
(2001) 01 SC CK 0076

In the Supreme Court Of India

Case No : Civil Appeal; Special Leave Petition (Civil) No: 430-435 of 2001;
16446 of 1999, 2963, 3780, 3782, 8510 of 2000

Union of India (UOI) and Others

APPELLANT

Vs

Tarun K. Singh and Others

RESPONDENT

Date of Decision : 10-01-2001

Acts Referred:

Citation : AIR 2001 SC 2196 : (2001) AIRSCW 1928 : (2001) 2 PLJR 81 :
(2003) 11 SCC 768

Hon'ble Judges : K. G. Balakrishnan, J;G. B. Pattanaik, J;B. N. Agrawal, J

Bench : Full Bench

Advocate : Harish Salve, Solicitor General, S.W.A. Quadri, Binu Tamta, D.S. Mehra, P.S. Mishra, Shiva Pujan Singh and Niranjana Singh, for the Appellant; Abha R. Sharma, Niranjana Singh, Rana Ranjit Singh and Mridula Ray Bharadwaj, for the Respondent

Final Decision : Disposed Off

Judgement

1. Delay condoned.

2. Leave granted.

3. These matters relate to the cancellation of the entire selection process by an order of the Director General of RPF dated 27-5-1996 for the post of Constable in Railway Protection Force. Advertisement had been issued and on receipt of the applications for a large number of people, call letters were issued to suitable candidates, and thereafter candidates were selected but that selection list had not obtained approval of the Railway Board. It is at that point of time, the Railway Board itself received several complaints alleging malpractice in the process of recruitment and, therefore, issued a direction that the process of selection should be cancelled and there should be a fresh advertisement inviting applications and process of selection should be renewed. The Director General of Railway Protection Force by order dated 27-5-1996 cancelled the entire selection process and ordered for a fresh selection. Though the order is not a part of the

record but it has been brought to our notice that the Director General issued the aforesaid order on administrative exigency. Obviously because of so many complaints received from several quarters with regard to the large scale of malpractice adopted in the process of selection. Pursuance to the aforesaid order a fresh advertisement was published in newspaper in October, 1996. Large number of Writ Petitions then were filed both in the High Court at Calcutta and Allahabad challenging the order of cancellation of recruitment to the post of Constable and issuance of fresh advertisement. The Calcutta High Court initially dismissed a batch of Writ Petitions and upheld the order of issuance of fresh advertisement essentially on the ground that there has been alleged corruption involved in the process of selection. Learned single Judge of Allahabad High Court, however, by order dated 8-4-1997 allowed six Writ Petitions filed before it and came to the conclusion that there is no material before the appropriate authority directing cancellation of the process of selection and accordingly the learned single Judge directed the appropriate authority to publish the result and complete the process of selection. Subsequent to the aforesaid judgment of the learned single Judge of Allahabad High Court, the Calcutta High Court by the impugned judgment dated 7-4- 1998 in appeal arising out of SLP (C) 16446/ 1999 followed the judgment of the learned single Judge of Allahabad High Court and disposed of the writ petitions allowing the same. In the meantime, the judgment of the learned single Judge of Allahabad High Court which was followed by the Calcutta High Court was challenged by way of an appeal to the Division Bench of Allahabad High Court and the Division Bench of Allahabad High Court set aside the judgment of the learned single Judge and dismissed the writ petition against which the other SLPs have been filed by the individual applicants.

4. The question for consideration is whether the learned single Judge of Allahabad High Court was justified in interfering with an order of cancellation passed by the competent authority and direct that the process of selection should be completed. Needless to mention that subsequent to the order of cancellation, in view of the allegation of malpractice, the departmental authorities has held an enquiry into the matter and the result of that enquiry was revealed gross irregularities and illegalities as referred to in the judgment of the Division Bench of Allahabad High Court. Consequently the process of selection which stands vitiated by adoption of large scale malpractice to a public office, cannot be permitted to be sustained by Court of Law. That apart, an individual applicant for any particular post does not get a right to be enforced by a Mandamus unless and until he is selected in the process of selection and gets the letter of appointment. In the case in hand, much before the so-called list of selection was approved by the Railway Board, the order of cancellation had emanated on the basis of the complaint received from so many quarters. In view of the subsequent findings of the enquiry committee which has gone into the matter, we have no hesitation in coming to the conclusion that the learned single Judge of Allahabad High Court was wholly in error in issuing the direction in question and, therefore, the Division Bench of Allahabad High Court was fully

justified in interfering with the said order of learned single Judge of Allahabad High Court. The Division Bench of Calcutta High Court committed error in following the judgment of learned single judge of Allahabad High Court. The judgment of Division Bench of Calcutta High Court is set aside and the judgment of Division Bench of Allahabad High Court is upheld. In the circumstances, we allow the Union's appeals and dismiss the appeals filed on behalf of the individual candidates. The appeals are disposed of accordingly. Any other question of law remains open.