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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 1467/2019

NANCY SHARMA & ORS

.....Petitioners

Through: Ms. Samriddhi Tiwari & Mr. Prason
Kumar, Advs.

versus

RECRUITMENT CELL, RAJYA SABHA SECRETARIAT & ANR

.....Respondents

Through: Mr. Sandeep Kumar Mahapatra, Mr.
Mrinmayee Sahu, Mr. Raghav
Tandon, Mr. Tribhuvan & Mr.
Abhimanyu, Advs. for R-1.
Mr. Bhagwan Swarup Shukla, ,CGSC
with Mr. Mukesh Kumar Pandey, and
Mr. Jiniya Saha, Advocates for UOI.

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+ W.P.(C) 12917/2021, CM APPL. 40696/2021 & CM APPL.
64376/2023

PRANAV LUTHRA

.....Petitioner

Through: Ms. Sriparna Chatterjee, Mr.
Soumitra Chatterjee & Mr. Manish,
Advs.
Mr. Mir Akhtar Hussain and Ms.
Sonia Goswami, Advocates.

versus

RAJYA SABHA SECRETARIAT AND ANR.

.....Respondents

Through: Mr. Sandeep Kumar Mahapatra, Mr.
Mrinmayee Sahu, Mr. Raghav
Tandon, Mr. Tribhuvan & Mr.
Abhimanyu, Advs. for R-1.
Mr. Bhagwan Swarup Shukla, ,CGSC



with Mr. Mukesh Kumar Pandey, and
Mr. Jiniya Saha, Advocates for UOI.
Ms. Nidhi Raman, CGSC with Mr.
Nikunj Bindal, Advocate for R-2/
UOI.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA
ORDER
11.02.2026

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1. These petitions arise from recruitment process initiated by the Recruitment Cell, Rajya Sabha Secretariat, through Advertisement No. 1/2016, inviting applications for 13 vacancies for the post of “Junior Proof Reader” (subsequently redesignated as “Proof Reader”). The petition [W.P.(C) 1467/2019] is by candidates who participated in the selection process but were not included in the list of candidates recommended for appointment, published on 1st February, 2019. The second petition [W.P.(C) 12917/2021] is by a candidate whose name appears in that recommended list, but who has not received an offer of appointment and challenges the subsequent cancellation of the advertised vacancies by notice dated 9th September, 2021.

2. Since the recruitment, the interim orders, and the later cancellation pertain to the same set of vacancies and the same selection process, the petitions are being decided by a common order.

Facts in brief

3. Advertisement No. 1/2016 notified 13 vacancies (07 UR, 03 OBC, 02 SC, 01 ST) for the post of Junior Proof Reader. The essential eligibility



prescribed in the advertisement was: (i) Bachelor's degree with English or Hindi as a subject; and (ii) either a Diploma in Printing Technology / P.G. Diploma in Book Publishing (AICTE approved) or 3 years' experience in a salaried post in a printing press/publishing house involving proofreading duties. A computer certificate was mentioned as desirable.

4. The recruitment culminated in a result notice dated 1st February, 2019, publishing a list of candidates recommended for appointment.

5. The first set of Petitioners claim that despite securing marks higher than some of the recommended candidates, their names were not included. The Secretariat, on the other hand, states that while scrutinising documents before finalising the result, it was found that these Petitioners did not satisfy the essential requirement of a Bachelor's degree "with English or Hindi as a subject", since their degrees reflected only two papers relating to English in the first and second semesters and not English/Hindi as a subject in the manner contemplated by the advertisement.

6. On 13th February, 2019, while issuing notice in W.P.(C) 1467/2019, an interim direction was issued restraining the Respondents from giving effect to the provisional/recommended list published pursuant to Advertisement No. 1/2016. By order dated 29th July, 2022, the interim direction was made absolute and continued to operate during pendency. In consequence, no appointment under the 1st February, 2019 list could be made.

