



2026:CGHC:15337

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HIGH COURT OF CHHATTISGARH AT BILASPUR**Order reserved on 19.02.2026****Order delivered on 02.04.2026****WPS No. 7387 of 2022**

- 1 - Achinta Bhowmik S/o Shri Ashutosh Bhowmik Aged About 42 Years
Occupation - Service, Assistant Grande Iii (Clerk) In The Office Of The
Assistant Controller, Legal Metrology (Weight And Measure), Raigarh,
District : Raigarh, Chhattisgarh**
- 2 - Uttam Kumar Yadav S/o Shri Dhani Ram Yadav Aged About 38
Years Occupation - Service, Assistant Grade Iii (Clerk), In The Office Of
The Assistant Controller, Legal Metrology (Weight And Measure),
Raipur, District : Raipur, Chhattisgarh**
- 3 - Ku. Poonam Kerketta D/o Shri Remis Kerketta Aged About 33 Years
Occupation - Service, Assistant Grade Iii (Clerk), In The Office Of The
Inspector, Legal Metrology (Weight And Measure), Jashpur, District :
Jashpur, Chhattisgarh**
- 4 - Sanjay Kumar Manwani @ Sanjay Manwani S/o Premchand
Manwani Aged About 39 Years Occupation - Service, Assistant Grade
Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And
Measure), Surajpur, District : Surajpur, Chhattisgarh**
- 5 - Sandeep Kumar Markam @ Sandeep Markam S/o Shri Ayatu Ram
Markam Aged About 32 Years Occupation - Service, Assistant Grade Iii
(Clerk), In The Office Of The Inspector, Legal Metrology (Weight And
Measure), Kondagaon, District : Kondagaon, Chhattisgarh**
- 6 - Mukesh Kumar Chandrakar S/o Shri Ramprasad Chandrakar Aged
About 32 Years Occupation - Service, Assistant Grade Iii (Clerk), In The**

Office Of The Inspector, Legal Metrology (Weight And Measure), Durg,
District : Durg, Chhattisgarh

7 - Kishor Kumar Bandhekar @ Kishor Bandhekar S/o Shri Kanwal
Singh Bandhekar Aged About 36 Years Occupation - Service, Assistant
Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology
(Weight And Measure), Bemetara, District : Bemetara, Chhattisgarh

8 - Ku. Kirti Kiran Bara D/o Shri Juwakim Bara Aged About 31 Years
Occupation - Service, Assistant Grade Iii (Clerk), In The Office Of The
Inspector, Legal Metrology (Weight And Measure), Baikunthpur,
District : Korea, Chhattisgarh

--- **Petitioners**

Versus

1 - The State Of Chhattisgarh Through The Secretary, Department Of
Food And Civil Supplies And Consumer Affairs, New Mantralaya, Atal
Nagar, Raipur, Chhattisgarh.

2 - The Union Of India Through The Ministry Of Food And Civil Supply,
New Delhi.

3 - The Controller Legal Metrology (Weight And Measure), Indrawati
Bhawan, Naya Raipur, Atal Nagar, District : Raipur, Chhattisgarh

--- **Respondents**

WPS No. 8782 of 2022

Smt. Rubi Sharma W/o Yogesh Sharma Aged About 38 Years Presently
Posted As Assistant Grade I I I In Office Of Inspector Legal Metrology
(Weight And Measure) Mungeli District Mungeli Chhattisgarh

---**Petitioner**

Versus

1 - State Of Chhattisgarh Through The Secretary, Department Of
Department Of Food And Civil Supplies And Consumer Affairs
Mantralaya Mahanadi Bhawan, Nava Raipur District Raipur
Chhattisgarh

2 - The Controller Legal Metrology (Weight And Measure) Indrawati Bhawan, Nava Raipur District Raipur Chhattisgarh

--- Respondents

WPS No. 1193 of 2023

1 - Achinta Bhowmik S/o Shri Ashutosh Bhowmik Aged About 43 Years Occupation Service, Assistant Grade Iii (Clerk) In The Office Of The Assistant Controller, Legal Metrology (Weight And Measure), Raigarh, Distt. Raigarh (C.G.)

2 - Uttam Kumar Yadav S/o Shri Dhani Ram Yadav Aged About 39 Years Occupation Service Assistant Grade Iii (Clerk), In The Office Of The Assistant Controller, Legal Metrology (Weight And Measure), Raipur, Distt. Raipur (C.G.)

3 - Mukesh Kumar Chandrakar S/o Shri Ramprasad Chandrakar Aged About 33 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Durg Distt. Durg (C.G.)

4 - Kishore Kumar Bandhekar @ Kishor Bandhekar S/o Shri Kanwal Singh Bandhekar Aged About 37 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Bemetara, Distt. Bemetara (C.G.)

---Petitioners

Versus

1 - The State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supplies And Consumer Affairs, New Mantralaya, Atal Nagar, Raipur (C.G.)

2 - The Union Of India Through The Ministry Of Food And Civil Supply, New Delhi.

3 - The Controller Legal Metrology (Weight And Measure), Indrawati Bhawan, Naya Raipur, Atal Nagar, Distt. Raipur (C.G.)

4 - The Deputy Controller (In-Charge Deputy Controller) Legal Metrology (Weight And Measure), Indrawati Bhawan, Naya Raipur, Atal Nagar, Distt. Raipur (C.G.)

