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W.P.No.14746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2025

CORAM:

**THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

W.P.No.14746 of 2025
and
W.M.P.No.16648 of 2025

J.Alex Jaya Pandian

...Petitioner

Vs

1.Union of India, rep. by
The Air Officer-in-Charge,
Personnel Civilian Air Headquarters,
VayuBhavan, New Delhi-110 011.

2.Air Officer Commanding,
AOC in charge,
Headquarters, Training Command, Hebeel,
Bangalore.

3.Air Officer Commanding,
Air Force Station,
Tambaram, Chennai-600 047.

4.Nisha

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the concerned records relating to the order dated 21.02.2024 in O.A.No.1203 of 2017 passed by the Central Administrative Tribunal, Chennai bench, and



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quash the same and consequently direct the respondents 1 to 3 to consider the case of the petitioner and appoint him as Junior Artist Grade II with all consequential monetary and service benefits.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.Ramanamoorthy, SPC

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

1.1. While the petitioner herein is an unsuccessful candidate in the direct recruitment process under the notification dated 25.02.2017 for the post of Junior Assistant Grade-II, the fourth respondent herein is the successful candidate for the said post.

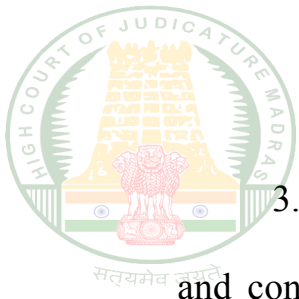
1.2. As per the Standard Operating Procedure [hereinafter referred to as 'SOP'] dated 22.01.2016, applicable to the recruitment notification, the marks secured in the skill test will be of qualifying nature only and shall not be added in the total marks while preparing the merit list.

1.3. In this case, the petitioner claims that the marks scored by him in the skill test should be taken as the main criteria. Admittedly, the petitioner had not challenged the aforesaid relevant clause in the SOP, but had participated in the selection process. Thereafter, on realizing that he was unsuccessful, he has now questioned the SOP.



2. The Hon'ble Supreme Court, in the case of ***Tajvir Singh Sodhi and Others Vs. State of Jammu and Kashmir and Others*** reported in (2023) 17 SCC 147, has declared that such a conduct in attempting to challenge the selection procedure, after being unsuccessful in the process, would be impermissible. The relevant portion of the judgment reads as follows:-

“39. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence.”



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3. This apart, it would be the State's prerogative to impose any terms and conditions in the recruitment notification, to identify any appropriate candidate for a post and it would not be open to the candidates to question such objections. It has been time and again held by the Constitutional Courts that the essential qualification for appointment to a post, is within the exclusive domain of the State to prescribe and that Courts will not normally interfere with the discretion of the State.

4. The Hon'ble Supreme Court, in the case of ***Maharashtra Public Service Commission Vs. Sandeep Shriram Warade and Others*** reported in ***(2019) 6 SCC 362***, had upheld this proposition in the following manner:-

“9. The essential qualifications for appointment to a post are for the employer to decide. The employer may prescribe additional or desirable qualifications, including any grant of preference. It is the employer who is best suited to decide the requirements a candidate must possess according to the needs of the employer and the nature of work. The court cannot lay down the conditions of eligibility, much less can it delve into the issue with regard to desirable qualifications being on a par with the essential eligibility by an interpretive re-writing of the advertisement. Questions of equivalence will also fall outside the domain of judicial review. If the language



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of the advertisement and the rules are clear, the court cannot sit in judgment over the same. If there is an ambiguity in the advertisement or it is contrary to any rules or law the matter has to go back to the appointing authority after appropriate orders, to proceed in accordance with law. In no case can the court, in the garb of judicial review, sit in the chair of the appointing authority to decide what is best for the employer and interpret the conditions of the advertisement contrary to the plain language of the same.”

5. Likewise, in the case of ***Zahoor Ahmad Rather and Others Vs. Sheik Imtiyaz Ahmad and Others*** reported in (2019) 2 SCC 404, the Hon'ble Supreme Court had observed thus:-

“29. The State is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily.”

6. The aforesaid judgments are among several other dictums which



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reiterate that prescription of essential qualifications in a recruitment notification, is within the exclusive domain of the State policy and that the Constitutional Courts will not interfere with such decision-making process.

7. Before the Central Administrative Tribunal, the petitioner had admitted that he was not selected on merit and has also not challenged the SOP. The Tribunal, through the impugned order, has observed that an unsuccessful candidate cannot question the terms and conditions of the SOP, when he had failed to challenge the same prior to participation in the selection process.

8. We do not find any infirmity or illegality in such a finding. Hence, the present Writ Petition, being bereft of merits, stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(M.S.R.,J.) (N.S.,J.)
25.04.2025

Index: Yes/No
Neutral Citation: Yes/No
Speaking order/Non-speaking order
hvk



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To
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- 1.The Air Officer-in-Charge,
Union of India
Personnel Civilian Air Headquarters,
VayuBhavan, New Delhi-110 011.
- 2.Air Officer Commanding,
AOC in charge,
Headquarters, Training Command, Hebeel,
Bangalore.
- 3.Air Officer Commanding,
Air Force Station,
Tambaram, Chennai-600 047.



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