

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO.7604 OF 2026**

1. Suraj Deepak Mane. ]  
Age: 36 years, Occu: Advocate, ]  
Residing at Plot No. 131A, Flat No. 2, ]  
Shrusti Apartment, Tapodham Colony, ]  
Talegaon Dabhade, Tal. Maval, ]  
Dist. Pune – 410507. ]
2. Chandrakanta S. Gongane, ]  
Age: 40 years, Occ.: Advocate, ]  
Residing at Flat no. 702, Building No 22, ]  
Shivaganga CHS, Riverwood park ]  
Sagarli Goan Kalyan shill road, ]  
Dombivli (E). 421 402. ]
3. Ashwini Pandharinath Adhalge ]  
Age: 44 years, Occ.: Advocate, ]  
Residing at 67/8A, Parvati Darshan, ]  
Taluka Haveli, District Pune 411009. ]
4. Supriya Chavan, ]  
Age: 41 years, Occ.: Advocate, ]  
Residing at Pancham A 501, ]  
Nanded City, Pune. ]
5. Vrushali Ganesh Deshmukh, ]  
Age 42 years, Occ Advocate, ]  
Residing at 3 floor, Yashwant Baba Apt, ]  
Paranjape Layout, Camp, Amravati. ]
6. Anuradha Ganpati Desai, ]  
Age 42 years, Occ Advocate, ]  
Residing at 235/66 Adhika apt ]  
5th floor Hanuman Nagar, Kolhapur 410007 ]
7. Priti Dashrath Warudkar, ]  
Age 40 years, Occ Advocate, ]  
Residing at Plot No.3B, ]  
Jayshree Apartment, Paryawaran Nagar, ]  
Wardha road, Somalwada, Nagpur ]

8. Mayadevi Fulchand Gupta, ]  
Age 42 years, Occ Advocate, ]  
Residing at Unnathi woods, ]  
Aanand Nagar, G.B.Road Thane West. ] .. **Petitioners.**

***Versus***

1. State of Maharashtra, ]  
Through Secretary, ]  
Law and Judiciary Department, ]  
Mantralay, Mumbai. ]

2. The High Court of Judicature at Bombay ]  
Through its Registrar General, ]  
Having office at Bombay High Court, ]  
Fort, Mumbai. ] .. **Respondents**

Dr. U.P. Warunjikar, i/b. Shri Sumit S. Kate, Advocate for the  
Petitioners.

Smt. Neha Bhide, Government Pleader, with Smt. S.D. Vyas, Addl.  
Govt. Pleader and Smt. G.R. Raghuwanshi, Assistant Government  
Pleader for the Respondent-State of Maharashtra.

Dr. Milind Sathe, Senior Advocate i/b. Shri Rahul Nerlekar,  
Advocate for Respondent No. 2.

**CORAM : RAVINDRA V. GHUGE, ACJ. &  
GAUTAM A. ANKHAD, J.**

**RESERVED ON : 24<sup>TH</sup> JUNE, 2026.**

**PRONOUNCED ON : 25<sup>TH</sup> JUNE, 2026.**

**JUDGMENT : { Per Ravindra V. Ghuge, ACJ. }**

1. **Rule.** Rule is made returnable forthwith and heard  
finally, with the consent of the parties.

2. The Petitioners are practising Advocates, who have participated in the Preliminary Examination conducted by the High Court for recruitment to the cadre of District Judge in the State of Maharashtra Judicial Service. The Petitioners have failed to secure the qualifying marks in the preliminary examination and were declared as failed. The Petitioners have now filed the present Petition challenging the recruitment process and seek the following reliefs:

*“a) Be pleased to call for records of the Advertisement No. A.5504/2025 dated 30.01.2026 and the Corrigendum dated 26.03.2026 and Preliminary exam Results dated 14.05.2026 and after satisfying about the legality and proprieties of the same, be pleased to quash and set aside the same by issuing writ of certiorari or any other writ / order or direction under Article 226 of the Constitution of India, 1950.*

*b) During pendency of this Writ Petition, be pleased to direct the respondent no. 2 to place on record the proposed amended rule as approved by the respondent no. 2 but not notified by the Respondent no. 1.*