5 - The Assistant Controller Legal Metrology (Weight And Measure) Jagdalpur, Distt. Jagdalpur (C.G.)

--- Respondents

WPS No. 5996 of 2023

1 - Achinta Bhowmik S/o. Shri Ashutosh Bhowmik, Aged About 42 Years Occupation Service, Assistant Grade Iii (Clerk) In The Office Of The Assistant Controller, Legal Metrology (Weight And Measure), Raigarh, Distt. Raigarh (Chhattisgarh)

2 - Uttam Kumar Yadav, S/o. Shri Dhani Ram Yadav, Aged About 38 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Assistant Controller, Legal Metrology (Weight And Measure), Raipur, Distt. Raipur (Chhattisgarh)

3 - Ku. Poonam Kerketta, D/o. Shri Remis Kerketta, Aged About 33 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Jashpur, Distt. Jashpur (Chhattisgarh)

4 - Sanjay Kumar Manwani @ Sanjay Manwani, S/o. Premchand Manwani, Aged About 39 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Surajpur, Distt. Surajpur (Chhattisgarh)

5 - Sandeep Kumar Markam @ Sandeep Markam, S/o. Shri Ayatu Ram Markam, Aged About 32 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Kondagaon, District Kondagaon (Chhattisgarh)

6 - Mukesh Kumar Chandrakar, S/o. Shri Ramprasad Chandrakar, Aged About 32 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Durg, Distt. Durg (Chhattisgarh)

7 - Kishor Kumar Bandhekar @ Kishor Bandhekar, S/o. Shri Kanwal Singh Bandhekar, Aged About 36 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Bemetara, Distt. Bemetara (Chhattisgarh)

8 - Ku. Kirti Kiran Bara, D/o. Shri Juwakim Bara, Aged About 31 Years Occupation Service, Assistant Grade Iii (Clerk), In The Office Of The Inspector, Legal Metrology (Weight And Measure), Baikunthpur, District Korea (Chhattisgarh)

---**Petitioners**

Versus

1 - The State Of Chhattisgarh Through The Secretary, Department Of Food And Civil Supplies And Consumer Affairs, New Mantralay, Atal Nagar, Raipur (Chhattisgarh)

2 - The Union Of India, Through The Ministry Of Food And Civil Supply, New Delhi.

3 - The Secretary, Department Of General Administration, Mantralaya, Atal Nagar, Nawa Raipur Chhattisgarh.

4 - The Controller, Legal Metrology (Weight And Measure), Indrawati Bhawan, Naya Raipur, Atal Nagar, Distt. Raipur (Chhattisgarh)

5 - The Secretary, Department Of Tribal Welfare, Mantralaya, Atal Nagar, Nawa Raipur (Chhattisgarh)

--- **Respondents**

(Cause-title taken from Case Information System)

For Petitioners	:	Mr. A.N. Bhakta and Mr. Vivek Bhakta, Advocates
For State	:	Mr. Yashwant Singh Thakur, Additional Advocate General

Hon'ble Shri Amitendra Kishore Prasad, Judge

CAV Order

1. Heard Mr. A.N. Bhakta and Mr. Vivek Bhakta, learned counsel appearing for the respective petitioners as well as Mr. Yashwant

Singh Thakur, learned Additional Advocate General appearing for the State.

2. Since a common question of law and fact is involved in all these writ petitions, they were clubbed together, heard analogously with the consent of learned counsel for the parties, and are being decided by this common order.
3. The grievances raised by all the petitioners in the present batch of writ petitions are essentially common in nature. A Departmental Promotion Competitive Examination was conducted by the Department of Food and Civil Supplies and Consumer Affairs, State of Chhattisgarh, for promotion to the post of Inspector (Legal Metrology). The petitioners, who were working as Assistant Grade-III in the offices of the Assistant Controller, Legal Metrology (Weight and Measure) in different districts, participated in the said departmental examination pursuant to the advertisement/recruitment process initiated by the Department for filling up the promotional posts.
4. According to the petitioners, their candidature was duly scrutinized and verified by the respondent authorities and, upon such verification, they were permitted to participate in the departmental promotion examination for advancement to the post of Inspector. The petitioners accordingly appeared in the examination conducted on 17.12.2022. However, subsequently and without declaring the results, the entire recruitment/promotion process

was cancelled by the respondent authorities. In certain cases, some of the petitioners were also declared ineligible to participate in the said departmental examination, which action has also been called in question in the respective writ petitions.

5. Thus, in sum and substance, the core grievance of all the petitioners is directed against the cancellation of the Departmental Promotion Competitive Examination to the post of Inspector (Legal Metrology).
6. By way of the present batch of petitions, the petitioners have essentially challenged the respective impugned orders/advertisements issued by the respondent authorities whereby they have either been declared ineligible to participate in the Departmental Promotion Competitive Examination, the examination conducted on 17.12.2022 has been cancelled, or a fresh advertisement dated 10.08.2023 has been issued allegedly to their prejudice. The petitioners have, therefore, sought quashment of the said impugned actions and consequential directions permitting them to participate in the departmental promotion examination and/or for declaration of the result of the examination already conducted, as the case may be.
7. In WPS No.7387/2022, the petitioners have prayed for following reliefs:-

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records of the

case from the authorities concerned for its kind perusal.

