

(2025) 11 RAJ CK 1788

In the Rajasthan High Court, Jodhpur Bench

Case No : Spl. Appl. Writ No. 931 Of 2024, Connected With Civil Writ Petition
No. 13461 Of 2024

Rameshwar Choudhary

APPELLANT

Vs

State Of Rajasthan

RESPONDENT

Date of Decision : 04-11-2025

Acts Referred:

Constitution of India, 1950 — Article 14
Rajasthan Animal Husbandry Service Rules, 1963 — Rule 20

Citation : (2025) 11 RAJ CK 1788

Hon'ble Judges : Bipin Gupta, J; Dr. Pushpendra Singh Bhati, J

Bench : Division Bench

Advocate : R.N. Mathur, Hanuman Singh Choudhary, Foja Ram, Pradeep Kumar, Pradeep Singh, Vikas Balia, Sachin Saraswat, Raghunanadan Sharma, Abhinav Srivastava, Kritika Rajawat, Ayush Bishnoi, I.R. Choudhary, Tarun Joshi, Vikram Singh, Manaswita Nakwaaz, Tanushka Saxena, Mahi Yadav

Final Decision : Dismissed

Judgement

Dr. Pushpendra Singh Bhati, J

1. At the outset it is clarified that the present D.B. Special Appeal (Writ) No. 931/2024 has been preferred by the appellants assailing the order dated 11.09.2024 passed by the learned Single Judge at the Principal Seat, Jodhpur, in S.B. Civil Writ Petition No. 13295/2024 (Rameshwar Choudhary & Ors. v. State of Rajasthan & Ors.). It is pertinent to note that another writ petition, S.B. Civil Writ Petition No. 13461/2024 (Ramratan Gurjar & Ors. v. State of Rajasthan & Ors.), was filed before the Jaipur Bench of this Hon'ble Court raising identical questions of law and fact arising out of the same recruitment process for the post of Veterinary Officer conducted pursuant to the advertisement dated 22.10.2019. Since both matters pertain to the same selection process and involve common issues concerning the prescription of minimum qualifying marks, they were ordered to be heard together and connected vide order dated 17.01.2025, for the sake of uniformity and to avoid conflicting decisions.

1.1. Both the above matters were heard together and are being decided by this common judgment, as the controversy involved in each arises from the same recruitment process and pertains to the identical issue. For the sake of convenience and clarity, D.B. Special Appeal (Writ) No. 931/2024 (Rameshwar Choudhary & Ors. v. State of Rajasthan & Ors.) has been treated as the lead case, and the decision herein shall govern the connected matter S.B. Civil Writ Petition No. 13461/2024 (Ramratan Gurjar & Ors. v. State of Rajasthan & Ors.) as well.

1.2. The present Special Appeal (Writ) has been preferred by the appellants seeking the following reliefs:

“It is, therefore, humbly prayed that Your Lordships may graciously be pleased to accept and allow this Civil Special Appeal (Writ) and further be pleased to quash and set aside the order dated 11.09.2024 Annex.1 passed by the Ld. Single Judge in S.B. Civil Writ Petition No. 13295/2024 and petitioners/appellants may be granted appointment on the vacant seats of Veterinary Officer as per the merit of the candidates. Any other appropriate order or direction this Hon’ble Court may deem fit and proper be also passed in favour of the appellant.”

2. The brief facts leading to the filing of the present appeal are that the appellants–writ petitioners had approached this Court by way of S.B. Civil Writ Petition No.13295/2024 laying challenge to the selection process undertaken by the Rajasthan Public Service Commission (RPSC) for the post of Veterinary Officer, pursuant to an advertisement dated 22.10.2019. The grievance of the appellants–writ petitioners was primarily directed against the fixation of a minimum qualifying threshold of 45% marks in aggregate for the Physically Handicapped Category, which according to them, had not been notified in the original advertisement.

