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W.P. No.48259/2025

**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE
BEFORE**

HON'BLE SHRI JUSTICE JAI KUMAR PILLAI

WRIT PETITION No.48259 of 2025

JITENDRA MEWADE

Versus

THE STATE OF MADHYA PRADESH AND OTHERS

Appearance:

Shri L. C. Patne - Advocate for the petitioner through V.C.

*Shri Aditya Singh - Panel Lawyer for the respondents No.1
and 2/State.*

*Shri Manu Maheshwari - Advocate for the respondent
No.3/Employees Selection Board.*

Reserved on : 16/03/2026

Post on : 02/04/2026



ORDER

This Writ Petition under Article 226 of the Constitution of India has been filed by the petitioner challenging the impugned select list dated 24.11.2025 (Annexure P/9) issued by Respondent No.3.

2. The petitioner seeks a writ of Certiorari to quash the impugned select list to the extent it recommends the names of Respondent No.4 & 5 for the post of Assistant Grade-III (Post Code 83) in the office of Respondent No.2. The petitioner further seeks a writ of Mandamus directing the respondents to consider his case for appointment to the said post based on his positive merit in the "Group-4, Assistant Grade-3 Combined Recruitment Test - 2024", regardless of the preference order submitted by him.

Facts of the Case

3. The petitioner is a candidate possessing various educational qualifications, including High School (2015), Higher Secondary (2017), Diploma in Computer Application (2019), and a B.Sc. Degree in Computer Science (2020). The petitioner also cleared the Computer Proficiency Certification Test (CPCT) in 2021 and



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acquired a National Trade Certificate in Stenographer and Secretarial Assistant (Hindi) with an efficiency of 80 words per minute.

4. Pursuant to an advertisement issued by Respondent No.3 for filling up Class-III posts under Group-4, the petitioner submitted his online application form. As he was eligible for multiple posts, he submitted his order of preference. The post of Assistant Grade-III-cum Steno Typist-cum-Computer Operator (Post Code No.144) was opted as his 1st preference, whereas the post of Assistant Grade-III in the office of Respondent No.2 (Post Code No.83) was placed at Sr. No.36 in his preference list.

5. In the recruitment test, the petitioner secured 99.927273 percentile marks and was declared qualified for Post Code No.144. However, for Post Code No.83, the impugned select list dated 24.11.2025 included the names of Respondent No.4 & 5, who secured 99.730216 and 99.628384 percentile marks, respectively. Aggrieved by the allotment of Post Code No. 83 to candidates with lower percentile scores, the petitioner has approached this Court.

Contentions of the Petitioner

6. The primary grievance of the petitioner is that despite securing more marks than Respondent No.4 & 5, his name was not



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recommended for Post Code No.83. The petitioner contends that the allotment was made purely on the basis of preference, overlooking the respective merit of the candidates.

7. The petitioner argues that he filled the order of preference randomly, and merely because Post Code 83 was opted at Sr. No.36, he cannot be deprived of the appointment. It is urged that preference is a personal choice and cannot bypass merit, relying on the decisions in the case of **Bibhudatta Mohanty v. Union of India (2002) 4 SCC 16, State of U.P. & Another v. Omprakash & Others (2006) 6 SCC 474, and Smt. Archana Bamniya v. State of M.P. & Others 2007 (1) MPLJ 484.**

8. Through the rejoinder, the petitioner contends that as per Clauses 10, 11, and 12 of the Madhya Pradesh Junior Service (Joint Qualifying) Examination Rules, 2013, merit is the sole criterion for the preparation of the merit list. The petitioner asserts that the 2017 standing notice relied upon by the respondents was not referenced in the Rule Book and runs contrary to the statutory rules.

Contentions of the Respondents

9. Learned counsel for the respondent No.3 submits that the petition is entirely misconceived and attempts to surpass the mandatory rule of locking preferences. It is stated that the allotment



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is governed by the rule of "merit-cum-preference" as explicitly detailed in Rule 3.1 of Chapter-3 of the Rule Book annexed with the advertisement.