10.2 That the Hon'ble High Court may kindly be pleased to set-aside the Impugned order dated 29.09.2022 (Annexure P-1 - with respect to petitioners are concerned), Issued by the Respondent No.03, whereby the petitioners have been declared in-eligible (अपत्र) to participate in the Departmental Promotion Competitive Examination, which is going to be held very soon, in the interest of justice.

10.3 That the Hon'ble High Court may kindly be pleased to direct the Respondent authorities to allow the petitioners to participate in coming Departmental Promotion Examination, in the interest of justice.

10.4 Any other relief, which this Hon'ble High Court deems fit and proper be also awarded.”

8. In WPS No.8782/2022, the petitioner has prayed for following reliefs:-

“1 That this Hon'ble Court may kindly be pleased to call for the entire record of the case from the authorities concerned for its kind perusal.

2 That this Hon'ble Court may kindly be pleased to set aside the impugned order dated 29.9.2022 Annexure P-1 with respect to the petitioner concerned issued by the Respondent No.2 where by the petitioner has been declared as in-eligible to participate in the

departmental promotion competitive examination going to conduct in near future.

3 That this Hon'ble Court may kindly be pleased to direct the respondent authorities to allow the petitioner to participate in the upcoming departmental promotion examination in the interest of Justice.

4 any other relief which this Hon'ble court deems fit and proper be also awarded to the petitioner.”

- 9.** In WPS No.1193/2023, the petitioners have prayed for following reliefs:-

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records of the case from the authorities concerned for its kind perusal.

10.2 That the Hon'ble High Court may kindly be pleased to set-aside the Impugned order dated 20.01.2023 (Annexure P-1), Issued by the Respondent No.03, whereby cancelled the whole examination conducted by them on 17.12.2022.

10.3 That the Hon'ble High Court may kindly be pleased to direct the Respondent authorities to declare the result of the examination conducted on 17.12.2022 for the post of Inspector under the supervision of Hon'ble High Court within stipulated period.

10.4 Any other relief, which this Hon'ble High

Court deems fit and proper be also awarded.”

10. In WPS No.5996/2023, the petitioners have prayed for following reliefs:-

“10.1 That the Hon'ble Court may kindly be pleased to call for the entire records of the case from the authorities concerned for its kind perusal.

10.2 That the Hon'ble High Court may kindly be pleased to set aside the advertisement dated 10.08.2023 (Annexure P-1), issued by the Resp No.04.

10.3 That the Hon'ble High Court may kindly be pleased to alternatively direct the Respondent No.04 to allow the petitioners for participating in the examination to be conducted in pursuance to advertisement dated 10.08.2023 (Ann P-1).

10.4. That the Hon'ble High Court may kindly be pleased to also direct the Respondent No.05 to look into the matter.

10.5 Any other relief, which this Hon'ble High Court deems fit and proper be also awarded.”

11. Brief consolidated facts of this batch of writ petitions are that: The State Government from time to time framed and amended the recruitment rules governing the post of Inspector (Legal Metrology), namely the Chhattisgarh Legal Metrology Class III (Non-Ministerial) Recruitment Rules, 2009 (for short, “Rules of 2009’) thereafter the Rules of 2011, and subsequently the

Chhattisgarh Legal Metrology Class III (Non-Ministerial) Recruitment Rules, 2013 (for short, "Rules of 2013"). Under the Rules of 2013, one of the essential eligibility criteria for promotion to the post of Inspector was possession of a Graduation Degree from a recognized University.

12. Pursuant thereto, the Controller, Food & Civil Supplies, State of Chhattisgarh, issued a memo dated 20.10.2021 inviting applications from eligible Class-II employees for participating in the Departmental Promotion Competitive Examination for the next higher post of Inspector (Legal Metrology). The petitioners, being graduates and otherwise fulfilling the prescribed criteria under the Rules of 2013, submitted their applications. Upon scrutiny, the respondents issued a list dated 20.04.2022 declaring the petitioners eligible to participate in the examination. However, subsequently, an amended list dated 29.09.2022 was issued whereby the petitioners were declared ineligible (अपात्र) on the ground that they did not possess a Graduation Degree with Physics as one of the subjects. This additional condition was not part of the original eligibility criteria under the Rules of 2013. Aggrieved thereby, the petitioners preferred WPS No. 7387/2022, in which this Court, by order dated 25.11.2022, permitted the petitioners to participate in the Departmental Promotion Examination. In compliance of the said order, the examination was conducted on 17.12.2022 and the petitioners appeared therein.

- 13.** Thereafter, without declaration of the result and without assigning any cogent reason, the respondents cancelled the entire examination by order dated 20.01.2023 merely stating “due to unavoidable reasons”. In the interregnum, the respondents amended the Rules on 26.06.2023 by inserting a specific clause in Schedule-IV mandating that only those employees having Graduation Degree with Physics as one of the subjects would be eligible to participate in the promotional examination.
- 14.** Challenging the cancellation of the examination conducted on 17.12.2022, the petitioners filed WPS No.1193/2023 seeking declaration of the result. Meanwhile, on the basis of the amended Rules dated 26.06.2023, the respondents issued a fresh advertisement dated 10.08.2023 for conducting Departmental Promotion Examination to fill up the posts of Inspector (Legal Metrology), superseding the earlier process initiated pursuant to notification dated 20.10.2021. The said advertisement was challenged by the petitioners in WPS No.5996/2023, wherein this Court, by order dated 29.08.2023, stayed the effect and operation of the advertisement observing, inter alia, that the amended Rules could not be applied retrospectively when the earlier examination process had already been completed.
- 15.** Thus, the core grievance in this batch of petitions pertains to (i) the declaration of the petitioners as ineligible by introducing the requirement of Physics at a belated stage, (ii) cancellation of the

examination conducted pursuant to judicial directions without assigning reasons, and (iii) initiation of a fresh recruitment process on the basis of amended Rules allegedly sought to be applied retrospectively.

