



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 4360 OF 2025
WITH
WRIT PETITION NO. 4361 OF 2025

WRIT PETITION NO. 4360 OF 2025

1. Ashish S/o. Yashwant Harde,
Aged about 29 Years, Occupation- Service,
R/o. Grampanchayat Parisar,
Nalgaon, Bhandara, Maharashtra 441910.

2. Vidyatai Digambar Thatkar,
Aged about 32 years, Occupation- Service,
R/o. Nehru Ward, Khatkheda, Bhandara,
Sawarla, Maharashtra- 441910.

3. Sheshkannya Manish Selokar,
Aged about 32 years, Occupation Service,
R/o. Nehru Ward, Main Road, Walani,
Bhandara, Maharashtra-441910.

4. Komal W/o. Vishal Moharkar
Aged about 30 years,
Occupation- Service,
R/o. 33, Wadegaon, Wadegaon (Sindpuri)
Bhendala, Bhandara, Sawarla,
Maharashtra-441910.

5. Varsha Diwekar Panchbhai,
Aged about 33 years, Occupation Service,
R/o. Nehru Ward, Khairi Diwan,
Asgaon, Bhandara,
Maharashtra-441910.

6. Bhagyashree Vilas Yelmule,
Aged about 32 years. Occupation Service,
R/o. Nehru Ward, Sindapuri (Pauni),
Bhandara, Sawarla,

Maharashtra-441910

7. Shubham S/o. Pandurang Dehmukh,
Aged about 26 years, Occupation- Service,
R/o. Gandhi Ward, Shivnala (Walani),
Bhandara, Sawarla,
Maharashtra-441910.

8. Praful S/o. Nathhu Shiwankar,
Aged about 31 years, Occupation- Service,
R/o. Near Hanuman Mandir,
Subhash Ward, Lawadi, Bhandara,
Maharashtra-441910.

9. Shubham S/o. Ashok Khobragade,
Aged about 29 years, Occupation- Service,
R/o. Datt Mandir Parisar, Ambedkar Ward,
Ruyal (Pauni), Bhandara,
Maharashtra-441910.

10. Anil S/o. Tukaram Nakhate,
Aged about 42 years, Occupation- Service,
R/o. Gandhi Ward, Mokhara, Palora,
Bhandara, Maharashtra-441908.

11. Surendra S/o. Sudhakar Bhendarkar,
Aged about 34 years, Occupation- Service,
R/o. Hanuman Mandir, Nehru Ward, Lonhara,
Bhandara, Maharashtra-441908.

12. Madhuri Someshwar Mankar,
Aged about 32 years, Occupation Service,
R/o. Gandhi Ward, Isapur, Visapur,
Bhandara, Maharashtra- 441910.

13. Prabhakar S/o. Rajendra Ghyar,
Aged about 25 years, Occupation Service,
R/o. Kotalpar, PO Amgaon, Tahsil Paoni,
Bhandara, Maharashtra-441910.

14. Shilpa Tarachand Kore,
Aged about 29 years, Occupation-Service,
R/o. Gandhi Ward, Mohari, Asgzon.
Bhandara, Maharashtra-441910

15. Balu S/o. Gajanan Mandape.
Aged about 40 years, Occupation Service,
Ro Waigaon, Bhuyar (Pauni)
Bhandara, Maharashtra 441910

16. Mangala Zunzar Rangari,
Aged about 39 years,
Occupation-Service,
R/o. Grampanchayat Parisar Singori,
Wahi (Pauni). Bhandara,
Maharashtra-441910.

17. Suchita Moreshwar Motghare,
Aged about 34 years,
Occupation- Service,
R/o. Grampanchayat Parisar Nimagaon
(Pauni), Bhandara,
Maharashtra-441910.

.....**PETITIONERS**

...V E R S U S...

1. The State of Maharashtra,
Through its Secretary, Home Ministry,
9th Floor, New Administrative Building,
Opp Mantralaya, Mumbai-400032

2. The Collector, Bhandara,
MSEB Colony, Bhandara,
Maharashtra 441904

3. Sub-Divisional Officer,
Sub Division Officer,
Opposite Collector Office, Bhandara.

4. Sharda W/o. Ganesh Budhe,
Aged about 36 years, Occ: Household,

R/o. Shahapur,
Tah and Dist. Bhandara.

