



NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

Order reserved on- 13.03.2026

Order pronounced on- 24.08.2026

Order uploaded (full) on- 24.08.2026

WPS No. 92 of 2022

Hitesh Sonkar S/o Late Shri Babulal Sonkar, aged about 26 years R/o Sonkar Sales Parisar, Deendayal Ward, Bilaspur Road, Mungeli District Mungeli Chhattisgarh

--- Petitioner

versus

1. State of Chhattisgarh Through The Secretary, Department of Agriculture, Mahanadi Bhawan, Mantralaya, Atal Nagar, Nawa Raipur District Raipur Chhattisgarh
2. Chhattisgarh Public Service Commission, Through Its Secretary, Shankar Nagar Road, Raipur Chhattisgarh
3. Bhujlal Singh S/o Shri Baishakhu Ram R/o Village Baned, Post Anjora, Tehsil Durg District Durg Chhattisgarh 491001
4. Pramod Kumar Sarwa S/o Late Shri Bansi Ram Sarwa R/o Village Pusawand, Post Pusawan, Tehsil Kanker, District Kanker Chhattisgarh 494334
5. Richa Dubey D/o Shri Ravi Kumar Dubey R/o Chhota Bazar Sarkari Dafai, Chirmiri, District Koriya Chhattisgarh

--- Respondents

For Petitioner	:	Shri Abhinav Tiwari, Advocate
For Respondent No.1	:	Shri Rohitashva Singh, Dy. GA
For Respondent No.2	:	Shri Anand Mohan Tiwari, Advocate
For Respondent No.3	:	Shri Vivek Siddharth Ojha, Advocate
For Respondent No.4	:	Ms. Apporva Pandey, Advocate
For Respondent No.5	:	Ms. Tanusha Pathak Advocate on behalf of Shri Parag Kotecha Advocate.

WPS No. 6226 of 2022

Bhujbal Singh S/o Baiskhu Ram, aged about 29 years R/o Village Thanoud, Post Anjora, Tehsil Durg, District : Durg, Chhattisgarh

---Petitioner

Versus

1. The State of Chhattisgarh Through Its Secretary, Shankar Nagar Road, Raipur, District : Raipur, Chhattisgarh
2. Chhattisgarh Public Service Commission Through Its Secretary, Shankar Nagar Road, Raipur, Chhattisgarh
3. Richa Dubey D/o Shri Ravi Kumar Dubey R/o Chhota Bazar Sarkari Dafai, Chirmiri, District : Koriya (Baikunthpur), Chhattisgarh

--- Respondents

For Petitioner	:	Shri Sajal Kumar Gupta, Advocate
For Respondent No.1	:	Shri Rohitashva Singh, Dy. GA
For Respondent No.2	:	Shri Anuroop Panda, Advocate
For Respondent No.3	:	Ms. Tanusha Pathak, Advocate on behalf of Shri Parag Kotecha Advocate.

(Hon'ble Shri Justice Sachin Singh Rajput)

C A V Order

Since the challenge in aforesaid two Writ Petitions is not quite to the same, this Court takes the facts of each case separately.

2. **WPS No. 92 of 2022:** What is assailed in this Writ Petition is the final Selection List dated 06.02.2021 issued by Chhattisgarh Public Service Commission (for short "CGPSC") (Respondent No.2) whereby the respondent No.3 in this petition and petitioner in WPS No. 6226 of 2022 namely Bhujbal Singh has been found eligible for appointment on the post of Assistant Director (Agriculture). For this post, according to the petitioner, the essential educational qualification is the Masters Degree in Agriculture with Second Division from a recognized university. It is stated in this Writ Petition that though respondent No.3 herein had the Masters Degree in Horticulture but even then respondent No.2 considered him to be eligible for appointment to the post of Assistant Director (Agriculture) which is illegal, arbitrary and contrary to the Recruitment Rule as also the advertisement issued therefor dated 10.06.2020 (Annexure P-1 in WPS No. 6226/2022). According to the said advertisement, 05 posts were reserved for the persons with disabilities (PwD), and out of those 05 posts, 02 were for open PwD category, 01 for Scheduled Caste (PwD) category, 01 for Scheduled Tribe (PwD) category and 01 for OBC (PwD)

category. The petitioner in this case is stated to belong to OBC (PwD - Hearing Handicapped category) and being possessed of Graduation and Post Graduation degree in Agriculture, he claims to be eligible for the post of Assistant Director (Agriculture). The advertisement is as below:

