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CGHC010308952025 2026:CGHC:45524

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 8553 of 2025

1 - Aditya Saini S/o Shri Balwant Kumar Saini Aged About 33 Years R/o- Near Water Tank, Ward No. 5, Godhanpur, Ambikapur, District- Surguja (C.G.)

2 - Yuvraj Lingam S/o Shri Michael Lingam Aged About 33 Years R/o H.No. 831, Ward No. 19, Kedarpur, Mission Chowk, Ambikapur, District- Surguja (C.G.)

3 - Tikeshwar Ram S/o Shri Rauta Ram Aged About 30 Years R/o Village Bhalubar, Poksari, District- Surguja (C.G.)

4 - Subhadra Painkra D/o Shri Surendra Prasad Painkra Aged About 28 Years R/o- Village- Mayur Nacha, Post- Baghbahar, District- Jaspur (C.G.)

5 - Khel Sai S/o Shri Suresh Singh Aged About 27 Years R/o- Village Sontarai, Post- Udaipur, District- Surguja (C.G.)

6 - Gaurav Gond S/o Shri Premshankar Ram Aged About 27 Years R/o Ward No. 18, Kedarpur, Ambikapur, District- Surguja (C.G.)

7 - Dileshwar Ram S/o Shri Rauta Ram Aged About 34 Years R/o Village- Bhalubar, Poksari, District- Surguja (C.G.)

8 - Sonam Sidar D/o Shri Shiv Prasad Sidar Aged About 26 Years R/o Ward No.11, Shanti Nagar, Lailunga, District- Raigarh (C.G.)

9 - Pramod Jaiswal S/o Shri Chandrika Prasad Jaiswal Aged About 36 Years Village- Mayur Nacha, Post- Baghbahar, District- Jaspur (C.G.)

10 - Brindavatee W/o Shri Tikeshwar Singh Aged About 31 Years R/o- Village Poksari Bhalubar, Post- Poksari, Ariya Batauli, District- Surguja (C.G.)

Petitioner(s)

versus

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1 - State Of Chhattisgarh Through Its Secretary, Department Of Health And Family Welfare And Medical Education, Mantralaya, Mahanadi Bhawan, Nawa Raipur, Atal Nagar, Raipur (C.G.)

2 - Commissioner Medical Education, North Block, Sector-19, Swasthya Bhawan, 2nd Floor, Nawa Raipur, Atal Nagar, Raipur (C.G.)

3 - Director Medical Education, North Block, Sector-19, Swasthya Bhawan, 2nd Floor, Nawa Raipur, Atal Nagar, Raipur (C.G.)

4 - Dean Rajmata Srimati Devendra Kumari Singhdev, Government Medical College, Ambikapur, District- Surguja (C.G.)

5 - Administrative Officer Rajmata Srimati Devendra Kumari Singhdev, Government Medical College, Ambikapur, District- Surguja (C.G.)

Respondent(s)

(Cause-title taken from CIS)

For Petitioner(s)	**:**	Mr. Pawan Shrivastava, Advocate
For Respondent(s)	**:**	Mr. Suyashdhar Badgaiya, GA

(HON'BLE SHRI JUSTICE BIBHU DATTA GURU)

Order on Board

28.10.2026

1. By way of the present writ petition, the petitioners have called in question the decision taken in the General Body meeting dated 23.04.2025 to cancel the recruitment advertisements dated 20.07.2022 and the consequential action of undertaking recruitment through the Chhattisgarh Professional Examination Board (VYAPAM) in respect of the posts in question at Government Medical College, Ambikapur, District Surguja. The petitioners seek quashing of the aforesaid decision and a direction to the respondents to resume and complete the recruitment process initiated under the original and amended advertisements, in accordance with the applicable recruitment rules.

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2. (a) Learned counsel for the petitioners submits that the recruitment process was initiated pursuant to the advertisements dated 20.07.2022 and subsequent advertisements issued in the year 2023. The petitioners, claiming eligibility for the respective posts, participated in the recruitment process. It is submitted that the selection process had progressed substantially, a merit list had been prepared and candidates were called for document verification scheduled on 23.08.2023. However, without any legally sustainable justification, the respondents abandoned the ongoing process and subsequently decided to cancel the advertisements and conduct recruitment through VYAPAM. Learned counsel for the petitioners further submits that the petitioners are not asserting an absolute or indefeasible right to appointment merely on account of their participation in the recruitment process. Their grievance is that the respondents, having initiated recruitment and taken substantial steps towards completion of the selection, could not discontinue the process arbitrarily or on the basis of a factual premise which is not substantiated by their own official record.

(b) Learned counsel for the petitioners would further submit that the minutes of the General Body meeting dated 23.04.2025 shows that the Dean informed the Chairman that more than one lakh applications had been received for the various posts and that completion of the recruitment process would take considerable time and on that basis, a decision was taken to cancel the advertisements issued at the institutional level and to forward a proposal for recruitment through VYAPAM. Learned counsel for the petitioners submits that the aforesaid justification is materially undermined by the communication dated 19.06.2025 issued by the Dean, Government Medical College,

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Ambikapur, addressed to the Commissioner, Medical Education, Raipur. The said communication contains a post-wise statement of applications received against the advertised vacancies. As reflected therein, 10,374 applications were recorded against 63 Class III posts and 44,961 applications against 385 Class IV posts, aggregating to 55,335 applications against 448 advertised posts.

(c) It is contended that the respondents have not explained the substantial difference between the figure of more than one lakh applications recorded in the General Body minutes and the aggregate of 55,335 applications reflected in the aforesaid official communication. According to learned counsel, where the number of applications and the time required to process them formed part of the stated basis for cancelling the entire recruitment process, the respondents were required to demonstrate the factual correctness and relevance of those considerations.

(d) Learned counsel further submits that the impugned decision has the effect of nullifying the progress already made in the recruitment process without identifying any illegality, procedural irregularity or defect in the earlier selection warranting its abandonment. It is also submitted that directing candidates to participate in a fresh recruitment process may cause prejudice to those who have already participated in the earlier selection, particularly on account of age-related eligibility requirements. Learned counsel, therefore, prays that the impugned decision be quashed and the respondents be directed to complete the earlier recruitment process in accordance with the applicable recruitment rules, without conferring any automatic right to appointment upon a candidate who is ultimately found ineligible or unmeritorious.

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3. *Per contra,* learned State counsel opposes the writ petition and submits that the petitioners have no indefeasible right to appointment merely because they participated in the recruitment process or were called for document verification. It is contended that the competent authority is entitled to take an appropriate administrative decision concerning the recruitment mechanism, including cancellation of advertisements and adoption of a different mode of selection, provided such decision is taken in accordance with law. Learned State counsel further submits that the decision in question was taken pursuant to the resolution of the General Body meeting dated 23.04.2025. According to the respondents, the meeting considered the difficulties involved in processing a large number of applications and resolved that recruitment to the advertised posts should be undertaken through VYAPAM. It is submitted that the decision was taken in the larger administrative and institutional interest and was not actuated by mala fides, favouritism or any discriminatory consideration. On these grounds, the respondents seek dismissal of the writ petition.

4. I have heard learned counsel for the parties and perused the pleadings as well as the documents available on record.

5. The controversy raises a substantial question concerning the exercise of administrative discretion in discontinuing an ongoing recruitment process. The issue requires examination not merely of the existence of the authority to cancel recruitment, but also of the factual foundation, purpose and legal justification for the exercise of that authority in the circumstances of the present case.

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6. At the outset, it is necessary to reiterate that the mere participation of a candidate in a recruitment process, or even inclusion in a select list, does not ordinarily confer an indefeasible right to appointment. However, the absence of such a right cannot be understood to confer upon the State an unrestricted discretion to abandon a recruitment process without a rational and legally sustainable justification. The exercise of administrative power remains subject to the constitutional mandate of fairness, equality and non-arbitrariness embodied in Articles 14 and 16 of the Constitution of India.

7. In the case of ***East Coast Railway and Another v. Mahadev Appa Rao and Others" 2010 (7) SCC 678*** the Hon'ble Supreme Court has considered that:-

> *"14. It is evident from the above that while no candidate acquires an indefeasible right to a post merely because he has appeared in the examination or even found a place in the select list, yet the State does not enjoy an unqualified prerogative to refuse an appointment in an arbitrary fashion or to disregard the merit of the candidates as reflected by the merit list prepared at the end of the selection process. The validity of the State's decision not to make an appointment is thus a matter which is not beyond judicial review before a competent writ court. If any such decision is indeed found to be arbitrary, appropriate directions can be issued in the matter.*
>
> *xxx xxx xxx xxx*
>
> *17. It is trite that Article 14 of the Constitution strikes at arbitrariness which is an antithesis of the guarantee contained in Articles 14 and 16 of the Constitution. Whether or not the cancellation of the typing test was arbitrary is a question which*

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the Court shall have to examine once a challenge is mounted to any such action, no matter the candidates do not have an indefeasible right to claim an appointment against the advertised posts.

18. What then is meant by arbitrary/arbitrariness and how far can the decision of the competent authority in the present case be described as arbitrary?

19. Black's Law Dictionary describes the term "arbitrary" in the following words:

> *"Arbitrary. 1. Depending on individual discretion; specif.. determined by a judge rather than by fixed rules, procedures, or law. 2. (Of a judicial decision) founded on prejudice or preference rather than on reason or fact. This type of decision is often termed arbitrary and capricious."*

20. To the same effect is the meaning given to the expression "arbitrary" by Corpus Juris Secundum which explains the term in the following words:

> *"Arbitrary. Based alone upon one's will, and not upon any course of reasoning and exercise of judgment; bound by no law; capricious; exercised according to one's own will or caprice and therefore conveying a notion of a tendency to abuse possession of power; fixed or done capriciously or at pleasure, without adequate determining principle, non-rational, or not done or acting according to reason or judgment; not based upon actuality but beyond a reasonable extent; not founded in the nature of things; not governed by any fixed rules or standard; also, in a somewhat different sense, absolute in power, despotic, or tyrannical; harsh and unforbearing. When applied to acts, 'arbitrary' has been held to connote a disregard of evidence or of the proper weight thereof; to express an idea opposed*

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> *to administrative, executive, judicial, or legislative discretion; and to imply at least an element of bad faith, and has been compared with 'willful'."*

21. There is no precise statutory or other definition of the term "arbitrary". In Shrilekha Vidyarthi v. State of U.P.11 this Court explained that the true import of the expression "arbitrariness" is more easily visualised than precisely stated or defined and that whether or not an act is arbitrary would be determined on the facts and circumstances of a given case. This Court observed: (SCC p. 243, para 36)

> *"36. The meaning and true import of arbitrariness is more easily visualised than precisely stated or defined. The question, whether an impugned act is arbitrary or not, is ultimately to be answered on the facts and in the circumstances of a given case. An obvious test to apply is to see whether there is any discernible principle emerging from the impugned act and if so, does it satisfy the test of reasonableness, Where a b mode is prescribed for doing an act and there is no impediment in following that procedure, performance of the act otherwise and in a manner which does not disclose any discernible principle which is reasonable, may itself attract the vice of arbitrariness. Every State action must be informed by reason and it follows that an act uninformed by reason, is arbitrary. The rule of law contemplates governance by laws and c not by humour, whims or caprices of the men to whom the governance is entrusted for the time being. It is trite that 'be you ever so high, the laws are above you'. This is what men in power must remember, always."*

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22. Dealing with the principle governing exercise of official power Prof. De Smith, Woolf and Jowell in their celebrated book on Judicial Review of Administrative Action emphasised how the decision-maker invested with the d wide discretion is expected to exercise that discretion in accordance with the general principles governing exercise of power in a constitutional democracy unless of course the statute under which such power is exercisable indicates otherwise. One of the most fundamental principles of the rule of law recognised in all democratic systems is that the power vested in any competent authority shall not be exercised arbitrarily and that the power is exercised that it does not lead to any unfair discrimination. The following passage from the above is in this regard apposite:

> *"We have seen in a number of situations how the scope of an official power cannot be interpreted in isolation from general principles governing the exercise of power in a constitutional democracy. The courts presume that these principles apply to the exercise of all powers and that even where the decision-maker is invested with wide discretion, that discretion is to be exercised in accordance with those principles unless Parliament clearly indicates otherwise. One such principle, the rule of law, contains within it a number of requirements such as the right of the individual to access to the law and that power should not be arbitrarily exercised. The rule of law above all rests upon the principle of legal certainty, which will be considered here, along with a principle which is partly but not wholly contained within the rule of law, namely, the principle of equality, or equal treatment without unfair discrimination."*

23. Arbitrariness in the making of an order by an authority can manifest itself in different forms. Non-application of mind by the authority making the order is only one of them. Every order

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passed by a public authority must disclose due and proper application of mind by the person making the order. This may be evident from the order itself or the record contemporaneously maintained. Application of mind is best demonstrated by disclosure of mind by the authority making the order. And disclosure is best done by recording the reasons that led the authority to pass the order in question. Absence of reasons either in the order passed by the authority or in the record contemporaneously maintained is clearly suggestive of the order being arbitrary hence legally unsustainable."

8. In the case of ***Shankarsan Dash v. Union of India*, (1991) 3 SCC 47**, the Hon'ble Supreme Court has held that:-

"7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at b the recruitment test, and no discrimination can be permitted. This cor-rect position has been consistently followed by this Court, and we do not find any discordant note in the decisions in State of Haryana v. Subhash Chander Marwaha, Neelima Shangla v. State of Haryana², or Jatendra Kumar v. State of Punjab."

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9. In the case of ***Tej Prakash Pathak v. Rajasthan High Court and Others" 2025 (2) SCC 1***, the Hon'ble Supreme Court has held that:-

> *"63. In Section (C) above, we have already noticed the Constitution Bench decision of this Court in Shankarsan Dash[45] where it was held: (SCC p. 51, para 7)*
>
> > *"7. ... Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted."*
>
> *64. Thus, in light of the decision in Shankarsan Dash[45], a candidate placed in the select list gets no indefeasible right to be appointed even if vacancies are available. Similar was the view taken by this Court in Subash Chander Marwaha[3] where against 15 vacancies only top 7 from the select list were appointed. But there is a caveat. The State or its instrumentality cannot arbitrarily deny appointment to a selected candidate. Therefore, when a challenge is laid to State's action in respect of denying appointment to a selected candidate, the burden is on the State to justify its decision for not making appointment from the select list.*
>
> *65. Placement in the select list gives no indefeasible right to appointment. The State or its instrumentality for bona fide reasons may choose not to fill up the vacancies. However, if vacancies exist, the State or its instrumentality cannot arbitrarily deny appointment to a person within the zone of consideration in the select list."*

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10. Law with regard to the rights of candidates who participate in a selection process and may even find their names in the selection list based upon such a selection process is no longer *res integra.* It is settled that mere participation in the selection process does not give any indefeasible right to a candidate to get appointed and while the authorities have the right to abandon the selection process, yet the same can be done by giving proper reasons and justification and not arbitrarily.

11. The aforesaid decisions do not curtail the legitimate administrative authority of the State to revise its recruitment policy or to adopt a different recruitment mechanism in accordance with law. They nevertheless make it clear that such discretion cannot be exercised in disregard of relevant facts or sustained merely by invoking administrative convenience or larger public interest without demonstrating how the impugned action is justified in the circumstances of the case.

12. Applying these principles to the facts of the present case, the first material consideration is the reason recorded in the minutes of the General Body meeting dated 23.04.2025. The minutes state that more than one lakh applications had been received for the various posts and that the recruitment process would take considerable time. The decision to cancel the institutional-level advertisements and to undertake recruitment through VYAPAM followed this discussion.

