
(2025) 09 CAT CK 0473

In the Central Administrative Tribunal, Ernakulam Bench, Ernakulam

Case No : Original Application No. 180, 00190 Of 2025

Arun Aravind, & Ors.

APPELLANT

Vs

Union Of India & Ors.

RESPONDENT

Date of Decision : 30-09-2025

Acts Referred:

Citation : (2025) 09 CAT CK 0473

Hon'ble Judges : K. Haripal, Member J; V. Rama Mathew, Member (A)

Bench : Division Bench

Advocate : T.C. Govindaswamy, Kala T. Gopi, Kailesh T. Gopi, Sudhir Kumar B, Rahul R, Nishitha Balachandran

Final Decision : Allowed

Judgement

K. Haripal, Member J

1. Applicants, 15 in number, are working as Assistants in the Trivandrum Division of the Southern Railway in various offices under the respondents. It is an erstwhile Group D post. By Annexure-A2 notification dated 04.06.2024 the respondents invited applications from serving Assistants (C&W) Artisans working under the Administrative Control of the Trivandrum Division for filling up the vacancies of Technician-III (C&W), in level 2 of Pay Matrix against 25 % LDCE quota earmarked for serving employees, subject to the conditions specified in the notification. Annexure-A2 shows that 46 vacancies were notified, 35 unreserved, 5 for Scheduled Caste and 6 for Scheduled Tribes. The educational qualification is matriculation passed or its equivalent or 10th standard under 10 plus two system. There is no upper age limit. Eligibility is Assistant/C&W Artisan who have rendered minimum 2 years of regular service as on 04.06.2024 in Mechanical Department of Trivandrum Division (as per RBE 43/2017). However, SC/ST employees possessing requisite qualification will be eligible for being considered against the vacancy reserved for them as per extant instructions, if they have completed minimum of one year regular service as on 04.06.2024, as per RBE 03/2019.

2. Annexure-A2 further shows that the process of selection consisted of written examination and assessment of service records. Maximum 50 marks were allotted to prove professional ability through written examination. Record of service carried 30 marks, that is, total marks allotted is 80 out of which the qualifying marks is 30 for written examination and total marks required is 48. That means, the employee must secure a minimum of 60% in the written examination and also 60% in aggregate to qualify for consideration. The panel will be drawn strictly based on merit from among those who have secured 60% marks in written examination and 60% in aggregate as indicated in terms of PBC 54/2012 circulated by PCPO/MAS vide letter No. P(R) 608/P/Genl.posts dated 18.04.2012.

3. The statement filed by the learned Standing Counsel for the respondents show that pursuant to Annexure-A2, 244 applications were received in which 242 employees were found eligible and 2 employees were found ineligible. They were subjected to the written examination and ultimately, Annexure-A3 list of employees who had secured requisite qualifying marks in the written examination held on 29.11.2024 was published. Annexure-A3 consists a list of 102 candidates. It is noted that mere securing qualifying marks in the written examination will not confer any right/guarantee for selection to be placed in the panel, that the final selection and the placement in the panel are subject to the other parameters involved in the selection process.

4. The written test was held on 29.11.2024 and the Annexure-A3 list of employees who qualified was published on 25.02.2025. All the applicants are included in the panel. Meanwhile, as a blot from the blue, on 05.03.2025 the Railway Board issued Annexure-A4 communication on the following lines:

"Sub: Irregularities in selections and reforms thereon.

Due to several irregularities noticed in the departmental selections in the recent past, it has been decided to revisit the departmental selection framework and all the pending selections/LDCEs/GDCEs (within Group 'C') which have not been finalised and approved by 04.03.2025 may be treated as cancelled. No further selections may be initiated until further orders. Further instructions to regulate the selections will be issued in due course."