- 16.** Mr. A.N. Bhakta along with Mr. Vivek Bhakta, learned counsel appearing for the respective petitioners, submit that the impugned actions of the respondent authorities are wholly arbitrary, illegal and contrary to the statutory Recruitment Rules governing the field. It is contended that under the Rules of 2013, the essential qualification prescribed for promotion to the post of Inspector (Legal Metrology) was merely a Graduation Degree from a recognized University. There was no stipulation whatsoever that the candidate must have studied Physics as one of the subjects. The petitioners, admittedly being graduates and fulfilling all the eligibility conditions as per the unamended Rules of 2013, were initially declared eligible by the respondents themselves vide list dated 20.04.2022. Having once scrutinized and accepted their eligibility, the respondents could not have subsequently altered the criteria to the prejudice of the petitioners.
- 17.** It is further submitted by Mr. Bhakta that the subsequent action of declaring the petitioners ineligible by amended list dated 29.09.2022 on the ground that they did not possess Graduation with Physics amounts to changing the “rules of the game” after the game had begun. The recruitment process had already been

set in motion pursuant to notification dated 20.10.2021 and applications were invited strictly in terms of the Rules of 2013. The introduction of an additional qualification at a later stage, without any statutory amendment in force at the relevant point of time, is ex facie arbitrary and violative of Articles 14 and 16 of the Constitution of India. Learned counsel emphasize that administrative instructions cannot override statutory rules and, in the absence of amendment as on the date of advertisement, the respondents had no authority to impose a new condition.

- 18.** Mr. Bhakta would further argue, in a vehement manner, that the action on the part of the respondent authorities in cancelling the entire recruitment process for promotion of the petitioners from the post of Assistant Grade-III to the post of Inspector (Legal Metrology) is in disregard of the constitutional mandate governing public employment. Once the respondents had advertised the vacancies and invited candidature of eligible employees, and thereafter conducted the Departmental Promotion Competitive Examination on 17.12.2022 pursuant to the interim protection granted by this Court, the wholesale cancellation of the entire recruitment process midway is per se illegal. It is de hors the framework of the recruitment process, inasmuch as no reasons whatsoever have been assigned for cancellation, even after the examination was duly conducted. According to learned counsel, the State was under an obligation to declare the results and proceed further with the selection process once the written

examination had been held in accordance with law.

- 19.** It is contended by Mr. Bhakta that cancellation of the entire recruitment process at an advanced stage, without disclosing any cogent grounds such as irregularity, malpractice or fraud, reflects non-application of mind and arbitrary exercise of power. Public authorities cannot act on whims and caprice, particularly when the matter relates to promotional avenues of in-service employees. Once a recruitment process has been initiated in accordance with the applicable Rules, it must be carried to its logical conclusion and cannot be abandoned without lawful justification. Such action, according to the petitioners, defeats the legitimate expectation of the candidates and undermines fairness in public employment.
- 20.** Mr. Bhakta would further submit that the subsequent amendment to the Rules on 26.06.2023 inserting an additional eligibility criterion requiring Graduation with Physics as one of the subjects cannot be applied retrospectively to a selection process already initiated under the unamended Rules. Due to the said amendment, most of the petitioners have been rendered ineligible. It is argued that an amendment to the statutory Rules is always prospective in operation unless specifically made retrospective, and in the present case there is no such express provision. Therefore, the amended qualification cannot be pressed into service to nullify an ongoing or completed recruitment process.

21. Mr. Bhakta placed strong reliance upon the judgment of the Hon'ble Supreme Court in ***Partha Das and Others v. State of Tripura and Others, 2025 SCC OnLine SC 1844***, to contend that once a recruitment process has commenced on the basis of existing rules, the eligibility criteria cannot be altered to the detriment of candidates who had applied pursuant to the advertisement. Reliance has also been placed on ***Shashi Bhushan Prasad Singh v. The State of Bihar and others, 2024 SCC OnLine SC 2698***, wherein the Hon'ble Supreme Court reiterated that amendments in service rules cannot be applied retrospectively so as to unsettle an ongoing selection process unless the statute expressly provides so. Further reliance has been placed on the decision in ***K. Manjushree Vs. State of Andhra Pradesh and another, (2008) 3 SCC 512***, to buttress the submission that "rules of the game" cannot be changed after the game has begun and that introduction of new eligibility conditions midstream is impermissible in law.
22. Mr. Bhakta also drawn attention to the relevant statutory provisions governing the field, namely, Schedule IV 2(ii) of the Rules of 2013, which originally prescribed that for departmental candidates to be appointed by promotion to the post of Inspector, Legal Metrology, the minimum educational qualification would be Graduation from a recognized University. It is submitted that the said provision did not require Graduation with Physics as one of the subjects. However, by amendment dated 26.06.2023,

Schedule IV 2(ii) was substituted to provide that the Graduation Degree must include Physics as one of the subjects. According to learned counsel, the respondents have sought to apply this amended provision retrospectively to a recruitment process initiated under the unamended Rules of 2013, which action is contrary to the settled legal principles laid down in the aforesaid judgments of the Hon'ble Supreme Court.