(1) भारतीय नागरिक और भारत शासन द्वारा मान्य श्रेणियों के अभ्यर्थियों से छत्तीसगढ़ शासन के कृषि विभाग के अंतर्गत सहायक संचालक कृषि के रिक्त पदों पर भर्ती के लिए छत्तीसगढ़ लोक सेवा आयोग द्वारा ऑनलाइन आवेदन पत्र आमंत्रित किये जाते हैं। पदों का विवरण नीचे की तालिका में दर्शित है –

स. पद का नाम		कुल रिक्तियों की वर्गवार संख्या				कुल रिक्तियों की वर्गवार संख्या में से केवल छत्तीसगढ़ के स्थानीय निवासी महिलाओं के लिए				कुल रिक्तियों में योग वेतन मैट्रिक्स से छ0ग0 के स्थानीय निवासी निःशक्तजनों के लिए आरक्षित पद		
क.		अना. अ.जा. अ.ज.जा. अ.पि.व				अना. अ.जा. अ.ज. अ.पि.व				आरक्षित पद		
										जा.		
1	2	3	4	5	6	7	8	9	10	11	12	13
1	सहायक संचालक कृषि बैकलॉग	9	1	1	1	2	—	2	1	2 (OA, OL, BL, HH)	22	वेतन मैट्रिक्स लेवल—12 (वेतन बैंड रु 15600—39100 + ग्रेड पे 5400)
										3 (OA, OL, BL, HH)	3	
										कुल पद —	25	

3. Petitioner then appeared in the written examination on 14.12.2020 and after clearing that he was called for document verification on 04.02.2021 and then for interview on 05.02.2021. Eventually, the final merit list was drawn in which the name of the petitioner finds place at S.No. 59 and in OBC (PwD) category his placement is at S.No. 02.

4. The stand of the petitioner in this Writ Petition is that though respondent No.3 was having the masters degree in Horticulture, respondent No. 2 has considered him to be eligible for appointment on the post of Assistant Director (Agriculture) for which the essential educational qualification is the post graduation in Agriculture, which is contrary to the relevant rules. To strengthen this, the petitioner has referred to the case of one of the candidates namely Murli Manohar

Baghel whose candidature for the post of Assistant Director, Agriculture was rejected only on the ground that he was having the masters degree in horticulture instead of agriculture. It is further stated by the petitioner that in the year 2014 the respondent No.2 had issued an advertisement for appointment to the post of Assistant Director (Horticulture) where the essential qualification was that the candidate should possess the masters degree in horticulture, which makes it clear that the faculty of Agriculture and Horticulture are not the same. The petitioner further referred to an amendment made in the Indira Gandhi Krishi Vishwa Vidyalaya Adhniyam, 1987 notified on 04.07.2015 clarifying that the faculty of Horticulture does not fall within the faculty of Agriculture.

5. It is pleaded in the petition that respondent Nos. 3 and 4 namely Bhujbal Singh (the petitioner in WPS No. 6226/2022) and Pramod Kumar Sarwa respectively had participated in the selection process in OBC PwD category whereas respondent No. 5 namely Richa Dubey participated in open PwD category. Respondent No.3 is stated to have scored 169.4718 marks, respondent No.4 secured 169.9424 marks and respondent No.5 secured 168.7365 marks. It is stated that respondent No.2 considered the candidature of respondent No.3 under open category and that of respondent No. 4 under OBC category. According to the petitioner, all this was done by respondent No.2 just to accommodate respondent No.5 Richa Dubey who secured 168.7365. The petitioner has taken the stand that the reserved category candidate securing more marks than general category candidate has to be appointed under unreserved category, but in the present case respondent No.2 has considered the more meritorious candidate i.e. respondent No. 4 in OBC category, which is not permissible in law. Overall plea of the petitioner in this case is that had respondent No.2 considered respondent No.4 in unreserved PwD category instead of OBC PwD category, the petitioner would have been more eligible in OBC PwD category for appointment to the post he had applied for.