2.1. In the writ petition, it was inter alia prayed that the respondents be directed to revise the result of the Physically Handicapped Category by excluding the application of the minimum 45% cut-off and to grant appointments to the appellants–writ petitioners as per their merit position. It was contended that the prescription of minimum qualifying marks was de hors the advertisement and therefore amounted to changing the rules of the game after the play had begun. The learned counsel for the appellants–writ petitioners submitted that the advertisement did not disclose any such qualifying benchmark and that the RPSC had no authority under the Rajasthan Animal Husbandry Service Rules, 1963 (hereinafter, “the Rules of 1963”) to impose such a criterion without express mention in the advertisement itself.

2.2. The learned Single Judge, after hearing the parties, noted that the RPSC had allocated 40 marks for the screening test, 20 marks for academic record, and 40 marks for interview, aggregating to 100 marks, and that a Full Commission decision had prescribed an aggregate 45% as the minimum threshold for Physically Handicapped Category candidates to qualify for appointment. The

learned Single Judge recorded the submission of the RPSC that this decision was duly reflected in the guidelines and instructions published on the Commission's website, to which reference was expressly made at the end of the advertisement, thereby placing candidates on notice.

2.3. The learned Single Judge observed that Rule 20 of the Rules of 1963 empowers the Commission to prepare a list of candidates whom it considers suitable for appointment, and therefore, the prescription of a 45% qualifying benchmark could not be said to be arbitrary or ultra vires. It was held that the suitability criterion so evolved by the Full Commission was within its competence and designed to promote fairness, transparency, and objectivity in the selection process.

2.4. The learned Single Judge further relied on the coordinate Bench decision in *Praveen Kumar Meena v. RPSC & Anr.* (S.B. Civil Writ Petition No.5619/2021, decided on 02.05.2023), wherein an identical challenge had been negated. Relying on the ratio of that case, as well as the judgment of the Hon'ble Supreme Court in *Anupal Singh v. State of Uttar Pradesh*, (2020) 2 SCC 173, it was held that a candidate having participated in the selection process without protest cannot subsequently assail the same upon being unsuccessful.

2.5. Upon consideration of the above, the learned Single Judge concluded that the minimum qualifying marks of 45% had neither been introduced mid-process nor altered after commencement of recruitment, as the same had already been notified on the official website in consonance with the decision of the Full Commission. The omission to reproduce this detail in the body of the advertisement was held not to vitiate the process. Consequently, the learned Single Judge found no arbitrariness or illegality in the action of the RPSC and dismissed the writ petition as being devoid of merit.

2.6. Aggrieved by the aforesaid order dated 11.09.2024, the appellants-writ petitioners have preferred the present D.B. Civil Special Appeal (Writ), reiterating their grievance that the learned Single Judge erred in upholding the selection procedure and in denying relief to the appellants despite the absence of any explicit mention of qualifying marks in the advertisement.

3. Learned counsels for the appellants-writ petitioners, Mr. R.N. Mathur, Senior Advocate assisted by Mr. Hanuman Singh Choudhary with Mr. Foja Ram, Pradeep Kumar, Pradeep Singh & Mr. Vikas Balia, Senior Advocate assisted by Mr. Sachin Saraswat, Mr. Raghunanadan Sharma, Mr. Abhinav Srivastava, Ms. Kritika Rajawat, Mr. Ayush Bishnoi, assailed the impugned order dated 11.09.2024, contending that the learned Single Judge has dismissed the writ petition on misconceived and unsustainable premises without properly appreciating the pleadings, documentary material, and the legal position governing recruitment to the post of Veterinary Officer. It was urged that the findings of the learned Single Judge are contrary to the settled principles of administrative fairness, transparency in public employment, and the doctrine of legitimate expectation.

3.1 It was submitted that the advertisement dated 22.10.2019 forming the foundation of the selection process did not prescribe any minimum qualifying marks for the Physically Handicapped (LD/CP) category or for any category of candidates. The allocation of marks was specifically detailed as 40 for screening test, 20 for academic record, and 40 for interview, totaling 100 marks. Therefore, the introduction of such a criterion of minimum marks of 45%, after the beginning of the selection process, amounted to changing the rules of the game midstream, rendering the process arbitrary and violative of Article 14 of the Constitution of India.

