



2026:DHC:2163



\$~

* **IN THE HIGH COURT OF DELHI AT NEW DELHI****Reserved on: 08th December, 2025****Pronounced on: 16th March, 2026**+ **W.P.(C) 1957/2023****HINDUSTAN SCOUTS AND GUIDES ASSOCIATION
THROUGH ITS NATIONAL SECRETARY CHAMPAT SINGH &
ANR.**

.....Petitioners

Through: **Ms. Anjana Gosain and Mr. Subhash
Chandra, Advocate**

3s

Mob: 9650519124

versus

UNION OF INDIA THROUGH MINISTRY OF RAILWAYS

.....Respondent

Through: **Ms. Tusha Chawla, Advocate for
applicant-Bharat Scouts and Guides
(M:9871456909)****Mr. Jagdish Chandra Solunk, CGSC
with Ms. Maanya Saxena and Mr.
Siddharth Bajaj, Advocates for UOI**

Mob: 9146141377

Email: mail@msclegal.org**CORAM:****HON'BLE MS. JUSTICE MINI PUSHKARNA****JUDGMENT****MINI PUSHKARNA, J.**

1. The present petition has been filed under Article 226 of the Constitution of India seeking to quash the Rejection Order dated 25th November, 2022, passed by the respondent – Railways, and a direction to the respondent to give the petitioner no. 1 association, parity and recognition along with consequential benefits, on similar lines as that of another



scouting association, i.e., Bharat Scouts and Guides.

2. The present petition was filed in pursuance to the liberty granted to the petitioners herein by this Court *vide* order dated 20th October, 2022 in *W.P. (C) 14845/2022*, wherein, the said petition was filed against the respondent herein, seeking directions to the respondent to decide the representation of the petitioners for parity with Bharat Scouts and Guides. This Court issued directions to the respondent, i.e., Railways, to decide the representation of the petitioners, and pass a Speaking Order in that regard, along with the liberty to approach this Court, if the grievance of the petitioners still remained. The relevant portion of order dated 20th October, 2022, is reproduced as under:

“xxx xxx xxx

1. *Ms. Anjana Gosain, learned counsel for the petitioners submits that the petitioners have made multiple representation(s) to the respondent, however the same have not been considered till date.*

2. *Mr. Vineet Dhandha, learned CGSC appearing for the respondent submits that the representation(s) of the petitioners would be considered by way of a speaking order in accordance with law within a period of four weeks from today.*

3. **Keeping in view the aforesaid, the writ petition is disposed of with a direction to respondent to decide the petitioners' representation(s) within a period of four weeks from today by way of a speaking order in accordance with law. Pending application is disposed of as infructuous.**

4. **Needless to state that, in case, the petitioners still remain aggrieved, they shall be at liberty to approach the Court.**

xxx xxx xxx”

(Emphasis Supplied)

3. Pursuant to the order of this Court, the respondent considered the



representation of the petitioners and subsequently passed a Speaking Order dated 25th November, 2022, rejecting the representation of the petitioners wherein, parity was sought by the petitioners for availing benefits such as recruitment. Thus, the present petition came to be filed.

Proceedings before the Court:

4. By way of an application, i.e., *CM. APPL. 5066/2024*, the applicant i.e., Bharat Scouts and Guides, had sought for impleadment in the present petition. This Court *vide* order dated 10th July, 2024, disposed of the said application denying impleadment, however, allowing the applicant to make submissions at the time of hearing the present petition. The relevant portion of order dated 10th July, 2024, is reproduced as under:

“xxx xxx xxx

CM APPL. 5066/2024 (Impleadment)

1. *The Court, at this stage, grants liberty to the applicant to make submissions at the time of hearing of the writ petition.*

2. *However, at this stage, the Court is not inclined to direct for impleadment of the said applicant.*

3. *Accordingly the instant application stands disposed of.*

xxx xxx xxx”

5. Thus, the applicant, i.e., Bharat Scouts and Guides, has been allowed to make submissions before this Court.

6. It is also to be noted that in view of the submissions of the respondent that concessions being provided to Bharat Scouts and Guides have been withdrawn *vide* Notification dated 19th September, 2022, this Court *vide* order dated 05th December, 2024, recorded the statement of the petitioner, that relief sought in the petition is confined to parity in recruitment, and



prayer for fare concession is withdrawn. The relevant portion of the order dated 05th December, 2024, is reproduced as under:

“xxx xxx xxx

*1. Pursuant to the order dated 19.11.2024, learned counsel for the petitioner states that the Indian Railway provides a quota for recruitment in Group-C, for members of Bharat Scouts and Guides. She submits that this facility remains available to members of the Bharat Scouts and Guides, even after withdrawal of the fare concession earlier granted to them. **Learned counsel submits that the relief sought in the petition is confined to parity in recruitment, as the fare concession has since been withdrawn by the petitioner.***

xxx xxx xxx”

(Emphasis Supplied)

7. In view of the aforesaid, this Court proceeds to decide the sole issue at hand in the present petition, i.e., whether the petitioner no. 1 association has a right to be treated at par with Bharat Scouts and Guides, in relation to the benefit of special quota for scouts and guides for recruitment in the Railways.

Factual Matrix:

8. Brief factual matrix of the present matter is as under:

8.1 The petitioner no. 1 association is a scouting and guiding organization and is part and parcel of the worldwide scouts and guides movement, wherein, several activities are performed by the young boys and girls for community development etc. The petitioner no. 2 is the National Chairman of the petitioner no. 1 association.

8.2 The petitioner no. 1 association was registered as a ‘Society’ on 26th November, 1998, under the Society Registration Act, 1860. Further, on an international level, the petitioner no. 1 is affiliated with the World Federation of Independent Scouts (“WFIS”), which is one of the six



international scouting organizations recognized by the United Nations. The petitioner no. 1 has been issued a Registration Certificate dated 22nd February, 2014 in that regard.

8.3 The petitioner no. 1 association has also been granted recognition by the nodal authority, i.e., Ministry of Youth Affairs and Sports, Govt. of India (“MOYA”). Initially, the recognition by the said Ministry was granted *vide* Letter dated 07th March, 2001. However, the said recognition was withdrawn by the Ministry on 01st February, 2005. Subsequently, the recognition was again restored by MOYA *vide* Letter dated 26th September, 2013, and the same persists as on date.

8.4 Presently, petitioner no. 1 association is functioning in 23 states in India and has received recognition from various states. Further, petitioner no. 1 presently has a total strength of 13,15,350 number of scouts and guides.

8.5 The respondent, i.e., Ministry of Railways, has provided recognition only to the applicant, i.e., Bharat Scouts and Guides, in respect of its Policy for recruitment against Cultural-Cum-Scouts and Guides in the Railways, which is fixed by the respondent – Ministry of Railways, for zonal railways and production units *vide* Master Circular no. 7/19 dated 13th December, 2019.

8.6 The applicant, Bharat Scouts and Guides is a National Scout Organization, and is a member of World Organization of Scout Movement (“WOSM”) and World Association of Girl Guides and Girl Scouts (“WAGGGS”). Further, the applicant has been registered as a ‘Society’ since 07th November, 1950, under the Societies Registration Act, 1860.

8.7 Pursuant to the Minutes of Meeting dated 10th September, 2014,



between MOYA, petitioner no. 1 and Bharat Scouts and Guides, the said Ministry *vide* Letter dated 14th July, 2015, granted financial aid to the petitioner no. 1 for scouting and guiding activities. Further, *vide* Letter dated 13th June, 2016 issued by MOYA, addressed to the Chief Secretaries of all States/UTs, it was reiterated by the Ministry that the Ministry had granted recognition and was giving financial assistance to only two Scouts and Guides Non-Government Organizations, i.e., petitioner no. 1 and Bharat Scouts and Guides.

8.8 The petitioners *vide* Letter dated 25th February, 2016 approached the respondent for grant of recognition and grant of facilities in parity with the facilities being provided to Bharat Scouts and Guides, however, there was no response from the respondent. Consequently, the petitioner sent another Letter dated 23rd December, 2020, as a reminder to their request, however, the respondent did not respond to the same.

8.9 On account of no response by the respondent to the request of the petitioner no. 1 association, the petitioner herein filed a petition, i.e., *W.P. (C) 14845/2022*, titled as “*Hindustan Scouts and Guides Association and Anr. Versus Union of India*”. The said petition was disposed of *vide* order dated 20th October, 2022, with directions to the respondent to consider the representation of the petitioners. Pursuant thereto, the respondent passed the Speaking Order dated 25th November, 2022, rejecting the representation of the petitioners, leading to filing of the present petition.

Petitioners’ submissions:

9. The case, as put forth by the petitioners, is as follows:

9.1. The Master Circular dated 13th December, 2019, issued by the respondent, provides for recruitment against the scouts and guides quota,



however, no reservation is being provided to the petitioners, but the same is being provided to Bharat Scouts and Guides only.

9.2 Non-grant of recognition by the respondent to the petitioner no. 1 association is against the concurrent public policy of the Government and detrimental to the future and training of about 14 lakhs scouts and guides (*23% of total scouts and guides in the country*) that enrolled with petitioner no. 1, especially, when the petitioner no. 1 and Bharat Scouts and Guides are discharging similar functions, and both are recognised by MOYA and several states. The same amounts to discrimination and is in violation of Article 14 of the Constitution of India.

