



[3488]

**HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD
(Special Original Jurisdiction)**

**MONDAY, THE NINTH DAY OF MARCH
TWO THOUSAND AND TWENTY SIX**

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH
AND
THE HONOURABLE SRI JUSTICE G.M. MOHIUDDIN**

WRIT PETITION NO: 33548 OF 2016

Between:

L.S.Chowhan, S/o.H.S.Chowhan Hindu, aged 43 years Occ Deputy Commissioner of Police R/o.Villa No.23, Magadha Village Kokapet, Hyderabad. Telangana.

...PETITIONER

AND

1. The Union of India, Rep.by its Secretary Ministry of Home Affairs New Delhi.
2. Union Public Service Commission, Rep.by its Secretary Dholpur House, New Delhi
3. The State of Andhra Pradesh, Rep.by its Chief Secretary Home Department, Secretariat Hyderabad.
4. The Director General of Police, State of Andhra Pradesh, Hyderabad.
5. Sri S.V.Rajasekhar Babu, IPS Superintendent of Police, Ananthapur, A.P.
6. Sri V.Satyanarayana, IPS DCP, South Zone, Hyderabad.
7. Sri K.V.Mohan Rao, IPS Superintendent of Police Vigilance and Enforcement Nellore.
8. Smt B.Sumathi, IPS, DCP, North Zone, Hyderabad
9. Sri P.H.D.Ramakrishna, IPS Superintendent of Police, Kadapa YSR Kadapa District, AP
10. Sri M.Srinivasulu, IPS, Superintendent of Police, CID Telangana State, Hyderabad.
11. The Central Administrative Tribunal, Hyderabad Bench, Hyderabad. Rep.by its Registrar.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be



pleased to call for the records relating to O.A.No.1303/2011 on the file of the Honble Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the order dt.30-06-2016 in so far as went against the petitioner by issuing a writ of certiorari or any other appropriate writ, order or direction as the same is illegal and contrary to law and consequently allow the O.A. No.1303/2011 as prayed for and pass such other order or orders as this Honble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner : SRI T.KOTESWARA RAO

**Counsel for the Respondent No.1 : SRI B.NARASIMHA SHARMA,
Addl.Solicitor General of India, rep., SRI N.BHUJANGA RAO,
Dy.Solicitor General Of India**

Counsel for the Respondent No.2 : SRI AJAY KUMAR, SC FOR UPSC

**Counsel for the Respondent No.3&4: SRI A.RAGHURAM MAHADEV,
rep., SRI B.RAJESHWAR RAO, GP FOR AP STATE**

Counsel for the Respondents No.5TO11 : --

**Counsel for the Respondents No.12&13 : SRI B.KRISHNA,
GP for Services (Home)**

The Court made the following: ORDER



IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH
AND

THE HON'BLE SRI JUSTICE G.M.MOHIUDDIN

WRIT PETITION No.33548 of 2016

DATE:09.03.2026

BETWEEN:

L.S.Chowhan

....Petitioner

AND

Union of India and 9 others

....Respondents

ORDER

Heard Sri T.Koteswara Rao, learned counsel for the petitioner;
Sri B.Narasimha Sharma, learned Additional Solicitor General of
India representing Sri N.Bhujanga Rao, learned Deputy Solicitor
General of India appearing for respondent No.1; Sri Ajay Kumar
Kulkarni, learned counsel appearing for respondent No.2-Union
Public Service Commission (UPSC); Sri A.Raghuram Mahadev,
learned counsel representing Sri B.Rajeshwar Rao, learned
Government Pleader for the State of Andhra Pradesh appearing for
respondent Nos.3 and 4 and Sri B.Krishna, learned Government
Pleader appearing for Services (Home) appearing for respondent
Nos.12 and 13 and perused the record.



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2. The present writ petition is filed with the following prayer:

".....it is prayed that this Hon'ble Court may be pleased to call for the records relating to O.A.No.1303/2011 on the file of the Hon'ble Central Administrative Tribunal, Hyderabad Bench, Hyderabad and quash the order dt. 30-06-2016 in so far as went against the petitioner by issuing a writ of certiorari or any other appropriate writ, order or direction as the same is illegal and contrary to law and consequently allow the O.A.No.1303/2011 as prayed for and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case."