3.2. It was also argued that the learned Single Judge has gravely erred in holding that the Full Commission's decision regarding minimum qualifying marks was available on the RPSC website and could have been accessed by the candidates. It was submitted that neither the pleadings nor the reply of the respondent- Commission made any such assertion, nor was any contemporaneous document produced to substantiate that the decision of the Full Commission was published on the website prior to or during the recruitment process. In fact, even as on date, no such minutes or order of the Full Commission are publicly available. The finding of the learned Single Judge in this regard, it was contended, is beyond the pleadings and the record, amounting to a serious error apparent on the face of the record.

3.3. It was further contended that the reliance placed by the learned Single Judge on the judgment of this Court in *Praveen Kumar Meena v. RPSC & Anr.* (S.B. CWP No.5619/2021, decided on 02.05.2023) was misplaced, as the facts of that case were wholly distinguishable. In *Praveen Kumar Meena*, the petitioner had participated in a process where the minimum qualifying marks were known in advance and had challenged the weightage to the interview component after participation. In contrast, in the present case, the grievance arises from non-disclosure and post facto introduction of a qualifying marks benchmark. Thus, the ratio of *Praveen Kumar Meena* could not have been applied to the appellants' case.

3.4. Learned counsel also challenged the interpretation placed by the learned Single Judge upon Rule 20 of the Rules of 1963, submitting that the said rule merely authorizes the Commission to prepare a list of candidates considered suitable in the order of merit, but it does not empower the Commission to impose or invent an undisclosed qualifying threshold. It was submitted that "suitability" under Rule 20 is to be judged among the qualified candidates on the basis of merit, and not to determine eligibility by prescribing a cut-off which was neither notified nor supported by statutory backing.

3.5. Learned counsel further argued that the reliance of the respondents on certain internal minutes of the Full Commission dated 09.04.1980, 10.04.1980, 04.08.1994, 17.06.2015 and 11.06.2019 is erroneous, as those meetings pertained to selections conducted solely through interview-based processes, whereas the present recruitment involved a composite process with weightage

for written test, academics, and interview. It was also submitted that the minutes dated 11.06.2019 only referred the matter for further consideration by the Full Commission and did not result in any operative resolution applicable to the Veterinary Officer recruitment.

3.6. Learned counsel contended that the learned Single Judge failed to appreciate that FAQs uploaded on the RPSC website— relied upon by the respondents to justify the 45% threshold— cannot override or substitute the statutory rules or the terms of the advertisement. The said FAQs neither bore any date of publication nor were part of the advertisement, and in fact, the first page of the document itself carried a disclaimer stating that the information provided was incomplete and non-binding. Moreover, the FAQs annexed by the RPSC bore an update date of 31.07.2024, much after the initiation of the recruitment process, thereby rendering them wholly unreliable.

3.7. Learned counsel further submitted that the impugned order overlooks the fact that similar controversies concerning minimum qualifying marks in other categories (SC/ST, MBC, EWS, and divorcee categories) are pending before the Jaipur Bench of this Court in S.B. CWP No.13551/2024 and connected matters, where interim protection continues to operate. Despite being apprised of this position and the order dated 03.09.2024 passed by the Jaipur Bench directing the matter to be placed before Hon'ble the Chief Justice owing to the existence of similar petitions at Jodhpur, the learned Single Judge proceeded to decide the writ petition finally, resulting in inconsistent findings between coordinate Benches of this Court.

3.8. It was also contended that the learned Single Judge did not afford the appellants an opportunity to file a rejoinder to the reply submitted by the RPSC, which deprived them of the chance to refute new material relied upon by the respondents. This, according to learned counsel, amounts to a violation of principles of natural justice.