6. Counsel for the petitioner submits that the respondent- CGPSC issued an advertisement on 10.06.2020 for recruitment on the post of Assistant Director,

Agriculture where 05 posts were reserved for persons with disability (PwD), and out of those 05 posts, 02 are for open PwD category, 01 for ST PwD, 01 for SC PwD category and one for OBC PwD category. It is submitted that as per the advertisement and the relevant recruitment rules applicable, the essential qualification prescribed for the said post is a Second Division Master's Degree in Agriculture from a recognized University but the respondent No.3 in this case who possesses a Master's Degree in Horticulture and not in Agriculture, was wrongly treated as eligible and selected by the CGPSC which is contrary to the terms of advertisement and the recruitment rules. It is further submitted that in a similar recruitment process, the candidature of one Murlimanohar Baghel despite having qualified in the examination and being called for document verification was rejected solely on the ground that he possessed an M.Sc. (Horticulture) and not M.Sc. (Agriculture). It is thus submitted that a discriminatory and arbitrary approach has been adopted in the case of respondent No.3. Counsel for the petitioner further submits that in its earlier advertisement for the post of Assistant Director (Horticulture) issued in the year 2014, the CGPSC prescribed the Master's Degree in Horticulture as the essential qualification, which makes it crystal clear that the disciplines of Agriculture and Horticulture are distinct and not interchangeable. Learned counsel for the petitioner referred to the notification dated 04.06.2014 (Annexure P-14) issued by Indira Gandhi Krishi Vishwavidyalaya, Raipur, clarifying that the Faculty of Horticulture does not fall within the Faculty of Agriculture. It is next contended that respondents No.3 and 4 participated under the OBC-PwD category while respondent No.5 participated under the Open PwD category. Respondent No.4 secured 169.9424 marks, respondent No.3 secured 169.4718 marks and respondent No.5 secured 168.7365 marks. It is submitted that despite respondent No.4 being more meritorious, the CGPSC placed him against the OBC-PwD category and accommodated respondent No.3 in the Open PwD category though he had participated in OBC PwD category, thereby accommodating respondent No.5 for open PwD category, which is wholly arbitrary and illegal.

According to counsel for the petitioner, it is a settled principle of law that a reserved category candidate who secures higher marks than candidates in the unreserved category must be adjusted against the unreserved category and cannot be counted against the reserved quota, and for that respondent No.4 ought to have been adjusted against the Open PwD category. It is submitted that if such adjustment is made, the petitioner would be the only eligible and meritorious candidate eligible for appointment against the OBC-PwD vacancy for the post of Assistant Director (Agriculture). He placed reliance upon the judgment of Hon'ble Supreme Court in case of **Bedanga Talukdar Vs Saifudaullah Khan & reported Ors. vide (2011) 12 SCC 85, Mohd. Sohrab Khan vs. Aligarh Muslim University & Ors. (2009) 4 SCC 555, Maharashtra State Road Transport Corporation v. Rajendra Bhimrao Mandve - 2001 (10) SCC 51, K. Manjusree v. State of A.P. & Anr. (2008) 3 SCC 512, Saurav Yadav & others Vs State of Uttar Pradesh & others, reported in (2021) 4 SCC 542, Union of India Vs. Virpal Singh Chauhan reported in (1995) 6 SCC 694, Sadhna Singh Dangi & others Vs Pinki Asati & others Civil Appeal No.7781/2021 order dated 16.12.2021, U.P. Power Corporation Ltd. Vs. Nitin Kumar, Andhra Pradesh Public Service Commission Vs. Baloji Badhavnath reported vide (2009)5 SCC 1** and a judgment of this Court in case of **Smt. Bhumika Sahu Vs High Court of C.G. & Others WPS No. 2624/2015 order dated 03.04.2025.**