5. Lata W/o. Surendra Padole,
Aged about 37 years, Occ: Household,
R/o. Wadad,
Tah. and Dist. Bhandara.

6. Ankush S/o. Rushi Panchbuddhe,
Aged about 26 years, Occ: Agriculturist,
R/o. Tawepur post, Mohdura,
Tah. and Dist. Bhandara.

7. Varsha W/o. Sanjat Chandrkar,
Aged about 27 years, Occ: Household,
R/o. Pahela, Mohdura.
Tah and Dist. Bhandara.

8. Gaurishankar S/o. Ambar Morkure,
Aged about 34 years, Occ
R/o. Agriculturist, Kothurna,
Tah and Dist. Bhandara

9. Sharda W/o. Ankush Wanjari,
Aged about 40 years, Occ Service,
R/o. Pevatha, Tah and Dist. Bhandara.

10. Prafulla S/o. Pundalik Ghyar,
Aged about 29 years, Occ. Agriculturist,
R/o. Kotalpar, Post Amgaon,
Tah. and Dist. Bhandara

11. Preeti W/o. Amit Bhambore,
Aged about 35 years, Occ Household,
R/o. Singori (Wahi)
Post Paoni, Dist. Bhandara

12. Vishnu S/o. Subhash Deshmukh,
Aged about 25 years, Occ: Agriculturist,
R/o. Shivnala (Walni),
Tah. Paoni and Dist. Bhandara.

13. Roshna w/o Pradeep Mohrule,
Aged about 31 yrs, Occ. Household,
R/o Kalewada Post Nerla,
Tah. Paoni and Dist. Bhandara

.....RESPONDENTS

WRIT PETITION NO. 4361 OF 2025

1. Shailesh Madhukar Chaware,
Aged about 36 years, R/o Ambadi,
Post Bhavad, Tahsil Pauni,
District Bhandara

Petitioner No. 2
deleted as per court
order dtd 11.08.2025

2. Sau. Priya Kuldip Urade,
Aged about 33 years,
R/o Adyal, Pauni, District Bhandara.

3. Nitin Nanaji Bhure,
Aged about 31 years,
R/o Akot, Tahsil Pauni,
District Bhandara

4. Sau. Bhavna Pradip Bhoyor.
Aged 30 years, R/o Kalewada,
Post Nerla, Tahsil Pauni,
District Bhandara.

5. Sau. Pratima Gulab Netam,
Aged about 33, R/o Keslapuri,
Post Pauni, Tahsil Pauni,
District Bhandara

6. Subodh Prakash Barsagade,
Aged about 28 years, R/o Telpendhari,
Post Pauni, Tahsil Pauni,
District Bhandara.

7. Prashant Kodandrao Shende,
Aged about 30 years, R/o Pannashi,
Post Minsi, Tahsil Pauni,
District Bhandara.

8. Sau. Maya Gopal Maske,
Aged about 32 years, R/o Fanoli,
Post Pimpalgaon, Tahsil Pauni,
District Bhandara.

9. Sau. Kunda Deorno Waghade,
Aged about 30 years, R/o Amgaon (Dighori),
Tahsil District Bhandara.

10. Sau. Priti Vijay Tijre,
Aged about 30 years,
R/o Kawadsi, Tahsil Post Shahapur,
District Bhandara.

11. Sau. Supriya Nilesh Ramteke,
Aged about 35 years, R/o Kondhi,
Post Jawaharnagar,
Tahsil & District Bhandara.

12. Sau. Savita Yogesh Halmare,
Aged Major, R/o Khurshipar,
Tahsil & District Bhandara.

13. Sau. Nita Sharad Bhandarkar,
Aged about 42 years, R/o Ganeshpur,
Tahsil & District Bhandara.

14. Sau. Priti Vishnu Dahiwalé,
Aged about 31 years,
R/o Golewadi, Post Minsi, District Bhandara

15. Shailesh Bhagrao Nimbarte,
Aged about 30 yours/Chicholi,
Post Pipri, Tat District Bhandara

16. Shrikant Shrikrushna Mate,
Aged about 26 years,
R/o Tavepar,
Tahsil & District Bhandara.

17. Sau. Vibha Vilas Vaidya,
Aged about 31 years,
R/o Tekepar (Zabada),
Post Manegaon (Bazar),
Tahsil & District Bhandara.