Factual background (in brief)

3. The petitioner was appointed as a Deputy Superintendent of Police (DSP) in the erstwhile State of Andhra Pradesh in the year 1998 through direct recruitment conducted by the Andhra Pradesh Public Service Commission (APPSC). The petitioner was promoted as Additional Superintendent of Police (ASP) in the year 2005 and thereafter as Superintendent of Police (SP) in the year 2008. It is the case of the petitioner that he was never superseded by any of his juniors in these promotions.

4. Indian Police Service (Appointment by Promotion) Regulations, 1955 (for short '1955 Regulations') govern the promotion of officers from the State Police Service to the Indian Police Service (IPS). Under the said Regulations, a Selection Committee is constituted every year to prepare a list of suitable officers for promotion to the IPS. The petitioner, having completed



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the requisite eight years of service as a DSP, became eligible for consideration for the panel years 2009-A and 2010.

5. The Selection Committee convened its meeting on 27.10.2011 to consider eligible officers for the said panel years. While forwarding the proposal to respondent No.2-Union Public Service Commission (UPSC), respondent No.3-State Government and respondent No.4-the Director General of Police (DGP) withheld the integrity certificate of the petitioner on account of certain allegations said to have been levelled against him, which were subsequently enquired into and culminated in issuance of a warning memorandum dated 22.08.2011.

6. Aggrieved by the withholding of the integrity certificate, the petitioner filed O.A.No.1073 of 2011. The said O.A. was disposed of on 18.11.2011 directing the respondents to issue the integrity certificate to the petitioner if he fell within the parameters of the Department of Personnel and Training (DoPT) Circular, dated 27.10.1999. However, by the time this order was passed, the Selection Committee for 2009-A and 2010 years had already met on 27.10.2011, and the selection process had been concluded.

7. The petitioner's case was considered by the Selection Committee for the panel years 2009-A and 2010. As per the minutes of the meeting placed on record by the UPSC, the petitioner was assessed as "Good" for both the panel years on an overall assessment of his service record. In view of the statutory limitation on the size of



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the select list and the availability of officers who had secured higher gradings such as “Very Good”, the petitioner could not be included in the select lists. The select lists were thereafter notified by the Government of India on 19.12.2011.

8. The petitioner thereafter instituted O.A.No.1303 of 2011 before the Tribunal, challenging the selection process and seeking reconsideration of his case. During the pendency of the said original application, the petitioner filed several miscellaneous applications seeking impleadment of selected candidates, amendment of the relief sought, and permission to raise additional grounds, all of which came to be allowed by the Tribunal.

9. Upon consideration of the pleadings and the record, including the petitioner’s personal file relating to the allegations against him, the Tribunal, by order dated 30.06.2016, dismissed the original application. Though the Tribunal noticed certain procedural lapses on the part of the State authorities in withholding the integrity certificate and also made observations regarding the scrutiny undertaken by the UPSC, it ultimately concluded that no case was made out warranting interference with the selection process. Subsequently, the petitioner was issued an integrity certificate and was thereafter, promoted to the IPS against the select list of the year 2012, which came to be acted upon by the Government of India on 16.03.2015.



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10. Aggrieved by the order, dated 30.06.2016 passed by the Tribunal dismissing the aforesaid original application, the petitioner has filed the present writ petition.

Submissions on behalf of the petitioner

11. Learned counsel for the petitioner has made the following submissions:

- i. That the petitioner was assessed as "Good" by the Selection Committee for the panel years 2009-A and 2010, whereas he was subsequently assessed as "Very Good" for the panel year 2012. According to the learned counsel, for the very same assessment year 2009-2010, the petitioner was graded as "Good" in 2010 selection but was assessed as "Very Good" for the year 2012, which demonstrates non-application of mind on the part of the Selection Committee which considered the petitioner for the years 2009-A and 2010.
- ii. That the only distinguishing factor between the selection held in the year 2010 and the selection in 2012 was the non-issuance of the integrity certificate in the former and its issuance in the latter. That the petitioner was ultimately promoted to the IPS in the year 2012 on the basis of the same service records, including the Annual Confidential Reports (ACRs) for the year 2009-2010. Thus, the withholding of the integrity certificate was the sole reason for the petitioner's non-



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selection in the earlier panel years, rendering the selection process arbitrary.