3.9. Lastly, learned counsel submitted that the impugned order failed to consider the applicability of the Doctrine of Legitimate Expectation, which mandates that public authorities adhere to the representations made to candidates and the procedural fairness inherent in recruitment processes. Reliance was placed on the decision of the Hon'ble Supreme Court in *Sivanandan C.T. v. High Court of Kerala and Others*, (2024) 3 SCC 799, wherein it was held that introduction of a minimum qualifying mark after completion of the viva voce stage is impermissible. It was urged that by applying a 45% cut-off retrospectively, the RPSC has defeated the legitimate expectation of the appellants that the selection would be governed strictly by the advertisement terms.

3.10. On these submissions, learned counsel prayed that the impugned order dated 11.09.2024 be quashed and set aside, and that the respondents be directed to reissue the result of the PH (LD/CP) category without applying the minimum qualifying marks criteria, and to consider the appellants for

appointment on the vacant posts of Veterinary Officer as per their merit position.

3.11. Learned Counsel further placed reliance on the following cases:

1. Durgacharan Misra Vs State of Orissa and Others (1987) 4 SCC 646
2. Dr. Krushna Chandra Sahu and Ors. Vs State of Orissa and Others (1995) 6 SCC 1
3. Krishna Rai (Dead) Through legal representatives and ors. Vs Banaras Hindu University, through registrar and ors. (2022) 8 SCC 713
4. Tej Prakash Pathak and ors. vs. Rajasthan High Court and ors. (Civil Appeal no. 2634 of 2013 decided on 07.11.2024)
5. The Rajasthan Public Service Commission, Ajmer through its secretary vs Vishnu Dutt Saini and Ors. (D.B. Civil Special Appeal (Writ) No. 568/2022 decided on 19.05.2023)

4. Per contra, Mr. I.R. Choudhary, Additional Advocate General & Mr. Tarun Joshi, with Mr. Vikram Singh, Ms. Manaswita Nakwaaz and Ms. Tanushka Saxena for Mr. Mahi Yadav, Additional Advocate General, learned counsels appearing on behalf of the respondents– the Rajasthan Public Service Commission (RPSC) and the State of Rajasthan – opposed the appeal and supported the impugned order passed by the learned Single Judge. It was submitted that the findings recorded by the learned Single Judge are well reasoned, based on settled legal principles, and call for no interference in appeal.

4.1. It was submitted that the Commission, in pursuance of its constitutional and statutory duties, had conducted the recruitment to the post of Veterinary Officer strictly in accordance with law and in conformity with the provisions of the Rules of 1963. It was urged that the decision to prescribe minimum qualifying marks of 45% for PH candidates was taken by the Full Commission of the RPSC after due deliberation and was applied uniformly across recruitments of similar nature, thereby ensuring fairness, objectivity, and transparency in selection.

4.2. It was further contended that the advertisement dated 22.10.2019, while setting out the scheme of selection and allocation of marks, specifically mentioned in its concluding paragraph that “other relevant information and instructions for the candidates shall be available on the Commission’s website”. In compliance with this clause, all supplementary instructions, including the minimum qualifying marks prescribed for various categories, were duly published on the official website of the Commission. Therefore, it was argued that the appellants were deemed to be aware of such conditions and cannot now plead ignorance or allege concealment.

4.3. It was emphasized that Rule 20 of the Rules of 1963 confers upon the Commission the statutory power to prepare a list of candidates considered “suitable” for appointment to the post concerned. For judging such suitability, the Commission is competent to devise an appropriate mechanism or benchmark,

including prescribing a minimum aggregate score. It was submitted that the fixation of 45% marks was neither arbitrary nor introduced mid-process, but rather, it represented a pre-existing, rational, and policy-based measure to identify genuinely suitable candidates in a transparent manner.

4.4. It was submitted that the prescription of qualifying marks was intended to curb discretion and arbitrariness in interview-based selections. Historically, appointments to the post of Veterinary Officer were made solely through interviews, and therefore, the Full Commission decided to introduce a balanced scheme allocating 40 marks to screening test, 20 marks to academic record, and 40 marks to interview, with a uniform qualifying benchmark to ensure parity and merit-based selection. It was argued that this measure enhances transparency and reduces subjectivity, and hence, cannot be termed illegal or unreasonable.