18. Sau. Vaishali Mahtsh Dolas,
Aged about 32 years,
R/o Navegaon, Koka (Forest),
Tahsil & District Bhandara.

19. Sau. Bharti Dharmendra Chaudhari,
Aged about 26 years, R/o Paghora,
Post Pahela, Bhandara

20. Chandrabhan Kachru Hatwar.
Aged about 44 years, 2/0 Kewtha,
Post Pipri, Thail District Bhandara

21. Nepal Purushottam Dorle
Aged about 44 years,
R/0 Manegaon (Bazar),
Tahsil & District Bhandara

22. Gurudeo Vasanta Vairagade,
Aged about 31 years, R/o Mohadura,
Taheil & District Bhandara.

23. Sau. Sonali Nitin Marbate,
Aged about 32 years, R/Moudi,
Post Pahela, Tahsil Distt. Bhandara

24. Sau. Archana Hiralal Bhalavi,
Aged about 30 years,
R/o Ravanwadi, Post Pahela,
Tahsil & District Bhandara.

25. Sau Priyanka Gulchang Dhulase,
Aged about 31 years. R/o. Wadad
(Rehabilitation), Post Nerla,
Tahail & District Bhandara.

26. Sau. Nutan Kartik Maske,
Aged about 30 years, R/o Wakeshwar,
Post Pahela, Tahsil & District Bhandara

27. Sau. Ashvini Samil Humane,
Aged about 26 years, R/o Sarpewada,
Koka (Forest),
Tahsil & District Bhandara.

28. Varsha Jagdish Gotephode,
Aged Major, R/o Takli,
District: Bhandara.

29. Sheetal Anandrao Pise,
Aged Major, R/o Kothurna,
Taluka and District: Bhandara.

30. Nitesh Nandakishor Waghmare,
Aged: Major, R/o Sonuli,
Posti Varthi, Bhandara.

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Through its Secretary, Home Ministry,
9th Floor, New Administrative Building, Opp.
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Aged about 36 years, Occ: Household,
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R/o. Pahela, Mohdura,
Tah. and Dist. Bhandara.
8. Gaurishankar S/o. Ambar Morkure,
Aged about 34 years, Occ: Agriculturist,
R/o. Kothurna,
Tah. and Dist. Bhandara.
9. Sharda W/o. Ankush Wanjari,
Aged about 40 years,
Occ: Service, R/o. Pevatha,
Tah. and Dist. Bhandara.
10. Prafulla S/o. Pundalik Ghyar,
Aged about 29 years, Occ: Agriculturist,
R/o. Kotalpar, Post Amgaon,
Tah. and Dist. Bhandara.
11. Preeti W/o. Amit Bhambore,
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12. Vishnu S/o. Subhash Deshmukh,
Aged about 26 years, Occ: Agriculturist,
R/o. Shivnala (Walni),
Tah. Paoni and Dist. Bhandara.
13. Roshna W/o. Pradeep Mohrule,

Aged about 31 years, Occ: Household,
R/o. Kalewada Post Nerla,
Tah Paoni and Dist. Bhandara.

14. Sau. Priya Kuldip Urade,
Aged about 33 years,
R/o. Adyal, Tahsil Pauni,
Dist. Bhandara.

15. Akash S/o. Anil Ramteke,
Aged about 26 years, R/o. Tekepar (Dodmazari),
Tahsil & Dist. Bhandara

.....**RESPONDENTS**

Mr. Hrishikesh Chitaley, Advocate for the petitioners.
Ms. S.S. Jachak, Advocate for respondent Nos. 1 to 3/State.
Mr. S.Y. Deopujari, Counsel for respondent Nos. 4 to 13.

**CORAM:- ANIL S. KILOR, &
RAJNISH R. VYAS, JJ.**

Date : 15.10.2025

JUDGMENT (Rajnish R. Vyas)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

3. While deciding instant writ petitions pertaining to alleged
illegalities committed during conducting the viva voce of the candidates
interested in appointment as Police Patil, we are guided by following
observations of Honourable Apex Court, in case of *State of West Bengal
Vs. Baisakhi Bhattacharya and others, (AIR 2025 SCC 1882)*.

“19. The following principles emerge from the aforesaid discussion:

.When an in-depth factual enquiry reveals systematic irregularities, such as malaise or fraud, that undermines the integrity of the entire selection process, the result should be cancelled in its entirety. However, if and when possible, segregation of tainted and untainted candidates should be done in consonance with fairness and equity.

.The decision to cancel the selection en masse must be based on satisfaction derived from sufficient material collected through a fair and thorough investigation. It is not necessary for the material collected to conclusively prove malpractice beyond reasonable doubt. The standard of evidence should be reasonable certainty of systematic mes. The probability test is applicable.

