

HIGH COURT OF TRIPURA
_A_G_A_R_T_A_L_A_

WA.No.61 of 2025

1. National Institute of Technology (NIT), Agartala, represented by the Director, having its registered office at Barjala, Jirania, Agartala, District-West Tripura, PIN-799046.
2. The Director, National Institute of Technology, Agartala, having its registered office at Barjala, Jirania, Agartala, District West Tripura, PIN-799046.
3. The Registrar, National Institute of Technology, Agartala, having its registered office at Barjala, Jirania, Agartala, District West Tripura, PIN-799046.
4. The Chairman, Recruitment Committee of Group-B & Group-C, NIT, Agartala, Barjala, Jirania, District- West Tripura, PIN-799046.

.....Appellants

_V_E_R_S_U_S_

1. Kanti Das, son of Sri Krishna Das, resident of Village-East Kalabaria, P.O. Maichara, P.S. Belonia, District: South Tripura, PIN-799155.

.....Respondent

Connected with

WA.No.63 of 2025

1. National Institute of Technology Agartala, represented by the Registrar, having its registered office at Barjala, Jirania, Agartala, District-West Tripura, PIN-799046.
2. The Registrar, National Institute of Technology, Agartala, having its registered office at Barjala, Jirania, Agartala, District West Tripura, PIN-799046.
3. The Director, National Institute of Technology, Agartala, having its registered office at Barjala, Jirania, Agartala, District West Tripura, PIN-799046.

.....Appellants

_V_E_R_S_U_S_

1. Sri Joydeep Chakraborty, son of Dulal Chakraborty, resident of Ramnagar, Road No.7, P.O. & P.S. Ramnagar, District: West Tripura, PIN-799002.
2. Sri Litan Das, son of Sri Sudhir Chandra Das, resident of Laxmandhepa, P.O. Laxmandhepa, District- Sepahijala Tripura, PIN-799115.
3. Smti. Reshmi Chakraborty, daughter of Sri Dulal Chakraborty, resident of Ashram Chowmuhani, P.O. Agartala College, District-West Tripura, PIN-799004.
4. Sri Ashish Kumar Ram, son of Sri Anil Ram, resident of Gram Sono, P.O. Sono, District- Jamui Bihar, PIN-811314.
5. Smti. Prativa Debnath, daughter of Sri Prasanta Debnath, resident of Ranir Bazar Nalgaria (Krishnatali), P.O. & P.S. Ranir Bazar, District- West Tripura, PIN-799035.

.....*Private Respondents*

6. The Union of India, represented by the Commissioner cum Secretary, Ministry of Education (Earlier Human Resource Development), Department of Higher Education, having its office at Shastri Bhawan, New Delhi.
7. The Commissioner cum Secretary, Ministry of Education (Earlier Human Resource Development), Department of Higher Education, having its office at Shastri Bhawan, New Delhi.

.....*Pro-forma-Respondents*

For Appellant(s)	:	Mr. Somik Deb, Sr. Advocate. Mr. P. Lal Debbarma, Advocate.
For Respondent(s)	:	Mr. P. Roy Barman, Sr. Advocate. Mr. B. Majumder, Deputy SGI Mrs. S. Deb (Gupta), Advocate. Mr. S. Bhattacharjee, Advocate.
Date of hearing	:	24.09.2025
Date of delivery of Judgment and order	:	04.11.2025
Whether fit for reporting	:	YES

HON'BLE JUSTICE DR. T. AMARNATH GOUD
HON'BLE MR. JUSTICE BISWAJIT PALIT
_F_I_N_A_L_O_R_D_E_R_

Heard.

[2] These writ appeal being WA No. 61 of 2025 [National Institute of Technology (NIT) and Ors. v Kanti Das] and WA. No. 63 of 2025 [National Institute of Technology and Ors. v Sri Joydeep Chakraborty and Ors.] are filed as per Tripura High Court Rules, 2023 under Rule-B (A) of Chapter-VIII of the High Court Rules, 2023 and read with Article-226 of the constitution of India and are clustered for disposal by a common judgment as in all these writ appeals the appellants have embarked on common grounds regarding practice and procedure for filing writ appeals, preferred against the impugned judgment and order dated 22.01.2025 passed in common judgment i.e. WP(C) No.489 of 2024 and WP(C) No.454 of 2024 by the learned Single Judge of this Court.