9.3 The facilities provided by the respondent are necessary for the promotion of scouting and guiding activities undertaken by the petitioner no. 1 association. Further, giving preferential treatment/quota in recruitment by the respondent to one organisation leaving the other, puts the petitioners in an artificially disadvantageous position. Therefore, the aim and objective behind the promotion of scouting and guiding by the respondent remains unsatisfied. The petitioner no. 1, although on the same footing as the Bharat Scouts and Guides, is being deprived of the same benefits as are being provided to the Bharat Scouts and Guides.

9.4 The respondent is infringing Article 14 of the Constitution of India in treating the petitioners and Bharat Scouts and Guides on different footing, even though they are discharging similar functions to attain similar goals. Further, the same contradicts not only the petitioners' objectives but also those of the New Education Policy, 2020, thereby, infringing upon the fundamental right to education guaranteed under Article 21A of the Constitution of India.



9.5 The petitioners are not seeking displacement of Bharat Scouts and Guides but seeking similar and parallel recognition in view of both organisations discharging same functions with the same zeal.

Respondent's Submissions:

10. The case, as put forth by the respondent, is as follows:

10.1 The petitioner no. 1 association is not a member/affiliated with the WOSM under the norms prescribed under Chapter III, Article V, Para 3 of the constitution of WOSM. Further, petitioner no. 1 may not be eligible to become a member due to its recognition, suspension for eight years and re-recognition by MOYA and States/UTs. Moreover, the constitution of WOSM allows for only one scouting organization per sovereign.

10.2 The petitioner no. 1 may get recognition from the WOSM at par with Bharat Scouts and Guides so as to claim parity.

10.3 Concessions in ticket/fare have been withdrawn from all the categories except students, patients and persons with disabilities by the Railways *vide* Railway Board's Letter dated 19th September, 2022.

10.4 Ever since the tradition of scouting/guiding has been introduced in the Railways, there has been only one organization, i.e., Bharat Scouts and Guides, with whom Railway employees and their wards are registered. Further, the demand of the petitioners was examined at the apex level, however, it was not found practically feasible to grant a similar status to any other scouting organisation.

10.5 The MOYA is mandated by Govt. of India to promote the scouting movement in India. However, the Indian Railways is not mandated to promote every scouting organization that may get established in the country, instead of focusing on its core activity of running the Rail Transport System.



Further, if the petitioners' demands are agreed to, similar demands may come in the future, which the respondent cannot accommodate.

Applicant's submissions:

11. The case, as put forth by the applicant, i.e., Bharat Scouts and Guides, is as follows:

11.1 The applicant is a National Scout Organization representing India and recognized as the apex body in the field of scouting and guiding by the Govt. of India. Further, the applicant is the member of the flag bearers of the scouting movement internationally, i.e., WOSM and WAGGGS.

11.2 The petitioner no. 1 association is not recognized by WOSM and WAGGGS and has shown its affiliation with some anonymous international organization, i.e., WFIS, so as to deceive the school, state governments and other government bodies to portray it has an international character and secure grant-in-aid, and recognition from them.

11.3 The petitioner no. 1 does not have any strong organizational setup and has a history of poor governance and mismanagement of public funds. Therefore, grant of recognition to the petitioner no. 1 association would lead to promotion of petitioner no. 1 organization that itself does not follow strong ethics and principles of scouting and guiding.

FINDINGS AND ANALYSIS

12. I have heard learned counsels for the parties and perused the record.

Reservation/Special Quota:

13. At the outset, this Court notes that the respondent – Ministry of Railways, through its Railway Boards, has fixed a policy of recruitment against cultural/scouts and guide quota by way of the Master Circular No. 1 on Scouts dated 20th August, 1990. The relevant portion of the policy of the

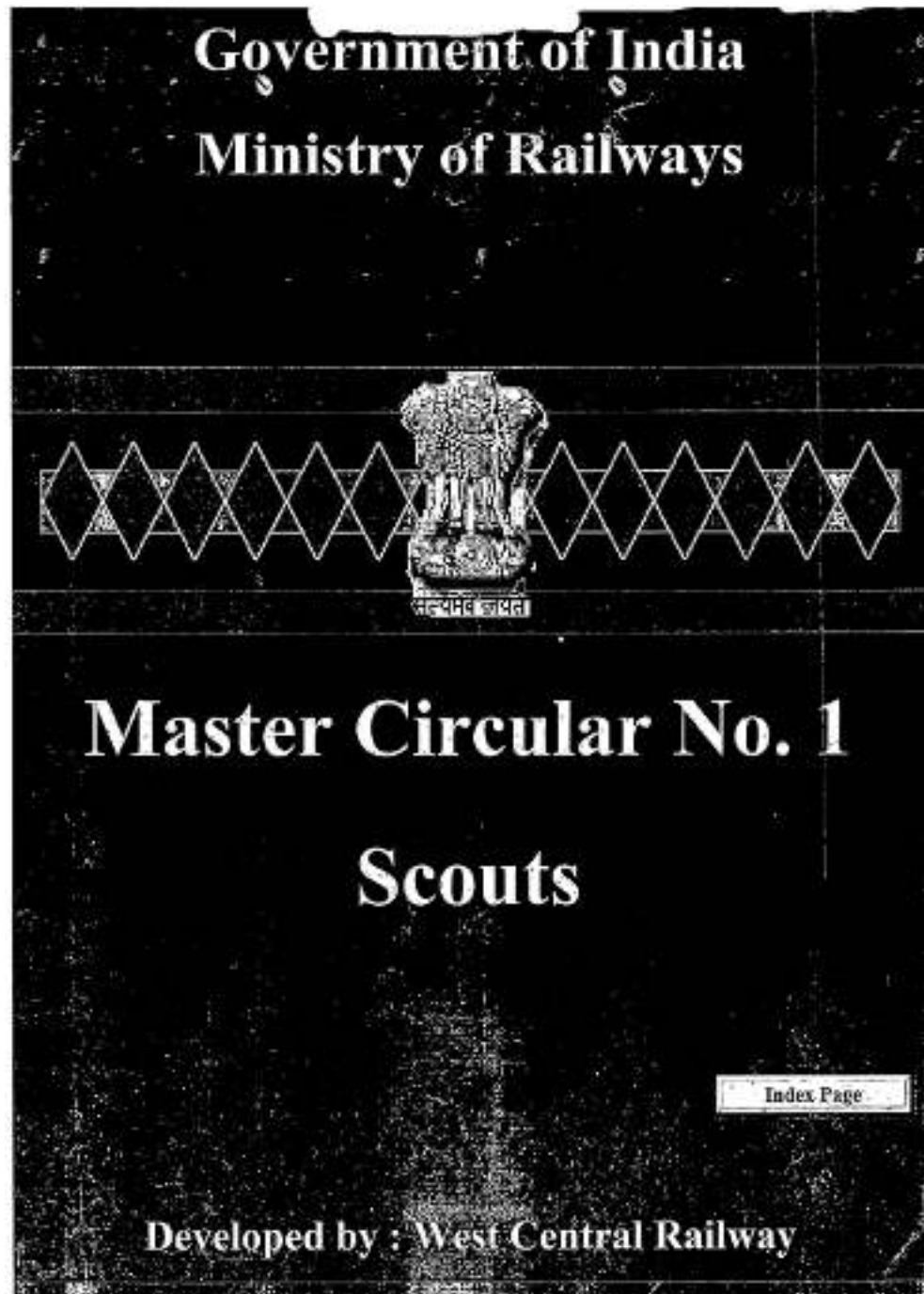


2026:DHC:2163



respondent – Railways, is reproduced as under:

“xxx xxx xxx



xxx xxx xxx

**Recruitment:**

(k) Special quota for recruitment of Scouts and Guides against Cultural-cum-Scouts and Guides quota has been fixed by the Railway Board as under:

Group 'C' : Four per year per Railway.
One per year per Production Unit.

Group 'D': Not more than two per Division per year.

[No. E(WG)III-79/RR1/25 dated 25.08.1980, No.E(NG)-84/RR2/I dated 14.09.1984 and No. E(NG)I 1-881 RR211 dated 05.06.1989]

4. The annual per capita contribution from Staff Benefit Fund for scout activities has been increased from Re. 0.75 to Re. 1.00. The expenditure on scout activities in Railway schools also should be met out of the contribution of Staff Benefit Fund of the respective Railways. Allotment of funds for promotion of scout activities will be made by the Ministry of Railways in consultation with the apex body viz. the Railways Scouts and Guides Boards.

[No. E(W)86/FU1-1 dated 14.05.1987, No. E(W)64-WE6122 dated 27.07.1965 and No. E(W) 82 WE 6-2 dated 28.01.1984]

5. In view of the purely non-commercial nature of activities of the Bharat Scouts and Guides organisation and the need to encourage the Scouts and Guides movement, it has been decided by the Railway Board to charge a nominal licence fee of Rs. 101- per annum only in respect of building/ structure licensed to the Bharat Scouts and Guides organisation.

[No. 88 LM (B)31381 Scouts dated 18.12.1989]

6. Ministry of Railways have also decided that when a Railway employee acquires any qualification in the field of scouting, a suitable entry should be made in his Service Record.

[No. E(NG)I-88CR4 dated 12.05.1989]

7. The Ministry of Railways (Railway Board) have set up an Apex Body called the Railways Scouts and Guides Board consisting of:

1. Chairman	: Advisor (Staff), Railway Board.
2. Vice-Chairman	: Executive Director, Estt. Railway Board.
3. Treasurer	: Joint Director, Finance (Estt.) Railway Board.
4. Secretary	: Joint Director, Estt. (Welfare), Railway Board.

