparency of the selection process”

27. Paragraph XVI of the “Vacancy Notice” reads as follows:

The results of the Written Examination/final result of the recruitment examination will be made available on the Administration’s Recruitment Portal <https://erecruitment.andaman.gov.in>

28. Thus there is no express mention that the marks of all the candidates would also be published. Be that as it may, even if we proceed further by accepting the Tribunal’s view that publication of marks of the participating candidates (and not only the ultimate outcome of the selection filter i.e. the panel containing the roll numbers of the shortlisted candidates) was implicit in the expression “results” then also we do not find any compelling reason to stultify the result of the selection process in view of the fact that before the time the OA was heard for admission the marks of all the participating candidates had already been published.

29. There can be no quarrel with the contention of the OA applicants that transparency of the selection process/recruitment process must be maintained and marks of all participating candidates should be made known to them. In the present case, it is not in dispute that marks of all the participating candidates have indeed been published. As to whether a 22 days’ delay in publishing such marks is so fatal that it would vitiate the entire recruitment process justifying stalling of the



appointments of the selected candidates is presently the only question before us.

30. As already noticed above, the pleadings and the grounds in the OA raise issues of transparency essentially on the ground of non-publishing of marks of all the participating candidates and the names of the shortlisted candidates. The same are based on the representation made by the OA applicants (at page 118 of WP.CT 26 of 2026) to the administration. There is additional allegation in the OA that the participating candidates had been asked to write their names on the OMR sheets which does not find mention in the representation. Apart from that there is nothing to indicate that the OA applicants have assailed the selection process either on the ground of *malafides* or fraud. There no material on record to form a *prima facie* opinion that either the recruitment process is fundamentally flawed or that there are systemic irregularities in the recruitment process.
31. The core requirement of publishing marks of the candidates participating in any public recruitment process is to ensure that the candidate gets to know where it stands. Such requirement was fulfilled when the marks were ultimately published on March 24, 2026. In our *prima facie* view a 22-days' delay in publishing marks is a more a logistical irregularity than an incurable illegality. In our view, again *prima facie*, mere administrative delay in publishing marks of all the participating candidates would not warrant stay of the appointments upon completion of the recruitment process.



32. The impugned order dated March 25, 2026 does not cite any other reason apart from non-publication of the marks of all the participating candidates to justify the direction on the administration *“not to give effect to the result of the selection process in connection with the Vacancy Notice dtd.25.07.2025”*.
33. We are not at all convinced that in the facts of the present case where the marks of all the candidates have indeed been published at least prior to the date when the matter was heard by the Tribunal for admission, then mere non publication of marks along with the panel of short listed candidates could by itself, without anything more, constitute a reason so compelling as to justify passing of the aforesaid interim order.
34. This is all the more so since the selected candidates have not been made parties to the OA. While on this point, we find substance in the petitioners’ reliance on Section 24 of the 1985 Act. The same reads thus:

24. Conditions as to making of interim orders.— Notwithstanding anything contained in any other provisions of this Act or in any other law for the time being in force, no interim order (whether by way of injunction or stay or in any other manner) shall be made on, or in any proceedings relating to, an application unless—

(a) copies of such application and of all documents in support of the plea for such interim order are furnished to the party against whom such application is made or proposed to be made; and

(b) opportunity is given to such party to be heard in the matter:

Provided that a Tribunal may dispense with the requirements of clauses (a) and (b) and make an interim order as an exceptional measure if it is satisfied, for reasons to be recorded in writing, that it is necessary so to do



for preventing any loss being caused to the applicant which cannot be adequately compensated in money but any such interim order shall, if it is not sooner vacated, cease to have effect on the expiry of a period of fourteen days from the date on which it is made unless the said requirements have been complied with before the expiry of that period and the Tribunal has continued the operation of the interim order.