[3] Short facts emanated are that on 04.04.2019, the respondent No.1 issued a letter to all the Directors of NITs, including the Director of NIT, Agartala i.e. respondent No.5 in WP(C) No.454 of 2024 and respondent No.2 in WP(C) No.489 of 2024 for implementation of the recruitment rules for nonteaching staffs of the NITs based on the recommendation of Oversight Committee. On 26.06.2019, the Board of Governors, NIT, Agartala in its 47th meeting adopted the said letter

dated 04.04.2019, issued by the respondent No.1. The NIT, Agartala invited applications from the *bonafide* citizens of India for recruitment to various non-teaching posts by issuing Recruitment Notice/Advertisement vide No.F.NITA.2(519-Estt)/2019/7717 dated 02.11.2019. Thereafter, on 11.12.2019 the competent authority of Union of India, i.e. the respondent No. 1 in the writ petition issued a letter vide No. F.No.35-4/2016-TS.III to the Registrars of all NITs for discontinuation of interviews at Junior Level Posts as per instructions issued by DOPT, Government of India. In the said communication, the respondent No. 1 brought some changes in the selection procedure and on 21.01.2020 the Board of Governors in its 50th meeting of NIT, Agartala adopted the guidelines, in accordance with instructions issued by DOPT vide its Office Memorandum No. 39029/01/2013-Estt(B)-Part dated 29.12.2015, on the basis of 11.12.2019 supra.

[4] On 15.09.2021, the respondents Nos. 3 to 5 in WP(C) No. 454 of 2024 invited applications from the *bonafide* citizens of India for recruitment to various non-teaching posts vide Notice No. F.NITA.2 (519-Estt)/2019 vol-II 3335, dated 15.09.2021 in continuation of the Advertisement dated 02.11.2019. In WP(C) No. 454 of 2024, the petitioner No. 1 applied for the post of Junior Engineer (Civil Engineering/Electrical Engineering); the petitioner Nos. 2 & 3, the respondents herein, applied for Office Attendant/Lab Attendant (Group-C) and the petitioner Nos. 4 & 5, the respondents herein, applied for the post of Technician (Group-C). In WP(C) No.489 of 2024, the sole petitioner applied for the post of Technician. Thereafter, the respondent No. 5 in the writ petition, issued admit cards in favour of the respective petitioners, the respondents herein. The petitioners participated in written test on 10.07.2022, 05.06.2022 & 14.08.2022. The respondent-Registrar of NIT, Agartala issued notifications for publishing the answer keys for questions for the posts of Technicians/Senior Technicians/Junior Engineer, etc. and Office/Lab Attendant on 16.08.2022, 12.07.2022 and 07.06.2022 respectively. On 13.12.2022 the respondent No. 4 issued a notification publishing the list of short listed candidates for Interview-cum-Interaction after the written test. However, the respondent-Registrar, NIT, Agartala, the appellant herein, vide notification dated 03.06.2024 had cancelled the said recruitment process initiated under the Advertisement No. NITA.2(519-Estt)/2019/7717, dated 02.11.2019 and No. NITA.2 (519-Estt)/2019/Vol-II/3335, dated 15.09.2021 due to administrative reasons.

[5] After hearing both sides, the learned Single Judge has disposed of the writ petitions by order dated 22.01.2025 and observed as under:

“30. As I have already said, that in the instant cases, there is no complaint of irregularities or malpractices and in absence of any rational grounds of cancelling the selection process, according to me, is illegal, arbitrary, discriminatory and violative of Article 14 of the Constitution of India. Accordingly, the impugned cancellation notification dated 03.06.2024 [Annexure-18 to WP(C) No.454/2024 and Annexure-14 to WP(C) No.489/2024] is hereby set aside and quashed.

31. Accordingly, the respondents-NIT shall consider the appointment of the successful/qualified candidates including the petitioners, if they otherwise qualified and eligible, on the basis of the merit list and complete the process in accordance with rules within a period of 3(three) months from the date of receipt of a copy of this judgment and order.

32. The above two writ petitions are disposed of in the above terms.”

[6] Being aggrieved by and dissatisfied with the same, the appellants herein, has preferred the present appeals before this Court for adjudication.

