



Reserved on: 26.04.2026

Delivered on: 12.05.2026

A.F.R.

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - A No. - 18069 of 2024

Bhupal Singh

.....Petitioner(s)

Versus

State of UP and 3 others

.....Respondent(s)

Counsel for Petitioner(s)	: Siddharth Khare, Sr. Advocate
Counsel for Respondent(s)	: Arun Kumar Sharma, C.S.C.

Court No. - 52

HON'BLE MRS. MANJU RANI CHAUHAN, J.

1. Heard Mr. Ashok Khare, learned Senior Counsel assisted by Mr. Siddharth Khare, learned counsel for the petitioner, Mr. Arun Kumar Sharma, learned counsel for the respondent no.4 and Mr. Shailendra Singh and Mr. Manoj Srivastava, learned Standing Counsels for the State-respondents.

2. The present writ petition raises questions of considerable legal nuance touching upon the interplay between accrued rights in a selection process, subsequent statutory and executive interventions, and the temporal applicability of recruitment norms. The petitioner seeks quashing of the order dated 28.10.2024 passed by the Basic Shiksha Adhikari, Bijnor, whereby approval to his selection on the post of Headmaster has been declined.

3. The essential facts, shorn of unnecessary detail, are that the institution in question is a recognized and aided Junior High School governed by the statutory framework of the U.P. Basic Education Act, 1972 and the Rules of 1978.

4. A vacancy having arisen on the post of Headmaster, an advertisement was issued on 15.07.2016. The petitioner, being eligible, participated in the selection process and was recommended by the Selection Committee on 29.07.2016. The papers were forwarded on 30.07.2016 for approval to the Basic Shiksha Adhikari.

5. The approval, however, was declined on 17.08.2016 on the ground that the selection process was not completed within the timeline prescribed in the Government Order dated 03.06.2016, which mandated completion by 31.07.2016.

6. The petitioner's representations failed, and multiple rounds of litigation ensued, culminating in a remand by the Division Bench directing reconsideration. Upon such reconsideration, the impugned order dated 28.10.2024 has again rejected the claim.

7. Learned Senior Counsel for the petitioner has assailed the impugned order primarily on the following grounds:-

i. The selection process commenced prior to any subsequent amendment or Government Order, and therefore must be governed by the rules prevailing on the date of advertisement.

ii. The Government Order dated 03.06.2016 is directory and not mandatory in nature.

iii. Subsequent amendments, including the Seventh Amendment Rules, 2019, and later Government Orders, cannot operate retrospectively.

iv. The petitioner had acquired a vested or at least a crystallized right upon being selected.

v. Reliance has been placed upon authoritative precedents including **P. Mahendran v. State of Karnataka**¹, **Santosh Kumar Singh vs. State of U.P. and others**², **Ratan Pal Yadav vs. State of U.P. and others**³, and recent pronouncements

1 (1990) 1 SCC 411

2 2017: AHC: 9909 (DB)

3 2017 SCC OnLine All 4201

reiterating that the “rules of the game” cannot be altered midstream.

8. Conversely, learned Standing Counsel has contended:-

- i. The Government Order dated 03.06.2016 imposed a mandatory outer limit for completion of the selection.
- ii. The recommendation itself was forwarded after the cut-off date.
- iii. Subsequent statutory amendments and policy decisions fundamentally altered the recruitment regime.
- iv. No indefeasible right accrues merely upon participation or even recommendation.

9. The controversy which arises for consideration in the present case lies within a narrow yet intricate compass of service jurisprudence, and may be delineated into the following core issues: firstly, as to whether the Government Order dated 03.06.2016, prescribing a timeline for completion of the selection process, possesses binding legal force and is sustainable in law; secondly, whether the petitioner, upon being recommended by the Selection Committee, acquired any enforceable or vested right to appointment; thirdly, whether subsequent statutory amendments and executive instructions, brought into force after initiation of the selection process, are applicable to the petitioner’s case; and lastly, whether the impugned order suffers from arbitrariness, unreasonableness, or any other legal infirmity so as to warrant interference in exercise of writ jurisdiction under Article 226 of the Constitution of India.

10. The Government Order dated 03.06.2016 came to be issued with the avowed objective of streamlining and expediting the recruitment process by prescribing a definite and *non-derogable* timeline, namely, that the entire selection exercise be concluded on or before 31.07.2016. It is a settled canon of administrative law that where a time prescription is engrafted in furtherance of public administration and is coupled with consequences affecting the efficacy and uniformity of such

administration, the same ordinarily assumes a mandatory character. The said Government Order cannot, therefore, be construed as a mere procedural guideline; rather, it embodies a policy imperative intended to obviate delays, ensure uniformity, and prevent the mischief of protracted and inconclusive selection processes.

11. In the present case, it is not in dispute that the recommendation of the Selection Committee was forwarded beyond the stipulated cut-off date. The inevitable sequitur is that the selection process cannot be said to have culminated within the time frame mandated by the Government Order dated 03.06.2016. The breach of such a mandatory timeline vitiates the claim of the petitioner at its very inception.

