CGHC010392002026 2026:CGHC:43400

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7309 of 2026

Ritesh Kumar Nagesh S/o Shri B. S. Nagesh, Aged About 40 Years Working As Line Assistant Grade I I, Chhattisgarh State Power Transmission Co. Ltd. , 220 K. V. S/ Stn.M Raigarh, District - Raigarh, C.G.

SHOAIB ANWAR Digitally signed by SHOAIB ANWAR Date: 2026.10.07 17:09:35 +0530

... Petitioner(s)

versus

1 - Chhattisgarh State Power Transmission Company Limited Through Its General Manager/ Managing Director, Daganiya, Raipur, District - Raipur C.G.

2 - Chhattisgarh State Power Distribution Company Limited Through Its General Manager/ Managing Director, Daganiya, Raipur, District - Raipur C.G.

3 - Chief Engineer (Human Resources), Chhattisgarh State Power Transmission Company Limited, Raipur, District - Raipur, C.G.

4 - Chief Engineer (Human Resources), Chhattisgarh State Power

Distribution Company Limited, Raipur, District Raipur C.G.

5 - Deputy General Manager, Chhattisgarh State Power Transmission Company Limited, Raipur, District - Raipur, C.G.

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	**:**	Ms. Zainab Mustafa Vanak, Advocate
For Respondents	**:**	Shri Amrito Das, Senior Advocate appearing through Video Conferencing along with Shri Mayank Chandrakar, Advocate

Hon’ble Shri Bibhu Datta Guru, Judge

Order on Board

07.10.2026

1. By way of present writ petition, the petitioner has prayed for the following reliefs:-

> *“ 10.1 That, this Hon'ble Court may be pleased to call the entire record pertaining to the case of the Petitioner, in the interest of Justice.*
>
> *10.2 That, this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ(s), order(s), or direction(s), quashing the impugned*

order dated 24.06.2026 passed by Respondent No.2, (Annexure P/1).

10.3 That, this Hon'ble Court may be pleased to issue a writ of mandamus or any other appropriate writ(s), order(s), or direction(s), quashing clause 13(v) of the advertisement circular dated 11/03/2024 to the extent it denies 10 percent relaxation in qualifying marks to Scheduled Tribe and Scheduled Caste candidates, and direct the respondents to extend 10 percent relaxation in qualifying cut-off marks to the petitioner.

OR

10.4 That this Hon'ble Court may further be pleased to issue a writ of mandamus or any other appropriate writ(s), order(s), or direction(s), commanding the respondents to grant 10% relaxation in the qualifying/cut-off marks prescribed under clause 13(v) of the advertisement dated 11.03.2024 to the petitioner for appointment to the post of Testing Assistant Grade-II in accordance with law, in furtherance of justice.

10.5 That this Hon'ble Court may further be pleased to grant any other writ, order or direction, or such further relief or reliefs, as this Hon'ble Court may deem just and proper in the facts and circumstances of the case, in favor of the petitioner."

2. The petitioner, working as Line Attendant Grade-II in Chhattisgarh State Power Transmission Company Limited (CSPTCL), has filed the present writ petition questioning the order dated 24.06.2026 passed by the Chief Engineer (HR), CSPTCL, whereby his representation seeking relaxation in the minimum qualifying marks prescribed under Clause 13(v) of the departmental recruitment circular dated 11.03.2024 has been rejected.

3. The case of the petitioner is that pursuant to the recruitment circular dated 11.03.2024 for the post of Testing Assistant Grade-II/Technician (Distribution), minimum 33 marks out of 100 were prescribed for all candidates, without providing any separate relaxation to candidates belonging to the Scheduled Tribe category. According to the petitioner, such relaxation had been provided in certain earlier recruitments and,

therefore, a similar benefit ought to have been extended to him in the present selection.

4. Learned counsel appearing for the respondents submits that the recruitment was conducted strictly in accordance with the conditions notified under the circular dated 11.03.2024. The minimum qualifying marks of 33 out of 100 were uniformly prescribed for all candidates. The petitioner, having full knowledge of the said condition, participated in the selection process but failed to secure the prescribed minimum marks and, therefore, was not selected.

5. It is further submitted that the petitioner was already serving as Line Attendant Grade-II in CSPTCL and had voluntarily submitted his candidature pursuant to the recruitment circular. Thus, there was no question of his being unaware of the terms and conditions governing the selection.

6. Having heard learned counsel for the parties and considering the rival submissions, this Court finds that the controversy essentially revolves around the petitioner's claim that, after participating in the selection process and failing to secure the prescribed qualifying marks, he should nevertheless be

granted relaxation which was not contemplated under the recruitment circular.

7. The legal position in this regard is well settled. In ***Ramesh Chandra Shah and Others v. Anil Joshi and Others, (2013) 11 SCC 309***, the Supreme Court held that a person who consciously takes part in the process of selection cannot, thereafter, turn around and question the method of selection and its outcome.

8. The same principle was considered in ***Madras Institute of Development Studies and Another v. K. Sivasubramaniyan and Others, (2016) 1 SCC 454***, wherein the Supreme Court examined the effect of participation in the selection process without objection and the subsequent challenge after the candidate had failed to obtain the desired result.