- 23.** On the other hand, Mr. Yashwant Singh Thakur, learned Additional Advocate General appearing for the State, vehemently opposed the submissions advanced on behalf of the petitioners and submitted that no illegality, as canvassed, has been committed by the respondent authorities. It is contended that the petitioners were appointed on the post of Assistant Grade–III in the Department of Food and Civil Supplies and merely by virtue of holding the said post, they do not acquire any vested or indefeasible right to claim promotion to the post of Inspector (Legal Metrology). The advertisement dated 20.10.2021 was issued inviting applications for a Limited Departmental Competitive Examination, but the entire selection process was always subject to compliance with the statutory Recruitment Rules and the parent legislation governing the field.
- 24.** Mr. Thakur would further submit that the post of Inspector (Legal Metrology) is governed by the Rules of 2013, which are subordinate legislation. However, the parent framework is

traceable to the Rules of 2011 framed by the Ministry of Consumer Affairs, Food and Public Distribution, Government of India. Rule 28 of the said Rules prescribes that the qualification for appointment as Legal Metrology Officer, whether by way of direct recruitment or promotion, shall be B.Sc. with Physics or a Degree in Engineering/Technology or Diploma with three years' experience. It is thus contended that once the qualifications have been prescribed by the Union Government under the statutory Rules of 2011, the same are binding upon the State and any recruitment or promotion made contrary thereto would be in violation of the parent statutory framework.

- 25.** It is argued by Mr. Thakur that upon scrutiny, the authorities noticed that the eligibility condition mentioned in the advertisement dated 20.10.2021, which provided merely for graduation from a recognized University, was inconsistent with the qualification prescribed under Rule 28 of the Rules of 2011. Since the State cannot frame or operate rules contrary to the Central Rules framed under the parent enactment, it became necessary to correct the anomaly. According to the learned Additional Advocate General, had the appointments been finalized without adhering to the qualifications prescribed by the Union Government, the entire recruitment process would have been rendered illegal. In that backdrop, the examination conducted on 17.12.2022 was cancelled vide order dated 20.01.2023 prior to declaration of result, so as to avoid perpetuating an illegality.

26. Mr. Thakur would emphasize that mere participation in the examination does not confer any enforceable right, either to appointment or even to declaration of result. Since no select list had been published and no appointment orders had been issued, the petitioners did not acquire any vested right. The State, being the employer, has the power and authority to cancel a recruitment process before its culmination, particularly when it is found to be inconsistent with statutory provisions. The cancellation, therefore, cannot be said to be arbitrary or illegal but is in consonance with the mandate of law and the directives of the Central Government.
27. It is further submitted by Mr. Thakur that the judgments relied upon by the petitioners, including the decision in ***Partha Das*** (supra) are clearly distinguishable both on facts and in law. In the said case, the candidates had already been selected and were denied appointment without justification. In the present case, the recruitment process itself was cancelled before declaration of results. Even selected candidates do not acquire an indefeasible right to appointment; much less can the present petitioners, who were only participants in the examination, claim a writ of mandamus to proceed with a selection process allegedly contrary to statutory rules. The Court, in exercise of writ jurisdiction, cannot direct the State to act in violation of binding statutory provisions.
28. It is lastly submitted by Mr. Thakur that the Government of India, Department of Consumer Affairs, vide memo dated 28.08.2024,

rejected the proposal sent by certain States seeking relaxation of educational qualifications under Rule 28(4) of the Rules of 2011 for promotion to the post of Inspector. Though subsequently, by memo dated 12.11.2025, a one-time relaxation was granted, the same was expressly made applicable only to vacancies for which the recruitment process had not been initiated. In the present case, the earlier process had already been initiated and thereafter cancelled on account of inconsistency with statutory qualifications, and fresh recruitment has been undertaken strictly in accordance with the amended Rules. Therefore, according to the State, the petitioners cannot claim the benefit of the said relaxation. On all these grounds, it is prayed that the writ petitions, being devoid of merit and substance, deserve to be dismissed.

- 29.** I have heard learned counsel for the respective parties at considerable length and have bestowed my thoughtful consideration to the rival submissions advanced across the Bar. I have also carefully perused the pleadings filed in all the connected writ petitions, the annexures appended thereto, the original records made available by the learned State counsel, as well as the statutory provisions and notifications governing the field.
- 30.** The chronology of events, beginning from issuance of advertisement dated 20.10.2021, declaration of eligibility and subsequent ineligibility of the petitioners, conduct of examination

on 17.12.2022 pursuant to interim orders of this Court, cancellation of the examination vide order dated 20.01.2023, amendment of the Recruitment Rules on 26.06.2023 and issuance of fresh advertisement dated 10.08.2023, has been examined in detail in the backdrop of the relevant Recruitment Rules and the Legal Metrology (General) Rules, 2011 framed by the Central Government.

- 31.** The judgments cited at the Bar by learned counsel for the petitioners as well as the submissions advanced by the learned Additional Advocate General on behalf of the State have also been considered in their proper perspective. Upon such consideration of the entire material available on record, the issues arising for determination in the present batch of writ petitions are being dealt with hereinafter.