4.5. The judgment of the Coordinate Bench in *Praveen Kumar Meena v. RPSC & Anr.* (S.B. Civil Writ Petition No.5619/2021, decided on 02.05.2023) was also relied upon, wherein the Court had upheld the prescription of minimum qualifying marks (50% for General/OBC and 45% for SC/ST/PH categories) as a valid exercise of administrative power by the RPSC. The said judgment, according to the respondents, squarely covers the controversy in question and has attained finality.

4.6. It was further urged that the appellants cannot be permitted to challenge the recruitment process after having voluntarily participated in it and having failed to secure the qualifying marks. Reliance was placed on the decision of the Hon'ble Supreme Court in *Anupal Singh v. State of Uttar Pradesh*, (2020) 2 SCC 173, wherein it was held that a candidate who takes part in the selection process without protest cannot subsequently turn around to question its validity after being unsuccessful.

4.7. On the issue of parity with the matters pending before this Hon'ble Court at the Jaipur Bench, it was submitted that pendency of similar petitions does not automatically preclude adjudication of the present case, especially when no stay or restraint order operates on the selection in question. It was contended that the learned Single Judge was fully justified in independently deciding the writ petition on merits, as the challenge raised by the appellants was devoid of substance.

4.8. Learned counsel for the State also supported the stand of the RPSC and submitted that the doctrine of legitimate expectation has no application in the present case, as no specific assurance or representation was made to the appellants that no qualifying marks would be prescribed. On the contrary, the advertisement expressly required the candidates to consult the Commission's website for detailed instructions, and hence, the appellants were put to notice.

4.9. It was further contended that non-mention of the minimum marks in the printed advertisement does not vitiate the process, so long as the decision prescribing such marks existed contemporaneously and was available in the

public domain. The learned Single Judge rightly held that the rules of selection were not changed mid-way, and that all candidates had a level playing field under a uniform standard.

4.10. Learned counsel lastly submitted that interference at this stage would not only unsettle a long-concluded selection process but also prejudice third-party rights of candidates already appointed on the basis of the impugned result. The appellants, having failed to establish any illegality, procedural irregularity, or mala fide in the action of the RPSC, are not entitled to any relief in equity or law.

5. Heard learned counsel for the parties at length and perused the material available on record. The judgments cited at the Bar, including *Praveen Kumar Meena v. RPSC & Anr.*, decided on 02.05.2023, *Anupal Singh v. State of Uttar Pradesh*, (2020) 2 SCC 173, and *Sivanandan C.T. v. High Court of Kerala*, (2024) 3 SCC 799, have been duly considered.

6. This Court observes that the primary issue requiring adjudication in the present appeal is whether the prescription of minimum qualifying marks of 45% by the Rajasthan Public Service Commission for candidates in the Physically Handicapped (LD/CP) category was legally sustainable and whether the same could be said to have been introduced dehors the advertisement dated 22.10.2019, thereby vitiating the selection process.

7. This Court finds that the advertisement dated 22.10.2019 clearly delineated the scheme of selection, comprising 40 marks for the screening test, 20 marks for the academic record, and 40 marks for the interview, and further contained a specific note directing candidates to refer to the RPSC's official website for "other relevant information and instructions." The material placed on record, including the documents annexed by the respondents, indicates that the prescription of minimum qualifying marks was part of the Full Commission's decision that existed contemporaneously and was consistently applied across recruitments. The said stipulation was available in the public domain and accessible to all candidates.

8. This Court further observes that Rule 20 of Rules of 1963 authorizes the Commission to prepare a list of candidates "whom they consider suitable for appointment to the post concerned." The phrase "consider suitable" necessarily implies an evaluative discretion, which permits the Commission to determine objective parameters to judge suitability, including the fixation of a minimum benchmark to ensure merit-based and uniform selection. The exercise of such discretion by the RPSC, being rooted in statutory power, cannot be faulted in the absence of demonstrable arbitrariness, mala fides, or violation of statutory provisions.