[7] Mr. S. Deb, learned senior counsel assisted by Mr. P. Lal Debbarma, learned counsel appearing for the appellants has submitted that while passing the impugned Judgment & Order (Oral) dated 22.01.2025, the learned Single Judge has failed to appreciate that as there was violation between the terms & conditions set out in the advertisement and the DOPT Guidelines dated 11.12.2019, as adopted by NITA in its 50th BoG meeting, held on 21.01.2020, the said selection process could not have been taken forward, and hence, the decision taken by the BoG in its 63rd Meeting for cancellation of recruitment process was valid, and it was resolved that the recruitment process through EdCIL be expedited, and therefore, the same ought not to have been interfered with. Further, the decision to cancel the selection process, which was founded on Interview, has its roots from the various Office Memorandum/Circular Letter, issued by the Ministry of Personnel, Public Grievances & Personnel (Department of Personnel & Training), and later on, adopted by the Ministry of Human Resource Development, Department of Higher Education, Government of India, whereby it was decided to discontinue Interviews for recruitment to all such posts.

[8] The decision, to abandon the selection process, which contained Interview as a component for adjudging the eligibility/suitability of a candidate, for direct recruitment, cannot be termed to be an arbitrary decision. Under the advertisement in question, performance in the Written Test, was in the very nature

of a Screening Test, and after the persons are shortlisted for Interview, all such shortlisted candidates stood in the same pedestal, regardless of their performance/marks obtained in the Written Test, and what is of seminal importance is the marks secured in the Interview. It is trite law that mere participation in a selection process does not confer any right on to such a participant to urge for appointment, and that the employer has every right to abandon the selection process, and initiate a fresh selection process.

[9] The jurisdiction of the Courts to interfere with such decision of the employer, to abandon the selection process is very limited and can only interfere, when such decision is found to be perverse. No perversity can be attributed, to the said decision of the NITA to abandon the selection process, initiated by the Advertisement dated 02.11.2019. But for the mistake committed by the Registrar I/C in proceeding with the selection process due to one right of DoPT Govt. of India instructions, the institution and the selection process cannot be jeopardize.

[10] The appellants did not adopt the DOPT Instructions, discontinuing the process of taking interview for selection, and the same was adopted later on. The appellants having noticed this aspect and to streamline the entire selection process, had cancelled the entire selection process and there is no illegality or arbitrariness in such cancellation.

[11] It has also been misconstrued the mandate of the Clause 3 of the advertisement dated 11.02.2019, relating to general instructions & recruitment system/rules which stipulates that the "institute reserves the right to modify/defer or cancel the advertisement/recruitment at any stage of processing without assigning any reasons. Hence, applying this clause, the appellants were competent to cancel the entire selection process without assigning any reason. Mere short listing of a candidate does not give any vested right to such candidate to be appointed.

[12] Mr. Deb, learned senior counsel has contended that the learned Single Judge has failed to appreciate the chronology and for the ready reference that may be reflected herein below:

1.	09.10.2015	Ministry of Personnel, Public Grievances & Pension issued an Office Memorandum, inter alia noting that Interview will be dispensed with for all Group C & Group D posts, all Departments should make necessary amendments in the Recruitment Rules, whereat Interview is an integral part of the selection, and for those ongoing selection process, having interviewed as a component, the posts could either be re-advertised, or if there is any urgency,
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		in such circumstances, the ongoing process may be completed.
2.	29.12.2015	Ministry of Personnel, Public Grievances and Pensions, DoPT issued an Office Memorandum, inter alia adopting 'no Interview Recruitment Proposal', with a specific direction for implementation thereof in all Departments of the Government of India, thereby setting the timelines for discontinuation of such selection process, involving Interview as a component by 31.12.2015, and in case specific course, where the Department seeks to continue with the component of Interview, specific approval therefore should be obtained.
3.	02.11.2019	Various posts were advertised to be filled up, and the last date for submission of candidature was 29.11.2019.
4.	11.12.2019	MHRD, Department of Higher Education made a Communication to all the NITS, thereby adopting the instruction of the DoPT on discontinuation of Interviews for recruitment to all junior level posts.
5.	21.01.2020	The 50th Meeting of BOG of NIT, Agartala was held, whereby the Guidelines of the DoPT dated 29.12.2015, adopted by the MHRD by the Letter dated 11.12.2019, was adopted.
6.	15.09.2021	Advertisement for recruitment to Non-Teaching staff in the NIT, Agartala.
7.	16.03.2022	A Notice for holding Written Test was issued.
8.	12.12.2022	A Notice for holding Interview-cum-Interaction for recruitment to Group-B & Group-C posts.
9.	13.12.2022	NIT, Agartala issued a Notification, inter alia laying down the criteria for shortlisting of the candidates in Interview-cum-Interaction.
10.	24.11.2023	The 63rd Meeting of BOG of NIT, Agartala was held, whereby the BOG decided to annul the ongoing recruitment process inasmuch as the same was contrary to the DoPT Guidelines.
11.	15.12.2022	NIT, Agartala issued a Notice for cancellation of Interview-cum-Interaction, with a stipulation that further course of action would be notified later on.
12.	03.06.2024	Registrar, NIT, Agartala issued a Notification, inter alia noting that the recruitment process for Group-B & Group-C posts have been cancelled due to administrative reasons.