- 32.** At the outset, it requires to be noted that the post of Inspector (Legal Metrology) is not an isolated creation under the State service rules, but is integrally governed by the statutory scheme flowing from the Legal Metrology Act, 2009 (for short, 'Act of 2009') and the Rules of 2011 framed by the Central Government in exercise of delegated legislative power. Rule 28 of the Rules of 2011 prescribes the minimum educational qualification for appointment as Legal Metrology Officer, whether by direct recruitment or by promotion, to be B.Sc. with Physics or Degree in Engineering/Technology or Diploma with requisite experience.

The Rules of 2013 are necessarily subordinate to the said parent framework and cannot travel beyond or dilute the qualification prescribed therein. It is trite that in the event of any inconsistency, the parent statutory Rules framed under a Central enactment would prevail.

- 33.** In the present case, though the advertisement dated 20.10.2021 mentioned graduation from a recognized University as the minimum qualification for departmental candidates, it subsequently came to the notice of the authorities that such prescription was not in consonance with the qualification mandated under the Rules of 2011. The respondents, therefore, before declaration of result and before culmination of the selection process, cancelled the examination vide order dated 20.01.2023. The cancellation, though brief in expression, cannot be viewed in isolation; it must be examined in the backdrop of statutory compliance. If the authorities had proceeded to declare the result and effect promotions in derogation of the parent Rules, such appointments would have been rendered void ab initio and vulnerable to challenge at a later stage, thereby unsettling the entire cadre structure.
- 34.** From a bare perusal of the record, it appears that under the earlier Recruitment Rules, there was no specific requirement that the candidate must possess a Graduation Degree with Physics or a Degree/Diploma in Engineering, as has subsequently been

prescribed after the amendment in the Rules of 2011 and its incorporation into the State Rules. The amendment in qualification criteria was necessitated in view of the guidelines/directions issued by the Central Government/Union of India, whereby it was clarified that the essential qualification for appointment to the post of Legal Metrology Officer (Inspector) shall be B.Sc. with Physics or a Degree in Engineering/Technology or a Diploma in Engineering with requisite experience.

- 35.** It further appears from the material on record that once the State authorities took note of the said binding Central Government guidelines and the statutory prescription under the Rules of 2011, they found that the eligibility condition mentioned in the earlier advertisement requiring merely a Graduation Degree was not in consonance with the parent statutory framework. Since the State Rules, being subordinate legislation, are required to conform to the Rules framed by the Central Government under the parent enactment, the necessary amendment was required to be incorporated in the State Recruitment Rules so as to bring them in harmony with the Central Rules.
- 36.** In that backdrop, as the petitioners did not possess the qualification of B.Sc. with Physics or Degree/Diploma in Engineering as mandated under the amended framework, they were found ineligible under the revised criteria. Upon realizing that the recruitment process initiated pursuant to advertisement dated

20.10.2021 was not in consonance with the statutory qualifications prescribed by the Central Government, the authorities formed an opinion that continuation of the said process would culminate in appointments contrary to law. Consequently, the entire recruitment process was cancelled before declaration of result.

- 37.** It is trite that a recruitment process cannot be said to have attained finality unless and until it culminates in a valid select list and appointments made strictly in accordance with the governing statutory provisions. If, during the pendency of the process, the authorities discover that the eligibility criteria applied are inconsistent with binding statutory rules, they are not only empowered but duty-bound to rectify the error and ensure that appointments are made strictly in accordance with law. Once it came to the notice of the authorities that the requisite qualifications for promotion to the post of Inspector (Legal Metrology), as mandated under the parent Rules, were not being adhered to, it was within their competence to halt and cancel the process so as to prevent an illegality from being perpetuated.
- 38.** The submission of the petitioners that they had acquired a vested right upon participation in the examination is devoid of substance. It is a settled proposition of service jurisprudence that mere participation in a recruitment process does not confer any indefeasible right to appointment or even to insist upon

declaration of result. The Hon'ble Supreme Court in ***Shashi Bhushan Prasad Singh*** (supra) has reiterated that until the selection process culminates in a valid select list and appointment, no enforceable right accrues in favour of a candidate, and the State is competent to rectify an illegality at any stage prior to finalization. Similarly, in ***Partha Das*** (supra), while safeguarding candidates from arbitrary denial of appointment after selection, the Hon'ble Supreme Court has simultaneously underscored that appointments must strictly adhere to statutory prescriptions and cannot be sustained if contrary to governing rules. The facts of the present case are clearly distinguishable inasmuch as the petitioners were not selected candidates and the process had not culminated in declaration of results.

39. The argument founded on the principle that "rules of the game cannot be changed after the game has begun" also does not advance the case of the petitioners. The amendment dated 26.06.2023 to the Rules of 2013, incorporating the requirement of Physics as one of the subjects at the graduation level, was not an arbitrary innovation but a harmonizing measure to bring the State Rules in conformity with the parent Central Rules of 2011. The State cannot be compelled to perpetuate an error in the advertisement which was inconsistent with binding statutory provisions. It is equally well settled that no writ of mandamus can be issued directing the authorities to act in contravention of law. Courts do not enforce illegality nor do they compel the State to

complete a selection process which is fundamentally flawed for want of statutory compliance.