35. Thus Section 24 mandates the following:

- i. Ordinarily, the Tribunal shall not pass an interim order in any proceeding before it, unless copies of the application with all documents in support thereof have been served not only upon *the party against whom such application is made* (i.e. the person who has been arrayed as a party-respondent in the application/proceeding) but also upon the person against whom such application is proposed to be made and unless all such persons are heard. The expression “*proposed to be made*” read meaningfully would include persons who would be affected by any order that may be passed on the application. The expression suggests that there may be cases like the one at hand where affected parties are left out either deliberately or due to lack of knowledge. It would be for the Tribunal to exercise judicial wisdom to gauge whether affected parties have been left out and whether an interim order can still be passed in their absence resorting to the proviso to Section 24 of the 1985 Act.
- ii. In exceptional cases, the Tribunal can dispense with the requirements of service of application and hearing the parties (as also non-party affected persons) and pass *ex-parte* interim order



upon being satisfied that such interim order is necessary to prevent such loss to the applicant which cannot be compensated by money.

- iii. Such *ex-parte* interim order, if not vacated earlier, would cease to have effect after expiry of fourteen days unless two conditions are satisfied- a) service of the copies of the application and opportunity of hearing in terms of Section 24(a) of the 1985 Act and (b) the Tribunal has extended the operation of the interim order. Here again during extension, the Tribunal would be required to examine whether all affected parties have been served or not. Where individual impleadment of large number of affected persons is not possible, some of them can be impleaded in representative capacity which is also a recognized mode of impleadment in such cases¹². However, the affected persons cannot be completely left out.

36. The order dated March 25, 2026 and its subsequent extensions impugned herein have all been passed without service of copy upon the selected candidates (which include the petitioners in WP.CT 30 of 2026) and without hearing them. It has already been found hereinabove (while dealing with the point of maintainability of the writ petitions) that in terms of settled legal position, while the petitioners do not have any indefeasible right to be appointed, unless the relevant recruitment rules so indicate, they definitely have an interest in protecting and defending the panel/selection list. The selected

¹² **Prabodh Verma vs. State of U.P.; (1984) 4 SCC 251**



candidates being affected persons therefore ought to have been added as parties to the OA.

37. Viewed from that angle, at the first place the interim order could not have been granted at all without ensuring service of copies of the OA on the selected candidates and without hearing them.
38. Further even if the Tribunal preceded to grant such interim order, that could have only been done in the manner indicated in the proviso to Section 24 i.e. *as an exceptional measure and upon being satisfied, for reasons to be recorded in writing, that it is necessary so to do for preventing any loss being caused to the applicant which cannot be adequately compensated in money.* The order impugned fails to indicate any such satisfaction.
39. Furthermore, even if that is permitted or overlooked for a moment, then also there is no reason for the Tribunal (and in fact there was none) to go on routinely extending such interim order. The Tribunal has extended the interim order without fulfilling the twin requirements of the proviso as mentioned in paragraph 35 hereinabove.
40. To be precise, the proviso to Section 24 of the 1985 Act permits dispensing with the requirements of Section 24(a) and (b) under specific conditions as already indicated in the previous paragraphs. We have found that non service of copies of the application on the selected candidates and denial of hearing to them (as they were not made parties to the OA) is violative of Section 24 (a) and (b) as the



selected candidates who are affected persons fall within the scope of persons proposed to be made parties to the application. Once the interim order was passed *ex-parte* against the selected candidates, the same could not have been continued after fourteen days without serving copies of the application upon them and without hearing them or at least some of them in representative capacity.

41. It is too trite a proposition of law that for grant of an interim order of injunction three conditions must be satisfied i.e. *prima facie* case, balance of convenience and inconvenience and irreparable loss and injury. In the case at hand even if we assume that *prima facie* case had been made out by the OA applicants there is no whisper in the order impugned, not to speak of recording of satisfaction, that any irreparable loss and injury would be caused to the OA applicants if the interim order was not granted or that the balance of convenience and inconvenience tilted in favour of OA applicants.

42. **Krishnadatt Awasthy** (supra) relied on by the petitioners in WP.CT 30 of 206 reiterates the importance of observance of the principles of natural justice. Paragraph 56 thereof may be noted:

56. *In the absence of notice, the breach strikes at the fundamental core of procedural fairness, rendering the decision invalid unless exceptional circumstances justify such deviation. The vitiation of selection was not only a breach of the principles of natural justice but also contrary to the express statutory provision that required for an opportunity to show cause and an opportunity to provide self-defence. The prejudice theory must be understood as an exception to the general rule and cannot therefore be the norm. In view of the foregoing, a gross violation of the principle of audi alteram partem is noticed in the present case.*



43. As regards the contention of Mr. Kabir that in view of the provisions of Rule 4(5) of the 1987 Rules, the OA applicants could not have joined together in one single application, we do not find any merit in such submission.

44. In such context Rule 4(5)(a) of the 1987 Rules may be noticed:

Notwithstanding anything contained in sub-rules (1) to (3) the Tribunal may permit more than one person to join together and file a single application if it is satisfied, having regard to the cause and the nature of relief prayed for that they have a common interest in the matter.

45. The O.A. applicants have a common grievance as regards transparency of the recruitment process on the grounds of non-publication of marks of the participating candidates and the names of the shortlisted candidates. Thus they have challenged the panel of the shortlisted candidates on common grounds. The question which would fall for consideration of the Tribunal would be whether in view of the grounds of attack mentioned in the OA the panel would survive or not. The OA applicants have not made any prayer seeking directions on the administration to grant them appointment. The Tribunal would, therefore, not be required to examine each applicant's case on merits. The only requirement would be to see if the panel is vitiated on the grounds mentioned in the OA. If each of the OA applicants had come with a separate OA on the same grounds then also the same question would have fallen for consideration of the Tribunal. As to whether the grounds taken in the OA would ultimately



be sustained or not is a different matter altogether. In such view of the matter, it can be safely said that all the OA applicants have a common grievance and have common interest in the matter.

46. While interpreting the expression “*same interest*” employed in Order I Rule VIII of the Code of Civil Procedure, 1908 in the case of **T.N. Housing Board v. T.N. Ganapathy**¹³ the Hon’ble Supreme Court held that “*either the interest must be common or they must have a common grievance which they seek to get redressed.*” In such view of the matter, the OA cannot be said to be suffering with many defect of misjoinder of parties.
47. The contention of the petitioners’ in WP.CT 30 of 2026 that going by the provisions of Section 19(3) and 20(2) of the 1985 Act, upon the marks of the participating candidates and the names of the shortlisted candidates being published prior to the hearing of the OA, the same should not have been admitted at all, *prima facie* does not appear to be without basis. Indeed as pointed out by Mr. Kabir, it was not for nothing that the Tribunal had granted fifteen days’ time to the OA applicants to “*go through the said list published on March 24, 2026 and compare their positions vis-a-vis the selected candidates and to take appropriate steps (if so advised) immediately thereafter.*”
48. However, we are conscious that in support of their case of lack of transparency, the OA applicants have also pleaded in the OA that that the participating candidates had been asked to write their names on

¹³ (1990) 1 SCC 608



the OMR sheets and keeping that in mind it cannot be said that their case solely hinges on the grounds of non-publication of marks of the participating candidates and the names of the shortlisted candidates. Non publication of marks is the main ground but not the only ground. We have also noted that the representation made by the OA applicants does not contain such allegation and such representation has been answered in the affirmative by publishing the marks of the participating candidates and the names of the shortlisted candidates. The OA would therefore have to be examined in the light of Section 20(2) of the 1985 Act.

49. Be that as it may, since we are dealing with an interim order we refrain from expressing any opinion on those aspects and request the Tribunal to decide such issues at the threshold in order to save unnecessary wastage of time. The Tribunal should proceed with the OA for final adjudication only if it is satisfied that the OA deserves adjudication in terms of Section 19(3) of the 1985 Act.
50. As regards the case of **Gaurav Mahla** (supra) cited by the OA applicants, the same reiterates the salutary principles applicable to public recruitment process but given the nature of the case run by the OA applicants, the said judgment cannot in any manner aid the OA applicants in justifying the impugned order.
51. For all the reasons aforesaid, the interim order granted by the Tribunal on March 25, 2026 in the OA, stands set aside, together with all its extensions.



52. It is clarified that our views and opinions expressed in this order are all tentative and *prima facie* and the Tribunal shall be free to decide the fate of the OA in accordance with law.

53. WPCT 26 of 2026 and WPCT 30 of 2026 stand disposed of with the above observations. No costs.

54. Urgent photostat certified copy of this judgment and order, if applied for, be supplied to the parties upon compliance with all formalities.

I agree.

(Sugato Majumdar, J.)

(Om Narayan Rai, J.)