5. After a few days, on 28.03.2025 the Railway Board issued a communication making certain amendments to Annexure-A4. Paragraph 4 of Annexure-A5 reads:

"4. Taking into consideration the position received from Zonal Railways and the request of the Zones and Staff Side, it has been decided to partially rescind the decision of cancellation of the following stages of selections:

- (i) Examination conducted but result awaited;
- (i) Examination conducted and result declared;
- (iii) Examination conducted, result declared but panel not approved."

In the list appended to Annexure-A5, the instant selection is not included, which according to the applicants, may be a mistake.

6. However, by Annexure-A1 order dated 08.04.2025 the selection initiated for filling up the vacancies of Technician-III (C&W), pursuant to Annexure-A2, was cancelled showing administrative reasons. Annexure-A1 and A5 are under challenge.

7. The applicants have moved the Tribunal to quash Annexure-A1, to call for the records leading to Annexure-A5 and to quash the same to the extent that the lists of selection pending pertaining to Southern Railway does not contain the selection initiated in terms of Annexure-A2, to declare that the respondents are bound to finalise the selection process indicated in terms of Annexure-A2 within a time frame and to direct the respondents accordingly, to direct the respondents to finalise the selection process initiated in terms of Annexure-A2 and to direct further to grant consequential benefits to the applicants within a time frame as may be found just and proper.

8. According to the applicants, even though the entire selection was cancelled as per Annexure-A4, subsequently under Annexure-A5 the Railway Board has decided to re-visit three categories for saving cancellation in which the case of the applicants falls within 3rd category of clause 4 quoted supra, that is 'examination conducted, result declared but panel not approved'. According to the applicants, even though the respondents had made report to the Railway Board regarding the stage of selection covered by Annexures-A2 and A3, by an inadvertent mistake, this process has been excluded from the purview of Annexure-A5, which should have been allowed to proceed with, in the light of the parameters in Annexure-A5. The present decision to cancel the entire process is illegal, it has been done without any authority of law; Annexure-A1 has been issued violating the principles laid down by the Hon'ble Supreme Court in Food Corporation of India v. Kamadhenu Cattle Feed Industries [(1993) 1 SCC 71], where it was held that where a public authority has certainly followed a certain practice or held out a promise, which the individual has relied on, it cannot be arbitrarily departed from it. Moreover, Annexure-A1 is a non-speaking order issued without any discernible or recorded reason. It does not identify any irregularity or misconduct in the applicants' selection. Such an unreasoned and blanket cancellation is violative of the principles of natural justice, as laid down by the Hon'ble Supreme Court in Kranti Associates Private Limited v. Mazood Ahmed Khan [(2010) 9 SCC 496].

9. Moreover, according to the applicants, such a selection, which was almost completed could not have been withdrawn en-masse without specific cause especially after the declaration of the results. For this, they have relied on the decision in Rajashtan Public Service Commission v. Arun Kumar [(2018) 5 SCC 428].

10. They further state that the act of the respondents in excluding the details of

Annexure-A2 list is further tainted by violation of procedural fairness as the applicants were neither issued show cause notice nor given an opportunity of being heard before passing the orders, which has resulted in gross prejudice to the applicants. Even though the applicants had made representation, that has not been considered. Moreover, they have also relied on the decision in *Neelima Shangla v. State of Haryana and others* [(1986) 4 SCC 268], where it is held that once a candidate is found eligible and duly selected by the competent authority, they have a right to be considered for appointment and the authorities cannot arbitrarily cancel the selection unless compelling lawful grounds are made out.

11. Moreover, relying on the decision in *East Coast Railway v. Mahadev Appa Rao* [(2010) 7 SCC 678], it is pointed out that where the selection process had reached an advanced stage and no illegalities attributed to selected candidates, cancellation of process is arbitrary and not sustainable in law. Applicants have also relied on the decision in *Union of India v. Rajesh* [AIR 2003 SC 4222].