Note: The Chairman of the apex body shall invite one of the Railway State Chief Commissioners for Scouts and Guides as may be nominated by the General Council (consisting of the apex body and the Railway State Chief Commissioners Scouts and Guides) as a special invitee to attend the meeting of the apex body also known as the Managing Committee of the Railways Scouts and Guides Board.



8. Objectives of the Apex Body :

- (i) to have a general review of the progress of scouting movement on the Indian Railways ;
- (ii) call for periodical reports from the scouting organisations covering organisational aspects, service and training; and
- (iii) oversee that the grants from the Staff Benefit Fund are properly and purposefully utilised.

9. General:

- (i) Scouts and Guides should be encouraged to adopt a village near their place of work for imparting training/undertaking work on adult literacy, hygiene, civic, sense, etc., including organising entertainment programmes for the benefit of local population.

[No. E(W)86WE6-8 dated 07.05.1986]

- (ii) Scout and Guide activities should be encouraged in Railway schools, particularly Primary and Middle schools etc. to inculcate the spirit of selfless service and self-discipline amongst the children.

[No. E(W) 84-SC-2110 dated 19.09.1988]

- (iii) When lectures are delivered on "staff welfare" in Railway Staff College, Zonal Training Schools and all other training institutes, the activities of the Railway Scout Organisations should be highlighted so that the employees may be induced to take interest in such activities.

[No. E(W)88WE6-5 dated 16.05.1988 and No. E(W)88WE6-5 dated 09.09.1988]

10. (i) While referring to the synopsis as above, the original circulars referred to should be read for proper appreciation. The synopsis given in the Master Circulars should be construed only as a key to the original circular and not as a substitution. In case of any doubt, the original circular(s), referred to in the Master Circulars, will be relied upon as authority.
- (ii) It should be noted that the orders/instructions issued under the various circulars have only prospective effect from the date of issue of the relevant original letters), unless specifically stated otherwise in the concerned letter. Hence, for dealing with old cases, the instructions in force at the relevant time have to be referred.
- (iii) Though all efforts have been taken to include all the relevant circulars on the subject, if any circular, which has not been superseded, happens to be omitted, that circular, which has been omitted through oversight, will still hold the field. Anyone coming across such a circular may bring it to the notice of the Railway Board for suitable action for issuing a Supplementary Circular."

xxx xxx xxx"



14. The Master Circular No. 7/90 dated 22nd October, 1990, issued by the respondent – Ministry of Railways, pertaining to recruitment against cultural/scouts and guides quota, as reproduced in the petition, reads as under:

Master Circular No. 7

Recruitment Against Cultural /Scouts and Guides Quota.

Instructions issued from time to time on the above subject have now been consolidated below for the information and guidance of all concerned.

2. The annual quota for recruitment on Cultural-cum-Scouts and Guides has been fixed by this Ministry on the Zonal Railways and Production Units as below:

(a) Cultural activities: Group 'C'(Not Applicable)

(b) Scouts and Guides :

Group ' C' 4 per Railway per year.

1 per Production Unit per year.

Group 'D' Not more than 2 per Division per Railway.

2 per Production Units per year

3. Powers for recruitment of Scouts and Guides in Group 'D' may be delegated to the Divisional Railway Managers by the General Managers.



4. The following qualifications/conditions would apply for recruitment of Scouts/Guides to Group 'C' and Group 'D' posts:

- i. A President's Scout/Guide/Ranger/Rover,
OR Himalayan Wood Badge Holder,
OR A pre-HWB Trained Scout Leader/Advanced Trained Guide Leader/ Captain;
- ii. Should have been an active member of a Scouts Organisation for at least 3 years in the recent past and continued to be active;
- iii. Should have attended at least one event at national level and/or two events at State level; OR Should have a good record of participation in Scouts/Guides activities at Unit/District level;
- iv. Should fulfill necessary conditions regarding age, qualification, etc. for Class III/Class IV appointment, as per the extent Rules;
- v. Written declaration may be obtained from the candidate that he/ she will serve the Scout/Guide movement in the event of his/her selection.

5. Applications may be called for from those who fulfill the above qualifications with necessary certificates and separate tests conducted for Group 'C' and 'D' selections separately, if he/she so desires.



6. *The General Managers may relax the age limit while making recruitment against Cultural/ Scouts & Guides quota.*
7. *While filling up the vacancies in Scouts/Guides cells, preference should always be given to persons who have sufficient training and experience in this field. With this end in view, suitable staff may also be sponsored for undergoing training programs chalked out by the National Headquarters of the Bharat Scouts and Guides.*
8. *This Ministry have no objection for the recruitment of more Scouts and Guides, if suitable persons are available, within the overall ceiling limit for Cultural-cum-Scouts and Guides quota referred to in para 2 above."*
15. A subsequent Master Circular No. 7/19 dated 13th December, 2019, which consolidated the instructions issued from time to time with respect to the recruitment against cultural/scouts and guides quota, was issued by the Railway Board, Ministry of Railways, Government of India, which reads as under:



their respective zones), falling within their territorial jurisdiction. This should be done by way of open advertisement following the procedure laid down vide this Ministry's letter No. E(NG)II/96/RR-1/62 dated 17.09.98.

(iii) The recruitment will be done only in Level -2 of 7th CPC Pay Matrix (6th CPC GP 1900/-) and Level -1 of 7th CPC of Pay Matrix (6th CPC GP 1800/-).

(iv) The educational qualification and age limit for consideration for appointment against the quota will be the same as applicable for direct recruitment to Level -2 & Level-1 respectively. Examination Fee may be charged @ Rs.500/- (Rupees Five Hundred) per candidate with the provision for refunding Rs.400/- to candidates actually appearing in the written examination. However, for candidates belonging to SC/ST/Ex-Serviceman/Persons with Benchmark Disabilities (PwBDs), Women, Minorities and Economic Backward Classes Rs.250/- will be charged, with a provision for refunding the same to those who appear in the written examination.

(Authority: E(NG)II/2009/RR-1/10 dated 17/06/2016 & E(NG)II/2017/RR-1/12(3192238) dated 28/02/2018.)

(v) Power for Recruitment of Scouts and Guides quota shall lie with the General Manager. Application shall be called separately for Level-2 (6th CPC GP Rs.1900/-) and Level-1 (6th CPC GP 1800/-). The selection shall also be conducted separately. A candidate may apply both for Level-2 and Level-1.

(vi) The following qualification would apply for the recruitment of Scouts & Guides to posts in Level-2 and Level-1.

- A President Scout/Guide/Rover/Ranger Or Himalayan Wood Badge(HWB) holder in any section;
- Should have been an active member of Scouts Organization for the last 5 years. The 'Certificate of Activeness' should be as per Annexure-I; and
- Should have attended two events at National level OR All Indian Railways' level AND Two events at State Level.

(vii) The candidate, who apply in response to the notification and are found eligible for consideration for appointment against Scout & Guides quota, should be assessed on the basis of following criteria:

(A)	Written Test	60 Marks
	The written test will consist of 40 objective question (40 marks) & 1 essay type question (20 marks) relating to Scouts & Guides Organization and its activities and General knowledge for Level-2 and Level-1. The Syllabus for this will be as per Annexure-II.	



(B)	Marks on Certificates	40 Marks
	(i) Participation/Service rendered in National Events/National Jamboree (including all Indian Railway Events):	10 Marks
	• First Two certificates (i.e. minimum eligibility qualification)	Nil
	• One Additional Event	07 Marks
	• Two or More Additional Events	10 Marks
	(ii) Participation/Service rendered in State Events/Rallies:	10 Marks
	• First Two certificates (i.e. minimum eligibility qualification)	Nil
	• One Additional Event	07 Marks
	• Two or More Additional Events	10 Marks
	(iii) Specialized Scout/Guides course organized at National/ State/All Indian Railways level:	10 Marks
	• One Course	07 Marks
	• Two or More Courses	10 Marks
	(iv) Participation in District Rallies:	10 Marks
	• One Certificate	Nil
	• Two Certificates	07 Marks
	• Three Certificates	10 Marks
	TOTAL	100 Marks

Authority: E(NG)II/2015/RR-2/1 dated 22.03.2018 (R.B.E No. 43/2018) &
E(NG)II/2015/RR-2/1 dated 21.09.2015 (R.B.E No. 110/2015)

(viii) For selection in Level-2, the recruitment committee shall consist of three Senior Administrative Grade (SAG) officers to be nominated by the General Manager. For the selection in Level-1, the General Manager of Zonal Railways/PUs may re-delegate the power for nomination of Junior Administrative Grade (JAG) Committee and acceptance of recommendation/approval of panel for



recruitment against Scouts & Guides Quota for the Post of Level-1 of 7th CPC Pay Matrix (erstwhile Group 'D' posts) to PCPO of Zonal Railways/PUs. For selection in Level-1, the committee shall consist of three Junior Administrative Grade officers. One of them should be an officer holding honorary post of Commissioner in Scouting/Guiding organization in the committee of a Zone/Division/unit other than the one conducting the recruitment. One of the three members should be necessarily be from the Personnel department.

Authority : E(NG)II/2015/RR-2/1 dated 03.07.2019 (R.B.E No. 106/2019)

(ix) A written declaration will be obtained from all the candidates who finally qualify for appointment as per Annexure-III. If the candidate violates any of the said declarations furnished by him/her, he/she should be taken up for D&AR by the concerned CPO/Senior DPO on the recommendation of State Chief Commissioner/District Chief Commissioner, as the case may be.