- iii. That the then DGP, who was instrumental in withholding the integrity certificate, was also a member of the Selection Committee, and the presence of such an officer in the Selection Committee vitiated the proceedings on account of bias. Reliance in this regard was placed upon the decisions of the Supreme Court in ***A.K. Kraipak v. Union of India***¹ and ***Ranjit Thakur v. Union of India***², to submit that where there exists a reasonable likelihood of bias, the decision-making process itself stands vitiated.
- iv. That although the Tribunal noticed certain procedural lapses in the withholding of the integrity certificate and also observed that the UPSC had not detected the same at the relevant stage, it nevertheless erred in declining to interfere with the selection process, and the Tribunal ought to have held the selection vitiated once the issue of bias and procedural irregularity was established.
- v. That the Tribunal, being the Court of first instance, ought to have called for all the relevant records including the comparative assessment sheets of the petitioner and the selected candidates. The failure to summon the complete

¹ (1969) 2 SCC 262

² (1987) 4 SCC 611



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record and the consequent dismissal of the O.A.No.1303 of 2011 was a jurisdictional error.

- vi. That the argument based on the grading in the year 2012 constituted a new plea, the learned counsel placed reliance on the decision in ***Rattan Lal Sharma v. Managing Committee, Dr. Hari Ram Co-education Higher Secondary School and others***³ to contend that a new plea going to the root of the matter can be permitted to be raised.
- vii. That despite an undertaking given before this Court to place on record the relative assessment sheets of the petitioner and the selected candidates, the same had not been produced. It was urged that an adverse inference ought to be drawn against the respondents.
- viii. That the submission of certain documents by the UPSC in a sealed cover without furnishing copies to the petitioner, violates the principles of natural justice, as held by the Hon'ble Supreme Court in ***Commander Amit Kumar Sharma and others v. Union of India and others***⁴.

Submissions on behalf of respondent No.2-UPSC

12. Learned counsel for the respondent No.2-UPSC has made the following submissions:

³ (1993) 4 SCC 10

⁴ (2023) 20 SCC 486



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- i. That the assessment made by the Selection Committee is based exclusively on the service records of the concerned officers, particularly the ACRs for the relevant period. The issuance of an integrity certificate by the State Government only determines whether the inclusion of an officer in the select list is unconditional or provisional and does not influence the grading assigned by the Selection Committee.
- ii. That the Selection Committee makes an independent assessment of the service records in accordance with the applicable guidelines, and such assessment may differ from the overall grading recorded in the ACRs. Therefore, the fact that the petitioner was assessed differently by a Selection Committee constituted for another panel year cannot render the earlier assessment illegal.
- iii. That the petitioner cannot claim a right to compare his grading across different panel years, since each Selection Committee functions independently and makes its own assessment on the basis of the material placed before it and the relative merit of officers within the zone of consideration for that particular year.
- iv. That reliance was placed on the minutes of the Selection Committee meeting dated 27.10.2011, which demonstrate that the petitioner's case was duly considered in accordance with



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the applicable regulations. It was submitted that the petitioner was graded as "Good" and could not be included in the select list due to the availability of officers who were graded "Very Good" and the statutory limitation on the size of the select list.

- v. That the scope of judicial review in matters relating to recommendations of Departmental Promotion Committees or Selection Committees is extremely limited. Reliance was placed upon the decisions of the Apex Court in **UPSC v. K. Rajaiah⁵**, **M.V. Thimmaiah v. UPSC⁶**, **Dalpat Abasaheb Solanke v. B.S. Mahajan⁷**, and **UPSC v. M. Sathiya Priya⁸**, to contend that the Courts cannot sit in appeal over the assessment of merit made by expert bodies unless *mala fides* or violation of statutory rules is established.
- vi. That the petitioner had failed to implead all the officers whose selection is sought to be challenged; that any interference with the select lists would affect the rights of such officers. Therefore, the writ petition suffers from non-joinder of necessary parties.
- vii. That the contention based on the grading in the year 2012 was not raised before the Tribunal and cannot be permitted to be raised in the present proceedings.

⁵ (2005) 10 SCC 15

⁶ (2008) 2 SCC 119

⁷ (1990) 1 SCC 305

⁸ (2018) 15 SCC 796



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viii. That the allegation of bias against the DGP was vague and unsupported by any material. It was pointed out that the Selection Committee consisted of several members including representatives of the Government of India and the UPSC, and the mere presence of a State representative cannot be a ground to vitiate the entire selection process.

ix. That the documents in a sealed cover were produced only for the perusal of the Court pursuant to its directions and that the essential records, including the minutes of the Selection Committee, had already been furnished to the petitioner.

13. We have taken note of the respective submissions and the material placed on record.

Consideration by this Court

14. The principal grievance of the petitioner is that the withholding of his integrity certificate was illegal and that, had the same been issued, he would have been selected. The Tribunal, in the impugned order, has indeed observed that there were procedural lapses on the part of respondent Nos.3 and 4 in withholding the integrity certificate and that the UPSC failed to notice such lapse. The question, however, that arises for consideration is whether such lapse, by itself, confers a legal right upon the petitioner to claim selection, or warrants interference with the entire selection process. In this context, it becomes necessary to advert to the scheme of the 1955



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Regulations, particularly the Regulation No.5 governing the preparation of the Select List, which is extracted as under:

5. Preparation of a list of Suitable officers.-

5 (1) Each Committee shall ordinarily meet every year and prepare a list of such members of the State Police Service as are held by them to be suitable for promotion to the Service. The number of members of the State Police Service to be included in the list shall be determined by the Central Government in consultation with the State government concerned, and shall not exceed the number of substantive vacancies as on the first day of January of the year in which the meeting is held, in the posts available for them under rule 9 of the Recruitment Rules. The date and venue of the meeting of the Committee to make the selection shall be determined by the Commission;

Provided that no meeting of the Committee shall be held, and no list for the year in question shall be prepared when,

- a. there are no substantive vacancies as on the first day of January of the year in the posts available for the members of the State Police Service under rule 9 of the recruitment rules; or
- b. the Central Government in consultation with the State Government decides that no recruitment shall be made during the year to the substantive vacancies as on the first day of January of the year in the posts available for the members of the State Police Service under rule 9 of the Recruitment Rules;

Provided further that where no meeting of the Committee could be held during a year for any reason other than that provided for in the first proviso as and when the Committee meets again, the Select List shall be prepared separately for each year during which the Committee could not meet as on the 31st December of each year.

Explanation:- In case of Joint Cadres, a separate select list shall be prepared in respect of each State Police Service.

5(2) The Committee shall consider for inclusion to the said list, the cases of members of the State Police Services in the order of seniority in that service of a number which is equal to three times the number referred in sub-regulation (1).

Provided that such restriction shall not apply in respect of a State where the total number of eligible officers is less than three times the maximum permissible size of the Select List and in such a case the Committee shall consider all the eligible officers;

Provided further that in computing the number for inclusion in the field of consideration, the number of officers referred to in sub-regulation (3) shall be excluded;

Provided also that the Committee shall not consider the case of a member of the State Police Service unless on the first day of



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January of the year for which the Select List is prepared he is substantive in the State Police Service and has completed not less than eight years of continuous service (whether officiating or substantive) in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Government.

Provided also that in respect of any released Emergency Commissioned or Short Service Commissioned officers appointed to the State Police Service, eight years of continuous service as required under the preceding proviso shall be counted from the deemed date of their appointment to that service, subject to the condition that such officers shall be eligible for consideration if they have completed not less than four years of actual continuous service, on the 1st day of January of the year for which the Select List is prepared, in the post of Deputy Superintendent of Police or in any other post or posts declared equivalent thereto by the State Government.

Explanation: *The powers of the State Government under the third proviso to the sub-regulation shall be exercised in relation to the members of the State Police Service of constituent State, by the Government of that State.*

5 (2) (A): Deleted.

5 (3): *The Committee shall not consider the cases of the members of the State Police Service who have attained the age of 54 years on the first day of January of the year for which the Select List is prepared :*

Provided that a member of the State Police Service whose name appears in the Select List prepared for the earlier year before the date of the meeting of the Committee and who has not been appointed to the service only because he was included provisionally in that Select List shall be considered for inclusion in the fresh list to be prepared by the Committee, even if he has in the meanwhile, attained the age of fifty four years.