7. **WPS No. 6226 of 2022:** In this petition, the petitioner is said to have participated in the selection process for appointment to the post of Assistant Director (Agriculture) and secured 22nd position in the final merit list. Said merit list was challenged by one Hitesh Sonkar by way of WPS No. 92/2022 where an interim order was passed on 12.01.2022 by this Court directing to keep one post of Assistant Director (Agriculture) vacant till the next date of hearing. He thus submits that misinterpreting the interim order, the respondent Nos. 1 and 2 have passed an illegal order giving appointment to respondent No.3 namely Richa Dubey who stood below him.

8. Counsel for the petitioner submits that the interim order passed by this Court merely says that one post of Assistant Director (Agriculture) be kept vacant till the next date of hearing, but it did not restrain the respondents from issuing the appointment order in favour of the petitioner. It is contended that the petitioner stood higher in merit than respondent No.3 and was, therefore, entitled to be considered for appointment in accordance with his position in the merit list. He further submits that even while complying with the interim order, the respondents were required to keep only the post pertaining to respondent No.3 vacant and proceed with the issuance of the appointment order to the petitioner. Counsel for the petitioner submits that the respondents have misconstrued the scope and effect of the interim order and have illegally denied appointment to the petitioner. It is argued that the impugned order passed by respondent No.1 is wholly arbitrary, unreasonable and devoid of any cogent reasoning, and has been passed without proper appreciation of the interim directions issued by this Court. Learned counsel further submits that the action of the respondents strikes at the very root of the principle of merit, which forms the foundation of every selection process, inasmuch as a candidate who is admittedly higher in merit has been denied the benefit of appointment without any lawful justification. It is thus submitted that the impugned order is liable to be quashed and appropriate directions be issued for extending the benefit of appointment to the petitioner in accordance with his merit and eligibility.

9. On the other hand, counsel for the respondent/State supports the order impugned and submits that the appointment on the post of Assistant Director (Agriculture) is regulated under the provisions contained in the Chhattisgarh Agriculture Services (Gazetted) Recruitment Rules, 2011 (hereinafter referred to as the Rules of 2011), and that the minimum educational qualification for appointment on the said post is the Master Degree in Agriculture with second division from a recognized Agriculture University. He further submits that the requisition for appointment on the post of Assistant Director (Agriculture) was made by the

CGPSC in accordance with the relevant rules and the qualification prescribed thereunder. It is submitted that pursuant to the said requisition, the advertisement (Annexure P/2) was issued by the CGPSC in which the minimum educational qualification for the post of Assistant Director (Agriculture) has been prescribed as the Master Degree in Agriculture with second division from a recognized Agriculture University. It is further submitted that the minimum educational qualification so prescribed is in conformity with the Recruitment Rules of 2011, and being that there is no illegality or infirmity in prescribing the educational qualification for the post of Assistant Director (Agriculture) in the advertisement (Annexure P/2) issued by the CGPSC.

10. Learned State counsel further submits that so far as the stand of the petitioner that the private respondent No. 3 has illegally been selected as he does not possess the qualification of Master Degree in Agriculture rather he possesses the Master Degree in Horticulture is concerned, the same is not tenable for the reason that he has cleared his Master Degree (Agriculture) from the Narendra Dev University of Agriculture and Technology, Faizabad (U.P.) which is an Agriculture University as per the list of Agriculture Universities issued by the Indian Council of Agricultural Research, which is evident from the document of Annexure R/2. Thus according to the State counsel, it can safely be taken that the private respondent No. 3 has obtained his Master's Degree from the Agriculture University. It is submitted that a 6 member committee at directorate level was constituted in order to ascertain as to whether the selected candidates are in possession of the required educational qualification prescribed in the relevant recruitment rules and other qualification also or not, which is apparent from the document of Annexure R/3. State counsel further submits that the said committee has minutely examined and scrutinized the educational qualification of the selected candidates as well as the private respondent No. 3 and after this arduous exercise, it came to the conclusion that the private respondent No. 3 possessed the minimum educational qualification prescribed for appointment on the post of Assistant Director