12. The submission of the petitioner that he acquired a vested or enforceable right upon being recommended by the Selection Committee does not commend acceptance. The law in this regard is no longer *res integra*. It is trite that mere inclusion in a select list or even recommendation by a Selection Committee does not confer an infeasible right to appointment. The distinction between a mere expectation and a legally enforceable right has been consistently underscored in service jurisprudence. The Constitution Bench of the Hon'ble Supreme Court in **Shankarsan Dash v. Union of India**⁴, authoritatively held that a candidate does not acquire any vested right to appointment merely by virtue of being selected. At best, the petitioner could be said to have had a legitimate expectation; however, such expectation remains subservient to statutory provisions, executive policy, and overarching considerations of public interest.

13. Equally untenable is the petitioner's reliance on the doctrine that the "rules of the game" cannot be altered midstream. While the said principle has been recognized as a salutary safeguard against arbitrariness, it is by no means absolute and admits of well-defined exceptions. The recent pronouncement of the Hon'ble Supreme Court in

4 (1991) 3 SCC 47

Tej Prakash Pathak and others v. Rajasthan High Court and others⁵ has lucidly clarified that procedural modifications may be introduced even after the commencement of the selection process, and in appropriate cases, even substantive changes may operate, provided no vested right has crystallized in favour of a candidate.

14. In fact, the mere forwarding of the petitioner's papers for approval on 30.07.2016, received in the office of the District Basic Education Officer on 02.08.2016, did not confer any vested right upon the petitioner. The same was in clear contravention of the Government Order dated 03.06.2016, which governed the selection process and mandated completion of the proceedings by 31.07.2016. Consequently, the petitioner was not entitled to appointment under the prevailing Government Orders.

15. Further, in **State of U.P. v. Rachna Hills**⁶, the Hon'ble Supreme Court has unequivocally held that the governing rules are those which prevail on the date of consideration of the claim, and not necessarily those which were in force on the date of advertisement. The said exposition of law marks a significant evolution in service jurisprudence and squarely applies to the facts of the present case. Consequently, the petitioner's reliance on earlier authorities must yield to the contemporary legal position as expounded by the Apex Court.

16. The statutory framework itself underwent a substantial transformation with the promulgation of the Seventh Amendment Rules, 2019, followed by further policy interventions in the year 2023, including the establishment of a centralized recruitment mechanism through a Commission. These changes were neither cosmetic nor merely procedural; rather, they effectuated a paradigm shift from a decentralized, management-driven selection process to a centralized and regulated system of recruitment.

5 2024 SCC OnLine SC 3184

6 2023 4 SCR 969

17. In this backdrop, the Government Orders dated 06.06.2023 and 19.06.2023 assume critical significance, as they unequivocally mandate that all incomplete or inchoate selection processes shall stand annulled. The petitioner's selection, having never attained finality in the absence of approval by the competent authority, unmistakably falls within the category of an incomplete process. It is a well-settled principle that where a statutory or policy intervention occurs prior to the culmination of a selection process, such process must necessarily conform to the new regime, unless expressly saved. No such saving clause is discernible in the present case.

18. The plea of arbitrariness, as sought to be advanced on behalf of the petitioner, is equally devoid of substance. The impugned order reflects due and conscious consideration of the relevant statutory provisions, applicable Government Orders, and binding judicial precedents. Administrative action, when taken in consonance with the prevailing legal framework, cannot be branded as arbitrary merely because it operates to the detriment of an individual claimant.

19. Upon a holistic and anxious consideration of the facts of the case and the governing legal principles, this Court is of the considered opinion that the Government Order dated 03.06.2016 was binding in nature, and the selection process in question having not been completed within the stipulated period, no vested or enforceable right accrued in favour of the petitioner. This Court further holds that the subsequent statutory amendments and Government Orders validly apply to the present case. The impugned order, therefore, does not suffer from any illegality, irrationality, or procedural impropriety so as to warrant interference under Article 226 of the Constitution of India.

20. The order dated 17.08.2016 passed by the District Basic Education Officer, Bijnor—impugned in the earlier writ petition—records that the papers relating to approval of the selection were received in the office of the District Basic Education Officer on 02.08.2016, i.e., beyond

31.07.2016, the cut-off date prescribed under the Government Order dated 03.06.2016.

21. It is submitted that the stipulation of 31.07.2016 for completion of the selection process is mandatory in nature. The Government Order was issued with the specific object of ensuring expeditious completion of long-pending recruitment and to maintain uniformity across the State. The prescription of a definite timeline, coupled with the administrative consequences of delay, indicates a clear legislative intent to treat the schedule as binding rather than merely directory.

22. In the present case, the recommendation papers themselves were received after the expiry of the prescribed period. Thus, the process had not culminated within the mandated time-frame. Any action taken subsequent to 31.07.2016, including consideration or approval of such belated recommendations, stands vitiated being in contravention of the Government Order.

