
(2025) 08 GAU CK 0341
In the Gauhati High Court
Case No : WP(C) Of 4709 Of 2025

Monjit Payeng And 3 Ors

APPELLANT

Vs

Union Of India And 3 Ors

RESPONDENT

Date of Decision : 20-08-2025

Acts Referred:

Citation : (2025) 08 GAU CK 0341

Hon'ble Judges : Ashutosh Kumar, CJ; Arun Dev Choudhury, J

Bench : Division Bench

Advocate : K.N. Choudhury, R.M. Deka, A. Gayan

Final Decision : Dismissed

Judgement

Ashutosh Kumar, CJ

1. We have heard Mr. K.N. Choudhury, learned Senior Advocate assisted by Mr. R.M. Deka, learned Advocate for the petitioners and Ms. A. Gayan, learned Central Government Counsel for the respondents.

2. The petitioners had applied for recruitment to the posts of House Keeping Staff and Mess Staff at the Air Force Hospital, Jorhat, pursuant to an advertisement dated 03.04.2021, issued by the respondents. The recruitment process was conducted in terms of the Standard Operating Procedure (in short, SOP) for filling up Group 'C' Civilian vacancies by direct recruitment.

3. The contention of the petitioners is that they successfully cleared both, the written test as also the Trade Proficiency Test; whereafter a merit list was published on 09.09.2021, in which the names of the petitioners figured as successful candidates. They were also informed by the Presiding Officer vide letter dated 09.09.2021 that they have been selected as candidates and therefore they should report to the Civil Administration Section with their original documents and certificates. However later, vide a communication dated 06.02.2022, the petitioners were made to understand that the entire selection

process has been cancelled and that a fresh process would be conducted for filling up the civilian vacancies.

4 The petitioners, aggrieved by this cancellation of the entire process, approached the Central Administrative Tribunal, Guwahati Bench (in short, "Tribunal") and argued that they had successfully passed the examination and were selected as well. They had the legitimate expectation of being appointed; but for no good reason, the entire selection process was cancelled, perhaps, on a stray and vogue complaint that the process adopted was not in accordance with the SOP and that there were many deviations in the selection process, as also the likelihood of the entire process having been vitiated because of a senior functionary having demanded and accepted bribe money for clearing the names of the candidates who participated in the selection process.

5. The Tribunal, vide order dated 27.06.2025, found that on account of irregularities committed in the selection procedure, which was not in accordance with the SOP for filling up of Group 'C' Civilian posts, such a decision was taken by the Recruiting body. That apart, the Tribunal was of the view that no right had accrued to the petitioners only by their having participated in the recruitment process. The petitioners had a right to be considered but in the event of the entire process having been set aside, no indefeasible right was available with them against the recruiting body for the Tribunal to interfere in the matter.

6. Without losing heart, the petitioners have approached this Court against the order passed by the Tribunal.

7. While canvassing the case of the petitioners, Mr. K.N. Choudhury, learned Senior Advocate has submitted that the Tribunal did not make a distinction between 'recruitment' and 'appointment' and wrongly held that the petitioners did not have locus to challenge the decision of the recruiting body to cancel the process.

The petitioners have the locus as they were the participants in the selection process and were selected. Only appointment letters were required to be issued to them. For that purpose, they had been asked to report to Administrative office on a particular date with their original documents. This was a stage farther from merely being selected and being put in the select list to be considered for appointment.

In that view of the matter, Mr. Choudhury has argued that the order of the Tribunal requires to be interfered with.

8. The second contention on behalf of the petitioners is that the process was cancelled on a stray complaint on which an enquiry is said to have been conducted. The enquiry report was never brought to the notice of the Tribunal.

9. It has been submitted on behalf of the petitioners that the allegation of bribe taking could not be substantiated and the officer, who was named as having accepted bribe for clearing the names of candidates/participants as successful

candidates, was treated honourably and after his retirement, was given all his post retiral dues. No action was taken against any person.

10. The contention of Mr. Choudhury, therefore, is that though the authority lay with the recruiting body to cancel the examination process, but being a public body, such decision had to be an informed one with necessary care that a decision to quash the entire process would have nullified all the efforts which went into the recruitment process and that would have frustrated the legitimate expectation of many successful candidates, who were only waiting in the wings to be given their appointment letters. On these grounds, it has been argued that the decision of the recruiting body to cancel the process was not correct and that the High Court ought to interfere with such decision.

11. With respect to the locus of the petitioners, we are not in agreement with the opinion of the Tribunal that without the petitioners having been selected and appointed, they did not have the authority to question the decision of the recruiting body to cancel the process. However, with respect to the extent of the candidates' right upon selection, we are of the considered view that till the time the petitioners were not appointed, they only had a right to be fairly treated and considered for the selection.

12. Selection in the final merit list of a candidate in an examination does not confer on him any indefeasible right to appointment. The only right which gets accrued to him is the right to be fairly considered without any arbitrary decision making.

13. Whether the recruiting body was justified in cancelling the almost completed recruitment process is something which has attracted our attention. Should the respondents have cancelled the recruitment after completing the entire process and publication of the final merit list on a mere complaint?

14. The records, however, reveal that it was not only the allegation of bribe taking by one senior officer of the respondents but the process also was not strictly in accordance with the SOP with respect to dispatch of call letters, evaluation and other ancillary aspects in recruitment.

15. What we also have considered seriously is whether this Court could go into the sufficiency of the reason for the recruiting body to have taken a decision that cancellation of the process would be better in the circumstances.

16. We are of the view that this decision making was in the domain of the recruiting body and it would be exceeding the jurisdiction of this Court in testing the sufficiency of the reason for taking such a decision.

17. So far as the legitimate expectations of the petitioners are concerned, those cannot over-ride the authority of the recruiting body to cancel the recruitment process and order for a fresh process for filling up of the civilian posts.

18. Thus, we find that the entire premise on which the case of the petitioners

rests is their legitimate expectation; the decision to cancel the examination is touted to be arbitrary and without any reason, is not sustainable.

19. We do not find, for the reasons stated above, any reason to interfere with the order passed by the Tribunal.

20. The writ petition, thus, is dismissed but making it cost easy.