(Agriculture) which is evident from document of Annexure R/4. Similarly, in response to the query raised by the Department of Agriculture, the Director, Directorate of Agriculture has categorically stated that the qualification possessed by the private respondent no. 3 is in accordance with the qualification prescribed in the advertisement which is clear from the document of Annexure R/5. It is thus submitted by the State counsel that since the private respondent No. 3 possessed the educational qualification of Master Degree in Agriculture issued by the Agriculture University, his selection on the post of Assistant Director (Agriculture) is just and proper and does not suffer from any illegality or infirmity.

11. Likewise, counsel for the respondent-CGPSC also made almost the similar submissions as by the Respondent No.1-State. It is submitted that contention of the petitioner as regards private respondent No.3 that he does not have requisite qualification for the post of Assistant Director (Agriculture) is quite baseless. He further submits that subject expert committee of 5 members has been constituted and after examining all the documents, the Commission on 19.01.2022 issued a press note Annexure R2/2 and mentioned therein that after due scrutiny, a merit list for the post of Assistant Director (Agriculture) has been prepared and the amended selection list has been published. He further submits that as per the advertisement, the posts for PH category has been provided in Two slots FIRST is i.e. 2 posts for (OA, OL, BL,HH) reserved non-category & OTHERS, 3 posts for (OA, OL, BL,HH) reserved category wise. Therefore in that circumstances the answering respondent submits that after applying the rules as prescribed in CGPSC Rule of Procedure, 2014 (Amended Rules) published in Chhattisgarh State Gazette Notification on 19.03.2021 and as per Rule 17.6 the process for identification of candidates for written exams, skill test and interview as well as final selection shall be done. The Clause No. 17.6.1, 17.6.2 & 17.6.3 are relevant and is quoted herein below:-

“17.6.1.1. Firstly, the process of identification shall be done for the total number of required female candidates under the unreserved category (UR_F).

17.6.1.2. Subject to the non-availability of the required number of

female candidates under the unreserved category, the remaining identifications shall be done from unreserved open category (UR_O).

17.6.1.3. Identification of candidates under unreserved open category shall be done in the same number as the number obtained by subtracting the number of required or less than required available female candidates, the required divyang (UR_PH) candidates and required ex-servicemen (UR_EXS) candidates from the total number of required candidates under the unreserved category.”

and the answering respondent has duly followed the said rules. The overall submission of the counsel for the CGPSC regarding the stand taken by the petitioner that the respondent No.3 was not eligible for the post of Assistant Director (Agriculture) is based on mere assumptions and no concrete material has been produced by him to substantiate the same, and being so the petition is liable for dismissal.

12. Heard counsel for the parties and perused the documents on record.

13. The first question which falls for consideration is whether Bhujbal Singh possessed the essential educational qualification prescribed for appointment to the post of Assistant Director (Agriculture).

14. The answer to the aforesaid question must necessarily begin with the Recruitment Rules and the advertisement issued pursuant thereto. The advertisement, under Clause 4(ka), specifically prescribes the educational qualification for the post of Assistant Director (Agriculture) i.e. Post-Graduation Degree in Agriculture from a recognised Agricultural University. The language employed in the advertisement is clear and admits of no ambiguity. It does not merely require a Post-Graduate Degree obtained from an Agricultural University; rather, it prescribes a Post-Graduate Degree in Agriculture from a recognised Agricultural University. Thus, both the sources of degree and the discipline in which the degree is obtained form part of the notified eligibility condition. It is an admitted position that Bhujbal Singh possesses a Post-Graduate Degree in Horticulture and

not in Agriculture. The CGPSC, however, seek to sustain the candidature of Bhujbal Singh on the basis of the subsequent report of an expert committee constituted by the Commission wherein it has opined that Agriculture and Horticulture are equivalent to each other. This Court is not in agreement with this submission of the CGPSC.