23. It is a settled principle that where a statute or executive instruction prescribes that a particular act is to be done within a specified time and such prescription is intended to achieve a public purpose, the same ordinarily assumes a mandatory character, especially when non-compliance would defeat the very object sought to be achieved.

24. Accordingly, the delayed submission of papers on 02.08.2016 renders the entire selection process liable to be declared invalid.

25. Accordingly, the selection process must be deemed to have come to an end on 31.07.2016, irrespective of whether it had actually been completed, in view of the mandatory timeline prescribed under the Government Order dated 03.06.2016. The said position was subsequently put to challenge in Writ Petition No. 14979 of 2018; however, no interim order was granted therein. Thus, the legal consequence that follows is that the selection proceedings initiated pursuant to the earlier notification stood concluded by 31.07.2016.

26. In such circumstances, once the prescribed period had lapsed, no further steps could have been validly undertaken in continuation of the said selection process. Consequently, after the issuance of subsequent Government Orders and the amendment notified on 04.12.2019, any fresh selection was required to be undertaken strictly in accordance with the law as prevailing on the date of initiation of such selection process.

27. It is a settled principle of law that where a selection process stands concluded or lapses due to efflux of time or operation of law, any further action must conform to the rules and statutory provisions in force at the relevant time. Therefore, any attempt to revive or continue the earlier selection proceedings beyond 31.07.2016 would be legally unsustainable.

28. After the issuance of the subsequent Government Orders, a requisition for filling up the vacant post was also submitted. The said requisition was challenged in Writ Petition No. 8305 of 2021, which ultimately came to be dismissed by judgment and order dated 05.03.2024.

29. This Court further notes that the petitioner had earlier filed Writ Petition No. 14979 of 2018, challenging the order dated 17.08.2016 whereby his approval was rejected, as well as Writ-A No. 8305 of 2021, questioning the validity of the requisition sent in respect of vacant posts of Assistant Teachers. Both writ petitions were dismissed by a common order dated 05.03.2024. Aggrieved, the petitioner preferred Special Appeal No. 674 of 2024, contending that the issue involved was no longer res integra in view of the law already settled in **Committee of Management, Nehru Kisaan Vidyalaya Junior High School vs. State of U.P. and others**⁷, and further that the judgment rendered in **Ratan Pal Yadav vs. State of U.P. and others**⁸, could not be brought to the notice of the learned Single Judge.

7 2017:AHC:15228

8 2017:AHC:154503

30. The Special Appeal was accordingly allowed, and the matter was remitted to the District Basic Education Officer to take a fresh decision in accordance with law, which, in so many words meant that all relevant aspects of the case were required to be considered by the District Basic Education Officer, particularly in light of the judgments in **Committee of Management, Nehru Kisan Vidyalaya Junior High School (supra)** and **Ratan Pal Yadav (supra)**, before passing an appropriate order.

31. The submissions advanced on behalf of the petitioner do not merit acceptance. The contention that the selection process, having been initiated prior to the issuance of subsequent Government Orders and amendments, ought to be governed by the unamended provisions, is misconceived in the facts of the present case. It is not a case where the “rules of the game” have been altered midstream; rather, the foundational requirement itself, as prescribed under the Government Order dated 03.06.2016, namely completion of the entire selection process by 31.07.2016, was not fulfilled. In absence of such completion within the stipulated time, no vested or accrued right can be said to have crystallized in favour of the petitioner.

32. The reliance placed on the principle that a selection process is governed by the rules prevailing on the date of advertisement is also misplaced, inasmuch as the said principle operates only where the process is validly continued in accordance with law. In the present case, the process itself stood vitiated upon failure to adhere to the mandatory timeline. The law laid down in **Committee of Management, Nehru Kisan Vidyalaya Junior High School (supra)** clearly holds that the Government Order dated 03.06.2016 is binding and mandatory, and any selection not concluded within the prescribed date cannot be approved. Similarly, in **Ratan Pal Yadav (supra)**, it has been reiterated that mere participation in a selection process or recommendation by the Selection Committee does not confer any indefeasible right to appointment, particularly when the process itself suffers from legal infirmities.

32. The further submission that subsequent Government Orders or amendments cannot be applied retrospectively is also of no avail to the petitioner, as the rejection of approval is not founded upon retrospective application of later policies, but on the admitted failure of the selection to meet the mandatory cut-off date prescribed under the Government Order dated 03.06.2016. Thus, the very substratum of the petitioner's claim stands eroded.

33. Even the plea that the petitioner had acquired a vested right upon recommendation by the Selection Committee cannot be sustained in law, as it is well settled that recommendation does not *ipso facto* confer a right to appointment unless approval is granted by the competent authority in accordance with the governing provisions.

34. In view of the above, the contentions raised by the petitioner, as reiterated in the present writ petition, being devoid of substance and contrary to the settled legal position, are liable to be rejected.

35. This writ petition is, accordingly, **dismissed**. There shall be no order as to costs.

(Mrs. Manju Rani Chauhan,J.)

May 12, 2026

Jitendra/-