. despite the inconvenience caused to untainted candidates, when broad and deep manipulation in the process is proven, due weightage has to be given to maintaining the purity of this selection process.

. individual notice and hearing may not be necessary in all cases for practical reasons when the fact establish that the entire selection process is vitiated with illegalities at a large scale”.

4. The petitioners, (for the sake of brevity, hereinafter would be referred to as “the successful candidates”) and respondent Nos. 4 to 15 in Writ Petition No. 4361/2025 and the respondent Nos. 4 to 13 in Writ Petition No. 4360/2025 (for the sake of brevity, hereinafter would be referred to as “the unsuccessful candidates”).

5. In short, it is the case of the petitioners that they were selected in pursuance with an advertisement(16-3-2023), which was followed by written examination(8-4-2023 and 9-4-2023) and oral interview(10-4-2023 and 11-4-2023) and accordingly, were also granted appointment order(12-4-2023) on the post of Police Patil, in different villages.

6. It was their case that some unsuccessful candidates made complaint to the government officers alleging malpractice in selection process, more particularly, in oral interview, due to which enquiry was directed to conducted by the collector Bhandara through additional collector, Bhandara.

7. In the enquiry report(May 2023), it was found that the selection process was not conducted in fair manner and consequently termination orders(4-7-2023) were issued against the successful candidates. Those candidates challenged their termination by preferring Original Applications before Maharashtra Administrative Tribunal (MAT), Nagpur, which vide its order dated 5.10.2023 set aside the order of termination issued by Sub Divisional Magistrate (“SDM”) and also

directed to reinstate all the successful candidates, within period of one month, from the date of receipt of order.

8. The said order setting aside termination was challenged in Writ Petition No 837/2024 by unsuccessful candidates and this Court after considering the material on record, vide its judgment in Writ Petition No. 837/2024 (preferred by unsuccessful candidates) and Writ Petition No. 846/2024 (preferred by unsuccessful candidates) on 22.4.2025, remanded back matter to the Tribunal with direction to decide it within period of 90 days. It was directed that the employment of the successful candidates shall stand protected. Private respondents in the aforesaid writ petitions were successful candidates.

9. After remand, learned Maharashtra Administrative Tribunal, Nagpur Bench, Nagpur decided Original Application No. 737/2023 and Original Application No. 738/2023, by judgment dated 25.7.2025 and rejected the original applications, on the ground that decision taken by the State to cancel the selection process and appointments can not be faulted with.

10. In the aforesaid background, the successful candidates have preferred instant petition challenging the judgments passed by the learned Tribunal.

11. Mr. Chitaley, appearing for the successful candidates has contended that the judgment impugned is illegal since, there was no irregularities or malpractices which would require setting aside of entire selection process. He argued that in an Interview Committee's members on whom powers were delegated were present which cannot vitiate the process. He further contended that order canceling the appointment is issued by exercising powers under rule 9(E) of Maharashtra Village Police Rules, 1967 ("Rules" for the sake of brevity), which is contrary to the law. he has relied upon various judgments which shall be dealt with in later part of judgment.

12. Learned counsel Mr. Deopujari has supported the impugned order and stated that the manner in which oral interviews were conducted and marks given, speaks volume for itself and Committee of members holding oral interviews was consisting of the officers on whom powers were delegated and therefore, entire process of selection is vitiated. He also contends that apart from it, various statements recorded

during course of enquiry clearly shows that entire selection process is vitiated.

13. At this stage, it is necessary to mention here that there is no dispute upto the stage of written examination and declaration of result of written examination. There are absolutely no allegations regarding malpractices till conducting of written examination. Allegations of unfairness, crops from the stage of conducting of oral interviews and constitution of the Committee which took the oral interview.

In order to appreciate aforesaid contentions, it is necessary to consider the fact that the Committee constituted for conducting oral interviews was consisting of Sub Divisional Magistrate as Chairman, Sub Divisional Police Officer as Member, Social Welfare Officer as Member, Tribal Project Officer as Member and Tahsildar of the concerned Taluka as a Member secretary. Following chart would clear the picture:

Committee for Bhandara

Sr No	Committee Members as per GR dated 23.8.2011	Committee Post	Names and designations of Persons actually acted as member of interview committee
1	Sub Divisional Magistrate Bhandara	Chairman	Shri Ravindra Rathod, Sub Divisional Officer, Bhandara