9. The aforesaid principle has also been reiterated by the Supreme Court in ***Tajvir Singh Sodhi and Others v. State of Jammu & Kashmir and Others, (2023) 17 SCC 147***, particularly in paragraph 39, emphasizing that a candidate who participates in a selection process without protest cannot subsequently challenge the selection criteria after becoming

unsuccessful, except where the challenge is founded upon a statutory or constitutional infirmity.

10. Apart from the fact that the petitioner has participated in the selection process without any demur, but later on preferred the writ petition to challenge the recruitment circular, in view of the laid down by the Supreme court in ***Dhananjay Malik and Others v. State of Uttaranchal and Others reported in 2008 (4) SCC 171***, the petitioner cannot be allowed to challenge the advertisement/ recruitment circular. If the candidate had any valid objection, he should have challenged the advertisement without participating in the selection process.

11. However, in the present case, the petitioner was admittedly aware of the recruitment circular dated 11.03.2024 and the requirement contained in Clause 13(v) prescribing 33 marks out of 100 as the minimum qualifying marks for all categories. He participated in the examination without questioning the said condition. It is only after he failed to secure the prescribed marks, he sought relaxation in the qualifying criteria.

12. The petitioner has not been able to point out any statutory provision, service rule or binding policy which required the respondent-Company to provide relaxation in qualifying marks to Scheduled Tribe candidates in the recruitment in question. In the absence of any such statutory or legal mandate, the Court cannot direct the employer to introduce a relaxation which was consciously not incorporated in the notified recruitment conditions.

13. The reliance placed by the petitioner upon earlier recruitment processes is also of no assistance. The conditions governing one recruitment cannot automatically be treated as binding for all subsequent recruitments. The competent authority is entitled to prescribe the terms and conditions applicable to a particular selection, provided the same are not arbitrary, discriminatory or contrary to law.

14. In the present case, the qualifying requirement of 33 marks was not introduced subsequently. It formed part of the recruitment conditions from the inception and was uniformly applicable to all candidates. There is no material to demonstrate that any candidate participating in the same

selection process was granted relaxation while the petitioner alone was denied such benefit.

15. The plea based upon Articles 14 and 16 of the Constitution of India, therefore, also cannot be accepted. Equality of opportunity in public employment does not mean that every recruitment must necessarily contain the same qualifying criteria as an earlier recruitment. What is required is that the criteria adopted for a particular selection must operate uniformly amongst the candidates participating in that selection. In the present case, there is nothing on record to suggest otherwise.

16. The earlier order passed by this Court in WPS No.1585/2026 also does not confer any substantive right upon the petitioner. By order dated 13.02.2026, this Court merely directed the competent authority to consider and decide the petitioner's representation in accordance with law. The Court had not directed grant of relaxation or appointment. Pursuant thereto, the petitioner's representation dated 09.03.2026 was considered and the same came to be rejected by the impugned order dated 24.06.2026 (Annexure P/1), which is the well reasoned and speaking order.

17. The impugned order indicates that the competent authority considered the recruitment conditions as well as the petitioner's claim for relaxation. No material has been placed before this Court to demonstrate that the decision suffers from arbitrariness, discrimination, mala fides or violation of any statutory provision.

18. There is also a further impediment in granting the relief sought by the petitioner. The petitioner seeks relaxation of the qualifying marks and consequential appointment pursuant to the recruitment process conducted under the circular dated 11.03.2024. However, the candidates who have already been selected and appointed pursuant to the said recruitment have not been impleaded as parties to the present writ petition. Thus, this petition suffers from non joinder of necessary parties also.

19. The rights and status of such selected and appointed candidates may be directly affected if the petitioner is granted relaxation and consequential appointment. They have not been given an opportunity to defend their selection or oppose the relief sought by the petitioner. In such circumstances, this Court would not be justified in passing an order which may

adversely affect the rights of persons who are not before the Court.

20. More importantly, granting the relief sought by the petitioner would effectively amount to rewriting the notified recruitment criteria after completion of the selection process. Such an exercise would not only run contrary to the settled principle governing participation in a selection process but would also have the potential of unsettling the position of candidates who participated and were selected on the basis of the criteria notified from the inception.

21. It is well settled that the jurisdiction under Article 226 of the Constitution is intended to ensure legality and fairness in the decision-making process and not to substitute the Court's view for the decision of the competent authority in matters of recruitment policy. Where the prescribed criteria are uniformly applied and no statutory or constitutional infirmity is demonstrated, interference by the writ Court is not warranted.

22. In the considered opinion of this Court, the petitioner, having participated in the selection process with full knowledge of the prescribed qualifying marks and having failed to secure

the minimum marks, cannot seek alteration of the selection criteria at this stage. No statutory right to the claimed relaxation has been established, nor has any discriminatory treatment in the same selection process been demonstrated.

23. Consequently, this Court finds no infirmity warranting interference with Clause 13(v) of the recruitment circular dated 11.03.2024 or with the order dated 24.06.2026 passed by the competent authority.

24. The challenge to the recruitment condition, the impugned order dated 24.06.2026 and the consequential prayer for relaxation and appointment are, accordingly, rejected.

25. The present writ petition being devoid of merits is hereby dismissed at the motion stage itself.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib