

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5103 OF 2024

Union of India,
Through Staff Selection Commission
(Western Region), Mumbai .. Petitioner

Vs.

Manikant Sharma and Ors. .. Respondents

Mr. Rui Rodrigues, Senior Panel Counsel, i/by Mr. Abhijeet Joshi,
Senior Panel Counsel, for the Petitioner-UOI.

Mr. Sanjiv Sawant with Mr. Abhishek Deshmukh and Ms. Bhakti
Wast, Advocates for Respondent No.1.

Mr. D.P. Singh, Advocate for Respondent Nos.2 and 3.

**CORAM : SHREE CHANDRASHEKHAR, C.J. &
GAUTAM A. ANKHAD, J.**

DATE : 9TH SEPTEMBER 2025.

P.C. :

This writ petition seeks to challenge the judgment rendered by the Central Administrative Tribunal, Mumbai Bench on 24th March 2023 in Original Application No.275/2017 (*Manikant Sharma v. Union of India & Others*).

2. The Tribunal had considered the submission put forth on behalf of the applicant who is respondent no.1 in the present writ petition that fixing of 50% bench mark was not provided under the extant Rules or Regulations and by applying such criteria and holding all the applicants ineligible was, in fact, changing the rules of the same. Mr. Rui Rodrigues, the learned panel counsel appearing on behalf of the petitioner refers to the instructions issued on 7th March 2012 by the Department of Personnel & Training, Ministry of Personnel, Public Grievances & Pensions and submits that minimum qualifying standards for different posts were prescribed under the said instructions issued by the competent Authority. However, on a Court's query, Mr. Rui Rodrigues, the learned panel counsel for the petitioner admits that

these materials, which are tendered to this Court in the form of convenience compilation including the instructions under the letter dated 7th March 2012, were not pleaded before the Tribunal. We also do not find any reference made by the Tribunal of these materials including instructions dated 7th March 2012 in the order dated 24th March 2023. Mr. Rui Rodrigues, the learned panel counsel for the petitioner states that these instructions were tendered before the Tribunal in course of the hearing but we are not inclined to express any opinion on this submission. If this is the case set up by the petitioner i.e. Union of India that there were extant guidelines governing the field whereunder minimum qualifying standards for different posts are provided, the remedy to the petitioner – Union of India is to file a review petition and not to challenge the order passed by the writ Court with the help of the materials which were not pressed before the Tribunal.

3. That being the position in law, we decline to interfere in this matter but without expressing any opinion on the merits of the matter with a liberty to the petitioner – Union of India to seek remedy of review, if so advised, by filing a review petition before the Central Administrative Tribunal within a period of thirty days from today. We expect that the Tribunal while considering the review petition, if filed by the Union of India, takes into consideration the provisions under Section 14 of the Limitation Act as the petitioner – Union of India has been prosecuting this matter before this Court.

4. Writ Petition No.5103 of 2024 is dismissed as withdrawn with liberty to the Union of India to avail of remedy as available to it in law.

[GAUTAM A. ANKHAD, J.]

[CHIEF JUSTICE]