(x) Higher fixation of pay will not be admissible to a person appointed against Scouts & Guides Quota

(xi) The persons appointed against Scouts & Guides quota to the category of Clerks will be required to possess proficiency in typing within a period of two years from the date of their appointment, and their appointment will be provisional subject to the prescribed typing qualification within the stipulated period. In case of non-acquisition of typing skills within the prescribed period, no additional time will be given and services of such candidate will be summarily terminated.

(xii) The Candidates selected for appointment under the Scout & Guide quota should be posted by the competent authority in consultation with the concerned State Chief Commissioner/District Chief Commissioner.

(xiii) It may be noted that instead of notifying the posts against this quota as unreserved (UR), this should be mentioned as open to all candidates and candidates belonging to SC/ST/OBC Categories who apply against notification published for this quota be extended relaxation in age limit as admissible in a general open market recruitment. However, in case of being selected with any relaxation on account of being a candidate from the above categories, he/she will be taken against reserved roster point.

(xiv) The field units are directed that they should finalize and fill up the posts against this quota during the respective financial year without fail.

(Authority: E(NG)II/2015/RR-2/1 dated 21.09.2015(R.B.E No. 110/2015)



3. Recruitment against Cultural Quota posts in Level-2 and Level-1 of 7th CPC Pay Matrix.

(i) The annual quota for recruitment on Cultural quota has been fixed by this Ministry on the Zonal Railways

Level – 2	2 per Railway per Year
(of 7 th CPC Pay Matrix)	2 per Production Unit per Year

Authority No: E(NG)II/2003/RR-2/4 dated 19.11.2003(R.B.E No. 201/2003)

(ii) Recruitment should be done by the Railway Administration themselves.

(iii) The recruitment against the quota should be done by open advertisement, following the procedure laid down in this Ministry's letter No. E(NG)II 96/RR-1/62 dated 17.09.98.

(iv) The educational qualifications for consideration for appointment against the quota will be the same as applicable for recruitment to 'Level 2' categories.

(v) The recruitment will be done only in the Level 2 of 7th CPC Pay Matrix.

(vi) Age limit as applicable for recruitment to other equivalent categories shall be followed.

(vii) The following qualifications would apply for recruitment to level-2 posts against Cultural Quota.

Essentials:

- Educational Qualification: The minimum qualification prescribed for Level 2 Recruitment.
- Possession of degree/diploma/certificate in Music/dance/drama etc. from Govt. Recognized institute

Desirable:

- Experience in the field and performance given on AIR (Air India Radio)/Doordarshan etc.
- Prizes won at National Level.

(viii) The candidates who apply in response to notification issued and are found eligible for consideration for appointment against Cultural Quota should be assessed on the following basis.



(A)	Written Test	50 Marks
	Note: The Written test will consist of Objective Type Questions.	
(B)	Assessment of Talent in the relevant field on	
	(i) The basis of practical demonstration	35 Marks
	(ii) Testimonials/Prizes etc.	15 Marks
	Total:	100 Marks

(ix) The Recruitment Committee shall consist of three members to be nominated by the General Manager, which will include one SAG officer from personnel department, second SAG officer from any other department and an outside member of appropriate standing in the relevant field or a faculty member of any recognised University/Cultural Institution or a representative from Doordarshan/AIR (All India Radio) etc as the third member.

(x) Higher Fixation of pay will not be admissible to persons appointed against Cultural Quota.

(xi) The persons appointed against Cultural quota to all the categories of Clerks will be required to possess proficiency in Typing within a period of two years from the date of appointment and their appointment will be provisional subject to acquiring the prescribed typing qualification within the stipulated period.(Board's letter No. E(NG)II/98/RR-2/7 dated. 03.03.1999).

Authority: E(NG)II/90/RR-2/1 dated 19.06.2000

4. This Ministry have no objection for the recruitment of more Scouts & Guides, if suitable person are available, within the overall ceiling limit for cultural-cum-Scouts and Guides Quota referred in para 2 above.

(Authority: E(NG)III/79/RR-1/25 dated 18.05.1982)

5. **General:**

(a) While referring to this Circular, the original letters referred to herein should be read for a proper appreciation. This circular is only a consolidation of the instructions issued so far and should not be treated as a substitution to the originals. In case of doubt, the original circular should be relied upon as authority.

(b) The instructions contained in the original circulars referred to shall have only prospective effect from the date of issue unless specifically indicated otherwise in

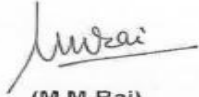
.....7/-



the concerned circular. For Dealing with old cases, the instructions in force at the relevant time should be referred to; and

(c) if any circular on the subject, which has not been superseded, has not been taken into consideration while preparing this consolidated letter, the said circular, which has been missed through oversight should be treated as valid and operative. Such a missing circular, if any, may be brought to the notice of the Railway Board.

(d) Please acknowledge receipt.


(M.M.Rai)
Jt. Director Estt. (N)-II
Railway Board

The consolidation has been made from the following circulars:-

1. No. E(NG)III/79/RR-1/25 dated 19.09.1979
2. No. E(NG)III/77/RR-1/50 dated 07.04.1980
3. No. E(NG)III/79/RR-1/25 dated 25.08.1980
4. No. E(NG)III/79/RR-1/25 dated 18.05.1982
5. No. E(NG)II/84/RR-2/1 dated 14.09.1984
6. No. E(NG)II/86/RR-2/3 dated 04.05.1988
7. No. E(NG)II/88/RR-2/1 dated 05.06.1989
8. No. E(NG)II/98/RR-2/7 dated 03.03.1999
9. No. E(NG)II/90/RR-2/1 dated 19.06.2000
10. No. E(NG)II/2003/RR-2/4 dated 19.11.2003
11. No. E(NG)II/2015/RR-2/1 dated 21.09.2015
12. No. E(NG)II/2017/RR-1/12 (3192238) dated 27.07.2017
13. No. E(NG)II/2017/RR-1/12 (3192238) dated 28.02.2018
14. No. E(NG)II/2009/RR-1/10 dated 17.06.2019
15. No. E(NG)II/2015/RR-2/1 dated 03.07.2019

16. Thus, it is apparent that the respondent – Ministry of Railways, has a recruitment policy on the basis of cultural/scouts and guides quota as per Master Circular No. 1 dated 20th August, 1990 and Master Circular No. 7/90, dated 22nd October, 1990, which was later replaced by Master Circular No. 7/19, dated 13th December, 2019.

17. From the perusal of the aforesaid Circulars, it is manifest that the respondent has a special quota, i.e., cultural-cum-scouts and guides quota, for recruitment of scouts and guides. Further, the annual quota for recruitment on this basis is fixed by the Ministry of Railways, wherein, qualifications/conditions of the scouts/guides for recruitment to different posts have been detailed.

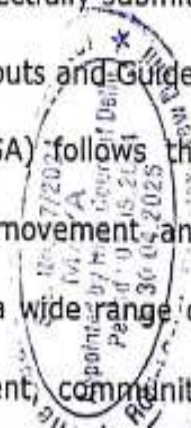


Similarly Placed Persons:

18. The petitioners have put forth the contention that they are similarly placed as Bharat Scouts and Guides, and therefore, claim parity with Bharat Scouts and Guides, in relation to the recruitment quota followed by the respondent – Ministry of Railways. In this regard, the petitioners have filed an Additional Affidavit, relevant portions of which, are reproduced as under:

“xxx xxx xxx

6. That in view of the above, the Deponent respectfully submits that the Petitioner Organization Hindustan Scouts and Guides Association (hereinafter referred to as HSGA) follows the vision of Baden Powell, pioneer of scout movement and engages scouts (boys) and guides (girls) in a wide range of activities that focus on personal development, community service, and adventure. These include outdoor activities like trekking, camping, hiking, and mountaineering, as well as learning skills like first aid, compass and signaling, and handicraft. They also participate in activities that promote citizenship, character building, and service to others, such as social service, community service, and prayer meetings. These activities may be summarized as follow:



**Character and Citizenship:**

- **Scout/Guide Law and Promise:** Learning and upholding the Scout/Guide Promise and Law.
- **Salute and Motto:** Learning saluting and using the motto.
- **Service:** Participating in social service, community service, and other service-oriented activities.
- **Leadership Development:** Developing leadership skills through various programs and training.

Health and Hygiene:

- **Health Rules:** Learning about health and hygiene practices.
- **Outdoor Living:** Learning about living in the outdoors.
- **Yoga:** Practicing yoga for physical and mental well-being.

Skill Development:

- **Handicraft:** Rope craft, paper craft, and nature craft.
- **First Aid:** Learning basic first aid and emergency response.
- **Compass and Signaling:** Using compasses, signaling techniques, and map reading.
- **Crowd Management & Traffic Control :**
- **Other Skills:** Archery, and nature lore.

Adventure Activities:

- **Outdoor Skills:** Trekking, camping, hiking, mountaineering, and mapping.
- **Water Activities:** Swimming, canoeing, and other water sports.
- **Rock Climbing and Rappelling:** Artificial rock climbing and rappelling.
- **Other Adventure Activities:** Patrol expedition, horse riding etc.

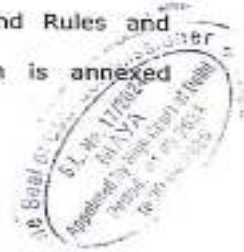
Special Events and Celebrations:

- **Important Days:** Celebrating World Forest Day, World Habitat Day, and other important events.
- **Special Day Activities:** Participating in special day activities and competitions.
- **Talent Search Programs:** Participating in talent search programs to showcase their skills and talents.