10. The answering respondent highlights that a standing clarification notice has been in place since 2017, detailing this mechanism. Because the petitioner secured the 1st position in merit, his preference list was given priority, and he was successfully allotted his very 1st preference (Post Code 144).

11. It is further contended that once a candidate is allotted a post based on a higher preference, he is not considered for posts placed lower in the priority list. The respondents argued that altering this settled merit-cum-preference system for the petitioner would cause immense administrative chaos across 57 Departments and 117 Post Codes, violating the rights of all other duly selected candidates.

Analysis and Conclusion

12. Having heard the rival contentions of the learned counsel for the parties and upon careful perusal of the record, the controversy in the present case *lies* in a narrow compass. At the outset, it is a well-settled proposition of service jurisprudence that the scope of judicial review under Article 226 of the Constitution of India in matters of recruitment is highly circumscribed. This Court does not



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sit as an appellate authority over the examining body. Interference is warranted only when the selection process is vitiated by patent illegality, arbitrariness, or a gross departure from the published statutory rules.

13. The foundational grievance of the petitioner is that despite securing an exceptionally high score of 99.927273 percentile, candidates with lower percentiles (Respondent Nos.4 & 5) were allotted the post of Assistant Grade-III (Post Code 83). To evaluate this, the Court must examine the statutory framework governing the "Group-4 Combined Recruitment Test - 2024", specifically Chapter 3, Part A of the Rule Book (Document No. 4282/2026). Clause (iii) explicitly dictates that examination and result proceedings shall be conducted based on the information and "options/preferences" provided by the candidate in the online application. Further, Clause (iv) imposes a mandatory duty on the candidate to enter preferences for all eligible positions, explicitly warning that a failure to opt for a post means the candidate will not be considered for it, regardless of the marks obtained.

14. The fundamental objective of the "Merit-cum-Preference" methodology is to empower the meritorious candidate to secure the specific post they deem best for themselves. It is a harmonious blend where merit determines when a candidate gets to choose, and



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preference determines what they are allotted. The petitioner's argument that merit was ignored is factually and logically flawed. It is precisely because of the petitioner's high merit that the allotment software evaluated his profile at the very top of the list. Upon checking his locked preference list, the system successfully allotted him his topmost choice his 1st preference (Post Code 144).

15. The logic of such a selection matrix is linear and definitive. Once a candidate achieves high merit and is successfully allotted their highest available preferred post, the allotment process for that specific candidate attains finality. It is procedurally incorrect and practically impossible to continue cascading that candidate's name into subsequent merit lists for posts placed significantly lower in their preference order in this case, the 36th preference (Post Code 83). The petitioner's assertion that he chose the order of preference "randomly" reflects sheer negligence on his part and cannot be wielded as a weapon to dismantle a highly structured and transparent recruitment process.

16. The petitioner, via his rejoinder, attempts to isolate Clause 11 of the Madhya Pradesh Junior Service (Joint Qualifying) Examination Rules, 2013, to argue that merit is the sole criterion. This argument must fail on the anvil of harmonious statutory construction. The general rules of 2013 must be read in conjunction



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with the specific operational mandates of Chapter 3 (Rule 3.1) of the Rule Book. Furthermore, the standing notice of 2017 (Annexure R/2) does not introduce any new, substantive rule that runs contrary to the advertisement; rather, it merely illustrates the operational mechanics of the existing "merit-cum-preference" rule, which has been standard practice for combined recruitment tests for years.

17. The petitioner is also strictly bound by the Doctrine of Estoppel and Acquiescence. A candidate is expected to act with ordinary prudence while executing a statutory application form. The petitioner willingly participated in the selection process, affirmatively locked in Post Code 144 as preference #1, and consciously relegated Post Code 83 to preference #36. Having consented to the rules of the game and having reaped the benefit of securing his absolute top choice, the petitioner cannot now approbate and reprobate by challenging the very mechanism that honored his own request. The grievance raised is entirely self-inflicted.

18. The position of law regarding the binding nature of a candidate's elected preference is no longer *res integra*. The Hon'ble Apex Court in the case of **M.P. Public Service Commission v. Manish Bakawale, (2021) 18 SCC 61 : 2021 SCC OnLine SC 1278 (at page 69)** categorically held:-



“19. As noted, the selection for all the posts in the instant case were through a single advertisement and common examination. The selection process conducted by the appellant for the benefit of the departments under the Government was not one post after the other on completing the entire process to the higher post. Since, a common examination was held and the common merit list was prepared, the adjustment of the candidates were based on their preference according to their order in the merit list. Respondent 1 having declared that he possessed the physical eligibility for the post of Deputy Superintendent of Police and since he had obtained the requisite marks he was selected and placed in the main selection list. It is true as indicated from the records that another Scheduled Caste candidates who had secured 892 marks had been given the post of CMO as per the preference indicated by him. When such is the process of selection, if Respondent 1 who had made declaration about the correctness of his eligibility and secured the selection to be placed in the main list for the said post, he has to blame himself if found ineligible since his height was admittedly 162 cms. which was in fact within his knowledge. He ought not to have exercised the preference. But having acted so at that stage, if he seeks appointment to the next



preferred post and such request is accepted, it will result in displacing a candidate who having made a truthful declaration had indicated the appropriate preference, who is selected and placed in the main list. Therefore, in such circumstance, if any interference is made in the process of selection, apart from the fact that it could interfere with the administrative process would also cause hardship to the candidates who have already been appointed and are not before this Court.”

19. The judgments relied upon by the petitioner, namely **Bibhudatta Mohanty v. Union of India (2002) 4 SCC 16, State of U.P. v. Omprakash (2006) 6 SCC 474, and Smt. Archana Bamniya v. State of M.P. & Others (2007 (1) MPLJ 484)**, are entirely distinguishable and offer no aid to his case. Those decisions address scenarios where the employer or the State arbitrarily grants en-bloc preferential treatment (e.g., extra weightage for specific institutional backgrounds or seniority) that unlawfully overrides the open merit list. In the present case, the preference was not an artificial advantage imposed by the State; it was a specific, deliberate choice elected and locked in by the petitioner himself.



20. This Court must also take judicial notice of the administrative feasibility of the reliefs sought. The subject examination involved 57 departments, 117 post codes, and nearly 1,000 posts, with lakhs of participating candidates. If this Court were to permit a single candidate to arbitrarily discard their 1st preference and lay claim to their 36th preference after the final results have been declared, it would trigger a disastrous domino effect. It would severely disrupt the entire state-wide allocation matrix and unlawfully infringe upon the vested rights of third parties, such as Respondent Nos.4 & 5, who have been rightfully allotted those seats strictly according to the published Rules.

21. However, before parting with this case, this Court finds it necessary to issue a word of caution to the Respondent Board regarding future advertisements. While the Rules in the present case (Chapter 3 read with the 2017 standing notice) were legally binding and sufficiently clear to negate the petitioner's claim, it is highly advisable that examining bodies explicitly incorporate the operational mechanics and detailed explanations of the "merit-cum-preference" allotment software directly within the main body of the Rule Book and advertisement. Such a proactive measure would ensure absolute transparency and curtail the influx of similar frivolous litigation in future.



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22. In the final analysis, the Respondent Board has acted strictly within the four corners of the published statutory mandate. By granting the petitioner his topmost preference, the Board has adequately rewarded his merit. No illegality, arbitrariness or constitutional violation has been established to warrant the issuance of a writ of Certiorari or Mandamus.

23. *Ex-consequenti*, the present writ petition is found to be wholly devoid of substance and merit and the same is hereby **dismissed**.

24. Pending applications, if any, shall be **disposed of** accordingly.

No order as to costs.

(Jai Kumar Pillai)
Judge

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