

WP(MD).No.8793 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE K. RAJASEKAR

W.P.(MD)No.8793 of 2019 and
WMP(MD).Nos.6834 and 6835 of 2019

K. Mareeswaran

.. Petitioner

Vs.

1. Union of India,
Rep. by the Secretary,
Ministry of Science and Technology,
Department of Biotechnology,
CGO Complex, Lodhi Road,
New Delhi – 110 003.

2.The Executive Director,
Regional Centre for Biotechnology,
NCR – Biotech Science Cluster, 3rd Milestone,
Faridabad – Gurgaon, Expressway,
Faridabad – 121 001,
Haryana (NCR Delhi)

3.Prof. Sudhanshu Vрати,
Executive Director,
Regional Centre for Biotechnology,
NCR – Biotech Science Cluster, 3rd Milestone,
Faridabad – Gurgaon, Expressway,
Faridabad – 121 001,
Haryana (NCR Delhi)

4. Shri Sumit Sharma

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Management Assistant,
Regional Centre for Biotechnology,
NCR – Biotech Science Cluster, 3rd Milestone,
Faridabad – Gurgaon, Expressway,
Faridabad – 121 001,
Haryana (NCR Delhi)

5. Shri Vinod Kumar,
Management Assistant,
Regional Centre for Biotechnology,
NCR – Biotech Science Cluster, 3rd Milestone,
Faridabad – Gurgaon, Expressway,
Faridabad – 121 001,
Haryana (NCR Delhi)

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to the impugned result notice for recruitment for administrative positions dated 08.11.2018 in so far as the posts of Management Assistant in Sl.No.3 of Advt No.03/2018, published by the 2nd respondent herein and quash the same as being illegal, arbitrary, unconstitutional and consequently, direct the 1st and 2nd respondents to appoint the petitioner to the post of Management Assistant in the 2nd respondent Centre.



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For Petitioner : M/s.T. Sundaravadanam

For Respondents : Mr.M. Karthikeya Venkatachalapathy

Standing counsel

ORDER

This Writ Petition has been filed by the petitioner seeking to quash the impugned selection result notice dated 08.11.2018, and consequently to accommodate the petitioner in one of the posts of Management Assistant at the 2nd respondent Centre.

2. According to the petitioner, he was an aspirant for the post of Management Assistant and participated in the selection process. He possesses the requisite qualifications for the said post. The selection process comprised a written test, a descriptive test, and a skill test. He participated in the selection held on 30.10.2018 at Faridabad. In the written test, he scored 90 out of 120 marks; in the descriptive test, he scored 5 marks; and in the skill test, he secured 10 marks, totally 105 marks overall.



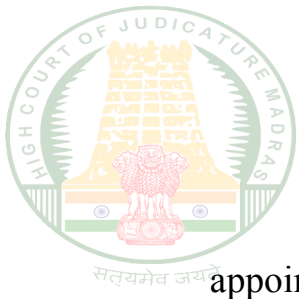
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3. The petitioner further states that he belongs to the OBC community. As per the notification, there were two posts reserved for the OBC category and one post for the General category. The petitioner secured the second rank among the OBC candidates. However, despite three posts being notified (1 for General and 2 for OBC), only two candidates were selected. The petitioner contends that since he ranked third overall and second among the OBC candidates, he should have been selected. His non-selection, he claims, is without valid reason. Therefore, he has approached this Court by way of the present Writ Petition seeking the aforesaid relief.

4. The 2nd respondent has filed a counter affidavit on behalf of respondents 1 to 3

5. According to the respondents, the Selection Committee had fixed a minimum qualifying mark of 40% (i.e., 24 marks) in the skill test, and only those who qualified in the skill test would be eligible for



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appointment. In this case, although the petitioner scored higher marks in the written and descriptive tests, he secured only 10 marks in the skill test.

6. This Court also called for the Rules governing the selection process. I have considered the arguments advanced on both sides and have perused the relevant records.

7. It is admitted by the respondents 1 to 3 that the petitioner secured the 3rd rank in the overall selection process and out of three posts notified for recruitment, one post under the General category and two posts under the Other Backward Classes (OBC) category. The petitioner stands at the 2nd position in the OBC category. The Respondents 4 and 5 were selected under the General and OBC categories respectively. It is further admitted that the petitioner scored 90 marks out of 120 in the written test and 5 marks in the descriptive test.

8. Admittedly, the recruitment notification did not mention any



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requirement of minimum qualifying marks in the skill test for selection.

After the selection process the respondents claim that the petitioner had to score 40% (i.e., 24 marks) in the skill test and same lacks support from any rules, regulations, or the recruitment notification.

9. The petitioner has also relied on official memorandum, dated 29.12.2015, issued by the Ministry of Personnel Public Grievance and Pensions (Department of Personnel and Training), wherein the Ministry has directed all the Ministries / Departments not to make assessment in qualifying nature in selection on the basis of marks obtained in skill test or physical test. This official Memorandum clarifies that marks obtained in the skill test shall not basis for assessment of the candidate in selection at the time of interview.

10. It is well settled principle that when a Selection Committee intends to impose certain restrictions or conditions for selection, the same must be clearly stated in the recruitment notification or must be supported by the relevant recruitment rules. Admittedly, there is no rule



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mandating a skill test, nor any rule prescribing a minimum qualifying mark in the skill test.

11. The counsel for the official respondents has relied on the Recruitment Rules, 2017, followed by the Regional Centre for Biotechnology. The schedule – IV of the Rule contains provision for, composition of selection committee for selection process. It has not provided any procedure for conducting interview and marks to be secured by the candidates. There is no provision or record produced before me to demonstrate the case of the respondents that the Selection Committee had fixed minimum marks to skill test for the selection of candidates. Therefore, the respondents' claim that the petitioner should have secured a minimum of 40% marks in the skill test is unsupported by rules or notification. Such a post-facto imposition amounts to changing the rules midway through the selection process. Hence, the stand taken by respondents 1 and 2 that the petitioner must score 40% (i.e., 24 marks) in the skill test is legally untenable and cannot be a valid ground for denying the petitioner's selection. Further, official memorandum issued by Ministry of Personnel, Public Grievances and Pensions, dispensed



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with the assessment of candidates, based on skill test. Hence, the procedure followed by the official respondents is not in accordance with law and the same requires intervention of this Court, to set right the illegality committed by the respondents. The respondents submitted before this Court that the third vacancy under the OBC category remains unfilled. Since the petitioner has been ranked third overall in the selection process and second in OBC category, he is entitled to be appointed against the said vacancy. Therefore, the official respondents are directed to accommodate the petitioner in the said post forthwith.

12. Accordingly, this Writ Petition is allowed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index: Yes/No
Internet : Yes/No
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K. RAJASEKAR, J.,

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