**National and International Events:**

- **State, Regional, and National Events:** Participating in state, regional, and national events.
- **International Camps:** Attending international scouting and guiding camps.

A copy of Memorandum of Association and Rules and Regulations of the Petitioner Organization is annexed herewith as **Annexure P/A-1**.



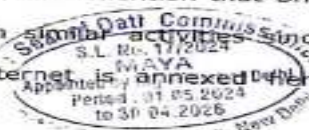
7. That the Petitioner publishes various handbooks, booklets, pamphlets time to time regarding its activities for its members scouts and guides. Two such booklets are annexed herewith as **Annexure P/A-2 (Collectively)**.

8. That various scouting and guiding activities are done on regular basis all over the country. Photographs of few such activities conducted by the Petitioner Organization are annexed herewith as **Annexure P/A-3 (Collectively)**.

9. That the Petitioner Organization is working in this field for more than 25 years and over 15 lakhs scouts and guides are receiving training in all over the country which is about 25% of the total strength of scouts and guides in the country.

10. That it would not be out of place to mention that the Bihar State unit of HSGA has been deputed for assisting the Traffic Control under Community Traffic Policing on the occasion of KHELO INDIA YOUTH GAMES 2025 going to be organized at Patna, Bihar. A copy of the Letter issued by the Organizers is annexed herewith as **Annexure P/A-4**.

11. That it is pertinent to mention that Bharat Scouts & Guides also engaged in similar activities since 1950. Information available on Internet is annexed herewith as **Annexure P/A-5**.



xxx xxx xxx”



19. This Court also takes note of the purpose of the Bharat Scouts and Guides, as given in its handbook, relevant portions of which, are reproduced as under:

1. Our Fundamentals

(1.1) Definition:

The Bharat Scouts & Guides is a voluntary, non-political educational Movement for young people, open to all without distinction of origin, race or creed, in accordance with the purpose, principles and method conceived by the Founder Lord Baden-Powell in 1907.

(1.2) Purpose:

The Purpose of the Movement is to contribute to the development of young people in achieving their full physical, intellectual, emotional, social and spiritual potentials as individuals, as responsible citizens and as members of the local, National and International communities.

(1.3) Principles:

The Scout/Guide Movement is based on the following principles:

(1.3.1) Duty to God:

Adherence to spiritual principles, loyalty to the religion that expresses them and acceptance of the duties resulting therefrom.

Note: 1 The word "Dharma" may be substituted for the word "God" if so desired.

(1.3.2) Duty to Others:

Loyalty to one's country in harmony with the promotion of local, National and International peace, understanding, co-operation. Participation in the development of society with recognition and respect for the dignity of one's fellow men and for the integrity of the natural world.

(1.3.3) Duty to Self

Responsibility for the development of one self.

(1.4) The Methods:

The Scout/Guide method is a system of progressive self-education through:



- Promise and Law
- Learning by doing.
- Membership of small groups under adult leadership involving progressive discovery and acceptance of responsibility and training towards self-government directed towards the development of character and the acquisition of competence, self reliance, dependability and capacities both to co-operate and lead.
- Progressive and stimulating programmes of various activities based on the interests of the participants including games, useful skills and services to the community taking place largely in an outdoor setting in contact with nature.

(1.5) The Promise

- (1.5.1) The Promise for the Scout and the Rover is -
"On my honour, I promise that I will do my best-
To do my duty to God* and my country
To help other people and
To obey the Scout Law".
- (1.5.2) The Promise for the Guide and the Ranger is
"On my honour, I promise that I will do my best-
To do my duty to God* and my country
To help other people and
To obey the Guide Law".
- (1.5.3) The promise for the Cub is -
"I Promise to do my best
To do my duty to God* and my country
To keep the Cub Law and
To do a good turn everyday."
- (1.5.4) The Promise for the Bulbul is-
"I Promise to do my best
To do my duty to God* and my country
To keep the Bulbul Law and
To do a good turn every day".

Note: 2 * The Word "Dharma" may be substituted for the word "God", if so desired.



20. This Court has perused the various documents which are before this Court, viz. Memorandum of Association, Rules and Regulations, documents pertaining to the various activities being carried out by the petitioner no. 1 association and Bharat Scouts and Guides.

21. This Court notes that the activities being carried by both petitioner no. 1 association and Bharat Scouts and Guides, are in relation to youth development, and both the organisations engage scouts (boys) and guides (girls) in a wide range of activities that focus on personal development, community service and adventure. Further, both the organisations conduct various scouting and guiding activities on National and International levels, *whilst* espousing similar aims and objectives for scouting and guiding. Thus, it is apparent that both, petitioner no. 1 association and Bharat Scouts and Guides, are similarly placed in terms of their functions, aims and objectives as espoused by them.

22. Pertinently, both the organisations are the only two recognised scouting and guiding organisations in India, by MOYA. In this regard, reference is made to the Letter dated 13th June, 2016, issued by MOYA to the Chief Secretaries of States/UTs, clarifying that only the petitioner no. 1 and Bharat Scouts and Guides are the recognised organisations for scouting and guiding in India. The Letter dated 13th June, 2016, is reproduced as under:

***“F. No. 46-5/2015-NPYAD
Government of India
Ministry of Youth Affairs and Sports
Department of Youth Affairs***

*Shastri Bhawan, New Delhi
Dated: the 13th June, 2016*



To,
Chief Secretary,
All States/UTs

**Sub: Illegal use of name of Ministry of Youth Affairs & Sports by
“The Scouts/Guides Organization.”**

Sir/Madam,

I am directed to refer to the subject mentioned above and to inform that Ministry of Youth Affairs and Sports has neither given any recognition or affiliation to “The Scouts/Guides Organization” nor giving grant-in-aid to conduct scouting and guiding activities in any state/UT of the country. The organization is also not an autonomous body under the Ministry of Youth Affairs as being claimed in their letterhead/banners/posters. It has come to the notice of this Ministry that “The Scouts/Guides Organization” having its headquarters at 4-B Mahalaxmi Squire, Sector 12, Vasundhara, Ghaziabad (UP) 201012 is misusing the name of Ministry of Youth Affairs & Sports, Govt. of India in their letter head stating that it is affiliated with the Ministry of Youth Affairs & Sports. The Organization has also sought application for various posts for appointment in their Regional Office, Nagpur in Local Newspaper namely “Lokmat, Nagpur Edition” dated 14/05/2016 misusing the name of Ministry of Youth Affairs & Sports, Govt. of India by stating that it is affiliated with the Ministry. You are requested to take strict action against “The Scouts/Guides Organization” for any acts of misrepresentation being done of them in your State/UT.

2. It is further informed that Ministry of Youth Affairs & Sports has granted recognition and is giving financial assistance to only two Scouts and Guides Non-Government Organizations namely (i) Bharat Scout & Guides and (ii) Hindustan Scouts & Guides to promote scouting and guiding activities in the country. All concerned may be informed accordingly.

Yours faithfully.

(SK Pandey)
Under Secretary to the Govt. of India
Tel: 23386580
Email: sudhanshu@nic.in
(Emphasis Supplied)



23. Reference is also made to the Leaflet of the MOYA pertaining to Policy, Schemes and Programmes in relation to youth, relevant portion of which, is reproduced as under:

“xxx xxx xxx

Assistance to Scouting and Guiding Organisations

The Scheme was launched in the early 1980s, to promote the Scouts and Guides movement in the country. This is an international movement aimed at building character, confidence, idealism and spirit of patriotism

7

18

and service among young boys and girls. Under the Scheme, assistance is being provided to two organisations, namely, (i) Bharat Scouts and Guides and (ii) Hindustan Scout and Guides.




Government of India
Ministry of Youth Affairs and Sports
Department of Youth Affairs
www.yas.nic.in

xxx xxx xxx”

24. Further, this Court also takes note of the Minutes of Meeting (“MoM”) dated 10th September, 2014, by which financial/grant-in-aid was approved for petitioner no. 1 by MOYA. The said MoM encapsulates the



stand of MOYA that in view of the huge population in our country, coverage of scouting and guiding activities by a single organization may not be sufficient. The relevant portion of the said MoM dated 10th September, 2014, is reproduced as under:

After hearing the views of both sides, it was discussed that the Scouts and Guiding activities are being continued for a long time in India and have contributed to the process of nation building. With a huge population in the country like India, coverage of activities by a single organization may not be sufficient. Further, the existing coverage by the scouts and guides organization at present is very low in comparison with the youth population. The following decisions were taken :

1. Bharat Scouts and Guides and Hindustan Scouts and Guides are working with definite objectives for the development of youth. The recognition given to BSG and HSG will be valid till further orders.
2. The grant in aid proposals, received from these two organisations will be considered as per the Rules and regulations of Govt. of India and subject to the acceptance of the conditions stipulated by the Ministry vide its letter dated 05.09.2013.

The meeting ended with Vote of Thanks to the Chair.

25. Perusal of the above makes it evident that both petitioner no. 1 association and Bharat Scouts and Guides have been recognized by MOYA, for espousing a similar cause of scouting and guiding in India. Further, the MOYA, in furtherance to the recognition, is also providing financial aid/grant-in-aid to both the organizations. The said Ministry has reiterated that due to the huge population in our country, the existing coverage by the Scouts and Guides Organization is very low in comparison with the youth population, thereby, also extending grant-in-aid to the petitioner no. 1, i.e., Hindustan Scouts and Guides, as provided to Bharat Scouts and Guides.