12. The respondents have opposed the application. They filed two statements. Initially, the learned Standing Counsel filed a statement on 24.06.2025. In fact such a statement was filed when the question of granting of interim relief was considered. Later, detailed reply was filed on 08.07.2025. The contention of the respondents can be summarised: The applicants do not have any right to be considered merely for the reason that their names happened to be included in Annexure-A3 select list. Secondly, it is submitted that the Annexure-A2 notification was issued as though all the Scheduled Castes/Scheduled Tribes employees possess the requisite educational qualification can be considered for promotion to the post of Skilled Artisan, if they have completed one year of regular service. That was based on Annexure-R1 Railway Board notification dated 08.01.2019. But, subsequently on 05.02.2019 itself, such a notification was modified and it was provided in Annexure-R2 that 'all Railway servants in Level-1 to be eligible for promotion to Level-2 posts in all the departments should have put in a minimum of two years regular service and should have successfully completed their probation period in the recruitment grade.' In fact Annexure-A2 was issued ignoring Annexure-R2, so that there happened ineligible candidates appearing for the written examination and in the circumstances, the respondents had no option, but to cancel the entire selection process.

13. Thus they have denied the allegations in the O.A. According to them, it was not an inadvertent mistake on the part of the respondents in not reporting the particular selection process to the Railway Board and this selection was rescinded for the specific reason that ineligible candidates happened to participate in the written examination. Thus the respondents have sought for dismissing the O.A.

14. We heard the learned counsel on both sides in great detail.

15. It has also come out that subsequently, the respondents have issued a fresh notification on 04.08.2025 notifying 88 vacancies including 68 unreserved, 13 Scheduled Castes, 7 Scheduled Tribes, 88 vacancies take in 4 reserved for PwBD

candidates. The last date for submitting the application was 29.08.2025 and that process is under way.

16. The learned counsel for the parties have reiterated their respective contentions. While Sri.Kailesh T Gopi, learned counsel for the applicants pressed for allowing the application, the learned Standing Counsel, Smt.M.S.Kiran has advocated for dismissing the O.A. They have relied on various authorities also. It is to be noted that both sides have relied on the decision in Ashok Lenka v. Rishi Dikshit and others [(2006) 9 SCC 90]. The learned Standing Counsel had also relied on the decision of the Allahabad Bench of this Tribunal in common order in O.A.Nos. 401/2022 and 556/2022 dated 23.05.2025 and also the decision in Namina Devi Pradhan v. State of Chhattisgarh and others [2008 KHC 7574]. We may hasten to add that these two decisions have turned up on its own facts.

17. The broad facts of the case are not in dispute. All the applicants are working as Assistants, which is a last grade category. They claim that all of them are entitled to be considered for promotion under the 25% LDCE to the post of Technician-III in Carriage and Wagon in the 3rd respondent division. Pursuant to Annexure-A2 notification all of them had applied, participated in the written examination held on 29.11.2024 and were included in the Annexure-A3 select list of those who have qualified in the written examination. There are 102 persons in the list. Now, they have to undergo the remaining part of the process, that is verification of record of service, which carries 30 marks, out of which those who get 18 marks will get into the final panel and thus they will be entitled to be selected as Technician-III. After the publication of Annexure-A3, on the basis of Annexure-A4, the entire selection process has been cancelled. Though the applicants say that some of them had made representations, the respondents say that they are not in receipt of any such representation. Whatever it may be, the representation has been sent to the 3rd respondent directly, otherwise than through proper channel. Therefore, they might not have been entertained by the 3rd respondent.

18. It has become clear that after Annexure-A4, Annexure-A5 was issued by the respondents, modifying Annexure-A4 and directed the outlying Railway zones to consider the cases, among other things 'of examinations conducted and results declared, but panel not approved.' Certainly, the case of the applicants initiated under Annexure-A2 falls within the third category in paragraph-4 of Annexure-A5. According to the applicants, when reports were sent from the Thiruvananthapuram division, the instant selection process was not included as an inadvertent mistake. But according to the respondents, it was not a mistake, since ineligible candidates happened to appear in the selection process, entire process was cancelled and that the applicants are not entitled to get any relief.