15. The question before this Court is not whether Agriculture and Horticulture are allied disciplines, nor is this Court called upon to substitute its own academic opinion for that of an expert body. The real question is whether after issuance of the advertisement and commencement of the recruitment process, the recruiting authority could treat the qualification which was not earlier prescribed in the advertisement so as to satisfy the requirement of appointment of Assistant Director Agriculture. The role of expert committee begins where an advertisement contains an expression which is ambiguous and capable of more than one reasonable interpretation. However, where like in the present case, the advertisement expressly prescribes a particular educational qualification, the subsequent recognition of another qualification as an equivalent qualification by constituting an expert committee in the absence of authority under the governing Rules, does not amount to interpretation. On the contrary, it amounts to enlargement of the field of eligibility. This question has been elaborately dealt with by the Constitution Bench of the Hon'ble Supreme Court in the matter of ***Tej Prakash Pathak & Others v. Rajasthan High Court and Others*, (2025) 2 SCC 1**. The Supreme Court in that matter has authoritatively settled this aspect of the matter holding that the recruitment process commences with the issuance of the advertisement calling for applications and that the eligibility criteria notified at the commencement of the recruitment process cannot be changed midway unless the extant Rules or the advertisement, consistent with the Rules, permit such alteration. Even where such power exists, its exercise must be satisfactorily tested on the touchstone of Article 14 of the Constitution of India. This principle is squarely attracted to the case at hand. The documents on record unfurl that at the time when applications were

invited, the candidates were required to satisfy the qualification of a Post-Graduate Degree in Agriculture. No clause has been brought to the notice of this Court either in the Recruitment Rules or in the advertisement which authorises the Commission to subsequently add Horticulture as an equivalent qualification.

16. The consequence of accepting the respondents' submission would be that the advertisement would have one meaning when applications were invited and an enlarged meaning at the stage of final selection. Such a course would fundamentally alter the field of competition after the recruitment process had commenced. Such enlargement is capable of affecting the rights and legitimate expectations of other eligible candidates and, therefore, cannot be treated as an innocuous administrative exercise.

17. This Court is conscious that the opinion of an academic or expert body ordinarily commands due respect and that the Court should not lightly interfere with matters falling within the domain of academic expertise. However, that principle has no application where the question is not one of academic evaluation but of the legal competence of the recruiting authority to alter the notified eligibility condition after the recruitment process had already begun, but it cannot confer upon the Commission an unbridled power which the governing Rules do not confer upon it. In other words, the issue is not whether Horticulture can academically be regarded as an allied or equivalent discipline. The issue is whether the Commission was legally entitled to introduce such equivalence into this recruitment after the advertisement had already prescribed Agriculture as the essential qualification. According to the opinion of this Court, in the absence of any enabling provision, the answer must necessarily be in the negative.

18. The Supreme Court has consistently emphasized that the recruiting authority is bound by the conditions under which applications were invited. The principle is rooted not merely in procedural fairness but in the constitutional guarantee of equality of opportunity in public employment under Article 16 so that the candidates holding requisite qualification may not be put to jeopardy. The recent Constitution

Bench decision in ***Tej Prakash Pathak (supra)*** has placed the principle beyond doubt by holding that the "rules of the game" cannot ordinarily be altered after the recruitment process has commenced. The respondents cannot derive such a power merely from the constitution of an expert committee because any such subsequent report of the expert committee cannot cure the inherent defect in the candidature of Bhujbal Singh. Needless to say that Bhujbal Singh had secured less marks than Pramod Kumar Sarwa and Richa Dubey and therefore, he cannot claim his right over them.

19. Consequently, this Court has no hesitation in holding that Bhujbal Singh, admittedly possessing a Post-Graduate Degree in Horticulture and not a Post-Graduate Degree in Agriculture, did not possess the essential educational qualification prescribed under Clause 4(ka) of the advertisement for appointment to the post of Assistant Director (Agriculture).

20. Now this Court proceeds to decide the issue involved in **WPS 92/2022**. The challenge pertains to the operation of reservation and the methodology adopted by the CGPSC while preparing the select list. Since the controversy directly relates to implementation of reservation, it becomes necessary to examine the statutory framework governing the recruitment process.