26. This Court notes that both petitioner no. 1 and Bharat Scouts and Guides have been recognized by various States/UTs in relation to scouting



and guiding activities conducted by them. It is also to be noted that the aims and objectives of scouting and guiding are considered an integral part of education, and both the Central and State Governments diligently strive to promote these activities. Thus, it is apparent that both organizations are similarly placed in the manner of recognition provided to them by the Government of India and the Government of several States/UTs as well.

27. The nodal Ministry, which recognizes scouts and guides organizations, is MOYA. Further, both Bharat Scouts and the petitioner no. 1, have duly been recognized by MOYA, in that regard. The respondent, i.e., Ministry of Railways has allocated a special quota specifically, for ‘scouts and guides’. Therefore, denying a quota to any scout or guide, who is a member of any scouting organization which is recognized by MOYA, and specifically espousing the said quota to be open for only one organization and its members, is *ex-facie* arbitrary.

28. Article 14 of the Constitution of India guarantees that every citizen of India has the right to equality before law and equal protection of law. It is well settled that amongst equals, the law should be equal and should be equally administered, and likes should be treated alike. Thus, Supreme Court in the case of *Amita Versus Union of India and Another*, (2005) 13 SCC 721, has held as follows:

“xxx xxx xxx

11. Taking our findings, as made herein earlier to the extent that the writ petitioner was entitled to sit and write the examination for selection of Probationary Officer in the Bank, let us now proceed to consider whether the writ petitioner would be entitled to appointment in the post of Probationary Officer of the Bank in question, if successful in the written examination in view of the nature of the job to be performed as Probationary Officer. Before we deal with this aspect of the matter, we may take into consideration yet another



aspect of the matter, namely, whether denial of permission to the writ petitioner to sit and write the examination for the post of Probationary Officer in the Bank offends Articles 14 and 16 of the Constitution. Article 14 of the Constitution guarantees to every citizen of India the right to equality before the law or the equal protection of law. The first expression “equality before the law” which is taken from the English common law, is a declaration of equality of all persons within the territory of India, implying thereby the absence of any special privilege in favour of any individual. It also means that amongst the equals the law should be equal and should be equally administered and that likes should be treated alike. Thus, what it forbids is discrimination between persons who are substantially in similar circumstances or conditions. It does not forbid different treatment of unequals. Article 14 of the Constitution is both a negative and positive right. Negative in the sense that no one can be discriminated against: anybody and everyone should be treated as equals. The latter is the core and essence of the right to equality and the State has the obligation to take necessary steps so that every individual is given equal respect and concern which he is entitled to as a human being. Therefore, Article 14 contemplates reasonableness in State action, the absence of which would entail the violation of Article 14 of the Constitution.

xxx xxx xxx”

(Emphasis Supplied)

29. Likewise, reinforcing that right to equality aims to protect persons similarly placed against discriminatory treatment and that all persons similarly circumstanced shall be treated alike, both in privileges conferred and liabilities imposed, the Supreme Court in the case of **Prem Chand SomChand Shah and Another Versus Union of India and Another, (1991) 2 SCC 48**, has held as follows:

“xxx xxx xxx

8. As regards the right to equality guaranteed under Article 14 the position is well settled that the said right ensures equality amongst equals and its aim is to protect persons similarly placed against discriminatory treatment. It means that all persons similarly circumstanced shall be treated alike both in privileges conferred and liabilities imposed. Conversely discrimination may result if persons dissimilarly situate are treated equally. Even amongst persons



similarly situate differential treatment would be permissible between one class and the other. In that event it is necessary that the differential treatment should be founded on an intelligible differentia which distinguishes persons or things that are grouped together from others left out of the group and that differentia must have a rational relation to the object sought to be achieved by the statute in question.

xxx xxx xxx”

(Emphasis Supplied)

30. In the present case, this Court has already observed that the petitioner no. 1 and Bharat Scouts and Guides perform similar functions, and have identical aims and objectives in relation to scouting and guiding. Further, both organizations are recognized by MOYA and State/UTs for rendering similar functions and are provided financial/grant-in-aid, as well. Thus, *ex-facie* both the petitioner no. 1 and Bharat Scouts and Guides fall under the definition of similarly placed persons.

31. At this stage, this Court notes that exception to the aforesaid principle of parity of treatment to similarly placed persons, is the classification of class of persons based on reasonable basis. No doubt that in appropriate cases classification between classes of persons has been recognized by Courts. However, such classification has to be based on some intelligible differentia, which justifies such different treatment. Thus, explaining the concept of classification of different groups of persons and holding that such classification must be founded on an intelligible differentia which distinguishes those that are grouped together from others, the Supreme Court in the case of *State of West Bengal Versus Anwar Ali Sarkar, (1952) 1 SCC 1*, held as follows:

“xxx xxx xxx

85. It is now well established that while Article 14 is designed to prevent a person or class of persons from being singled out from



others similarly situated for the purpose of being specially subjected to discriminating and hostile legislation, it does not insist on an “abstract symmetry” in the sense that every piece of legislation must have universal application. All persons are not, by nature, attainment or circumstances, equal and the varying needs of different classes of persons often require separate treatment and, therefore, the protecting clause has been construed as a guarantee against discrimination amongst equals only and not as taking away from the State the power to classify persons for the purpose of legislation. This classification may be on different bases. It may be geographical or according to objects or occupations or the like. Mere classification, however, is not enough to get over the inhibition of the article. The classification must not be arbitrary but must be rational, that is to say, it must not only be based on some qualities or characteristics which are to be found in all the persons grouped together and not in others who are left out but those qualities or characteristics must have a reasonable relation to the object of the legislation. In order to pass the test, two conditions must be fulfilled, namely, (1) that the classification must be founded on an intelligible differentia which distinguishes those that are grouped together from others, and (2) that that differentia must have a rational relation to the object sought to be achieved by the Act. The differentia which is the basis of the classification and the object of the Act are distinct things and what is necessary is that there must be a nexus between them. In short, while the article forbids class legislation in the sense of making improper discrimination by conferring privileges or imposing liabilities upon persons arbitrarily selected out of a large number of other persons similarly situated in relation to the privileges sought to be conferred or the liability proposed to be imposed, it does not forbid classification for the purpose of legislation, provided such classification is not arbitrary in the sense I have just explained. The doctrine, as expounded by this Court in the two cases I have mentioned, leaves a considerable latitude to the Court in the matter of the application of Article 14 and consequently has the merit of flexibility.

xxx xxx xxx”

(Emphasis Supplied)

32. In this regard, reference is also made to the case of *Confederation of Ex-Servicemen Associations and Others Versus Union of India and Others*, (2006) 8 SCC 399, wherein, the Supreme Court laid down the twin test of classification where different treatment is given to two classes of



persons. Thus, it was held as follows:

“xxx xxx xxx

30. In our judgment, therefore, it is clear that every classification to be legal, valid and permissible, must fulfil the twin test, namely,

(i) the classification must be founded on an intelligible differentia which must distinguish persons or things that are grouped together from others leaving out or left out; and

(ii) such a differentia must have rational nexus to the object sought to be achieved by the statute or legislation in question.

xxx xxx xxx”

(Emphasis Supplied)

33. However, in the present case there is no such intelligible differentia. Rather, both the organizations are similarly placed, as the activities undertaken by both the petitioner no. 1 association as well as the Bharat Scouts and Guides are similar, viz. scouting and guiding activities, both having recognition from the MOYA.

34. Therefore, in the present case, there is no valid basis or justification for excluding the petitioner from the quota reservation, as extended by the respondent – Ministry of Railways, to Bharat Scouts and Guides. There is no rationale for treating the petitioner no. 1 differently from the Bharat Scouts and Guides, as both organizations stand on an equal footing and discharge similar functions to attain like goals.

35. The contention of the respondent that they have a long period of association with Bharat Scouts and Guides cannot be said to be a reasonable classification based on intelligible differentia to deny the special quota to the petitioner no. 1. Thus, giving preferential treatment in the form of special quota in recruitment to only Bharat Scouts and Guides, and not granting similar treatment to the petitioner no. 1, is clearly discriminatory and



arbitrary.

36. Therefore, in view of the above, it is apparent that there is a clear manner of discrimination being administered by the respondent in its policy for recruitment for scouts and guides, especially so, when both the petitioner no. 1 association and Bharat Scouts and Guides are similarly placed. The respondent – Ministry of Railways, has failed to provide any cogent justification as to there being an intelligible differentia in the manner of preference being provided by them to Bharat Scouts and Guides. Being an organ of the government, it is the bounden duty of the respondent to adopt, advocate and practice equal treatment for similarly placed persons, in consonance with the letter and spirit of Article 14 of the Constitution of India.

Impugned Speaking Order:

37. By way of the impugned Speaking Order dated 25th November, 2022, the respondent has rejected the representation of the petitioners on the ground that the petitioner no. 1 association is not part of the international scouting organization, i.e., WOSM, of which the applicant, Bharat Scouts and Guides is part of and that allowing such parity to the petitioner no. 1 association would lead to financial constraint upon the respondent. Further, the respondent has stated that the WOSM constitution only allows for one scouting organization per sovereign nation. Therefore, as per the respondent, the petitioner no. 1, unless it forms a federation with Bharat Scouts and Guides, cannot become a member of WOSM.