9. This Court also finds that the prescription of a qualifying benchmark serves a legitimate administrative purpose. The rationale behind fixing 45% aggregate marks for the Physically Handicapped Category was to balance the components of screening, academics, and interview, and to minimize subjectivity in

assessment. The decision of the Full Commission, therefore, represents a policy determination aimed at enhancing transparency and fairness. In such matters, the scope of judicial interference is limited unless the action is manifestly arbitrary or ultra vires.

10. This Court observes that the contention of the appellants regarding non-disclosure of qualifying marks in the advertisement cannot be sustained in light of the explicit note contained therein requiring candidates to consult the Commission's website. The recruitment advertisement is not to be read in isolation but as an integrated notification that includes supplementary instructions hosted online. Once the advertisement itself directed candidates to access the website for details, the appellants cannot claim ignorance of the information that was publicly available.

11. This Court further finds that the reliance placed by the learned Single Judge on the judgment in *Praveen Kumar Meena v. RPSC & Anr.* (supra) was justified. In that case, a Coordinate Bench of this Court upheld the fixation of 50% qualifying marks for General and OBC candidates and 45% for SC/ST/PH candidates as a valid exercise of administrative power. The principle enunciated therein that prescription of minimum marks to assess suitability does not amount to alteration of the rules of the game applies mutatis mutandis to the present case.

12. The argument advanced by the appellants that the Full Commission's decision was not placed on record or publicly available is not persuasive. The respondents have relied on longstanding resolutions of the Commission dating back to 1980, 1994, 2015, and 2019, which form the policy framework for recruitment examinations. The decision to prescribe minimum qualifying marks of 45% in the PH category is consistent with this established pattern and cannot be said to have been newly introduced or applied selectively to the present recruitment.

13. This Court also notes that the appellants participated in the selection process without any demur or protest and challenged the same only after being declared unsuccessful. It is well settled that a candidate who consciously participates in a selection process is estopped from subsequently questioning its validity merely because the outcome is adverse. The principle has been reiterated by the Hon'ble Supreme Court in *Anupal Singh v. State of Uttar Pradesh* (supra), which squarely applies to the present case.

14. As regards the contention that the learned Single Judge erred in proceeding with the matter despite pendency of similar petitions at the Jaipur Bench, this Court finds no procedural irregularity. The existence of parallel proceedings does not bar adjudication by a coordinate Bench, particularly when no restraint or stay order has been issued. The learned Single Judge was, therefore, justified in rendering a final decision on the basis of the pleadings and material before him.

15. This Court also finds that the doctrine of legitimate expectation, as invoked

by the appellants, is misplaced. The doctrine can operate only when a public authority, by an express representation or past consistent practice, creates a reasonable expectation in favor of an individual. In the present case, the advertisement contained a clear stipulation directing candidates to refer to the website for complete details. Therefore, there was no promise or assurance that no qualifying marks would be prescribed. In the absence of such representation, the plea of legitimate expectation cannot be sustained.

16. This Court further observes that no evidence has been placed on record to demonstrate that the process adopted by the RPSC was tainted by arbitrariness, mala fides, or discrimination. All candidates were assessed under a uniform benchmark of 45% marks, and no category or candidate was treated disparately. The process was thus transparent, consistent, and fair.

17. This Court finds no infirmity in the conclusion reached by the learned Single Judge that non-mention of qualifying marks in the body of the advertisement would not vitiate the process, particularly when the criterion existed prior to the commencement of recruitment and was applicable uniformly to all candidates. The impugned order reflects a sound appreciation of law and facts, supported by binding precedents.

18. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 11.09.2024, passed by the learned Single Judge in S.B. Civil Writ Petition No.13295/2024, does not suffer from any perversity, illegality, or error apparent on the face of the record warranting interference in appellate jurisdiction.

19. Consequently, the present D.B. Special Appeal (Writ) No. 931/2024 is dismissed being devoid of merit. The connected S.B. Civil Writ Petition No. 13461/2024 (Ramratan Gurjar & Ors. v. State of Rajasthan & Ors.), involving the same controversy and arising out of the same recruitment process, shall stand disposed of in terms of this common judgment.