40. Further, the communications placed on record reveal that the Government of India had, vide memo dated 28.08.2024, declined the proposal of various States seeking relaxation of educational qualification under Rule 28(4) of the Rules of 2011 for promotion to the post of Inspector. Though a subsequent one-time relaxation was granted on 12.11.2025, the same was expressly circumscribed and made applicable only to those vacancies where the recruitment process had not been initiated. The petitioners cannot, therefore, claim benefit of such relaxation in respect of a process which had already been initiated and thereafter cancelled for statutory non-compliance. The relaxation order cannot be stretched to revive or validate an otherwise untenable claim.
41. The law is well settled that the candidate included in merit list has no indefeasible right to appointment even if a vacancy exists, but the notification merely amounts to an invitation to qualified candidates to apply for recruitment.
42. The Constitution Bench of the Supreme Court in ***Shankarsan Dash v. Union of India, (1991) 3 SCC 47*** has held in no uncertain terms that the selectees have no indefeasible right to appointment even if vacancy exists and held in paragraph seven as under: -

“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 cannot 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 the recruitment test, and no discrimination can be permitted. This correct 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 Haryana or Jatendra Kumar v. State of Punjab.”

43. The Hon'ble Supreme Court in ***Punjab State Electricity Board and others v. Malkiat Singh***, (2005) 9 SCC 22 has held that mere inclusion of name of a candidate in the select list does not confer on him any vested right to get an appointment. Similarly, in the matter of ***Union of India and others v. Kali Dass Batish and***

another, (2006) 1 SCC 779 the decision of **Shankarsan Dash** (supra) was followed.

44. Further, the Supreme Court in **State of Orissa v. Rajkishore Nanda**, (2010) 6 SCC 777, observed as under :

14. *A person whose name appears in the select list does not acquire any infeasible right of appointment. Empanelment at the best is a condition of eligibility for purpose of appointment and by itself does not amount to selection or create a vested right to be appointed. The vacancies have to be filled up as per the statutory rules and in conformity with the constitutional mandate.*

15. *A Constitution Bench of this Court in Shankarsan Dash Vs. Union of India, AIR 1991 SC 1612, held that appearance of the name of a candidate in the select list does not give him a right of appointment. Mere inclusion of candidate's name in the select list does not confer any right to be selected, even if some of the vacancies remain unfilled. The candidate concerned cannot claim that he has been given a hostile discrimination.....*

16. *A Select list cannot be treated as a reservoir for the purpose of appointments, that vacancy can be filled up taking the names from that list as and when it is so required.*

45. The Hon'ble Supreme Court in **Director, SCTI for Medical Science & Technology and another v. M. Pushkaran**, (2008) 1

SCC 448, has been held that the selectees do not have any legal right of appointment subject, inter alia, to bona fide action on the part of the State, by observing as under in para 11: -

“11. The law operating in the field in this behalf is neither in doubt nor in dispute. Only because the name of a person appears in the select list, the same by itself may not be a ground for offering him an appointment. A person in the select list does not have any legal right in this behalf. The selectees do not have any legal right of appointment subject, inter alia, to bona fide action on the part of the State. We may notice some of the precedents operating in the field.”

- 46.** Reverting to the facts of the present batch of writ petitions in the light of the aforesaid authoritative pronouncements of the Hon'ble Supreme Court, it becomes vividly clear that the petitioners, at no point of time, acquired any indefeasible or vested right either to insist upon declaration of the result of the examination conducted on 17.12.2022 or to seek promotion under the unamended Recruitment Rules. The selection process had not culminated in a final select list and, therefore, the petitioners' claim remains at the stage of mere participation in a recruitment exercise. The consistent line of decisions, beginning from **Shankarsan Dash** (supra) and followed in **Malkiat Singh** (supra), **Kali Dass Batish** (supra) and **M. Pushkaran** (supra), unequivocally establishes that even inclusion in a select list does not confer an enforceable right

to appointment; a fortiori, mere appearance in an examination pursuant to interim orders of the Court cannot create a legally protectable entitlement. The respondents, therefore, were well within their authority to rectify the selection process before its culmination so as to ensure conformity with the binding statutory framework, and such action cannot be construed as arbitrary or violative of Articles 14 and 16 of the Constitution of India.

47. This Court is also mindful of the limited scope of judicial review in matters relating to recruitment and promotion. Interference is warranted only when the action of the authorities is tainted by mala fides, patent arbitrariness, or is in direct contravention of statutory provisions. In the present case, the decision to cancel the examination and to proceed afresh in accordance with amended Rules is rooted in the necessity to ensure conformity with the parent statutory framework. No material has been placed on record to demonstrate malice in fact or colourable exercise of power. On the contrary, the record indicates that the respondents sought to align the recruitment process with binding statutory norms to obviate future legal infirmities.

48. In view of the foregoing analysis, this Court has no hesitation in holding that the substratum of the petitioners' challenge is misconceived. The entire edifice of their claim rests upon the premise that once the advertisement dated 20.10.2021 was issued and they were permitted to participate in the examination

pursuant to interim protection, the respondents were bound to carry the process to its logical end under the unamended Rules of 2013. Such a contention, however attractive at first blush, cannot withstand scrutiny in light of the statutory hierarchy governing the field.