Provided further that a member of the State Police Service who has attained the age of fifty four years on the first day of January of the year for which the Select List is prepared shall be considered by the Committee, if he was eligible for consideration on the first day of "January of the year or any of the years immediately preceding the year in which such meeting is held but could not be considered as no meeting of the Committee was held during such preceding year or years under item (b) of the proviso to sub-regulation(1)".

5 (3) (A) *The Committee shall not consider the case of such member of the State Police Service who had been included in an earlier select list and :*

a. *had expressed his unwillingness for appointment to the service under regulation 9;*



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Provided that he shall be considered for inclusion in the Select List, if before the commencement of the year, he applies in writing, to the State Government expressing his unwillingness to be considered for appointment to the service;

b. was not appointed to the service by the Central Government under regulation 9 (a).

5(4) The Selection Committee shall classify the eligible officers as "Outstanding", "Very Good", "Good" and "unfit" as the case may be on an overall relative assessment of their service records.

5 (5) The List shall be prepared by including the required number of names first from amongst the officers finally classified as "Outstanding" then from amongst those similarly classified as "Very Good" and thereafter from amongst those similarly classified as "Good" and the order of names inter-se within each category shall be in the order of their seniority in the State Police Service.

Provided that the name of an officer so included in the list shall be treated as provisional if the State Government withholds the integrity certificate in respect of such an officer or any proceedings, departmental or criminal are pending against him or anything adverse against him which renders him unsuitable for appointment to the service has come to the notice of the State Government.

Provided further that while preparing year-wise select lists for more than one year pursuant to the 2nd proviso to sub regulation (1), the officer included provisionally in any of the Select List so prepared shall be considered for inclusion in the Select List of subsequent year in addition to the normal consideration zone and in case he is found fit for inclusion in the suitability list for that year on a provisional basis such inclusion shall be in addition to the normal size of the select list determined by the Central Government for such year.

Explanation I: *The proceedings shall be treated as pending only if a charge-sheet has actually been issued to the officer or filed in a Court as the case may be.*

Explanation II: *The adverse thing which came to the notice of the State Government rendering him unsuitable for appointment to the service shall be treated as having come to the notice of the State only if the details of the same have been communicated to the Central Government and the Central Government is satisfied that the details furnished by the State Government have a bearing on the suitability of the officer and investigation thereof is essential.*

5 (6) Omitted.

5 (7) Deleted



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15. A plain reading of the above regulation indicates a clear distinction between the process of assessment of officers and the process of their inclusion in the Select List. The assessment of an officer as “Outstanding”, “Very Good”, or “Good” is required to be made by the Selection Committee on the basis of an overall relative evaluation of the ACRs. The integrity certificate, on the other hand, is a separate requirement, the absence of which does not preclude the Committee from assessing the officer. Its withholding only affects the nature of the officer’s inclusion in the Select List, which, in such circumstances, is treated as provisional rather than unconditional.

16. It is pertinent to note that the grading assigned by the Selection Committee is essentially a reflection of the officer’s performance as borne out from the entries in the service records, and not of the opinion of the State Government with regard to his integrity. The material placed before this Court indicates that the Selection Committee had the petitioner’s ACRs for the relevant period before it and, upon due consideration thereof, assessed him as “Good”. Such assessment was arrived at in the course of a comparative evaluation of all eligible officers falling within the zone of consideration.

17. The overall gradings given to the petitioner in his ACRs relating to 2003-04 to 2009-10 are reproduced hereunder:



Year	Grading	
2003-04	Outstanding	
2004-05	Outstanding	(01-04-2004 to 02-06-2004)
	Good	(03-06-2004 to 31-03-2005)
2005-06	Very Good	
2006-07	Very Good	(01-04-2006 to 12-02-2007)
2007-08	Very Good	(01-04-2007 to 09-10-2007)
	Outstanding	(12-10-2007 to 31-03-2008)
2008-09	Very Good	
	Very Good	(01-04-2009 to 31-07-2009)
2009-10	Outstanding	(01-08-2009 to 31-03-2010)

18. A perusal of the minutes of the Selection Committee meeting dated 27.10.2011, placed on record by the UPSC, discloses that several officers were assessed as “Very Good” for the select year in question. In view of the statutory limitation on the size of the Select List and the availability of officers possessing a higher grading, the petitioner, who had been assessed as “Good”, could not be included in the said list.