2	Sub Divisional Police Officer, Bhandara (Mrs. Rashmi Rao)	Member	Shri Chandrakant Kale PI. Police Station, Kardha (Representative)
3	Social Welfare Officer, Bhandara (Mr. Babasaheb Deshmukh)	Member	Ku. D.B. Ramteke, Social Welfare Inspector (Class- 3) office of Asstt. Commissioner, Social Welfare, Bhandara (Representative)
4	Tribal Project Officer, Bhandara (Mr. Niraj More)	Member	Shri V.A. Tawade, Office Superintendent (Class-3) and Asstt. Project Officer (In charge) (Representative)
5	Tahsildar, Bhandara	Member Secretary	Shri Arvind Hinge, Tahsildar, Bhandar

For Pauni Taluka

Sr No	Committee Members as per GR dated 23.8.2011	Committee Post	Names and designations of Persons actually acted as member of Interview Committee
1	Sub Divisional Magistrate, Bhandara	Chairman	Shri Ravindra Rathod Sub Divisional Officer, Bhandara
2	Sub Divisional Police Officer, Pauni (Mr. Sushant Singh)	Member	Shri Jagannath Girhipunje, PSI office of SDPO Pauni (Representative)
3	Social Welfare Officer, Bhandara (Mr. Babasaheb Deshmukh)	Member	Ku. D.B. Ramteke, Social Welfare Inspector (Class 3) Office of Asstt. Commissioner, Social Welfare, Bhandara, (Representative)

4	Tribal Project Officer Bhandara (Mr. Niraj More)	Member	Shri V.A. Tawade, Office Superintendent (Class 3) and Asstt. Project Officer (In charge) (Representative)
5	Tahsildar, Pauni	Member Secretary	Smt. Nilima Rangari, Tahsildar, Pauni.

From aforesaid chart it would be clear that the members, who were expected to preside the Interview Committee, in terms of Government Resolution (GR) dated 23.8.2011, did not preside the meeting but their representatives took the charge. It is settled principle of law that when it is mandated that act is required to be performed in particular manner then same has to be in the said manner only. It is not even disputed by the successful candidates that Interview Committee was not consisting of the members on whom powers were delegated. On the contrary, their stand is that delegation is permissible.

14. Reliance placed by the petitioners on rule 3 of the aforesaid Rules is totally misplaced, as the said provision pertains to administration, control and direction to village police which is to be exercised by the District Magistrate, who may be with sanction of the State Government or the Commissioner delegate all or any of the powers

conferred on or exercisable by him or under the provisions of the Rules to Sub Divisional Magistrate or the Taluka Magistrate.

Thus, it can be said that such delegation would be only relatable to District Magistrate and none else. It is further to be noted that the Committee constituted for taking oral interviews was required to assess performance of the candidate and his personality with experienced eyes of the superior officers. Delegating powers on the officers would not be permissible in law and would amount to rewriting GR by which the Committee was constituted, in case in hand, GR dated 23.8.2011.

15. Constitution of Interview Committee was fundamentally defective due to delegation of powers, which was impermissible and thus entire process is vitiated.

16. The argument advanced by successful candidates that having participated in selection process, now unsuccessful candidates cannot challenge the process, may seem impressive at first glance but if appreciated meticulously, it would be clear that said argument is superficial for the reason that the unsuccessful candidates were not at all, aware about the designations and name of the members of Interview

Committee. It is clear from record that names and designation of the members of Interview Committee were not displayed.

17. Another contention that there was no fixed procedure for taking the interviews and the members of Selection Committee have followed the appropriate procedure is also not appealable since the very peculiar system of giving marks that too by different method, was adopted by the members of the Committee, which shows that there was no uniformity in allotment of marks.

18. Some of the members have given marks in numbers whereas others have given the marks by way of giving *(star). The procedure adopted is thus unfair as every candidate was required to be judged on a single scale. Almost all the unsuccessful candidates, who were parties in Original Application and parties before this Court have secured more marks in written test than successful candidates selected as Police Patil. It is further pertinent to mention here that the Collector, while considering the enquiry report has further stated that persons, who were members of the Interview Committee were also called in enquiry and their statement was recorded.

19. One Mr. Jagannath Giripunje, Police Sub Inspector; Office of Sub Divisional Police Officer, Pavni, who conducted oral interview being the proxy/representative of Sub Divisional Officer, Bhandara had submitted in his explanation in enquiry that as per directions of Deputy Superintendent of Police, Sakoli, he appeared on behalf of Superintendent of Police. He sated that as per directions of the Sub Divisional Magistrate, Bhandara, marks were given in form of *star i.e. one * for each five marks by pencil and said mark sheet was submitted in the office of Sub Divisional Officer, Bhandara.