- 49.** As noticed hereinabove, the post of Inspector (Legal Metrology) is integrally governed by the scheme of the Act of 2009 read with the Rules of 2011. Rule 28 of the 2011 Rules prescribes the minimum educational qualification for appointment as Legal Metrology Officer, whether by direct recruitment or promotion. The State Recruitment Rules are subordinate legislation and must operate within the four corners of the parent statutory framework. In case of inconsistency, the Central Rules framed under the Act would prevail. It is trite that delegated legislation cannot dilute or override the mandate of the parent enactment.
- 50.** The material placed before this Court unmistakably demonstrates that the prescription of “simple graduation” in the advertisement dated 20.10.2021 was inconsistent with the qualification mandated under Rule 28 of the Rules of 2011. Once such inconsistency came to light, the authorities were under a statutory obligation to rectify the error. The cancellation of the examination dated 17.12.2022, though succinctly worded, was clearly aimed at preventing appointments in derogation of binding statutory provisions. It is better to arrest an illegality at an intermediate

stage than to allow it to fructify and thereafter unsettle settled positions by protracted litigation.

- 51.** The petitioners' reliance on the doctrine that "rules of the game cannot be changed after the game has begun" is misplaced in the peculiar facts of the present case. The amendment dated 26.06.2023 inserting the requirement of Graduation with Physics was not an arbitrary or whimsical alteration designed to oust the petitioners. Rather, it was a harmonizing amendment intended to bring the State Rules in conformity with the Rules of 2011. The doctrine cannot be invoked to compel the State to perpetuate an error which is demonstrably inconsistent with binding statutory provisions. Courts cannot, in exercise of writ jurisdiction, issue a mandamus directing the authorities to proceed contrary to law.
- 52.** The judgments cited by learned counsel for the petitioners are clearly distinguishable. In ***Partha Das*** (supra), the Hon'ble Supreme Court dealt with a situation where duly selected candidates were denied appointment without valid justification despite culmination of the selection process. In the present case, the process had not culminated; neither was any select list declared nor had any right crystallized in favour of these petitioners.
- 53.** Likewise, in ***Shashi Bhushan Prasad Singh*** (supra), the principle enunciated was that amendments to service rules ordinarily operate prospectively and cannot unsettle an ongoing selection

process unless expressly provided. However, in the case at hand, the cancellation preceded the amendment and was premised upon statutory non-compliance. The amendment dated 26.06.2023 merely aligned the State Rules with the already existing qualification under the Rules of 2011. The respondents did not retrospectively apply a new qualification; rather, they ensured adherence to the qualification that was always embedded in the parent framework.

54. Similarly, the decision in ***K. Manjushree*** (supra), turned on introduction of minimum marks in interview after the selection process had concluded, thereby altering the evaluation criteria midstream. The present controversy stands on an entirely different footing. There was no alteration in the method of evaluation or criteria of assessment during the process. The issue here pertains to statutory eligibility itself, which must conform to the parent Rules. Ensuring statutory compliance cannot be equated with arbitrary change of selection criteria.
55. On the contrary, the authorities relied upon by the learned Additional Advocate General, including the Constitution Bench decision in ***Shankarsan Dash*** (supra), as reiterated in ***Malkiat Singh*** (supra), ***Kali Dass Batish*** (supra) and ***M. Pushkaran*** (supra), unequivocally affirm that mere participation in a selection process or even inclusion in a select list does not confer an indefeasible right to appointment. In the present case, the

petitioners were not even selectees; they were only participants in a process which stood cancelled prior to declaration of results. Their claim, therefore, falls on an even weaker footing.

- 56.** The subsequent one-time relaxation granted by the Government of India on 12.11.2025 also does not enure to the benefit of the petitioners. The relaxation was expressly confined to vacancies where the recruitment process had not been initiated. The earlier process stood cancelled and a fresh advertisement was issued in terms of amended Rules. The petitioners cannot invoke the relaxation order to revive a cancelled process or to claim consideration dehors the statutory mandate.
- 57.** This Court is conscious that fairness in public employment is a constitutional imperative under Articles 14 and 16 of the Constitution of India. However, fairness operates within the framework of law. It cannot be stretched to legitimize an appointment process contrary to binding statutory provisions. The record does not disclose mala fides, colourable exercise of power, or arbitrariness of such magnitude as would warrant interference in exercise of writ jurisdiction. The action of the respondents is traceable to statutory compliance and cannot be termed irrational or capricious.
- 58.** For all the reasons recorded hereinabove, this Court is of the considered opinion that the petitioners have failed to make out any ground for interference. The impugned actions declaring the

petitioners ineligible by the order dated 29.09.2022 rejecting their applications, cancelling the examination dated 17.12.2022, and issuing fresh advertisement dated 10.08.2023 in accordance with amended Rules do not suffer from any legal infirmity warranting interference under Article 226 of the Constitution of India.

- 59.** Accordingly, all the aforesaid writ petitions, being WPS Nos.7387/2022, 8782/2022, 1193/2023 and 5996/2023, are found to be devoid of merit and are, therefore, **dismissed**.
- 60.** There shall be no order as to costs.
- 61.** All pending interlocutory applications, if any, stand disposed of.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh

The date when the judgment is reserved	The date when the judgment is pronounced	The date when the judgment is uploaded on the website	
		Operative	Full
19.02.2026	02.04.2026	-----	02.04.2026

Head Note

Mere participation in the examination does not confer any vested or indefeasible right to appointment or even to declaration of result. The State is competent to cancel a recruitment process prior to its culmination if found inconsistent with statutory provisions, in order to prevent perpetuation of illegality. The doctrine that “rules of the game cannot be changed after commencement” is inapplicable where the change is necessitated to ensure conformity with binding statutory rules.