

HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU

Case No.:-WP(C) No. 778/2022
CM No. 2381/2022

Date of Pronouncement:- 26.12.2025
Uploaded on:- 29.12.2025

Johny Khajuria

.... **Petitioner(s)**

Through:- Ms. Manpreet Kour, Advocate.
V/s

Jammu and Kashmir Bank Th. its Chairman & ors.

.....**Respondent(s)**

Through:- Mr. Raman Sharma, AAG with
Ms. Jagmeet Kour, Advocate.

CORAM: HON'BLE MR. JUSTICE JAVED IQBAL WANI, JUDGE

ORDER

1. Petitioner in the instant petition filed under Article 226 of the Constitution of India implores for the following reliefs:-

- (a) *To quash Notice issued by Jammu and Kashmir Bank vide Reference No. JKB/RECTT/2022:465 Dated 25-01-2022 by which the Jammu and Kashmir Bank cancelled the recruitment process in respect of the posts of Civil Engineers and Mechanical Engineers by issuance of Writ of Certiorari;*
- (b) *To issue directions to the respondents to produce the merit list of all the candidates applied in pursuance of Notification no. JKB/RECTT/2020-070 Dated 01-07-2020 read with Notification No. JKB/RECTT/2020-339 Dated 14-12-2020 for the posts of Mechanical Engineers by issuance of Writ of Mandamus;*
- (c) *To issue directions to the respondents to consider the case of the petitioner for selection and appointment on the post of Mechanical Engineer advertised vide Notification No. JKB/RECTT/2020-339 Dated 14-12-2020 and to give similar treatment to the candidates including the petitioner as is given to candidates who had applied for the posts of Chartered Accountants vide same Notification No. JKB/RECTT/2020-339 Dated 14-12-2020 by issuance of Writ of Mandamus;*

OR

- (d) *Any other writ, order or directions which the Hon'ble Court may deem just and proper in the facts and circumstances of the case may kindly be passed in favour of the petitioner and against the respondents with cost.*

2. The background facts under the cover of which the aforesaid reliefs have been prayed and as are stated in the petition are that the petitioner has to his credit the Bachelor Degree in Mechanical Engineering, besides Master's Degree in Technology in Industrial Engineering, as also Doctorate in Industrial and Production Engineering and that after rendering his services in various organizations as an Engineer/Lecturer, Assistant Professor and HOD, the petitioner sought his selection and appointment in the respondent-Bank in response to an Advertisement Notification dated 01.07.2020 issued by the respondent-Bank for filling up various posts including the post of Mechanical Engineer, wherein the respondent-Bank shortlisted the candidature of the candidates, who had applied for the post including the petitioner for personal interview, which interview was conducted on 14.03.2021 by the respondent-Bank, however, before the said process of selection could be concluded, the respondent-Bank in terms of Notification dated 25.01.2022, the said recruitment process in respect of the post of Civil Engineer and Mechanical Engineer advertised vide Advertisement Notification dated 01.07.2020 read with Notice dated 14.12.2020 came to be cancelled.
3. The petitioner herein while calling in question the said cancellation of the process of selection by the respondent-Bank, has averred in the petition that the said cancellation notice is against law and facts having been issued arbitrarily and on unjust grounds inasmuch as in breach of principles of legitimate expectation of the petitioner, as the respondent-Bank was under a

legal obligation to conclude the process of selection and that the cancellation notice otherwise also was issued without any valid and good reasons and in breach of the principles of reasonableness and fairness as well as in violation of the concept of equality enshrined in the Constitution, as the respondent-Bank concluded the process of selection in respect of the other posts notified in the Advertisement Notice/s, wherein the post for which the petitioner had applied, was also advertised.

4. **Reply** to the petition has been filed by the respondents 1 to 3 & 5, wherein the petition is being opposed and its dismissal is being sought on the premise that after short-listing and subsequent interview of the candidates including that of the petitioner for the post in question advertised vide Advertisement Notice dated 01.07.2020, it got revealed that the candidates did not fulfill the eligibility criteria in terms of the required work experience and that in absence of the desired pool of eligible candidates, the respondent-Bank decided to cancel the process of selection by invoking the relevant Clause contained in the Advertisement Notice/s under the heading of “OTHER TERMS”, while stating further that the respondent-Bank while cancelling the recruitment process in question, acted well within its rights and did not, violate any of the rights of the candidates including of the petitioner, as none of the candidates including the petitioner had acquired a vested right enforceable in law qua the selection process in question.

Heard learned counsel for the parties and perused the record.

5. Having regard to the respective pleadings of the parties as well as the submissions thereof made during the course of hearing of the instant petition, the moot question that arises for consideration of this Court would be as to whether the petitioner has a right in law to seek the reliefs, as have been prayed in the instant petition.
6. Before advertng to the aforesaid question, it needs to be mentioned here that the settled proposition of law is that mere selection does not confer any right of appointment upon a candidate and that an employer has a right to abandon the selection process at any time. This proposition of law has been laid down by the Apex Court in case titled as “*Shankarsan Dash Vs. Union of India*”, reported in 1991 SCC (3) 47”, wherein at para-7, following has been held:-

“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.”

The Apex Court in case titled as, “*R S Mittal Vs. Union of India*”, reported in 1995 Supp. 2 SCC 230” has also, at para-10, held as under:-

“10..... It is no doubt correct that a person on the select-panel has no vested right to be appointed to the post for which he has been selected. He has a right to be considered for appointment. But at the same time, the

*appointing authority cannot ignore the select-panel or decline to make the appointment on its whims. When a person has been selected by the Selection Board and there is a vacancy which can be offered to him, keeping in view his merit position, then, ordinarily, there is no justification to ignore him for appointment. There has to be a justifiable reason to decline to appoint a person who is on the select-panel. In the present case, there has been a mere inaction on the part of the Government. No reason whatsoever, not to talk of a justifiable reason, was given as to why the appointments were not offered to the candidates expeditiously and in accordance with law.....
The Central Government's approach in this case was wholly unjustified."*

The Apex Court further in case titled as, "***Dinesh Kumar Kashyap and ors. Vs. South East Central Railway and ors.***", reported in 2019 (12) SCC 798", at para-5, has held as under:-

"5.....At the same time when a large number of posts are lying vacant and selection process has been followed then the employer must satisfy the Court as to why it did not resort to and appoint the selected candidates, even if they are from the replacement panel. Just because discretion is vested in the authority, it does not mean that this discretion can be vested arbitrarily. No doubt, it is not incumbent upon the employer to fill all the posts but it must give reasons and satisfy the Court that it had some grounds for not appointing the candidates who found place in the replacement panel....."

7. In view of the aforesaid settled position of law, inasmuch as the grievance projected by the petitioner noticed in the preceding paras, as also the stand taken by the respondent-Bank, it is manifest that the respondent-Bank has terminated the process of selection while invoking the above referred Clauses provided in the advertisement notice/s before drawing and framing a select list of the candidates for the post in question, which Clauses have not been admittedly thrown challenge to by the petitioner.
8. Having regard to the aforesaid factual position obtaining in the matter, inasmuch as the principles of law laid down in the

judgments (supra), it cannot, but be said that the petitioner is not clothed with any right much less a legally infeasible right.

9. Resultantly, the petition fails and is, accordingly, *dismissed* along with connected application.

(JAVED IQBAL WANI)
JUDGE

JAMMU
26.12.2025
Ram Krishan

Whether the order is speaking? Yes
Whether the order is reportable? Yes