20. Similarly, one of the members Mr. C.R. Kale, Police Inspector, in his explanation, stated that he was authorized by Sub Divisional Police Officer to act as a member of Committee on behalf of Deputy Superintendent of Police Bhandara and as per instructions given by Mr. Ravindra Rathod, Sub Divisional Magistrate and Mr. Ravindra Hinge, Tasildar, Bhandara, he gave marks in code language and handed over mark sheet immediately to Mr. Ravindra Rathod.

21. On the contrary Mr. V.A. Taswade, Office Superintendent, Integrated Tribal Development Department gave his explanation and

stated that marks were given by pencil in numbers and was handed over to the Chairman of Selection Committee. He acted as a member of Interview Committee on behalf of the Office of Project Officer as per direction given by Mr. Niraj More, Project Officer. statements of various persons were also recorded which are part of record.

22. It must also be stated that, the interviews were completed within 1 to 3 minutes. Though the process of interview was captured in CCTV, it was found that there was no sound in the footage. During enquiry, no document was made available showing endorsement/marking during the oral interview. On the contrary, Sub Divisional Officer had stated that papers having said endorsement cum marking are destroyed being rough work.

23. Apart from it, a statement of one of the officers which is at page No. 515 is required to be taken into consideration. The said officer by name Mr. Sushant Singh, Sub Divisional Police Officer, Sakoli/Pavni has stated that during Police Patil recruitment, interview process sheets were given. Every sheet had name of candidate and corresponding space for giving marks. One fails to understand as to why the name of

candidate was required to be given in the assessment sheet, which corroborates the stand taken by the unsuccessful candidates that process of selection was vitiated by malpractices.

24. When entire selection process is tainted, there cannot be pick and choose policy of certain candidates. integrity of selection process is full of doubt and thus entire selection process is required to be set aside. It is very difficult to segregate role of each candidate. As far as judgment cited by counsel for the petitioner reported in case of ***Madan Lal Vs. State of Jammu & Kashmir***, reported in ***1995 (3) SCC 486*** is concern, it is to be stated that in the said case it was observed that assignment of Mark is function of interview committee and just because lower mark are awarded, it cannot be said that it has resulted into giving unfair treatment. The case is totally distinguishable on facts as in the instant case, it is not issue whether lower or higher marks are allotted, issue is manner in which the marks were given. Further contention of the petitioner that CCTV footage showing recording of taking interview for few minutes only, cannot be a conclusive proof of illegality, is also liable to be rejected, since the enquiry report also takes into consideration statements of various persons, discussed Supra.

In case of *Barot Vijaykumar Balakrishna Vs. Modh Vinaykumar Dasrathlal*, reported in *2011(7) SCC 308*, Honourable Apex Court has stated that, in case the statutory rules prescribe a particular mode of selection, it has to be given strict adherence accordingly, also cannot be disputed. According to the petitioner, since there were no rules, procedure adopted is also proper, needs no further elaboration, since we have observed that manner in which entire selection process is done clearly shows that integrity of selection process has been compromised.

25. Judgment cited by the petitioner in case of *Madras Institute of Development Studies Vs. K. Sivasubramaniyan*, reported in *(2016) 1 SCC 454*, laying down the law that having taken part in the process of selection with full knowledge that recruitment was being made under the general rules, the candidates had waived their right to question and the advertisement or methodology adopted, is also cannot be disputed. The said judgment can be distinguished since in the case in hand, the candidates were not at all aware about designation and names of the

members of selection committee, and therefore, taking objection regarding delegation of powers could not have been expected to be taken immediately.

26. Law down by other judgments cited by the counsel for petitioner also cannot be disputed, but those can be distinguished on the facts involved therein. We have already taken into consideration principle of law laid down by the Honourable Apex Court in case of *State of West Bengal Vs. Baisakhi Bhattacharya*, discussed Supra, which put the controversy at rest.

27. In the aforesaid background, and keeping in mind the scope of judicial review while considering challenge to the order of Tribunal, we come to conclusion that no case is made out by the petitioners which require interference at the hands of this court. Hence petitions are dismissed.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)

At this stage, learned counsel for the petitioners has contended that since the interim order is operating in their favour, same may be extended for further period of four weeks.

Though the said prayer is opposed by the learned counsel for respondent Nos. 4 to 13, considering the aforesaid fact that the interim relief was operating in favour of the petitioners, in the interest of justice, we extend the interim relief for further four weeks.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)