[13] Thereafter, it has been averred that on the date of issuance of the advertisement, neither the office memoranda dated 09.10.2015 and 29.12.2015 were applicable in the NITs, and that the said office memoranda was adopted by the NITs, only with effect from 11.12.2019. Consequent upon adoption of the said office memoranda by the NITs, with effect from 11.12.2019, the NIT, Agartala had no other option, but to cancel the said selection process, which contained selection by way of interview and therefore, the decision taken in the 50th meeting of the BOG of the NIT, Agartala, as reiterated by the 63rd meeting of the BOG of the NIT,

Agartala can be flawed and hence, the a consequent, the notification dated 03.06.2024 cannot be held to be illegal/arbitrary.

[14] The directions contained in the impugned Judgment & Order (Oral) dated 22.01.2025 are implemented and select list is drawn and persons are recruited, on the solitary parameter of performance in the Written Test, the appellants would be violating the terms, professed in the advertisement, whereat it was unequivocally mentioned that the Written Test was only for adjudging the suitability of the candidate and the same was in the nature of a Screening Test and that relative assessment of the candidates would be made, on the basis of the performance in the Interview, which process has been directed, not to be adopted.

[15] Since, there was no complaint of irregularities or malpractices, in the selection process, therefore, there was no rational ground for cancelling the selection process and such cancellation of the selection process is illegal, arbitrary, discriminatory and violative of Article-14 of the Constitution of India, merits to be quashed/set aside inasmuch as, consequent upon adoption of the Office Memoranda dated 29.12.2015 by the NITs, with effect from 11.12.2019, the NIT, Agartala had no other option, but to cancel the said selection process, which contained selection by way of Interview and therefore, the decision taken in the 50th Meeting of the BOG of the NIT, Agartala, as reiterated by the 63rd Meeting of the BOG of the NIT, Agartala, did not warrant any interference and hence, the further Mandamus issued by the learned Single Judge, directing the NIT, Agartala to consider the appointment of the successful/qualified candidates including the writ petitioners, the respondents herein, if they are otherwise qualified and eligible, on the basis of the merit list, drawn from the written test, within a period of 3(three) months from the date of receipt of a copy of the impugned order dated 22.01.2025 also merits to be interfered with.

[16] The notice under challenge was issued on 15.12.2022 and the WP is filed in the month of July, 2024, i.e., after an elapse of more than 1 year 6 months, however, without providing any explanation for such delay and is hit by laches. Furthermore, pursuant to the decision taken, in the 50th meeting of the Board of Governors of NIT, Agartala dated 21.01.2020, whereby it was *inter alia* noted for discontinuation of interviews at Junior Level Post carrying the Grade Pay of Rs.4600/- [upto Level 7 in 7th CPC], the NIT, Agartala had issued the notice dated 15.12.2022, followed by the formal notification dated 03.06.2024. In the WP, the

petitioners have not impleaded the members of the Board of Governors of NIT, Agartala and therefore, in absence of the members of the Board of Governors of NIT, Agartala, the said writ petition was not maintainable and is liable to be dismissed for non-joinder and necessary parties.

[17] It was contended that because of the subsequent change in the selection process, with respect to Group-C and Group-D employees, adopted by the Government of India, thereby abandoning interview for selection, the advertisement in question and the subsequent selection process, was cancelled. It is thus, evidently clear that based on change in the policy decision, adopted by the Government of India, the advertisement in question, and the subsequent selection process, were cancelled. The Board of Governors of the appellant is bound by such policy decision, adopted by the Government of India, and cannot act in defiance thereof.