*c) Pending the hearing and final disposal of the present Petition, be pleased to stay the conduct of the Main Written Examination scheduled on 27.06.2026 and 28.06.2026 and restrain the Respondents from taking any further steps pursuant to Advertisement No. A.5504/2025.”*

3. We deem it appropriate to advert to certain undisputed facts, forming the backdrop to this case, which are as follows :

- (i) On 12<sup>th</sup> August 2025, the Constitution Bench of the Hon'ble Supreme Court, delivered a judgment in ***Rejanish K.V. v. K. Deepa & Ors***<sup>1</sup>, and issued directions requiring all High Courts, in consultation with their respective State Governments, to carry out and notify the necessary amendments to the existing Judicial Service Rules. Pursuant thereto, the draft amendments to the Maharashtra Judicial Service Rules, 2008 ("**Rules**") were approved by the Full House of the Bombay High Court on 7<sup>th</sup> January, 2026.
- (ii) On 30<sup>th</sup> January 2026, Respondent No.2 issued an advertisement inviting online applications to fill 89 vacancies in the cadre of District Judge by Nomination (25%) in the Maharashtra Judicial Service. Clause 2 of the advertisement reads as follows:

*"This selection process is regulated by the Maharashtra Judicial Service Rules, 2008 and the amendments approved by the High Court thereto which are yet to be notified."*

- (iii) On 26<sup>th</sup> March 2026, Respondent No.2 issued an addendum granting relaxation in the upper age limit to certain serving judicial officers.
- (iv) The preliminary examination was conducted on 10<sup>th</sup> May, 2026 and the results were declared on 14<sup>th</sup> May, 2026. The Petitioners were declared unsuccessful, having failed to secure the prescribed qualifying marks. Thereafter, the Petitioners submitted a representation on 19<sup>th</sup> May, 2026 to Respondent No. 2 and instituted the present Petition on 9<sup>th</sup> June, 2026.
- (v) On 17<sup>th</sup> June 2026, the Law and Judiciary Department, Government of Maharashtra published a Notification in the Official Gazette, notifying the Rules approved by the High Court.
- (vi) The Petition was mentioned for urgent circulation on the ground that the Main Written Examination is scheduled to be held on 27<sup>th</sup> and 28<sup>th</sup> June, 2026. Having regard to the urgency involved, the matter was taken up for hearing forthwith.

## CONTENTIONS OF THE PETITIONERS

4. Dr. Warunjikar, the learned counsel appearing for the Petitioners, submits that the recruitment process was required to be conducted in accordance with the Rules as they stood on the date of issuance of the advertisement, i.e., 30<sup>th</sup> January, 2026. He contends that the advertisement itself acknowledges that the amendments approved by the High Court had not been notified. Consequently, the recruitment process could not be governed by the non-notified rules and therefore, this amounts to an illegality, in the manner of conducting the selection process. According to the learned Counsel, such a course is contrary to Articles 14, 16 and 233 of the Constitution of India and ought to be quashed.

5. Dr. Warunjikar further submits that the Petitioners cannot be prejudiced on account of the delay in publication of the amended Rules, which came into force only upon their publication in the Official Gazette on 17<sup>th</sup> June, 2026. The conduct of the examination is contrary to the directions issued by the Constitution Bench in ***Rejanish K.V. (Supra)***. He submits that merely because the Petitioners failed in the preliminary examination does not disentitle them from challenging the recruitment process, as their

grievance is directed against the legality of the entire selection process and not merely against the result of the examination.

6. Dr. Warunjikar submits that the newly inserted Rule 6(2)(b) empowers the High Court to prescribe the syllabus for the preliminary and main written examinations and to provide for moderation of answer sheets of the main written examination for appointments by nomination, subject to such terms and conditions as it may deem fit. According to the learned counsel, application of this provision to the current recruitment process would amount to giving retrospective effect to the amendment, thereby altering the governing norms relating to the syllabus and placing the Petitioners in an unfair situation or a disadvantage. In support of these submissions, he relies upon the judgments of the Hon'ble Supreme Court in *Harla v. State of Rajasthan*<sup>2</sup>, *Viraj Impex Pvt. Ltd. v. Union of India*<sup>3</sup> and *Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors*<sup>4</sup> and submits that the reliefs in the Petition ought to be granted.

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2 AIR 1951 SC 936

3 SLP (C) No. 1979 of 2019

4 2024 INSC 847

## **CONTENTIONS OF DR MILIND SATHE**

7. On the other hand, Dr. Milind Sathe, the learned Senior Counsel appearing for Respondent No.2, submits that the judgment in ***Rejanish K.V.(supra)*** constituted the governing law on the date of the advertisement. It was in these circumstances that the advertisement dated 30<sup>th</sup> January, 2026 expressly stipulated that the recruitment process would be governed by the Maharashtra Judicial Service Rules, 2008 along with the amendments approved by the High Court, though they were yet to be notified, because the Hon'ble Supreme Court had specifically recorded that those Recruitment rules which were not in tune with the dictum laid down in ***Rejanish K.V.(supra)***, are quashed and set aside.

8. Dr. Sathe emphasised that the Petitioners participated in the selection process with full knowledge of this condition. The Petitioners neither sought a copy of the approved amendments nor questioned the recruitment process before appearing in the preliminary examination. They were made aware that Judicial Officers would also be competing with them, in this recruitment process. Having taken a chance in the selection process and having been declared unsuccessful, that the Petitioners cannot now be

permitted to challenge the very process in which they willingly participated. Reliance is placed upon the decision of the Hon'ble Supreme Court in *Tajvir Singh Sodhi & Ors. v. State of Jammu and Kashmir & Ors*<sup>5</sup> in support of the contention that such a challenge is barred and the Petition deserves to be dismissed with costs.

### ANALYSIS AND OUR CONCLUSIONS

9. We have considered the rival submissions. We are unable to accept the Petitioners' principal contention that since the amendments to the Maharashtra Judicial Service Rules, 2008 had not been notified on the date of issuance of the advertisement, the recruitment process could not have been conducted on the basis of those amendments.

10. In *Rejanish K.V. (supra)*, the Constitution Bench of the Hon'ble Supreme Court authoritatively settled the law governing the appointments to the cadre of District Judges under Article 233 of the Constitution. In paragraph 176, the Hon'ble Supreme Court specifically directed that all existing Rules framed by the State Governments, in consultation with the High Courts, which were inconsistent with the principles laid down in paragraph

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<sup>5</sup> (2023) 17 SCC 147  
Talwalkar

174, would stand quashed and set aside and further directed all State Governments and High Courts to frame or amend the Rules in conformity with the judgment, within three months.

The relevant observations are reproduced below:

*“172. In any case, we clarify that what we have held in this judgment will be applicable only from the date of this judgment and in no case, any selection process completed, or any appointment made prior to this judgment would be affected, except in cases wherein any interim order(s) were passed by the High Courts or this Court. In such cases, the issue would now be governed by the orders to be passed by the Bench hearing the matters.*

#### *F. Conclusion and directions*

*173. In view of the answer which we propose to give for Question 4, it may not be necessary to deal with the other questions, however, since the questions are framed by this Court, we propose to answer all the questions.*

*174. In the result, we answer the questions as under:*

*174.1. Judicial officers who have already completed seven years in Bar before they were recruited in the Subordinate Judicial Service would be entitled for being appointed as a District Judge/Additional District Judge in the selection process for the post of District Judges in the direct recruitment process;*

*174.2. The eligibility for appointment as a District Judge/Additional District Judge is to be seen at the time of application;*

*174.3. Though there is no eligibility prescribed under Article 233(2) for a person already in judicial service of the Union or of the State for being appointed as*

*District Judge, in order to provide a level playing field, we direct that a candidate applying as an in-service candidate should have seven years' combined experience as a judicial officer and an advocate;*

*174.4. A person who has been or who is in judicial service and has a combined experience of seven years or more as an advocate or a judicial officer would be eligible for being considered and appointed as a District Judge/ Additional District Judge under Article 233 of the Constitution;*

*174.5. In order to ensure level playing field, we further direct that the minimum age for being considered and appointed as a District Judge/Additional District Judge for both advocates and judicial officers would be 35 years of age as on the date of application.*

*174.6. It is held that the view taken in the judgments of this Court right from Satya Narain Singh till Dheeraj Mor, which take a view contrary to what has been held herein above do not lay down the correct proposition of law.*

*175. The reference is answered accordingly.*

*176. Consequently, all such rules framed by the State Governments in consultation with the High Courts which are not in accordance with the aforesaid answers shall stand quashed and set aside. It is directed that all the State Governments in consultation with the High Courts shall frame/amend the rules in accordance with what has been held by us herein above, within a period of three months from today.*

11. The effect of the aforesaid directions is that the law declared by the Constitution Bench became operative from the date of the judgment itself and all existing Rules inconsistent therewith, ceased to hold the field. Pursuant to the said judgment, the Bombay High Court initiated the following steps :-

a). The General Rules Committee approved the amendments in its meeting on 11/12/2025.

b). The Administrative Judges Committee approved the amendments and directed that the same shall be placed before the Full House.

c). The Full House approved the amendments on 7<sup>th</sup> January 2026 and resolved to proceed with the recruitment process in anticipation of the publication of the amendment in the Gazette.

d). An advertisement was published on 30/01/2026 for filling in 89 posts of District Judges by nomination (25%).

e). Pursuant to the advertisement, 5540 online applications were received from the Judicial Officers and the Advocates. 4831 candidates were held eligible to appear for the preliminary written examination.

f). The preliminary examination was conducted at 4 centers, viz. Mumbai, Nagpur, Aurangabad and Kolhapur, on 10/5/2026. Objections were resolved and the final answer key was published on 12/5/2026.

g). The answer sheets were collected and were forwarded to the Maharashtra Public Service Commission for evaluation.

h). The results of the preliminary examination was declared on 14/5/2026. 1013 candidates were declared eligible to

appear for the main examination. Notice for the main examination was published on 14/5/2026.

i). Admit cards as well as the instructions have been issued to the 1013 candidates and the main exam center has been booked. The exam schedule is as under :-

27/6/2026 : Paper – I (Civil Law)

28/6/2026 : Paper – II (Criminal Law)

12. Thus, on the date of issuance of the advertisement, 30<sup>th</sup> January 2026, the law governing the recruitment process had already been declared by the Constitution Bench and the amendments that were approved by the High Court, were intended to bring the Rules in conformity with that declaration of law.

13. Significantly, Clause 2 of the advertisement expressly informed every prospective candidate that the selection process would be regulated by the Maharashtra Judicial Service Rules, 2008 ***‘and the amendments approved by the High Court thereto, which are yet to be notified’***. Thus, every applicant was expressly informed that the approved amendments would govern the selection process, notwithstanding that the formal publication of the notification by the State Government was awaited. The Petitioners

admittedly submitted their applications with full knowledge of this condition. They neither sought a copy of the approved amendments, nor questioned the advertisement or the subsequent addendum dated 26<sup>th</sup> March, 2026 before participating in the preliminary examination. Having consciously accepted the terms of the advertisement, having participated in the selection process without demur and having failed in the examination, the Petitioners cannot now seek to challenge the very process in which they have competed.

14. In ***Tajvir Singh Sodhi***, the Hon'ble Supreme Court, after considering a long list of authorities, reiterated that a candidate who participates in a selection process without any demur or protest, is precluded from challenging the same after being declared unsuccessful. The Court held that such a candidate cannot approbate and reprobate by accepting the process when hopeful of success and, questioning it only after an unfavourable result. The relevant observations are extracted below:

*“38. The next aspect of the matter which requires consideration is the contention of the writ petitioners to the effect that the entire selection process was vitiated as the eligibility criteria enshrined in the advertisement notice dated 5-5-2008 was recast vide a corrigendum dated 12-6-2009, without any justifiable reason. In order to consider this contention, regard may be had to the following case law:*

38.1. In *Manish Kumar Shahi v. State of Bihar*, this Court authoritatively declared that having participated in a selection process without any protest, it would not be open to an unsuccessful candidate to challenge the selection criteria subsequently.

38.2. In *Ramesh Chandra Shah v. Anil Joshi*, an advertisement was issued inviting applications for appointment for the post of Physiotherapist. Candidates who failed to clear the written test presented a writ petition and prayed for quashing the advertisement and the process of selection. They pleaded that the advertisement and the test were ultra vires the provisions of the Uttar Pradesh Medical Health and Family Welfare Department Physiotherapist and Occupational Therapist Service Rules, 1998. After referring to a catena of judgments on the principle of waiver and estoppel, this Court did not entertain the challenge for the reason that the same would not be maintainable after participation in the selection process. The pertinent observations of this Court are as under: (SCC p. 320, para 24)

"24. In view of the propositions laid down in the abovenoted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents."

38.3. Similarly, in *Ashok Kumar v. State of Bihar*, a process was initiated for promotion to Class III posts from amongst Class IV employees of a civil court. In the said case, the selection was to be made on the basis of a written test and interview, for which 85% and 15% marks were earmarked respectively as per norms. Out of 27 (twenty-seven) candidates who appeared in the written examination, 14 (fourteen) qualified. They were interviewed. The committee selected candidates on the basis of merit and prepared a list. The High Court declined to approve the select list on the

*ground that the ratio of full marks for the written examination and the interview ought to have been 90: 10 and 45 ought to be the qualifying marks in the written examination. A fresh process followed comprising of a written examination (full marks marks 45) and an interview (carrying 10 marks). On the basis of the performance of the candidates, results were declared and 6 (six) persons were 90 and qualifying appointed on Class III posts. It was thereafter that the appellants along with 4 (four) other unsuccessful candidates filed a writ petition before the High Court challenging the order of the High Court on the administrative side declining to approve the initial select list. The primary ground was that the appointment process was vitiated, since under the relevant rules, the written test was required to carry 85 marks and the interview 15 marks. This Court dismissed the appeals on the grounds that the appellants were clearly put on notice when the fresh selection process took place that the written examination would carry 90 marks and the interview 10 marks. The Court was of the view that the appellants having participated in the selection process without objection and subsequently found to be not successful, a challenge to the process at their instance was precluded. The relevant observations are as under: (SCC p. 363, para 13)*

*"13. The law on the subject has been crystallised in several decisions of this Court. In Chandra Prakash Tiwari v. Shakuntala Shukla, this Court laid down the principle that when a candidate appears at an examination without objection and is subsequently found to be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated. He or she cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In Union of India v. S. Vinodh Kumar, this Court held that: (SCC p. 107, para 18)*

*'18. It is also well settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same (see also Munindra Kumar v.*

*Rajiv Govil and Rashmi Mishra v. M.P. Public Service Commission) "*

*39. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence."*

15. We also find no merit in the submission that the approved amendments could not have been acted upon until their publication in the Official Gazette. The earlier inconsistent rules had ceased to operate, having been quashed by the pronouncement in ***Rejanish K.V.*** (supra). The notification dated 17<sup>th</sup> June, 2026 merely completed the formal statutory process of bringing the Rules in conformity with the binding directions of the Constitution Bench. In these peculiar facts, the recruitment process cannot be invalidated merely because the formal notification followed the issuance of the advertisement, particularly when the advertisement

itself expressly disclosed the basis on which the recruitment was to be conducted.

16. Equally untenable is the contention that insertion of Rule 6(2)(b), retrospectively altered the syllabus or the mode of examination. Except making a general assertion that the amended Rule empowers the High Court to prescribe the syllabus and provide for moderation of answer sheets, the Petitioners have placed no material whatsoever to demonstrate that the syllabus applicable to the present examination was altered after issuance of the advertisement or that any moderation was carried out to their prejudice. A challenge founded on conjecture, without any factual foundation demonstrating actual prejudice, cannot furnish a ground to interfere with an ongoing recruitment process.

17. The judgments relied upon by Dr. Warunjikar do not advance the Petitioners' case. In **Viraj Impex (supra)**, the controversy pertained to the date on which a notification issued under Section 3 of the Foreign Trade (Development and Regulation) Act, 1992 acquired legal force. In that case, the appellant had entered into firm sale contracts with exporters, between 29<sup>th</sup> January 2016 and 4<sup>th</sup> February 2016 and on 5<sup>th</sup> February 2016, opened irrevocable letters of credit in favour of the

foreign suppliers. On the very same day, the Directorate General of Foreign Trade uploaded a notification on its website bearing the endorsement, 'To be published in the Official Gazette of India'. However, the notification was actually published in the Official Gazette only on 11<sup>th</sup> February 2016. The appellant thereafter sought registration of the letters of credit under the protection available under paragraph 1.05(b) of the Foreign Trade Policy. The request was rejected on the ground that the notification had been uploaded on 5<sup>th</sup> February 2016 and that such uploading constituted sufficient notice to bind importers who had not opened their letters of credit prior to that date. The Writ Petition challenging this decision was dismissed by the High Court.