38. In this regard, it is to be noted that WOSM and WAGGGS are two international scouting organizations of which Bharat Scouts and Guides, is a member. Further, the said organizations are recognized by the United



Nations, as well. However, both WOSM and WAGGGS are NGOs and private organizations, which have no mandate upon any Indian entities that espouse the activities of scouting and guiding. Furthermore, association with WOSM and WAGGGS helps in becoming part of international events. However, there is no mandate by MOYA for an affiliation with a private foreign scouting organization, as a necessary requirement.

39. It is noted that MOYA, being the Ministry which provides for recognition to scouting and guiding organizations, has duly recognized the petitioner no. 1 association by way of Recognition Letter dated 26th September, 2013.

40. There is no obligation imposed upon a scouting organization by the MOYA, i.e., the nodal agency for recognizing the scouting activities, to necessarily have recognition from WOSM. There is no material before this Court or any statutory provision that an international affiliation to a specific body is *sine qua non* for espousing scouting and guiding activities in the country. Therefore, the fact that the petitioner no. 1 does not have recognition from WOSM, is not a valid or justifiable ground for denying the benefit of quota reservation to petitioner no. 1, in parity with Bharat Scouts and Guides, especially, when petitioner no. 1 has been granted recognition by MOYA.

41. Further, WOSM constitution as such has no force in the Indian legal conspectus, and the only recognition or membership required in India is with MOYA, which the petitioner no. 1 has been granted by the said Ministry. Moreover, the constitution of WOSM is not binding on any Indian authority. WOSM is a Non-Government Organization (“NGO”) and there is no statute or law operating in India that membership of WOSM is an essential and



mandatory requirement of being recognized as a scouting and guiding organization. The Constitution of the WOSM has a different and independent application with respect to its member national organizations. Such rules of the aforesaid body have no nexus with the policy being adopted by respondent, wherein, benefit of quota reservation is being granted to only Bharat Scouts and Guides.

42. The MOYA has recognized the petitioner as a scouting organization in India, along with Bharat Scouts and Guides, providing them with grant-in-aid to support national level activities, training camps and infrastructure development. Further, the petitioner no. 1 has a strength of almost 14 lacs scouts and guides operating under its aegis. The petitioner no. 1 is also registered with NITI Aayog and has approval of the Income Tax authority to receive donation.

43. Therefore, denial of the quota reservation to the petitioner no. 1 on the ground that the petitioner is not a member of WOSM and granting the said benefit to only Bharat Scouts and Guides on the ground of it being a member of WOSM, is without any rationale and reasonable basis. Thus, there is no intelligible differentia in classifying the petitioner no. 1 association separately from the Bharat Scouts and Guides.

44. The contention of the respondent – Ministry of Railways that MOYA is mandated by Government of India to promote the scouting movement in India, however, the Indian Railways is not mandated to promote every scouting organization that may get established in the country, is an unacceptable rationale. There is no justification for one Ministry of the Government, i.e., Ministry of Railways, to take a different stand from another Ministry, i.e., MOYA. In this regard, while holding that the



government cannot be permitted to take diagonally opposite stands as the government has only one policy, and the departments are to implement the government policy and not their own policy, the Supreme Court in the case of *Central Warehousing Corporation Versus Adani Ports and Special Economic Zone Limited (APSEZL) and Others*, (2022) 15 SCC 110, has held as follows:

“xxx xxx xxx

57. We are of the considered view that it does not augur well for the Union of India to speak in two contradictory voices. The two departments of the Union of India cannot be permitted to take stands which are diagonally opposite. We may gainfully refer to the following observations made by a three-Judge Bench of this Court in *Lloyd Electric & Engg. Ltd. v. State of H.P.* [*Lloyd Electric & Engg. Ltd. v. State of H.P.*, (2016) 1 SCC 560]: (SCC p. 564, para 14)

“14. The State Government cannot speak in two voices. Once the Cabinet takes a policy decision to extend its 2004 Industrial Policy in the matter of CST concession to the eligible units beyond 31-3-2009, up to 31-3-2013, and the Notification dated 29-5-2009, accordingly, having been issued by the Department concerned viz. Department of Industries, thereafter, the Excise and Taxation Department cannot take a different stand. **What is given by the right hand cannot be taken by the left hand. The Government shall speak only in one voice. It has only one policy. The departments are to implement the government policy and not their own policy.**”

58. We, therefore, impress upon the Union of India to evolve a mechanism to ensure that whenever such conflicting stands are taken by different departments, they should be resolved at the governmental level itself.

xxx xxx xxx”

(Emphasis Supplied)

45. Even otherwise, it is to be noted that petitioner no. 1 is also affiliated with an international scouting organization having recognition from the United Nations, i.e., WFIS. Therefore, the basis for rejection of the representation of petitioner no. 1 association by the respondent, based on the



international affiliation, is completely arbitrary and without validity.

46. The principle of equality is fundamental in formulation of any policy by the government and its authorities, and the mandate of the constitution enjoins upon the Government a constitutional obligation of equality in employment and treatment. Thus, in the case of *State of Punjab and Others Versus Senior Vocational Staff Masters Association and Others*, (2017) 9 SCC 379, Supreme Court has held as follows:

“xxx xxx xxx

23. It is a cardinal principle of law that the Government has to abide by rule of law and uphold the values and principles of the Constitution. The respondents herein alleged that creating an artificial distinction between the persons in the same cadre would amount to violation of Article 14 i.e. equality before law and hence, such an act cannot be sustained. The doctrine of equality is a dynamic and evolving concept having many dimensions. Articles 14-18 of the Constitution, besides assuring equality before the law and equal protection of the laws, also disallow discrimination which lacks the object of achieving equality, in matters of employment. It is well settled that though Article 14 forbids class legislation but it does not forbid reasonable classification. When any rule of statutory provision providing classification is assailed on the ground that it is contrary to Article 14, its validity can be sustained if it satisfies two tests, namely, that the classification was to be based on an intelligible differentia which distinguishes persons or things grouped together from the others left out of the group, and the differentia in question must have a reasonable nexus to object sought to be achieved by the rule or statutory provision in question. In other words, there must be some rational nexus between the basis of classification and the object intended to be achieved by the statute or the rule.

xxx xxx xxx

26. The principle of equality is also fundamental in formulation of any policy by the State and the glimpse of the same can be found in Articles 38, 39, 39-A, 43 and 46 embodied in Part IV of the Constitution of India. These Articles of the Constitution of India mandate that the State is under a constitutional obligation to assure



a social order providing justice-social, economic and political, by inter alia, minimising monetary inequalities, and by securing the right to adequate means of livelihood and by providing for adequate wages so as to ensure, an appropriate standard of life, and by promoting economic interests of the weaker sections. Meaning thereby, if the State is giving some economic benefits to one class while denying the same to other then the onus of justifying the same lies on the State specially in the circumstances when both the classes or group of persons were treated as same in the past by the State. Since Vocational Masters had been drawing same salary as Vocational Lecturers were drawing before the application of the 4th Pay Commission, any attempt to curtail their salary and allowances would amount to arbitrariness which cannot be sustained in the eye of the law if no reasonable justification is offered for the same.

27. We are conscious of the fact that a differential scale on the basis of educational qualifications and the nature of duties is permissible. However, it is equally clear to us that if two categories of employees are treated as equal initially, they should continue to be so treated unless a different treatment is justified by some cogent reasons. In a case where the nature of duties is drastically altered, a differential scale of pay may be justified. Similarly, if a higher qualification is prescribed for a particular post, a higher scale of pay may be granted. However, if the basic qualifications and the job requirements continued to be identical as they were initially laid down, then the Court shall be reluctant to accept the action of the authority in according a differential treatment unless some good reasons are disclosed. Thus, the decisions relied upon by the learned Senior Counsel are clearly distinguishable and are not applicable to the facts of the present case.

xxx xxx xxx”

(Emphasis Supplied)

47. Furthermore, emphasizing that public employment process must always be fair, transparent and impartial, the Supreme Court in the case of ***Amrit Yadav Versus State of Jharkhand and Others, 2025 SCC OnLine SC 280***, has held as follows:

“xxx xxx xxx

39. At this juncture, before parting, we deem it fit to note that public employment is a duty entrusted by the Constitution of India with the



State. Therefore, it becomes imperative that the rigours of Articles 14 and 16 are not ignored by the State in relation to the matter concerning public employment. Arbitrariness in public employment goes to the very root of the fundamental right to equality. While no person can claim a fundamental right to appointment, it does not mean that the State can be allowed to act in an arbitrary or capricious manner. The State is accountable to the public at large as well as the Constitution of India, which guarantees equal and fair treatment to each person. Public employment process thus, must always be fair, transparent, impartial and within the bounds of the Constitution of India. Every citizen has a fundamental right to be treated fairly and impartially, which is an appendage of right to equality under Article 14 of the Constitution of India. A violation of this guarantee is liable to judicial scrutiny as well as criticism.

xxx xxx xxx”

(Emphasis Supplied)

48. Thus, granting preference and quota reservation to only Bharat Scouts and Guides and not to the petitioner no. 1 association, which is also recognized by the MOYA as a scout and guiding organization, and involved in similar functions related to scouting and guiding, is clearly in violation of the fundamental right to equality as guaranteed by Article 14 of the Constitution of India. The plea raised by respondent regarding affiliation to WOSM, is unjustifiable and without any reasonable basis or intelligible differentia.

49. There is another aspect of the matter. This Court notes that the respondent has a policy for recruitment against the scouts and guides quota in Level-1 and Level-2 of 7th CPC Pay Matrix which has been fixed by the respondent – Ministry of Railways, in the Zonal Railways and Production Units. Further, recruitment is done on merit basis after assessment of the candidates as per the eligibility criteria on the basis of written test, and other qualifications, as per the policy of the respondent. The relevant portions of



the Master Circular No. 7/19, dated 13th December, 2019, providing the qualifications required, is as follows:

“xxx xxx xxx

(vi) The following qualification would apply for the recruitment of Scouts & Guides to posts in Level-2 and Level-1.