19. Now, during the course of argument, it has come out that the respondents Railway Board has completely withdrawn the Annexure-A4 communication dated 05.03.2025 and have restored status quo ante. In other words, such a communication is not at all in existence. Everything should be done as though

such an instruction was not issued. Since the Railways have themselves withdrawn the communication, need for annulling Annexure-A5 does not arise. Secondly, it has come out that during the pendency of the proceedings, the respondents have issued another notification on 04.08.2025 re-notifying 88 posts, which process is not in progress so far. Whatever it may be, we notice our order dated 27.06.2025. Even though no interim order was passed by this Tribunal, it has been made clear that the selection process will be subject to the final outcome of the Original Application. Therefore, we proceed to decide the Original Application on merits.

20. Before going into the rival contentions, it is apposite to consider the law on the subject. Here it is a case where the process of selection was rescinded midway. While the applicants say that it is illegal, arbitrary and against principles of natural justice, the respondents have tried to justify cancellation of the entire selection process. According to them, the very panel consisted a clause that the empanelled persons do not have any right to get appointment, that the Annexure-A2 was not a proper notification, it did not contain the extant notifications issued by the Railway Board, so that ineligible candidates happened to appear for the written examination, so that the respondents have no option, but to rescind the entire process.

21. As we noticed earlier, both sides have relied on the decision in *Ashok Lanka*, quoted *supra*, where the Hon'ble Supreme Court has considered the vires of en masse cancellation of selection process. The principles have been laid down in paragraph 42 thus:

"42. EN-MASSE CANCELLATION - PRINCIPLES OF

In law it is permissible to cancel the entire selection process if it is held that the same is tainted to such an extent that it may not be possible to separate the innocent from the tainted ones. As, for example, in a case of mass cheating adopted by the students in a Board Examination, it may be permissible to cancel the entire examination. When selections, however, are carried out not by one agency but by several ones, the principle of en masse cancellation may not apply. In this case, admittedly, several District Level Committees have carried out the selection process and in that view of the matter it was obligatory on the part of the High Court to consider the mode of manner of selection made by each one of them individually. It was not a case of mass cheating in an examination or an Illegality or gross irregularity in the selection process which would lead to cancellation of the entire selection process."

22. In the same decision it has further been stated that the inadequacies or otherwise of fulfilment of eligibility criteria or the violation of the statute should have been decided by taking up individual matters and upon proper scrutiny of the case. In other words, the Hon'ble Supreme Court has held that en-masse cancellation of examination or rescinding of the entire process depends upon facts of each case separately. It is also evident from the decision that any

unilaterally rigid and arbitrary standard cannot be applied in such a case and on the basis of the factual situation the Courts have to take a reasonable decision with regard to the cancellation or otherwise of the selection process.

23. Similarly, as rightly pointed out by the learned counsel for the applicants, in *Union of India and others v. O.Chakradhar* [AIR 2002 SC 1119], where a mischief in conducting the selection was so widespread and all pervasive, affecting the result, that it was difficult to identify the persons unlawfully benefited or wrongfully deprived of selection, whole selection could be cancelled without issuing individual show cause notice to each and every person selected. Motive behind the irregularities committed also is relevant on facts and cancellation of the entire panel and consequential termination of such respondents is valid. Relying on the decision in *Rajesh* it has been pointed out that the competent authority is not justified in taking an extreme and unreasonable decision of cancelling the entire selection, if there is no illegality in selection process and no allegation of malpractices by the candidates. It was further held by the Supreme Court as follow:

".....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 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 other of 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 other reasons....."

24. We are in complete agreement with the argument of the learned Standing Counsel that the applicants, for the reason that they were qualified and happened to be incorporated in the Annexure-A3 panel do not acquire any indefeasible right to be appointed. But the moot question is whether there are justifiable reasons, as stated by the respondents, for cancelling the selection process midway, and there are valid reasons, in the light of the settled principles of law to drive all the applicants for going for another selection process again.

