

31.07.2024
Item No.26
Ct. No.26
CHC
(disposed of)

MAT 867 of 2024
IA NO: CAN/1/2024
CAN/2/2024

**The Chairman-cum-Managing Director, Coal
India Ltd. & ors.**
Vs.
Anand Pandey

Ms. Manika Roy, Advocate
Ms. Shinjita Ray, Advocate
...for the Coal India/appellants

Mr. Anand Pandey
...respondent in-person

1. Appeal is directed against the order dated March 22, 2024 passed in WPA 2956 of 2024.

2. By the impugned order, learned Single Judge allowed the writ petition. Learned Single Judge gave benefit of doubt to the writ petitioner with regard to the uploading of the documents concerned. Learned Single Judge directed the appellant to consider the candidature of the writ petition upon physical verification of his qualification and consideration of mark that the writ petitioner obtained in the Computer Based Test (CBT).

3. Learned advocate appearing for the appellants draws the attention of the Court to the advertisement governing the selection process. She submits that, such advertisement governs the procedure that is required to be followed by every aspiring candidate.

According to her, the advertisement required uploading of all educational qualifications along with application. According to her, the writ petitioner did not upload the necessary documents relating to the educational qualifications of the writ petitioner as a Company Secretary.

4. Learned advocate appearing for the appellants submits that, appellants considered the candidature of other candidates on the same parameter. All other candidates who did not upload requisite documents were disqualified in the selection process.

5. Learned advocate appearing for the appellants draws the attention of the Court to the letter dated April 19, 2024 by which, the legal entity who was conducting the selection process wrote to the appellant that the writ petitioner did not upload documents with regard to the Company Secretary qualification.

6. Learned advocate appearing for the appellants relies upon **(2015) 13 Supreme Court Cases 722 (Cherukuri Mani vs. Chief Secretary, Government of Andhra Pradesh & Others)** for the proposition that when a thing is required to be done in a manner such thing must be done in such manner or not at all.

7. So far as the sanctity and the requirement to follow the terms and conditions of the selection

process, learned advocate for the appellants relies upon **2022 SCC OnLine SC 909 (Union of India and Others versus Mahendra Singh), (2019) 17 Supreme Court Cases 373 (Sanjay K. Dixit and Others versus State of Uttar Pradesh and Others)** and **(2011) 12 Supreme Court Cases 85 (Bedanga Talukdar versus Saifudaullah Khan and others).**

8. Relying upon **(2019) 17 Supreme Court Cases 373 (Sanjay K. Dixit and Others versus State of Uttar Pradesh and Others)** learned advocate for the appellants submits that, relaxation of the terms and conditions of the selection process is not permissible.

9. Writ petitioner/respondent participated in the selection process of Management Trainees as commenced by the advertisement No.3/2022 issued by the appellants.

10. Terms and conditions of such selection process requires an aspiring candidate to upload educational qualifications.

11. In the facts and circumstances of the present case, there is a dispute as to whether or not, the writ petitioner did upload his entirety of the educational qualifications. According to the writ petitioner, he did so. According to the appellants, the writ petitioner did not upload requisite documents establishing the eligibility of the writ petitioner as Company Secretary.

12. By a writing dated April 19, 2024, the

organization who was entrusted by the appellants to undertake the selection process wrote to the appellants stating that, apart from the photograph, signature, Class 10th and Class 12th Marksheet, B.Com statement of Marks for a semester and B.Com certificate no other documents were uploaded by the writ petitioner/respondent.

13. Learned Single Judge proceeded to give benefit of doubt to the writ petitioner with regard to the uploading of CS documents. The writing dated April 19, 2024 is subsequent to the impugned order dated March 22, 2024. Learned Single Judge was not favoured with the benefit of the letter dated April 19, 2024.

14. On the basis of the materials placed before the learned Single Judge, therefore, the decision of the learned Single Judge cannot be faulted. Learned Single Judge proceeded on the basis of the documents placed before the Court and exercised discretion in granting benefit of doubt to the writ petitioner. Such discretion cannot be said to be perverse.

15. In any event, the appellants are interested in ensuring that best candidates receive employment. In the facts and circumstances of the present case, out of four posts advertised, one was reserved. Out of the three general category candidates, one was reserved

for persons with disability. According to the appellants, of the two general category candidates, both posts were filled up.

16. Learned Single Judge by the impugned order merely directed the candidature of the writ petitioner to be considered on the basis of the physical verification of the documents. Learned Single Judge did not direct grant of employment.

17. The ratio laid down in ***Cherukuri Mani (supra)*** is not attracted to the facts and circumstances of the present case, as we do not find any clause in the advertisement which shows that, failure to upload a document will automatically result in the disqualification of the candidature.

18. Similarly, the ratio laid down in ***Mahendra Singh, Bedanga Talukdar (supra)*** and ***Sanjay K. Dixit (supra)*** are of no assistance to the appellants. Learned Single Judge did not grant relaxation of any terms and conditions of the selection process per se. All that the learned Single Judge did, was direct the appellants to consider the candidate of the writ petitioner in accordance with law upon physical verification of his eligibility.

19. In such circumstances, we find no merit in the present appeal. For abundant caution we clarify that, the appellants is at liberty to deal with the

candidature of the writ petitioner, in accordance with law and in terms of the impugned order before us.

20. MAT 867 of 2024 along with connected applications are disposed of without any order as to costs.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)