13. The volume of applications and the time required to process them were, therefore, expressly recorded as considerations preceding the decision to cancel the recruitment advertisements. When the respondents seek to justify the

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impugned action by reference to those considerations, their factual foundation assumes material significance. The Court is not concerned with substituting its own assessment of administrative convenience for that of the competent authority; it is concerned with determining whether the decision rests upon relevant and objectively supportable material.

14. In this regard, the communication dated 19.06.2025 issued by the Dean, Government Medical College, Ambikapur, assumes particular significance. The document contains a post-wise statement of applications received for the advertised Class III and Class IV posts. The figures reflected therein are 10,374 applications against 63 Class III posts and 44,961 applications against 385 Class IV posts, making an aggregate of 55,335 applications against 448 advertised posts.

15. The difference between the aggregate reflected in the official communication and the figure of more than one lakh recorded in the minutes is substantial. It is true that the communication dated 19.06.2025 postdates the General Body meeting of 23.04.2025. Consequently, the later statement cannot, by itself, conclusively establish the precise number of applications available to the General Body on the date of its meeting. Nor can the Court, merely from the difference in figures, infer that the statement recorded in the minutes was deliberately or knowingly incorrect.

16. However, the subsequent official communication is relevant evidence which calls for an explanation, particularly because it emanates from the Dean of the very institution whose recruitment process was under consideration. The respondents have not satisfactorily demonstrated that the figure of more than

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one lakh included applications relating to additional posts, other recruitment exercises, a different period or any other identifiable category not reflected in the post-wise statement. In the absence of such reconciliation, the factual premise recorded in the minutes remains materially unexplained.

17. This Court is conscious that the discrepancy in the figures cannot be examined in isolation from the complete administrative record. Nevertheless, where a public authority relies upon a particular factual circumstance as a material reason for discontinuing an ongoing recruitment process, it must be capable of demonstrating the relevance and factual basis of that circumstance when the same is specifically disputed and an official document raises a substantial question regarding its accuracy.

18. The significance of the discrepancy lies not merely in the numerical difference, but in the role assigned to that consideration in the decision-making process. The minutes record that the large number of applications would result in delay in recruitment, and the decision to cancel the advertisements followed in that context. The respondents have not established, on the material placed before this Court, how the stated difficulty rendered continuation of the earlier recruitment process impracticable or why cancellation of the entire process was necessary to address it.

19. The respondents have relied upon the General Body resolution dated 23.04.2025. However, the existence of an institutional resolution does not, by itself, establish the legality of the action taken pursuant to it. The decision must still be examined in the light of the authority competent to take it, the applicable recruitment rules, the material considered and the reasons recorded.

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A resolution cannot immunise administrative action from judicial review where the factual foundation for the decision is materially questioned.

20. The Court also finds it necessary to consider the stage reached in the earlier recruitment process. The petitioners have pleaded that a merit list had been prepared and that candidates were called for document verification scheduled on 23.08.2023. The State's reply refers to the cancellation of the document-verification schedule on 21.08.2023 on account of unavoidable reasons.

21. These circumstances indicate that the earlier recruitment process had progressed beyond the initial stage of issuance of advertisements and receipt of applications. The Court does not hold that the preparation of a merit list or scheduling of document verification renders a recruitment process legally irreversible. Nevertheless, the stage reached is a relevant circumstance in assessing the justification for cancellation. Where a selection process has progressed substantially, the decision to abandon it must be supported by reasons proportionate to the consequences of discontinuing the process and must remain consistent with the applicable recruitment rules.

22. The decision to shift recruitment to VYAPAM may, in an appropriate case, be supported by legitimate considerations of uniformity, transparency or administrative efficiency. But the existence of a potentially permissible alternative recruitment mechanism does not, without more, establish that the earlier process could lawfully be abandoned at any stage and on any stated ground. The respondents were required to demonstrate not only the desirability

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of the proposed mechanism, but also the rational basis for cancelling the existing process in the circumstances then prevailing.