[18] Further, the writ petitioner cannot be permitted to invoke the doctrine of fairness and legitimate expectation, and therefore, this WP is *sans merit*. It is well established that merely by applying for selection, and even after selection, a candidate does not acquire a legal right to claim for appointment and the Government has every right to abandon a selection process, even after completion of such selection process. Pursuant to the change in the policy decision, as noted in the Office Memorandum dated 29.12.2015 & adopted by the Office Order dated 11.12.2019, the said decision was binding on the Board of Governors of the NIT, Agartala and accordingly, in strict conformity therewith, the Board of Governors of NIT, Agartala, in its 50th Meeting held on 21.01.2020, whereat it was unambiguously noted to discontinue interviews at Junior Level Post carrying the Grade Pay of Rs.4600/- [upto Level 7 in 7th CPC], as would be evidently clear from the Minutes of the Meeting dated 21.01.2020. In such view of the matter, since, there was a conscious policy decision, adopted by the Government of India, to discontinue interviews for selection to Lower Posts, and the NIT, Agartala acted in conformity therewith, thereby cancelling the selection process, no fault can be attributed for such cancellation.

[19] In furtherance of the an order dated 18.12.2024, passed by this Court, the entire matter of the recruitment process was placed before the 66th (Special) Meeting of the Board of Governors, which was held on 13.01.2025 at 11:30 AM, in the Board Room of NIT,Agartala, through hybrid mode, in its Agenda No.66.1. It

is stated that in strict conformity with the order dated 18.12.2024, passed by this Court, the Board of Governors, constituted viz. (i) the Chairperson of Board of Governors, NITA, (ii) Director, NITA, (iii) Dean of Academic Affairs, IIT, Guwahati (Representative of Director, IIT, Guwahati), (iv) Additional Director, DHE, Government of Tripura (Representative of Secretary, DHE, Government of Tripura), (v) one Professor of the Mechanical Engineering Department, NITA, (vi) one Assistant Professor, Production Engineering Department, NITA, and (vii) Secretary of Board of Governors & Registrar, NITA, sat down with the issue and accordingly, reviewed the recruitment process afresh and thereupon, came to a conclusion that as there is contradiction between the terms & condition set out in the advertisement and the DOPT Guidelines dated 11.12.2019, as adopted by NITA in its 50th BoG meeting, held on 21.01.2020, the said selection process cannot be taken forward and hence, the decision taken by the BoG in its 63rd meeting for cancellation of recruitment process holds good. In the said meeting of the Board of Governors, it was resolved that the recruitment process through EdCIL be expedited.

[20] To support the submission of learned senior counsel that the candidates have no indefeasible right to claim appointments, Mr. Deb, learned senior counsel has placed reliance upon the following decisions of Hon^{ble} Supreme Court in the case of *Liberty Oil Mills and Others v. Union of Indian and Others*, reported in (1984) 3 SCC 465, *Mohd. Rashid v. Director, Local Bodies, New Secretariat and Others*, reported in (2020) 2SCC 582 and in *Tej Prakash Pathak and Others v. Rajasthan High Court and Others*, reported in (2025) 2 SCC 1.

[21] We heard Ms. S. Deb (Gupta), learned counsel, Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee, learned counsel appearing for the respondents. Ms. Deb(Gupta), learned counsel appearing for the respondents has submitted that the selection process was completed in compliance with the instructions issued by DOPT under OM dated 11.12.2019 whereby and whereunder, it was instructed to all NITs to discontinue the process of taking interview at various Junior Level Posts in NITs. It is asserted that at the time of issuance of employment notification for filling up of various posts of non-teaching staffs there was no mention that interview would be one of the part of selection process.

[22] Following the DOPT instructions, the NIT, Agartala had announced a Scheme of Examination for the post of Technician (Group-C, PB-I, GP-Rs.2000/-) and for the post of Office Attendant/Lab Attendant (Group-C,PB-I, GP-Rs.1800/-) . Examination pattern was also mentioned in the said Scheme of Examination. Detailed syllabus for the purpose of examination also had been declared by the competent authority of the NITs. Under the said Scheme of Examination, according to learned counsel, no provision for taking interview was made. In due course of time admit cards were issued in favour of all participating candidates.