The Hon'ble Supreme Court reversed the High Court's decision and held that a notification issued under Section 3 of the Act acquires the force of law only upon its publication in the Official Gazette. Consequently, the expression 'date of this Notification' necessarily refers to the date of its publication in the Official Gazette. It was in that context that the Hon'ble Supreme Court examined the principles governing delegated legislation and held that publication in the Official Gazette is the act by which an executive decision is transformed into law and becomes operative from the date of such publication. The issue before the Supreme

Court was entirely different and arose in the context of import restrictions affecting vested commercial rights.

18. The issue before us relates to the validity of a recruitment process initiated after the Hon'ble Supreme Court has, by its judgment, quashed the earlier inconsistent rules. The judgment mandates that the recruitment process shall be in terms of the law laid down in **Rejanish K V** (supra) and there shall be no further recruitment, except in terms of the directions set out therein. Therefore, any recruitment de-hors the law laid down in **Rejanish K V** (supra), would render such recruitment bad and unsustainable. It does not lay down any proposition which would invalidate the recruitment process in the present case, when the advertisement itself expressly disclosed that the approved amendments would govern the selection. Consequently, the ratio of **Viraj Impex** has no application to the facts of the present case.

19. Similarly, the decision in **Harla** (supra) is of no assistance to the Petitioners. In that case, during the minority of the Maharaja of Jaipur, the Council of Ministers purported to enact the Jaipur Opium Act merely by passing a resolution, without promulgating or publishing it in the Official Gazette or by any other

recognised mode. The appellant was subsequently convicted under the said Act. The question before the Hon'ble Supreme Court was whether the mere passing of such a resolution, without promulgation or publication, was sufficient to give it the force of law. It was in that context that the Hon'ble Supreme Court held that a law cannot become operative unless it is promulgated or published in a manner by which it is made known to the public, observing at paragraph 9 that 'promulgation or publication of some reasonable sort is essential'. The said principle does not advance the Petitioners' case. Far from supporting their contention, it recognises that publication by any reasonable mode is sufficient.

20. Unlike *Harla*, the Petitioners before us are not confronted with any secret or undisclosed rule. The Petitioners had express notice through Clause 2 of the advertisement, which specifically stated that the amendments to the Rules had been approved by the High Court and were awaiting formal notification. The Full House resolved to apply the amended rules to the present recruitment process. Moreover, the Gazette Publication indicates from clause 1(3) as under :-

*'These rules shall apply to Selection Process-2024 and onwards for the post of Civil Judge Junior Division and the Selection Process-*

*2025 and onwards for the posts of Civil Judge Senior Division and District Judge’.*

21. The rationale underlying **Harla** that persons likely to be affected must have notice of the law, is therefore, fully satisfied in the present case. Equally, **Tej Prakash Pathak (supra)** does not advance the Petitioners’ case. There is no material to demonstrate that the selection criteria or the rules of the game were altered after commencement of the recruitment process. Nor have the Petitioners established that they suffered any prejudice by reason of the subsequent notification of the amended Rules, as they were made fully aware in the advertisement that the amended rules have been made applicable. None of the Petitioners chose to challenge the advertisement. They filed their applications in response to the advertisement, competed in the recruitment process. After they could not even pass the Preliminary exams, that they have approached the High Court.

22. For the above reasons, the Petitioners have failed to establish any arbitrariness, illegality or violation of Articles 14, 16 or 233 of the Constitution, in the recruitment process under challenge. The recruitment process was initiated after specifically

informing the public at large that the Recruitment Process would be governed by the amendments approved by the High Court pursuant to the binding directions of the Constitution Bench of the Hon'ble Supreme Court. The Petitioners knowingly participated in the process without any objection and have approached this Court only after failing in the preliminary examination. The challenge is clearly hit by the principles of waiver and acquiescence and is, in any event, devoid of merit.

23.           **The Writ Petition No. 7604 of 2026 is dismissed.**  
Rule is discharged. There shall be no order as to costs.

**[ GAUTAM A. ANKHAD, J. ]      [ ACTING CHIEF JUSTICE ]**