25. After rushing through the materials made available before us, we are of the firm opinion, in the light of the settled principles that the respondents have gone wrong in cancelling the selection process midway and driving the eligible applicants to go for another round of selection process.

26. Firstly, even while agreeing that Annexure-A2 notification does not reflect the true eligible criteria which are required for a candidate for applying to the post of Technician-III. On the date of issue of Annexure-A2, Annexure-R2 was in force, whereunder SC/ST candidates who had put in a minimum of two years of regular service and have successfully completed the period of probation alone could apply for the post. But Annexure-A2 does not contain such a term. Annexure-A2 has been issued based on Annexure-R1, whereunder a SC/ST candidate could

apply for the post if he had completed one year of service in the entry grade. In other words, Annexure-A2 does not reflect Annexure-R2. Any SC/ST candidate, on completion of one year of residency period, without completing two years of service or without getting successful completion of probation could apply for the post and compete. So, in all probability, such candidates must have obtained their entry in Annexure-A3, which is bad and against Annexure-R2.

27. We have already noticed that the Supreme Court has held that cancellation is required only if it is found that the same is tainted to such an extent that it may not be possible to separate the innocent from the tainted ones. Secondly, that is necessary only if there is widespread infirmities all pervasive in nature, which could be said to have been undermined the very process of selection.

28. For reasons more than one, those principles cannot be applied in the facts of the case, and the respondents have gone wrong in cancelling the selection process midway and issued Annexure-A1. Firstly, it is evident from the statement submitted by the learned Standing Counsel that pursuant to Annexure-A2 only 244 persons had applied for the post, out of which only 242 were valid. Similarly, only 40 persons from the reserved community having residency period as per Annexure-A2/R1 had appeared for the written examination held on 29.11.2022. As seen from Annexure-A3, 102 persons have qualified in the written test, out of them only 15 persons belong to Scheduled Caste. No one from the Scheduled Tribe has qualified. In other words, Scheduled Caste candidates could be numbered on finger tips. What is relevant is whether any Scheduled Caste candidate, who did not possess the minimum residency period of two years and who had not successfully completed the period of probation had obtained entry in Annexure-A3 panel is the vital question to be looked into. In our opinion, that can be done by verification of the official profile of those 15 SC candidates who had appeared for the written test and qualified and got entry in Annexure-A3, for which only few hours is sufficient. If any one of the SC candidate, among 15 persons, who were shown qualified in the written examination have found do not conform to Annexure-R2 requirement, or who did not possess the residency period of two years and who have not successfully completed the period of probation, it is very easy to exclude and eliminate them and proceed with the selection process. Neither side has case that widespread infirmity or irregularity had occurred in the selection process. Since those persons who did not conform to Annexure-R2 can easily be excluded from the panel, cancellation of the panel itself was unwholesome.

29. We also notice that everything was the creation of the respondents. They did not issue notification conforming to the up-to-date instructions issued by the Railway Board. Annexure-A2 contained obsolete clauses in terms of Annexure-R1 and did not conform to Annexure-R2. For the reason that it did not conform to Annexure-R2, entire selection should not have been rescinded.

30. Secondly, as we said earlier, the limited question is whether any SC candidate who did not complete two years of residency period and did not

satisfactorily complete the period of probation happened to participate in the selection process could be identified. After all, the number of candidates is very limited and therefore it is very easy to eliminate them and proceed with the process of selection.

31. Resultantly, we allow the Original Application quashing Annexure-A1 communication and direct the respondents to proceed with the selection process after eliminating ineligible candidates from Annexure-A3. This shall be done within 15 days from the date of receipt of a copy of this order. We make it clear that till the process comes to a logical conclusion, the selection proposed by the notification dated 04.08.2025 shall be kept on hold.

Original Application is allowed as above. We make no order as to costs.

(Dated, this the 30th September, 2025)