- A President Scout/Guide/Rover/Ranger Or Himalayan Wood Badge(HWB) holder in any section;
- Should have been an active member of Scouts Organization for the last 5 years. The 'Certificate of Activeness' should be as per Annexure-I; and
- Should have attended two events at National level OR All Indian Railways' level AND Two events at State Level.

(vii) The candidate, who apply in response to the notification and are found eligible for consideration for appointment against Scout & Guides quota, should be assessed on the basis of following criteria:

(A)	Written Test	60 Marks
	The written test will consist of 40 objective question (40 marks) & 1 essay type question (20 marks) relating to Scouts & Guides Organization and its activities and General knowledge for Level-2 and Level-1. The Syllabus for this will be as per Annexure-II.	
(B)	Marks on Certificates	40 Marks
	(i) Participation/Service rendered in National Events/National Jamboree (including all Indian Railway Events):	10 Marks
	• First Two certificates (i.e. minimum eligibility qualification)	Nil
	• One Additional Event	07 Marks
	• Two or More Additional Events	10 Marks
	(ii) Participation/Service rendered in State Events/Rallies:	10 Marks
	• First Two certificates (i.e. minimum eligibility qualification)	Nil
	• One Additional Event	07 Marks
	• Two or More Additional Events	10 Marks
	(iii) Specialized Scout/Guides course organized at National/ State/All Indian Railways level:	10 Marks
	• One Course	07 Marks
	• Two or More Courses	10 Marks
	(iv) Participation in District Rallies:	10 Marks
	• One Certificate	Nil
	• Two Certificates	07 Marks
	• Three Certificates	10 Marks
	TOTAL	100 Marks



xxx xxx xxx

Essentials:

- Educational Qualification: The minimum qualification prescribed for Level 2 Recruitment.
- Possession of degree/diploma/certificate in Music/dance/drama etc. from Govt. Recognized institute

Desirable:

- Experience in the field and performance given on AIR (Air India Radio)/Doordarshan etc.
- Prizes won at National Level.

(viii) The candidates who apply in response to notification issued and are found eligible for consideration for appointment against Cultural Quota should be assessed on the following basis.

(A)	Written Test	50 Marks
	Note: The Written test will consist of Objective Type Questions.	
(B)	Assessment of Talent in the relevant field on	
	(i) The basis of practical demonstration	35 Marks
	(ii) Testimonials/Prizes etc.	15 Marks
	Total:	100 Marks

xxx xxx xxx”

50. Reading of the aforesaid, it is evident that the Railways has provided for an extensive process for qualification in recruitment under the special quota for Scouts and Guides, and the same is a process insuring a merit-based selection. There are multiple criteria which are considered for the selection under the said quota. Furthermore, the said Circular provides for the quota to exist for scouts and guides, which cannot mean to be only for the members of Bharat Scouts and Guides.

51. It is pertinent to note that the process of recruitment by the respondent is a merit-based process, wherein, even if the members of petitioner organization were to apply for recruitment under the said quota, the same would not *ipso facto* provide them the right to be recruited. In the present



case, the petitioners are only seeking an opportunity to attempt for recruitment in the special quota, selection under which would regardless be based on merits. The respondent is in no way obligated to increase the seats under the said reserved quota, on the contrary, the increase in competition would further the objective of a merit-based selection, for the same number of seats which had existed prior. Thus, in the case of ***Tej Prakash Pathak and Others Versus Rajasthan High Court and Others, (2025) 2 SCC 1***, the 5-Judge Bench of the Supreme Court, while holding that in public employment, the most suitable person should be selected on merit, avoiding favoritism, and the method of selection should not be violative of Article 14 of the Constitution, held as follows:

“xxx xxx xxx

49. The ultimate object of any process of selection for entry into a public service is to secure the best and the most suitable person for the job, avoiding patronage and favouritism. Selection based on merit, tested impartially and objectively, is the essential foundation of any useful and efficient public service. So, open competitive examination has come to be accepted almost universally as the gateway to public services. [Lila Dhar v. State of Rajasthan, (1981) 4 SCC 159, para 4: 1981 SCC (L&S) 588] It is now well settled that while a written examination assesses a candidate's knowledge and intellectual ability, an interview test is valuable to assess a candidate's overall intellectual and personal qualities.

xxx xxx xxx

51. What is clear from above is that the object of any process of selection for entry into a public service is to ensure that a person most suitable for the post is selected. What is suitable for one post may not be for the other. Thus, a degree of discretion is necessary to be left to the employer to devise its method/procedure to select a candidate most suitable for the post albeit subject to the overarching principles enshrined in Articles 14 and 16 of the Constitution as also the rules/statute governing service and reservation.

xxx xxx xxx”

(Emphasis Supplied)



52. Therefore, in view of the process for merit-based selection adopted by the respondent, there can be no manner of favoritism or partiality to one organization, i.e., Bharat Scouts and Guides, in violation to Article 14 of the Constitution of India, when there is a similarly placed organization, i.e., petitioner no. 1. The respondent – Railways is also mandated to follow its own process and give effect to the same in an impartial, objective and merit-based manner.

53. Further, as regards the plea of financial constraint, this Court notes that it is settled law that financial constraint is not a cogent ground for denying rights in consonance with Article 14 of the Constitution of India. In this regard, reference is made to the judgement of the Supreme Court in the case of *Haryana State Minor Irrigation Tubewells Corporation and Others Versus G.S. Uppal and Others*, (2008) 7 SCC 375, wherein, it has been held as follows:

“xxx xxx xxx

33. The plea of the appellants that the Corporation is running under losses and it cannot meet the financial burden on account of revision of scales of pay has been rejected by the High Court and, in our view, rightly so. Whatever may be the factual position, there appears to be no basis for the action of the appellants in denying the claim of revision of pay scales to the respondents. If the Government feels that the Corporation is running into losses, measures of economy, avoidance of frequent writing off of dues, reduction of posts or repatriating deputationists may provide the possible solution to the problem. Be that as it may, such a contention may not be available to the appellants in the light of the principle enunciated by this Court in *M.M.R. Khan v. Union of India* [1990 Supp SCC 191 : 1990 SCC (L&S) 632 : (1991) 16 ATC 541] and *Indian Overseas Bank v. Staff Canteen Workers' Union* [(2000) 4 SCC 245 : 2000 SCC (L&S) 471]. However, so long as the posts do exist and are manned, there appears to be no justification for granting the respondents a scale of pay lower than that sanctioned for those employees who are brought on deputation. In fact, the sequence of events discussed above clearly shows that the employees of the Corporation have been treated



on a par with those in Government at the time of revision of scales of pay on every occasion.

34. It is an admitted position that the scales of pay were initially revised w.e.f. 1-4-1979 and thereafter on 1-1-1986. On both these occasions, the pay scales of the employees of the Corporation were treated and equated on a par with those in Government. It is thus an established fact that both were similarly situated. Thereafter, nothing appears to have happened which may justify the differential treatment. Thus, the Corporation cannot put forth financial loss as a ground only with regard to a limited category of employees. It cannot be said that the Corporation is financially sound insofar as granting of revised pay scales to other employees is concerned, but finds financial constraints only when it comes to dealing with the respondents who are similarly placed in the same category. Having regard to the well-reasoned judgment of the Division Bench upholding the judgment and order of the learned Single Judge, we are of the view that the impugned judgment warrants no interference inasmuch as no illegality, infirmity or error of jurisdiction could be shown before us.

xxx xxx xxx”

(Emphasis Supplied)

54. Applying the aforesaid principles of law, it is evident that the policy of the respondent, in denying the special quota reservation to the petitioner no. 1 association and its members, is clearly illegal and arbitrary.

55. Further, it is apposite to note that the petitioner no. 1 association has more than 14 lac members who are either scouts or guides, performing the same functions as the members of Bharat Scouts and Guides, thus, positioning them as similarly placed persons to those members of Bharat Scouts and Guides, that are enjoying the benefit of the special quota of the respondent. The question before this Court with respect to parity does not merely affect the petitioner no. 1 association as an entity, rather the same brings forth the question of rights of equality/parity under Article 14 of the Constitution of India, for all 14 lac members of petitioner no. 1 association as well.



56. There is no intelligible differentia that has been established by the respondent – Ministry of Railways, in passing of the Impugned Speaking Order dated 25th November, 2022. Thus, due to the arbitrary and discriminatory nature of the denial of parity to the petitioner no. 1 association and its members that are similarly placed to Bharat Scouts and Guides, the rejection of parity by respondent in recruitment to the members of petitioner no. 1 association, cannot be accepted.

57. Accordingly, the Speaking Order dated 25th November, 2022, issued by the Railway Board, Ministry of Railways, cannot be sustained in law and is liable to be quashed.

58. Considering the aforesaid detailed discussion, the following directions are passed:

- I. Speaking Order dated 25th November, 2022 passed by the Railway Board, Ministry of Railways, Government of India, is quashed.
- II. The respondent no.1 is directed to extend the benefit of quota reservation to the petitioner no. 1 association also, as is extended to Bharat Scouts and Guides.

59. The present petition is allowed in the aforesaid terms.

**MINI PUSHKARNA
(JUDGE)**

MARCH 16, 2026/kr/au