21. The Chhattisgarh Public Service Commission Rules of Procedure, 2014 as amended and published in the State Gazette on 19.03.2021 specifically prescribe the methodology to be followed while identifying candidates for written examination, interview and final selection. Rule 17.6 lays down a sequential and mandatory procedure for operating reservation in the unreserved category. Rule 17.6.1.1 mandates that the first stage of identification shall be confined to filling the prescribed number of vacancies earmarked for women under the Unreserved Female category (UR-F). Rule 17.6.1.2 further provides that only in the event of non-availability of the requisite number of eligible female candidates shall the remaining vacancies be identified from the Unreserved Open category (UR-O). Rule 17.6.1.3 thereafter stipulates that identification under the Unreserved Open

category shall be restricted to the remaining vacancies after excluding the vacancies reserved for women, persons with disabilities and ex-servicemen from the total number of unreserved vacancies.

22. A conjoint reading of these provisions leaves no manner of doubt that the Rule prescribes a step-by-step mechanism for identification of candidates and the order in which reservation categories are to be operated. The sequence contemplated by Rule 17.6 is not merely procedural but is intended to ensure proper implementation of horizontal reservation while preserving the overall reservation structure. Once the statutory rule prescribes the order in which identification is to be undertaken, the Commission is duty bound to adhere to such sequence.

23. The answering respondent has specifically pleaded that the entire selection process was undertaken strictly in accordance with Rule 17.6 as amended. The pleadings further disclose that identification of candidates under the Unreserved Female category was first completed, thereafter, the remaining vacancies were identified under the Unreserved Open category after accounting for the vacancies reserved for persons with disabilities and ex-servicemen exactly in the manner contemplated under Rule 17.6.1.1, Rule 17.6.1.2 and Rule 17.6.1.3.

24. Significantly, except making a bald allegation that a different method ought to have been adopted, the petitioner has neither pleaded nor demonstrated which specific provision of Rule 17.6 has been violated. No comparative roster, vacancy calculation, category-wise break-up or material demonstrating incorrect implementation of Rule 17.6 has been produced before this Court. Mere reference to marks obtained by certain candidates cannot establish violation of the statutory procedure unless the entire reservation matrix and operation of the roster are shown to be inconsistent with the governing rules.

25. The petitioner has particularly contended that one Pramod Kumar Sarwa, having secured higher marks ought to have been adjusted against the Open Persons with Disabilities category, thereby making available an OBC-PwD vacancy

to the petitioner. This submission overlooks the settled principle that horizontal reservation cannot be applied in isolation from the statutory procedure governing identification of candidates. Adjustment of candidates belonging to horizontal reservation categories is dependent upon the manner in which the roster is operated under the applicable statutory rules and cannot be determined merely on comparative merit. Unless the petitioner demonstrates that the Commission departed from the sequence prescribed under Rule 17.6 or misapplied the roster, no interference is warranted.

26. There cannot be any quarrel to the proposition of law which has been laid down by the Hon'ble Supreme Court in the case laws cited by the petitioner. But with utmost request the same would not come to rescue the petitioner when the CGPSC has followed the procedure for identifying and selecting the candidates of PwD category in accordance with Rules of 2014 as amended.

27. Judicial review in matters relating to recruitment is confined to examining the legality, fairness and transparency of the decision-making process. Unless the recruitment process is shown to be contrary to statutory rules, actuated by mala fides or vitiated by arbitrariness, constitutional courts ordinarily refrain from interfering with selections conducted by expert constitutional bodies such as the Public Service Commission.

28. In view of above observation made in WPS/6226/2022, the CGPSC is directed to recast the final selection list of eligible candidates for the post of Assistant Director (Agriculture) in accordance with the law.

29. Consequently, the WPS/6226/2022 is **dismissed** and WPS/92/2022 is disposed of with the aforesaid observations.

Sd/-
(Sachin Singh Rajput)
Judge

H.ansari

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Date: 2026.08.24
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