[23] The candidates appeared in the written examination having full knowledge of the syllabus qua the Scheme of Examination. Thereafter, the competent authority of NIT, Agartala declared the list of short listed candidates for the purpose of Interview-cum-Interaction after the written test and computer proficiency consisting of typing test for recruitment of Group-B and Group-C in the various non-teaching positions. The writ petitions along with other candidates were preparing to appear before the Interview-cum-Interaction Committee, NIT, Agartala issued a notice dated 15.12.2022, cancelling the process of Interview-cum-Interaction scheduled from 16.12.2022 to 20.12.2022. The said notice also reflected that further course of actions will be intimated in due course of time. Thereafter, the competent authority of NIT, Agartala, vide notification dated 3rd June, 2024 had cancelled the entire selection process on the ground of administrative exigencies. सत्यमेव जयते

[24] Ms. Deb(Gupta), learned counsel along with Mr. P. Roy Barman, learned senior counsel have submitted that having understood their actions which were contrary to the instructions of DOPT discontinuing the process of taking interview, they arbitrarily cancelled the process of conducting interview. The advertised posts were intended to be filled up based solely on written examination, as per the DOPT's instructions to dispense with interview criterion. It is further submitted that candidates appearing in examination have no indefeasible/absolute right to claim appointments but at the same time duty casts upon the employer to act in a fair manner before cancelling the entire selection process. It is further submitted that the respondents-NIT failed to provide any valid or compelling reason for cancelling the entire selection process.

[25] The learned counsel relied upon the decisions of the Hon^{ble} Supreme Court in ***Dinesh Kumar Kashyap & Ors. Vs. South East Central Railway***

& Ors., reported in (2019) 12 SCC 798 to justify that though candidates appearing in a selection process have no indefeasible right to claim appointment, they have limited to be treated fairly without any sorts of discrimination.

[26] Admittedly, a notification has been issued and selection process commenced and at a stage the institution has cancelled holding that the selection process initiated was in contravention to the guidelines issued by Govt. of India, which were binding upon the institution. It is settled principle that in the event any action is done in contravention to the statute or guideline, the said action has no validity and is *ultra vires*.

[27] The provision of taking interview was specifically made in NIT statute. So, the competent authority of NIT, Agartala following that statutory provision had decided to conduct interview of the short listed candidates who became successful in written examination. But, on the date of advertisement, NIT, Agartala did not adopt the DOPT instructions discontinuing the process of taking interview for selection as it was adopted later on. The competent authority of NIT having noticed of this aspect and to streamline the entire selection process, had cancelled the entire selection process and there is no illegality or arbitrariness in such cancellation.

[28] Mere participation in a selection process does not create any vested right upon the candidates for appointment. Clause-3 of the advertisement dated 11.02.2019 relating to general instructions and recruitment system/rules which stipulates that “*the institute reserves the right to modify/defer or cancel the advertisement/recruitment at any stage of processing without assigning any reasons*”. So, applying this clause NIT, Agartala was competent to cancel the entire selection process without assigning any reason.

[29] The general instructions and recruitment system/rules need be discussed herein as the entire recruitment process conducted based on the rules and regulations formulated by the appellants and for the purpose of ready reference, the relevant rules may be extracted hereunder:

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3. The Institute reverses the right to modify/defer or cancel the advertisement/recruitment at any stage of processing without assigning any reason.

10. Candidate who will get selected for test/interview will have to produce original documents in support of all the particulars mentioned in their application form regarding their educational qualification, experience, and other claims.

13. Mere fulfillment of minimum qualifications and experience does not entitle any candidate for a call for test/interview. A short listing criterion may be set higher than the minimum advertised.

22. The decision of the Institute in all matters will be final. No correspondence/interim inquiries will be entertained from the candidates in connection with the process of selection/interview including reasons for not being called for interview. Any dispute with regard to the selection/recruitment process will be settled through Arbitration failing which the matter can be appealed in the Hon'ble High Court of Tripura.

27. Any subsequent changes receive in recruitment rules or guidelines shall be applicable accordingly, in this recruitment.

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[30] In the case of *Liberty Oil Mills and Others v. Union of Indian and Others*, reported in (1984) 3 SCC 465, the Hon'ble Apex Court has observed as under:

“22. The next question for consideration is whether the decision to keep in 'abeyance' should be communicated to the person concerned. There can be no two opinions on this. Ours is a Constitutional Government, an open democracy founded upon the rule of law and not a cloak and dagger regimen. It is inconceivable that under our constitutional scheme a decision of the kind contemplated by clause 8B which may have the effect of bringing to a standstill the entire business activity of the person affected and which may even spell ruin to him, should be made and implemented without being communicated to that person. Intertwined is the question of observance of natural justice and how can natural justice be satisfied if the decision is not even communicated? It would be most arbitrary and quite clearly violative of Articles 14 and 19(i)(g) of the Constitution if clause 8B is to be interpreted as excluding communication of the decision taken. There is nothing in clause 8B to suggest that the decision is not to be communicated. On the other hand, the expression "without assigning any reason" implies that the decision has to be communicated, but reasons for the decision have not to be stated. Reasons of course, must exist for the decision since the decision may only be taken if the authority is satisfied that the grant of licence or allotment of imported goods will not be in the public interest. We must make it clear that 'without assigning reasons' only means that there is no obligation to formulate reasons and nothing more. Formal reasons may lead to complications when the matter is still under investigation. So the authority may not give formal reasons, but the skeletal allegations must be mentioned in order to provide an opportunity to the person affected to make his representation, Chapter and verse need not be quoted. Details may not be mentioned and an outline of the allegations should be sufficient.”

[31] In the case of *Mohd. Rashid v. Director, Local Bodies, New Secretariat and Others*, reported in (2020) 2SCC 582, the Hon'ble Apex Court has observed that:

“14. Since the selection process has not been completed and keeping in view the mandate of the statutory rules, we find that the appellants have not right to dispute the action of the municipal bodies to fill up the posts either by way of promotion or by deputation as such posts are being filled up in terms of mandate of the Rules. It is always open to the municipal bodies to fill up the vacant posts by way of direct recruitment after the posts by way of promotion and/or deputation quota are not filled up either on the basis of recruitment process already initiated or to be initiated afresh.”

[32] In *Tej Prakash Pathak and Others v. Rajasthan High Court and Others*, reported in (2025) 2 SCC 1, the Hon'ble Apex Court observed thus:

“21. To effectively analyze and adjudicate upon the questions referred, we would divide our discussion into following parts:

21.1(a) When the recruitment process commences and comes to an end;

21.2(b) Basis of the doctrine that ‘rules of the game’ must not be changed during the course of the game, or after the game is played;

21.3(c) Whether the decision in K. Manjusree (supra) is at variance with earlier precedents on the subject;

21.4(d) Whether the above doctrine applies with equal strictness qua method or procedure for selection as it does qua eligibility criteria;

21.5(e) Whether procedure for selection stipulated by Act or Rules framed either under the proviso to Article 309 of the Constitution or a Statute could be given a go-bye;

21.6(f) Whether appointment could be denied by change in the eligibility criteria after the game is played.

65. We, therefore, answer the reference in the following terms:

65. (1) Recruitment process commences from the issuance of the advertisement calling for applications and ends with filling up of vacancies;

65. (2) Eligibility criteria for being placed in the Select List, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;

65. (3) The decision in K. Manjusree (supra) lays down good law and is not in conflict with the decision in Subash Chander Marwaha (supra). Subash Chander Marwaha (supra) deals with the right to be appointed from the Select List whereas K. Manjusree (supra) deals with the right to be placed in the Select List. The two cases therefore deal with altogether different issues;

65. (4) Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end provided the procedure so adopted is transparent, non-discriminatory/ non-arbitrary and has a rational nexus to the object sought to be achieved.

65. (5) Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the Rules are non-existent or silent, administrative instructions may fill in the gaps;

65. (6) 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.

[33] Certain basic qualifications and criteria are fixed and the applicants must possess those basic qualifications and criteria before their applications can be entertained for consideration. The Selection Board or the Commission has to decide as to what procedure is to be followed for selecting the best candidates from amongst the applicants. In most of the services, screening tests or written tests have been introduced to limit the number of candidates who have to be called for interview. Such screening tests or written tests have been provided in the concerned statutes or prospectus which governs the selection of the candidates. But where the selection is to be made only on basis of interview, the Commission or the Selection Board can adopt any rational procedure to fix the number of candidates who should be called for interview. It has been impressed by the courts from time to time that where selections are to be made only on the basis of interview, then such interviews/viva voce tests must be carried out in a thorough and scientific manner in order to arrive at a fair and satisfactory evaluation of the personality of the candidate.”

[34] From the conspectus of the entire facts and circumstances canvassed in the writ petition, it is crystal clear that the notification dated 03.06.2024 is only a consequential order and the primary order is the notice dated 15.12.2022. Pursuant to the decision taken in the 50th meeting of the Board of Governors of NIT, Agartala dated 21.01.2020 whereby it was inter alia noticed for discontinuation of interviews at Junior Level Post carrying the grade pay of Rs.4600/- [upto level 7 in 7th CPC], the NIT, Agartala had issued the notice dated 15.12.2022 followed by the formal notification dated 03.06.2024.