19. Further, the contention that the absence of the integrity certificate must have influenced the assessment of the Selection Committee is misconceived as unsupported by any cogent material. The Selection Committee comprised senior officers from different authorities, and there is nothing on record to demonstrate that the assessment was influenced by the withholding of the certificate, which, in terms of the 1955 Regulations has no bearing on the grading of service records. In these circumstances, although the



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withholding of the integrity certificate may constitute a procedural lapse, it cannot be said that such lapse, by itself, vitiated the assessment made by the Selection Committee. The grading assigned to the petitioner was the outcome of the Committee's evaluation of his service records and not a consequence of the non-issuance of the integrity certificate.

20. The assertion made by the petitioner that the then DGP who had recommended withholding of the petitioner's integrity certificate, was also a member of the Selection Committee, and his participation in the said Committee vitiated the entire selection process on account of a reasonable likelihood of bias, cannot be accepted.

21. It is well settled that the Doctrine of *nemo judex in causa sua* (that no person shall be a judge in his own cause), is an integral facet of the principles of natural justice. However, the application of the doctrine depends upon the existence of circumstances giving rise to a real likelihood of bias.

22. In **A.K. Kraipak** (Supra 1), the Hon'ble Supreme Court held that the test is not whether the authority was in fact biased, but whether there exists a reasonable ground for apprehending that he was likely to be biased. Similarly, in **Ranjit Thakur** (Supra 2), it was observed that the proper test is whether a reasonable person, in possession of relevant information, would think that bias was likely.



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23. Examined in the light of the aforesaid principles, the material on record does not disclose any circumstance giving rise to a 'real likelihood' of bias. The then DGPs action of recommending the withholding of the integrity certificate was an administrative function he was duty-bound to perform, and his subsequent participation in the Selection Committee, where the function was to assess ACRs, does not create the kind of direct, personal interest that the doctrine of bias is designed to guard against.

24. It is also to be noted that the Selection Committee, which met on 27.10.2011, was a multi-member body consisting of six senior officials, including nominees of the Government of India and the Union Public Service Commission, with the Chairperson being a nominee of the UPSC. The function of the Committee was confined to the assessment of the ACRs of eligible officers within the zone of consideration. The Committee did not conduct interviews, and the petitioner's case was evaluated along with those of several other officers. In these circumstances, the mere fact that the DGP was one among the members of the Selection Committee cannot, by itself, lead to an inference that the proceedings stood vitiated on account of bias. There is no material placed before this Court to indicate that the DGP's participation had any determinative influence on the assessment undertaken by the Committee.



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25. It is well settled that the Doctrine of Bias is attracted only where there exists a real likelihood of prejudice arising from a personal or direct interest in the outcome. In **Crawford Bayley & Co. v. Union of India**⁹, the Hon'ble Supreme Court held that mere official association with the subject matter, without a demonstrable personal interest or conflict, would not by itself attract the doctrine. Thus, having regard to the composition of the Selection Committee and the nature of the exercise undertaken by it, this Court finds no basis to conclude that the proceedings were vitiated on account of bias.

26. On perusal of the record, it does not substantiate the petitioner's contention that the Tribunal failed to call for the complete records. It is evident that the Tribunal undertook a detailed examination of the record. It perused the petitioner's personal file containing the proceedings relating to the allegations levelled against him and considered the reports of the ADGP (Intelligence) and the DIG, as well as the explanation submitted by the petitioner. Upon such examination, the Tribunal recorded a categorical finding that the withholding of the integrity certificate constituted a procedural lapse.

27. Insofar as the petitioner's grievance regarding the comparative assessment of ACRs vis-à-vis the private respondents is concerned,

⁹ (2006) 6 SCC 25



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the Tribunal observed that no substantive material had been placed on record to establish that the petitioner was more meritorious. The only document relied upon by the petitioner was an unsigned and undated typed statement, which the Tribunal rightly held to be devoid of evidentiary value. In the absence of any reliable material regarding the gradings of the private respondents, the Tribunal observed that it was difficult to adjudicate upon the allegation of discrimination. Such observation cannot be construed as a refusal to exercise jurisdiction; rather, it reflects a legitimate exercise of judicial restraint where the party alleging discrimination fails to place the necessary factual foundation.