23. In the present case, the respondents have not demonstrated that the earlier recruitment process was vitiated by any identified illegality or procedural defect necessitating its abandonment. Nor has the material placed on record satisfactorily established that the volume of applications, as recorded in the minutes, rendered continuation of the earlier process impracticable. The official figures subsequently furnished by the Dean raise a substantial and unresolved question regarding the factual basis of the stated justification.

24. The submission that the decision was taken in the larger institutional interest also requires consideration. It is settled that courts ordinarily do not substitute their own views for those of the administration on matters of policy. However, where a policy-based decision directly affects an ongoing recruitment process and is challenged as arbitrary, the authority must demonstrate that the decision is supported by relevant material and bears a rational relationship with the objective sought to be achieved.

25. The respondents have sought to justify the impugned decision on the ground of administrative convenience and larger institutional interest. While the authorities are entitled to adopt an appropriate recruitment mechanism in accordance with law, the mere desirability of conducting recruitment through VYAPAM does not, by itself, justify abandoning an ongoing selection process. The respondents were required to demonstrate why the existing process could not reasonably be completed and why its cancellation was necessary to achieve the stated administrative objective. The material placed on record does not

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satisfactorily establish either the impracticability of continuing the earlier process or any other compelling reason warranting its discontinuance.

26. The stage already reached in the recruitment process is also a relevant consideration. The petitioners have pleaded that a merit list had been prepared and candidates had been called for document verification, which was scheduled for 23.08.2023, though the State refers to cancellation of that schedule on 21.08.2023 for unavoidable reasons. Although these circumstances do not confer an indefeasible right to appointment or render the selection process irreversible, they demonstrate that the process had progressed beyond its initial stage. Its abandonment, particularly when a fresh recruitment process may affect the candidates' eligibility, including on account of age, therefore required a rational and legally sustainable justification.

27. Considered cumulatively, the unexplained discrepancy between the number of applications recorded in the minutes of the General Body meeting dated 23.04.2025 and the figures subsequently furnished by the Dean, the absence of a satisfactory explanation as to why the earlier process could not be completed, and the failure to demonstrate the necessity of cancelling the recruitment advertisements render the factual and legal basis of the impugned decision insufficiently established. This Court is conscious that the State is neither invariably bound to fill every advertised vacancy nor precluded from abandoning a recruitment process for bona fide and legally sustainable reasons. However, on the material placed before this Court, the respondents have failed to justify the impugned action in accordance with the requirements of fairness and non-arbitrariness under Articles 14 and 16 of the Constitution of India.

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28. In view of the foregoing discussion, this Court is of the considered opinion that the impugned action on the part of the respondent authorities cannot be sustained in law. The same suffers from arbitrariness, as the factual basis relied upon for cancellation remains materially unexplained, and the respondents have failed to demonstrate any cogent and legally sustainable justification for abandoning the recruitment process at the stage it had reached. Consequently, the writ petition deserves to be **allowed**.

29. Accordingly, the decision taken in the General Body meeting dated 23.04.2025, insofar as it relates to cancellation of the advertisements dated 20.07.2022 and the consequential discontinuance of the recruitment process in respect of the posts in question, along with the consequential communication dated 19.06.2025, is hereby quashed and set aside. The respondents are directed to resume the recruitment process pursuant to the advertisements dated 20.07.2022 and the subsequent amended advertisements, from the stage at which it was discontinued, and take the same to its logical conclusion in accordance with the applicable recruitment rules. The respondents shall undertake the requisite verification of eligibility and documents and determine the comparative merit of the candidates. The entire exercise shall be completed within a period of three months from the date of receipt of a copy of this order. Appointment orders shall be issued to the candidates found eligible and entitled thereto in accordance with their merit and the applicable recruitment rules.

30. In the result, the Writ Petition is **allowed**. No cost(s).

Sd/-

(BIBHU DATTA GURU)
JUDGE

Rahul

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HEAD NOTE

Albeit, mere participation in the selection process does not confer any indefeasible right to appointment upon a candidate, the decision to abandon an ongoing recruitment process must be supported by valid, justifiable and *bona fide* reasons and cannot be exercised arbitrarily.