[35] Because of the subsequent change in the selection process, with respect to Group-C and D employees, adopted by the government of India, thereby

abandoning interview for selection, the advertisement in question and the subsequent selection process have been cancelled. It is thus evidently clear that based on the change in the police decision, adopted by the Government of India, the advertisement in question and the subsequent selection process were cancelled. The Board of Governors of the NIT, Agartala is bound by such policy decision, adopted by the government of India and cannot act in defiance thereof. The said policy decision adopted by the Government of India has not been questioned by them and therefore, while testing the validity of the action, taken under such policy decision, the Court can apply such policy decision and with the presumption of validity of such policy decision can proceed too.

[36] All the actions, pertaining to the said recruitment process, commencing from the stage of publishing the recruitment advertisement were taken in accordance with the terms and conditions as published and the recruitment rules in vogue at that time. For recruitment of non-teaching staff, in continuation with the earlier recruitment notice dated 02.11.2019 NIT, Agartala published another recruitment notice dated 15.09.2021. On 26.06.2019 the Board of Governors of NIT, Agartala held 47th Meeting whereat, under item No.47.15, it was noted as under:

“Item No.47.15: to consider the revised recruitment rules (RRs) for non-teaching positions in the NITs.”

“The Board adopted and confirmed the Recruitment Rule 2019 for non-teaching positions as communicated by MHRD vide letter F.No.35/2018-TS III, dated 20th February 2019 and F.35-5/2018-TS.III dated 4th April, 2019”.

[37] The Under Secretary, Ministry of Personnel, Public Grievances and Pensions (Department of Personnel Training) issued an office memorandum dated 29.12.2015 inter alia conveying the decision for not holding any interview for selection to all Junior Level posts in Government of India Ministries/Department/Attached Office/Sub-ordinate Office/Autonomous bodies/Public Sector Undertakings, thereby fixing the timelines for discontinuation of interviews for recruitment of such posts with effect from 01.01.2016. In furtherance of the said office memorandum dated 29.12.2015, the Under Secretary, Ministry of Human Resource Development, Department of Higher Education, Government of India issued an office order dated 11.12.2019, thereby adopting the said office memorandum dated 29.12.2015 inter alia conveying the decision to

discontinue interviews for recruitment to all Junior/Lower Level posts, carrying the Grade Pay of Rs.4,600/- or less.

[38] In strict conformity with the office memorandum dated 29.12.2015 and the office order dated 11.12.2019 the 50th Meeting of the Board of Governors of NIT, Agartala was held on 21.01.2020, whereat under item No.50.11 it was unambiguously noted as under:

Item No.50.11: Discontinuation of interviews at Junior Level Post carrying the Grade Pay of Rs.4,600/- [upto level 7 in 7th CPC].

“The Board adopted the guideline in accordance with instructions issued by DoPT vide their office memorandum No.39029/01/2013-Esst(B)-Part dated 29th December 2015, which has been communicated by the Ministry of HRD, Govt. of India vide letter F.No.35-4/2016-TS.III dated 11th December 2019”.

[39] When the matter rested thus, no further action was left to be exercised, in pursuance to the Recruitment Notice and therefore, owing to administrative reasons, vide notification bearing reference No.F.NITA.2 (519-Esst)/2019 (Part)/1463-70 dated 03.06.2024, the concerned authority cancelled the recruitment process. In General Instructions and Recruitment System/Rules wherein, it is clearly stated that *the institute reserves the right to modify/defer or cancel the advertisement/recruitment at any stage of processing without assigning any reasons*. Taking a holistic view of the whole selection process and after extensive deliberation, in the minutes of the 50th Meeting of the Board of Governors of NIT, Agartala dated 21.01.2020, decided to cancel the entire selection process.

[40] In view of overall analysis and having gone through the material evidence on record as well as the arguments advanced by the learned counsel appearing for the parties and more particularly the law laid down by the Hon’ble Apex Court, this Court is of the view that the appeals need to be allowed. For the discussions made, the appeals are hereby allowed. The judgment order passed in the writ petitions dated 22.01.2025, stand set aside.

[41] As a sequel, miscellaneous application, pending if any, shall stand closed.

B. PALIT, J

DR.T. AMARNATH GOUD, J

A. Ghosh

ANJAN GHOSH
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