28. It is trite law that the power of a Court or Tribunal to call for records is discretionary and is ordinarily exercised when the party concerned establishes a *prima facie* case warranting such examination. In the present case, the burden lay upon the petitioner to demonstrate, at least *prima facie*, that his grading/assessing had been unfairly downgraded. Having failed to discharge this burden, the petitioner cannot contend that the Tribunal ought to have undertaken a roving enquiry into the matter.

29. It may also be noticed that in the present proceedings the UPSC has placed on record the minutes of the Selection Committee meeting dated 27.10.2011, which disclose the grading assigned to all officers within the zone of consideration. The said minutes



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sufficiently indicate that the petitioner's non-inclusion in the Select List was on account of the availability of officers assessed with higher grading. In such circumstances, no further comparative assessment material was necessary for adjudication. Therefore, the submission that an adverse inference ought to be drawn against the UPSC for non-production of additional documents is, devoid of merit.

30. The reliance placed by the petitioner on his subsequent inclusion in the Select List of the year 2012 is misconceived for the following reasons:

- i) Firstly, the said plea was not urged before the Tribunal and is raised for the first time in the present writ petition. In any event, the assessment made in a different panel year by a differently constituted Selection Committee, in respect of a different set of vacancies and officers, cannot be relied upon to challenge an earlier and independent selection process.
- ii) Secondly, selection under the relevant Regulations is based on a comparative and relative assessment of officers within the zone of consideration for the particular panel year. The petitioner's subsequent grading as "Very Good" in the year 2012 only indicates that his profile was comparatively superior in that year; it does not invalidate his earlier assessment as "Good".



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iii) Thirdly, the fact that the petitioner's ACR for the year 2009-10 was assessed differently by two Committees does not indicate arbitrariness or bias, as each Selection Committee is required to make an independent evaluation of the service records.

31. It is also to be noted that the issue of non-joinder of necessary parties goes to the root of the maintainability of the writ petition. The petitioner has challenged the Select Lists for the panel years 2009-A and 2010, wherein 11 and 15 officers respectively were selected and whose rights would be directly affected in the event of any interference with the said lists. In service matters involving challenge to a select list, all persons likely to be adversely affected are necessary parties. In the present case, none of the officers selected in the 2009-A list have been impleaded, and out of the 15 officers selected for 2010, only six have been arrayed as respondents. In the absence of the remaining selectees, any order passed would violate the principles of natural justice. Thus, the Tribunal rightly noted this defect while declining to entertain the challenge to the 2009-A list.

32. Further, this Court does not find merit in the sealed cover submission as made by the petitioner. There was no violation of the principles of natural justice, as the principal document, namely the minutes of the Selection Committee, has already been furnished to



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the petitioner. And the remaining material was produced only for the limited purpose of the Court's perusal.

Conclusion

33. For the foregoing reasons, we find no merit in the writ petition. The non-issuance of the integrity certificate did not vitiate the assessment made by the Selection Committee, which was based on the petitioner's service records and a comparative evaluation of officers within the zone of consideration. The allegation of bias against the DGP is unsubstantiated, and the Tribunal's order dated 30-06-2016 does not suffer from any jurisdictional error warranting interference by this Court.

34. Accordingly, the Writ Petition is dismissed. The order dated 30.06.2016 passed by the Central Administrative Tribunal, Hyderabad Bench, in O.A.No.1303 of 2011 is hereby affirmed.

As a sequel, miscellaneous petitions, pending if any, stand closed. No costs.

SD/ AHMED ABDULLAH KHAN
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI T.KOTESWARA RAO Advocate [OPUC]
2. One CC to SRI N.BHUJANGA RAO, Deputy Solicitor General of India, High Court for the State of Telangana at Hyderabad. [OPUC]
3. One CC to SRI AJAY KUMAR, SC FOR UPSC. [OPUC]
4. Two CCs to GP FOR THE STATE OF ANDHRA PRADESH, High Court for the State of Telangana at Hyderabad. [OUT]



5. Two CCs to GP FOR SERVICES (HOME), High Court for the State of Telangana. [OUT]
6. Two CD Copies.

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HIGH COURT

DATED: 09/03/2026



ORDER

WP.No.33548 of 2016

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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