

**HIGH COURT OF JAMMU, KASHMIR AND LADAKH
AT JAMMU**

WP(C) No. 3890/2019

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Chanchal Devi and others Appellant(s)/Petitioner(s)

Through: Mr. B. R. Chandan, Adv.

vs

State of J&K and others Respondent(s)

Through: Mr. Vinayak Phull, Adv.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

**ORDER
01.07.2026 (ORAL)**

1. The petitioners have filed the present petition for grant of following reliefs:

- I) For issuance of an appropriate writ, order or direction in the nature of writ of mandamus commanding the respondents to issue appointment orders in favour of petitioners who have applied for the post of drivers and the conductor in terms of advertisement notice No.1121/2016 dated 29-10-2016 and fresh notification dated 19-04-2018 by inviting online applications against the online payment of Rs.200/- from the interested and eligible person having prescribed age for the engagement of the following posts on the contractual basis in J&K State RTC on monthly remuneration shown against each post vide notice which was effected from dated 23-04-2018 to 27-05-2018. The petitioners qualified all the tests and were found eligible for the post of driver and the conductors. Finally the respondent No.2 issued a notice vide his office communication No. JKSRTC/GM/M/ESTS/J/350 dated 14-02-2019 stating therein that candidates who appeared in the written examinations for the post of drivers/ conductors/ junior assistants/store attendants/ security guards/ helpers held on 29/30-01-2019 are hereby informed that short list of qualified candidates uploaded on the website jksrtcexamination.in. However the final selection in respect of drivers subject to the verification of testimonials as specified in the advertisement notice. As such the petitioners qualified

all the tests and found their names in the merit list issued by the respondent No.2.

- II) For issuance of any other writ, order or direction which this Hon'ble Court may deem fit in the facts and circumstances of the case may please also be issued in favour of the petitioners and against the respondents.

2. The petitioners applied for the posts of Drivers and Conductors, participated in the recruitment examination, and successfully qualified all prescribed tests in accordance with the advertisement notice. Although a merit list was subsequently prepared, but the final selection list was never issued. Following the publication of the merit list and the notice dated February 14, 2019, the petitioners repeatedly approached respondent No. 2 and other concerned respondents for acceptance of their documents and issuance of appointment letters. However, the respondents routinely deferred the matter on various pretexts, compelling the petitioners to approach this Court through the medium of instant writ petition.
3. The respondents have filed their response, in which it has been submitted that to overcome the shortage of manpower, the fresh recruitment was the only solution and for this purpose, advertisement notice for the post of drivers, conductors, security guards, helpers and junior assistants on regular basis was issued on 29.10.2016. However, the poor financial situation forced the respondent-Corporation to review appointment on regular basis and accordingly, vide notification dated 19.04.2018, online applications were invited for filling the said posts on consolidated basis. After completing the process of tenders, the LIME Recruiting Agency was allotted the work of recruitment. The said agency in phased manner

after scrutiny of application forms shortlisted the candidates and thereafter conducted written test and all the information was made available online.

4. Before concluding the exercise of recruitment, the complaints regarding transparency of the recruitment from different quarters were received which were deliberated in the meeting held by Principal Secretary to Government, Transport Department on 26.11.2018, wherein it was decided as under:

“Complaints are galore about the ambiguity in publicity and receipts of job applications by SRTC. Managing Director, JKSRTC may issue fresh note for recruitment of 270 Drivers, conductors, Mechanics in consultation with Administrative Department.”

5. Following a comprehensive review of the matter and in light of the multiple complaints, the Administrative Department determined that the recruitment process cannot proceed in its current shape, as the integrity and credibility of the entire exercise have been deeply undermined.
6. Heard learned counsel for the parties.
7. The law is well settled that simply participating in the selection process and figuring in the merit list do not confer any absolute or vested right of appointment upon a candidate. In **Shankarsan Dash v. Union of India, (1991) 3 SCC 47**, the Hon’ble Supreme Court of India has held as under:

“8. 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. Subash Chander Marwaha, Neelima Shangla v. State of Haryana or Jatinder Kumar v. State of Punjab.**

(emphasis added)

8. In **“East Coast Railway v. Mahadev Appa Rao, (2010) 7 SCC 678”**

the Hon’ble Apex Court has held as under:

“14. It is evident from the above that while no candidate acquires an indefeasible right to a post merely because he has appeared in the examination or even found a place in the select list, yet the State does not enjoy an unqualified prerogative to refuse an appointment in an arbitrary fashion or to disregard the merit of the candidates as reflected by the merit list prepared at the end of the selection process. The validity of the State's decision not to make an appointment is thus a matter which is not beyond judicial review before a competent writ court. If any such decision is indeed found to be arbitrary, appropriate directions can be issued in the matter.”

(emphasis added)

9. The respondents have justified the abandonment of the recruitment process by contending that numerous complaints were received, casting serious doubt on the credibility of the entire selection exercise. In such circumstances, the action of the respondents cannot be faulted and is, on the contrary, fully justified.

10. While it is settled law that a recruitment process cannot be stalled arbitrarily, it is equally well-established that where an employer possesses justifiable and cogent reasons to halt the process, it is well within its rights to do so. In **“Sachin Kumar vs. Delhi Subordinate Service Selection Board (DSSSB), AIR Online 2021 SC 126”** the Hon’ble Apex Court has observed that “Recruitment to public services must command public confidence. Persons who are recruited are

intended to fulfil public functions associated with the functioning of the Government. Where the entire process is found to be flawed, its cancellation may undoubtedly cause hardship to a few who may not specifically be found to be involved in wrong-doing. But that is not sufficient to nullify the ultimate decision to cancel an examination where the nature of the wrong-doing cuts through the entire process so as to seriously impinge upon the legitimacy of the examinations which have been held for recruitment.”

11. Significantly, the petitioners have not assailed the respondents' decision cancelling the recruitment process and issuing a fresh recruitment notice for 270 posts of Drivers, Conductors, and Mechanics. In the absence of such a challenge, the relief sought by the petitioners is entirely untenable and cannot be granted.
12. In view of the above, the present petition is found to be devoid of any merit. The same is, accordingly, dismissed.

(RAJNESH OSWAL)
JUDGE

Jammu
01.07.2026
Rakesh PS

Whether the judgment is speaking:	Yes
Whether the judgment is reportable:	No