7. While the petitions remained pending, the Secretariat issued a notice dated 9th September, 2021 cancelling the advertised vacancies for the post of Junior Proof Reader (Advt. No. 1/2016), stating that the competent authority had cancelled the vacancies "due to administrative reasons", and that the



recommendation of candidates through the result notice dated 1st February, 2019 stood cancelled. The notice reads as follows:

“RAJYA SABHA SECRETARIAT
NOTICE

Sub.: Cancellation of vacancies for the post of Junior Proof Reader advertised vide Advt. No. 1/2016.

In continuation of this Cell's result notice dated the 1st February, 2019, captioned – ‘List of candidates recommended for appointment to the post of Jr. Proof Reader – Advt. No. 1/2016, the candidates recommended for the said post are hereby informed that the Competent Authority has cancelled the said advertised vacancies due to administrative reasons.

2. Accordingly, the recommendation of the candidates through the aforecited notice dated the 15th February, 2019 for the post of Junior Proof Reader advertised vide Advt. No. 1/2016 stands **CANCELLED.**

RECRUITMENT CELL
Dated: 9th September, 2021”

8. The Secretariat explains the cancellation in its pleadings by placing reliance on the recommendations of a Review and Anomaly Committee constituted by the Hon'ble Chairman, Rajya Sabha, by circular dated 4th May, 2018. The Committee submitted its report on 13th June, 2019. For the Printing and Publications Service, the report recommended, in substance, that proofreading responsibility should shift to the respective “Author Sections” and the system should move towards camera-ready copy (CRC) preparation; it also recommended that the Printing and Publications Service be treated as a dying service and existing members, including Proof Readers, be adjusted elsewhere. Acting on those recommendations, the competent authority declared the Printing and Publications Service a dying cadre and concluded that fresh appointments of Proof Readers against the vacancies under Advertisement No. 1/2016 would be futile and would only add



financial burden without corresponding functional requirement.

9. In this backdrop, the recommended candidate (Pranav Luthra) seeks quashing of the cancellation notice and a mandamus for issuance of an appointment letter. The first set of Petitioners press for quashing of the recommended list and a direction to appoint them on the basis of merit.

Submissions on behalf of Mr. Pranav Luthra

10. Ms. Sriparna Chatterjee, Counsel for Pranav Luthra, argues that the impugned cancellation is an arbitrary reversal of a concluded selection process. She submits that while a candidate in a select list does not acquire an indefeasible right to appointment, the employer's discretion not to fill vacancies is not absolute. It must be exercised bona fide, on relevant considerations, and in a manner consistent with Article 14. Reliance is placed on *State of Haryana v. Subash Chander Marwaha*,¹ *Shankarsan Dash v. Union of India*² and *E. Co. Railway v. Mahadev Appa Rao*,³ to contend that the State cannot scuttle a selection by an unexplained or capricious decision.

11. The cancellation notice is assailed as *ex facie* non-speaking. It merely states that the vacancies were cancelled "due to administrative reasons", without disclosing what those reasons were, when the decision was taken, or the material that prompted it. Counsel submits that recording reasons is a basic discipline of administrative power and an important safeguard against arbitrariness.

12. It is further urged that the decision is vitiated by delay and unfairness. The advertisement was issued in 2016; the result was declared on 1st

¹ (1974) 3 SCC 220

² (1991) 3 SCC 47



February, 2019; the cancellation came on 9th September, 2021. This prolonged silence, followed by abrupt cancellation defeats legitimate expectation that a concluded selection would ordinarily culminate in appointments unless compelling reasons, duly disclosed, justified a departure.

13. Ms. Chatterjee submits that the cancellation has caused real and irreversible prejudice. The upper age limit was tied to the closing date of applications in 2016. By 2021, the Petitioner became overage for comparable recruitments in the general category. The cancellation therefore extinguishes a career opportunity pursued through a long process and cannot be treated as a neutral administrative choice.

14. It is also urged that the cancellation is inconsistent with the Respondents' earlier stance in the connected proceedings. After unsuccessful candidates challenged the selection, the Secretariat defended the process and asserted that recommendations were made strictly on merit and under the governing framework. Against that background, the later cancellation, without a reasoned explanation, is arbitrary, and amounts to short-circuiting of the pending adjudication.

15. Counsel further submits that selective cancellation invites closer scrutiny. Advertisement No. 1/2016 covered multiple posts, yet only the Proof Reader recruitment was cancelled. In the absence of a contemporaneous, disclosed rationale explaining why only this post warranted cancellation, the decision is arbitrary on the touchstone of Article 14.

16. Ms. Chatterjee argues that the Respondents seek to justify

³ (2010) 7 SCC 678



cancellation by referring to the Review and Anomaly Committee and an alleged decision declaring the Printing and Publications service a “dying cadre”. However, there is no specific order declaring the cadre a “dying service” has been shown to substantiate the plea, and the cancellation notice itself does not refer to any such decision.

17. In addition, she relies on contemporaneous documents to contend that the “dying cadre” rationale is, at the least, not borne out. These include the amendment dated 28th July, 2018 enhancing the upper age limit for Proof Reader, the Methods of Recruitment and Qualifications for Appointment Order, 2020 (revised upto 30th June, 2022) continuing to reflect the post and its sanctioned strength, and later material suggesting that vacancies continued to exist. It is urged that these documents raise serious doubts about the bona fides and consistency of the administrative justification for cancellation.

Respondents’ submissions

18. The Respondents submit that no candidate acquires an indefeasible right to appointment merely because the name appears in a recommended list. The selection under Advertisement No. 1/2016 did not culminate in appointments and, in any event, it was always open to the competent authority to decide not to fill the advertised vacancies, provided the decision is bona fide and taken on relevant considerations.

19. It is urged that the post in question falls in the Printing and Publications Service, which underwent an institutional review pursuant to the constitution of a Review and Anomaly Committee by the competent authority. The Committee examined the nature of work of the Printing and Publications Service and, inter alia, recommended systemic measures to



improve efficiency, including shifting responsibility for content and proofing to the Author Sections (including the Editorial and Translation Service for translated material), and moving towards supply of material in Camera Ready Copy (CRC) format, with staff training to enable such transition.

20. In light of the Committee's recommendations, and upon due consideration, the Secretariat decided that further appointments to the Proof Reader grade would serve no useful purpose and would only add recurring financial burden despite the functional requirement being intended to diminish under the revised work model. The cancellation notice dated 9th September, 2021 was issued as a consequential administrative decision cancelling the advertised vacancies for the post and, consequently, cancelling the recommendation list dated 1st February, 2019.

21. The Respondents submit that the cancellation was done in public interest and in furtherance of administrative rationalisation. The power to cancel the advertised posts or to withdraw a recruitment process is within the prerogative of the competent authority, particularly where the employer, on bona fide administrative grounds, reassesses continued requirement of the posts. Such a decision, they submit, is not barred merely because litigation was pending, nor does pendency of a writ petition compel the employer to fill vacancies which it no longer requires on administrative grounds.

22. The Respondents contend that the Petitioner's reliance on legitimate expectation is misplaced. At best, a candidate may expect a fair and non-arbitrary decision, but legitimate expectation does not crystallise into a right to appointment where the employer has, on relevant considerations, decided



not to fill the vacancies. They submit that the cancellation is neither arbitrary nor mala fide and therefore does not warrant interference in writ jurisdiction.

Analysis and Findings

23. Mr. Luthra challenges that cancellation as arbitrary, opaque, and mala fide. Although the Petitioners in W.P.(C) 1467/2019 have not independently impugned the cancellation notice, the consequence of cancellation goes to the root of both matters. If the cancellation is valid, the relief claimed by both sets of Petitioners cannot be granted. The analysis therefore begins with the legality of the cancellation notice.

Governing legal principles

24. The legal position on rights flowing from a select list is settled. A candidate does not acquire an indefeasible right to appointment merely because the name appears in a select list or in a list of recommended candidates. Ordinarily, a recruitment notification is an invitation to apply. Even where adequate candidates are found fit, the State is not under a legal duty to fill all or any of the vacancies, unless the governing rules so indicate. This principle has been consistently affirmed, including in ***Shankarsan Dash, Subash Chander Marwaha, State of Bihar v. Secretariat Assistant Successful Examinees Union***⁴; and ***State of A.P. v. D. Dastagiri***.⁵

25. The discretion not to fill vacancies or to cancel a recruitment is not immune to review. The employer does not enjoy an unqualified prerogative to disregard the selection outcome. The decision must be bona fide, founded on relevant considerations, and consistent with Article 14. If the decision is arbitrary, mala fide, or demonstrably extraneous, judicial review can

⁴ AIR 1994 SC 736

⁵ (2003) 5 SCC 373



intervene. The decision in *E. Co. Railway* reiterates this balance.

26. Applying these principles, the Court's enquiry is limited. It is not whether it would have been better to complete the recruitment process, but whether the cancellation of the vacancies for this post was a bona fide administrative decision supported by an institutional rationale, or whether it bears the marks of arbitrariness, bad faith, or colourable exercise of power.

Whether the cancellation is arbitrary or mala fide

27. Mr. Luthra assails the cancellation notice principally on four grounds: (i) the notice is non-speaking, stating only "administrative reasons"; (ii) cancellation came belatedly, after the result dated 1st February, 2019; (iii) the decision was taken during pendency of litigation and allegedly to nullify the interim order; and (iv) the Respondent's "dying cadre" justification is unsubstantiated, inconsistent with the subsequent recruitment framework, and contrary to the Committee's observations about shortage of Proof Readers.

28. The Secretariat relies on the constitution of the Review and Anomaly Committee and its recommendations concerning the Printing and Publications Service. The Committee examined the nature of work and recorded that proof reading had contributed to pendency. It recommended a structural shift by making the Author Sections, including the Editorial and Translation Service for translated material, responsible for content, spelling, and proofing, with the material to be supplied in CRC format so that proof reading, as a distinct institutional function, would progressively reduce. The Committee then recommended that the Printing and Publications Service be treated as a dying service and that existing staff be suitably adjusted. The competent authority accepted this institutional review and in view of the



recommended structural shift, concluded that fresh appointments as Proof Readers would be a futile exercise and would only increase financial burden without corresponding functional need.

29. A decision of this nature falls within the core of administrative discretion. Cadre rationalisation, restructuring of work processes, outsourcing decisions, and workforce planning are matters where the employer has latitude, subject to the boundary of legality and non-arbitrariness.

30. The record does indicate an institutional basis. The Review and Anomaly Committee was constituted in 2018 with an express mandate to review sanctioned strength and suggest rationalisation or outsourcing for achieving efficiency in the Printing and Publications Service. The Committee's report, and the subsequent administrative action founded on that report, provide a coherent explanation for why the Secretariat would re-evaluate continued recruitment to the Proof Reader grade. The rationale is not the existence of an individual grievance or a dispute about merit. The rationale is a structural shift in how proof reading work is to be undertaken in the Secretariat, including the move towards CRC material and author-section responsibility. That rationale is relevant. It is intelligible. It bears a clear nexus with the post in question.

31. The submission that the Committee also recorded "acute shortage" does not, by itself, render the cadre decision irrational. The report recognises pendency and shortage under the existing model, and then proposes a different model to address that very problem through systemic change and training. A conscious decision to transition away from a cadre, even where current shortage exists, is not self-contradictory. A restructuring decision



often begins precisely because the existing arrangement is inefficient or unsustainable. The choice between filling shortage by fresh recruitment and addressing shortage by re-organising the workflow is a policy choice. Judicial review does not substitute that choice unless the decision is demonstrably capricious or mala fide.

32. The argument of delay and timing also does not, on its own, establish arbitrariness. The recruitment began in 2016, the result was published on 1st February, 2019, and appointments could not be made because of the pendency of W.P.(C) 1467/2019 and the interim restraint order dated 13th February, 2019. The cancellation notice came on 9th September, 2021. While Mr. Luthra characterises this as a belated reversal, the chronology is equally consistent with a situation where the recruitment remained in abeyance due to litigation and the Secretariat simultaneously undertook an institutional review of the service and its functional requirements. Delay, in such a setting, is not fatal. The decisive question remains whether the ultimate decision is bona fide and anchored in relevant considerations. On the present record, the decision is not shown to be a disguise for a collateral purpose.

33. The plea of legitimate expectation also cannot carry the petition beyond the settled limits. A recommended candidate can legitimately expect that public authorities will act fairly and non-arbitrarily. However, legitimate expectation does not mature into a vested right to appointment where the employer, on bona fide administrative grounds, decides not to fill vacancies. ***Shankarsan Dash*** makes this clear. The doctrine cannot be used to compel the Secretariat to make appointments to a post which the Secretariat has rationally decided to phase out on institutional review.

34. Much emphasis is placed on the cancellation notice being non-



speaking, and reliance is placed on the general proposition that reasoned decision-making is a safeguard against arbitrariness. That proposition is sound. However, the nature of the decision here is not an adjudication of rights between two parties. It is an administrative decision on cadre and staffing, communicated through a notice. The notice itself is brief, but the justification is not a later invention unrelated to the decision. It flows from the cadre and functional review undertaken through the Committee and the consequent administrative decision to treat the service as dying and avoid fresh appointments which would not serve the reorganised model. On the present record, the basis for cancellation is capable of being discerned and tested, and it does not appear to be extraneous or colourable.

35. The point that the Secretariat defended the selection in the earlier litigation, and then cancelled the vacancies, also does not compel the inference of mala fides. Defending a selection process against a challenge to eligibility or merit does not disable the employer from subsequently taking an administrative decision that the vacancies themselves are no longer required due to restructuring. These are distinct planes. One concerns the integrity of the selection process under the then-prevailing recruitment framework. The other concerns continued requirement of the post itself in light of institutional review. The latter can legitimately overtake the former.

36. The submission of selective cancellation, confined to the Proof Reader post though Advertisement No. 1/2016 covered multiple posts, likewise does not establish hostile discrimination. The Committee review and the recommendations relied upon pertain to the Printing and Publications Service and the Proof Reader function. The classification therefore has a rational nexus to the object of increased efficiency through



CRC and author responsibility. Selective cancellation in this context is a function of service-specific restructuring, not an unexplained pick-and-choose exercise.

37. Mr. Luthra also urges prejudice on account of becoming overage. That prejudice is real at a human level, but it cannot convert a non-enforceable expectation into a legal right to compel appointment. The governing principle remains that cancellation, if bona fide and for relevant reasons, is not invalid merely because it operates harshly upon candidates who have waited during a long recruitment cycle. The writ jurisdiction tests legality, not hardship alone.

38. For these reasons, the cancellation notice dated 9th September, 2021 cannot be held arbitrary or mala fide. No ground is made out to compel the Secretariat to fill vacancies for a post which it has rationally decided, on the basis of an institutional review, to phase out as part of a dying service structure.

Consequences for the petitions

39. Once the advertised vacancies and the recommended list itself stand cancelled, the principal relief claimed by the non-recommended candidates, for setting aside the recommended list and seeking appointment pursuant to Advertisement No. 1/2016, does not survive for adjudication. Even assuming their grievance on inter se merit and eligibility were examined, no appointment can be directed against vacancies that the employer has validly cancelled. The challenge is thus rendered infructuous.

40. It is clarified that since no appointments have been made pursuant to the result notice dated 1st February, 2019 and the entire recruitment for this post stands cancelled, there is no occasion to issue any mandamus either to



appoint the recommended candidate or to revise the panel and appoint the non-recommended candidates.

41. In view of the above, the petitions are disposed of in the following terms:

41.1 W.P.(C) No. 12917/2021 (filed by Mr. Pranav Luthra) is dismissed. The challenge to the cancellation notice dated 9th September, 2021 fails.

41.2 W.P.(C) No. 1467/2019 (filed by Nancy Sharma and Others) is disposed of as infructuous in view of the valid cancellation of the advertised vacancies and the recommended list itself.

41.3 The interim order dated 13th February, 2019, stands vacated.

41.4. Pending applications, if any, also stand disposed of.

SANJEEV NARULA, J

FEBRUARY 11, 2026/ng