



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR**



(1) S. B. Civil Writ Petition No. 3098/2026

Vinod Kumar S/o Pyarelal, aged about 48 years, R/o B 77, Ward No. 4, Ram Nagar, Near Basant Vihar, District Jhunjhunu, Rajasthan-333001.

----Petitioner

Versus

1. The State of Rajasthan, through its Principal Secretary, Department of Administrative Reforms, Govt. of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Rajasthan Staff Selection Board, State Institute of Agriculture Management Premises, Shreeji Nagar, Prithviraj Colony, Durgapura, Jaipur, Rajasthan. 302018

----Respondents

Connected With

(2) S. B. Civil Writ Petition No. 4812/2026

Anju D/o Ram Prasad W/o Pankaj Kumar, aged about 34 years, R/o Khuri Chhoti, Post Khuri Chhoti, Tehsil Laxmangarh, District Sikar, Rajasthan-332315.

----Petitioner

Versus

1. The State of Rajasthan, through its Principal Secretary, Department of Administrative Reforms, Govt. of Rajasthan, Secretariat, Jaipur.
2. The Secretary, Rajasthan Staff Selection Board, State Institute of Agriculture Management Premises, Shreeji Nagar, Prithviraj Colony, Durgapura, Jaipur, Rajasthan 302018.

----Respondents

For Petitioners	:	Mr. Tanveer Ahamad Advocate. Mr. Harendar Neel Advocate with Mr. Amogh Gupta Advocate.
For Respondents	:	Mr. Kapil Prakash Mathur, Additional Advocate General assisted by Mr. Ashutosh Udawat Advocate & Mr. Sumit Purohit Advocate Mr. Kartikeya Sharma.



HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

REPORTABLE

Date of conclusion of arguments	::	12.05.2026
Date on which judgment was reserved	::	12.05.2026
Whether the full judgment or only		
the operative part is pronounced	::	Full Judgment
Date of pronouncement	::	22.05.2026

Since both the above writ petitions involve similar facts, grievance, cause of action and identical questions of law, they were heard analogously and are being decided by this common judgment. With the consent of learned counsel appearing for the respective parties as also for the sake of convenience, the facts pleaded in S.B. Civil Writ Petition No. 3098/2026 are being taken into consideration for adjudication of the controversy involved in the present matters.

2. The petitioner in S.B. Civil Writ Petition No. 3098/2026 has prayed for following relief:

"In these circumstances, it is, therefore, prayed that this Hon'ble Court may be pleased to accept this writ petition and:-

i) the impugned result dated 16.01.2026 alongwith impugned merit-wise list of candidates and impugned amended result dated 06.02.2026 not selecting humble petitioner on the post of Class-IV Employee in pursuance to advertisement dated 12.12.2024 for securing negative marks may kindly be declared erroneous, illegal and arbitrary and therefore, same may kindly be quashed and set aside;

ii) The respondents may kindly be directed by issuing appropriate, writ, order or direction in the nature thereof:

a) To treat humble petitioner eligible for appointment on the post of Class-IV Employee in OBC-NCL (Ex-servicemen) category if falls within merit in his category and otherwise suitable for appointment; and

b) To select humble petitioner for appointment on the post of Class-IV Employee in OBC-NCL (Ex-servicemen) category if falls within merit in his category and otherwise suitable for appointment; and

c) To grant appointment to humble petitioner on the post of Class-IV Employee in OBC-NCL (Ex-servicemen) category with all consequential benefits if falls within merit in his category and otherwise suitable for appointment.

iii) Any other appropriate order or direction which this Hon'ble Court deems just and proper in the facts and circumstances of





this case may kindly also be passed in favour of the Petitioner."

3. Petitioner has come out with a case that the respondent-Rajasthan Staff Selection Board (hereinafter to be referred as 'Board') issued an advertisement dated 12.12.2024 for recruitment to 52,453 posts of Class-IV Employees under the Rajasthan Class IV Service (Recruitment and Other Service Conditions) Rules, 1999 (hereinafter to be referred as 'the Rules of 1999'). As per the advertisement, the recruitment process comprised a written examination carrying 200 marks with negative marking to the extent of one-third marks for every incorrect answer. It was further stipulated that in case the examination was conducted in multiple shifts, the process of normalisation would be adopted. Subsequently, corrigendum advertisements dated 03.03.2025 and 12.01.2026 were issued increasing the number of posts and revising the category-wise bifurcation.

4. The petitioner, in S.B. Civil Writ Petition No. 3098/2026, claiming himself to be eligible and qualified, applied under the OBC-NCL (Ex-servicemen) category and appeared in the written examination conducted on 19.09.2025 in the morning shift. The examination was conducted in six shifts between 19.09.2025 and 21.09.2025. After publication of the model answer key dated 17.10.2025 and declaration of the result dated 16.01.2026 along with the final answer key dated 20.01.2026, the petitioner found that he had secured normalised marks of (-0.6508) and was not selected. Similar grievance has also been raised by the petitioner in S. B. Civil Writ Petition No. 4812/2026, who appeared in the aforesaid recruitment process under OBC-NCL (Widow) category.





5. According to the petitioners, despite vacancies remaining unfilled in their respective categories, they were not selected merely on account of securing negative marks, although neither the advertisement, nor the relevant rules prescribed any minimum qualifying marks for selection. It is contended that in the absence of any prescribed minimum benchmark, candidates securing negative marks could not have been declared ineligible if they otherwise fell within the zone of consideration and vacancies in the concerned category remained vacant. The petitioners have further challenged the amended result dated 06.02.2026, asserting that even therein vacancies in the above categories continued to remain vacant on account of non-availability of candidates.

6. The petitioner has also questioned the process of normalisation adopted by the respondents, contending that due to application of the equi-percentile normalisation formula, the marks of candidates, who appeared in the first shift, including the petitioner, stood reduced, whereas marks of candidates of other shifts allegedly increased. It is further averred that candidates securing zero marks were selected pursuant to the impugned results and, therefore, exclusion of the petitioner alone is arbitrary and discriminatory.

7. On the aforesaid premises, the petitioner has prayed for quashing of the result dated 16.01.2026 and amended result dated 06.02.2026 to the extent they deny selection to the petitioner and for issuance of directions to the respondents to consider and appoint him on the post of Class-IV Employee in the OBC-NCL (Ex-servicemen) category with all consequential benefits. Similar prayer has also been made by the petitioner, qua his category, in connected writ petition.





8. In the reply to the writ petition, the respondent-Board opposed the writ petition and submitted that the recruitment in question has been conducted strictly in accordance with Rules of 1999 as well as notification dated 17.10.2024 issued by the State Government prescribing the scheme of examination. The respondent-Rajasthan Staff Selection Board is merely a recruiting agency entrusted with the limited function of conducting examinations and preparing merit lists in accordance with the statutory rules and policy decisions of the State Government and no illegality or arbitrariness has been committed in the selection process.

9. The respondents have specifically denied the contention of the petitioner that a candidate securing negative marks is entitled to selection merely because vacancies allegedly exist in a particular category. It has been submitted that public employment is governed by the principles of comparative merit and suitability and not merely by availability of vacancies. According to the respondents, the petitioner, having secured negative marks after normalisation, falls outside the zone of merit and, therefore, cannot claim any enforceable right for appointment.

10. It has further been averred that the written examination was conducted in six different shifts between 19.09.2025 and 21.09.2025 and, therefore, normalisation of marks was an essential and integral part of the recruitment process in order to maintain fairness and parity amongst candidates appearing in different shifts. The normalisation process, according to the respondents, was carried out strictly in terms of the advertisement and on the basis of the recommendations of an expert committee by adopting a scientific





equi-percentile method. The said method is stated to be objective, transparent and uniformly applicable to all candidates and the petitioner, having participated in the recruitment process with full knowledge of the conditions contained in the advertisement, is stopped from challenging the same after declaration of the results.

1. The respondents have further relied upon the revised instructions/directions dated 31.05.2017 issued by the Board for preparation of examination results. It has been stated that in terms of the said binding instructions, even where no minimum qualifying marks are prescribed, candidates securing zero or negative marks are not to be selected under any circumstances so as to maintain minimum standards of merit in public employment. According to the respondents, after normalisation, the petitioner secured (-0.6275) marks and, therefore, was rightly not shortlisted for document verification and eligibility scrutiny.

12. The respondents have also submitted that as per the official record and OMR sheet, the petitioner failed to properly attempt the questions and had marked option "E" for all questions, thereby deliberately not attempting the paper. It has been contended that the negative marks secured by the petitioner are a direct consequence of his own performance in the examination and cannot be attributed to any illegality in the recruitment process.

13. With regard to the petitioner's contention that vacancies remained unfilled in the OBC (Ex-servicemen) category, the respondents have submitted that Ex-servicemen reservation is a horizontal reservation category and candidates belonging to OBC (Ex-servicemen), who secured higher merit, were adjusted against General (Ex-servicemen) category seats in accordance with the





settled principles governing horizontal reservation. Consequently, according to the respondents, no separate vacancy remained available in the OBC (Ex-servicemen) category and, therefore, the claim of the petitioner that vacancies were lying vacant is wholly misconceived.

4. On the aforesaid premises, the respondents have contended that the entire recruitment process has been conducted strictly in accordance with the applicable statutory provisions, administrative instructions and recommendations of the expert committee and no violation of any of the provisions of the Constitution of India is made out. Accordingly, prayer has been made for dismissal of the writ petition with costs.

15. Learned counsel for the petitioners emphatically argued that candidates belonging to certain reserved categories have been selected despite securing normalised marks as low as 0.0035, whereas candidature of the petitioners came to be rejected only on account of the fact that the petitioners secured marks in negative. The grievance raised by the petitioners is that in absence of any minimum qualifying marks prescribed by the respondents, the entire selection process is violative of Articles 14 and 16 of the Constitution of India.

16. The arguments put forward by learned counsel for the petitioner was opposed by learned Additional Advocate General and learned counsel for the respondent-Board, who reiterated the submissions made in reply to the writ petition and Additional Affidavit filed on behalf of Department of Personnel.

17. Upon hearing learning counsel for the parties and on perusal of material available on record, this Court finds that the





principal issue came up for consideration before this Court is as to whether the State can constitutionally permit public appointments in favour of candidates, who have secured virtually zero or even negative marks, without prescribing any minimum benchmark of suitability.

8. An examination of select list issued by the respondent-board shockingly reveals that more than 1200 candidates selected by the respondent-Board although secured actual raw marks in negative range (i.e. less than zero), however, by adopting the process of normalisation, the negative raw marks of such candidates have been increased, so as to convert them into positive marks, though such increased marks were still almost equal to zero.

19. It is evident from the material on record that after adopting normalisation process, cut off marks declared by the respondent-Board for following reserved categories are almost equal to zero:

<u>Category</u>	<u>Cut off Marks</u>
General- Ex-serviceman	0.0035
SC-Widow	0.0035
ST-Widow	0.0035
Gen-EWS-Widow	0.017
OBC-Widow	0.0035
MBC-Widow	0.033
SAH-Gen	0.0307
SAH-Female	0.0035
SAH-Widow	3.8805

20. When Writ Petition No. 3098/2026 initially came up before this Court, taking note of the shocking factual position emerging





from the record that candidates securing normalised marks virtually equivalent to zero had been selected for public employment, this Court passed detailed order dated 18.02.2026 observing that even in recruitment to Class-IV posts, the State is duty bound to maintain minimum standards of suitability and competence. It was observed that a person securing near zero or negative marks cannot reasonably be treated as suitable for public employment. Consequently, the respondents were directed to explain the reasons for not prescribing minimum qualifying marks and fixing such abnormally low cut-off marks.

21. Thereafter, on the subsequent date, this Court again expressed serious concern noticing that instead of furnishing any satisfactory explanation, different departments of the State Government were merely shifting responsibility upon one another. This Court specifically observed that the Rajasthan Staff Selection Board is merely a recruiting agency and necessarily acts in accordance with the Rules and policy framed by the State Government. It was also observed that the respondents failed to explain the rationale behind fixing cut-off marks as low as 0.0035 and no policy decision or guidelines justifying such action were placed before the Court.

22. Pursuant to directions issued by this Court, affidavit of the Secretary, Department of Personnel came to be filed. Bare perusal of the affidavit reveals that instead of justifying the action of the respondents on merits, an attempt has been made to divert responsibility upon the Rajasthan Staff Selection Board and the Administrative Reforms Department. In the affidavit, it has been



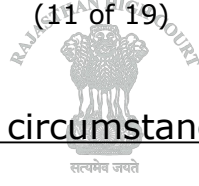


stated that the Administrative Reforms Department merely collects vacancies and allocates selected candidates after recommendations are received from the recruitment agency and the conduct of examination, issuance of answer key, declaration of cut-off marks and determination of merit are functions discharged by the Rajasthan Staff Selection Board.

3. The affidavit filed by the respondents completely fails to answer the aforesaid issue. No material has been placed on record demonstrating any rational basis for not prescribing minimum qualifying marks. No study, expert opinion, policy document or administrative rationale has been shown to justify how a candidate securing 0.0035 marks after normalisation can be considered fit for appointment in public service. The affidavit is conspicuously silent on the most material aspect, namely, whether the State considers such candidates capable of discharging even basic duties attached to public employment.

24. The respondents enclosed Revised Instructions for Preparation of Examination Results dated 31.05.2017 along with Additional Affidavit, wherein it was decided by the Board that at the time of preparation of the result, it shall first be examined whether any minimum qualifying marks have been prescribed for passing the examination or not. If so, all candidates securing marks below such minimum qualifying marks shall first be excluded. It was decided that a candidate securing zero or negative marks in any examination shall not be selected under any circumstances, even if no minimum qualifying marks have been prescribed therein. In cases, where the merit is found to be extremely low, the Board may also, in its





discretion and under special circumstances, take a separate decision to prescribe minimum qualifying marks.

25. In order to examine the manner in which the respondent-authorities had taken a decision to select candidates who had originally secured negative raw marks, which upon normalisation were converted into positive marks though still remaining almost equal to zero, this Court directed the respondents to produce the original record pertaining to the selection process. In compliance thereof, learned counsel appearing for the respondent-Board produced the original Minutes of the 415th meeting of the Board dated 15.01.2026, wherein the issue was considered by Board and it was recorded in the aforesaid Minutes of the meeting that pursuant to the requisition received by the Board from the Department of Administrative Reforms for various departments/subordinate offices, the Secretariat and the Rajasthan Public Service Commission, a merit list of 20,33,127 successful candidates has been prepared in order of preference against a total of 53,750 posts of Class-IV Employees, comprising 48,200 posts for non-scheduled areas and 5,550 posts for scheduled areas, under the Rules of 1999. It was also observed that the merit list of the candidates has been prepared on the basis of the marks obtained by the candidates in the main examination. Since no minimum qualifying marks were prescribed for the written examination of the Class-IV Direct Recruitment Examination-2024, candidates securing zero or less than zero marks have been declared unsuccessful and the Board in aforesaid meeting unanimously resolved to approve the said decision.





26. A perusal of the aforesaid minutes of meeting dated 15.01.2026 reveals that although the Board, vide its instructions/guidelines dated 31.05.2017, had specifically provided that in cases where the merit is found to be extremely low, the Board may, in its discretion and under special circumstances, take a separate decision to prescribe minimum qualifying marks, yet the said instructions/guidelines were not taken into consideration at all while finalising the present selection process. Despite the fact that the merit in certain reserved categories had fallen to a hopelessly low level, with cut-off marks being almost equal to zero even after normalisation, the issue regarding prescription of minimum qualifying marks was not even deliberated upon by the Board.

27. This Court further finds that although the instructions issued by the respondent-Board dated 31.05.2017 specifically contemplated exclusion of candidates securing zero or negative marks, yet the said mandate was not adhered to in its true spirit. More than 1,200 candidates, who had originally secured raw marks in the negative range, were not excluded from the selection process and rather, by virtue of normalisation, their marks were shifted to the positive side. However, even after such normalisation, the marks secured by such candidates remained negligibly above zero and for all practical purposes, were virtually equivalent to zero marks. Despite this, such candidates were permitted to participate in the further process of recruitment and not excluded from consideration by the respondent-Board. As a matter of illustration, a few of the instances are being quoted hereunder:

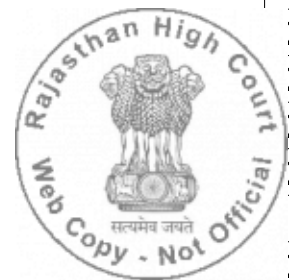




Merit	Raw Marks	Normalized Marks	Roll No.	Candidate Name
2031833	-0.4131	0.1530	3401752	Seema Kumari
2031834	-0.4274	0.1504	3234766	Pushpendra Singh
2031835	-0.4416	0.1479	3253414	Kamaljeet Kour
2031836	-0.4416	0.1479	3187057	Kanhaiya Lal Sharma
xxxx	xxxxx	xxxxx	xxxx	xxxx
2031888	-0.5271	0.1250	3322133	Gopal Jat
2031889	-0.5271	0.1250	3461176	Jyoti Pankaj
2031890	-0.5271	0.1250	3220238	Jasa Ram
2031891	-0.5271	0.1250	3467076	Dilkush Meena
xxxx	xxxxx	xxxxx	xxxx	xxxx
2031937	-0.5413	0.1184	3210008	Nandani Damor
2031938	-0.5413	0.1184	3210797	Nansha Kumari Patel
2031939	-0.5413	0.1184	3533616	Mukesh Meena
2031940	-0.5413	0.1184	3208846	Sita Kumari
xxxx	xxxxx	xxxxx	xxxx	xxxx
2032008	-0.5556	0.1074	3574653	Ajay Kumar
2032009	-0.5556	0.1074	3281790	Krishna Meena
2032010	-0.5556	0.1074	3568064	Himmat Singh
2032011	-0.5556	0.1074	3568170	Vishnu Singh
xxxx	xxxxx	xxxxx	xxxx	xxxx
2032076	-0.5556	0.1074	3422205	Divyanshu Singh
2032077	-0.5556	0.1074	3344549	Vikash Kumar Sangaria
2032078	-0.5556	0.1074	3426892	Suman Choudhary
2032079	-0.5556	0.1074	3366013	Kuldeep Meena

28. This Court is conscious of the constitutional mandate of providing reservation and adequate representation to reserved categories in public employment. However, the concept of reservation cannot be stretched to an extent where minimum standards of suitability and efficiency in administration are completely obliterated. Reservation is a facet of equality, but it cannot become a mechanism for legitimising appointments of wholly unsuitable candidates who have demonstrated complete lack of merit or basic competence.

29. It is significant to note that Article 335 of the Constitution of India itself mandates that while considering claims of members of reserved categories in services and posts, maintenance of efficiency





of administration has also to be kept in consideration. Even otherwise, the State while making public recruitment is under constitutional obligation to ensure that minimum standards are maintained so that public employment does not become an object of

dicule.

0. In the case of **M. Nagaraj & Others vs. Union of India**

Others, 2006 (8) SCC 212, the Hon'ble Supreme Court

reiterated that the constitutional principle of efficiency in administration under Article 335 of the Constitution of India forms part of the basic framework governing public employment.

31. Needless to observe that public employment is not a matter of charity or distribution of largesse. Every public post, howsoever small, carries public duties and responsibilities. Even a Class-IV employee is required to discharge duties involving discipline, basic comprehension, execution of instructions, interaction within governmental setup and performance of official functions with minimum efficiency. The State cannot proceed on an assumption that for Class-IV posts, no minimum merit or competence is necessary.

32. The action of the respondents in permitting selection of candidates securing normalised marks as low as 0.0035 out of 200 maximum marks virtually amounts to treating public recruitment as a mere ritualistic exercise and devoid of any standards. Such action strikes at the very root of institutional integrity and public confidence in recruitment processes.

33. This Court is also unable to accept the implicit reasoning sought to be advanced by the respondents that since no minimum qualifying marks were prescribed, even candidates securing near





zero marks could be selected. Merely because the rules may not expressly prescribe minimum qualifying marks does not absolve the State from its constitutional obligation to maintain minimum standards of fairness, reasonableness and suitability in public appointments.

4. It is trite law that every executive action of the State must satisfy the test of reasonableness under Article 14 of the Constitution of India. Prescription of no minimum benchmark whatsoever and consequential selection of candidates securing virtually zero marks is *ex facie* arbitrary and irrational. Such a process cannot withstand constitutional scrutiny.

35. This Court further finds that the present recruitment process demonstrates complete non-application of mind on the part of the respondents. If the examination was genuinely so difficult that candidates across categories could not even secure basic marks, then the examination process itself was fundamentally defective. Conversely, if the examination was of ordinary standard, then selection of candidates securing marks close to zero demonstrates complete absence of minimum suitability. In either eventuality, the recruitment process to the extent of selecting candidates securing almost zero marks out of 200 marks cannot be sustained.

36. The doctrine of equality under Articles 14 and 16 of the Constitution of India does not envisage equality in irrationality. The State cannot justify arbitrary appointments merely by referring to reservation policy. Relaxation in qualifying standards may be permissible within constitutional limits, however, complete abandonment of standards is impermissible.



37. This Court is also of the considered opinion that normalisation process cannot be utilised to artificially elevate candidates who have otherwise failed to demonstrate even bare minimum merit. Normalisation is intended to balance variations in difficulty level between different shifts or papers and not to create artificial merit where none exists.

38. The fact that candidates securing normalised marks as low as 0.0035 out of 200 marks have been selected itself demonstrates manifest arbitrariness in the recruitment process. Such marks are practically equivalent to no merit at all and acceptance of such selection would amount to judicial approval of complete erosion of standards in public employment.

39. The aforesaid view also finds support from settled principles laid down by the Hon'ble Supreme Court that while providing reservation and relaxation to reserved categories, the State cannot completely compromise minimum standards of suitability and efficiency in public administration.

40. In the case of **Dr. Sadhna Devi & Others vs. State of U.P. & Others, (1997) 3 SCC 90**, the Hon'ble Supreme Court, was pleased to observe as under:

"19. But the Government has gone one step further. It has now laid down that it will not be necessary for the special category candidates to obtain even the minimum qualifying marks in the admission tests in order to gain admission to the postgraduate medical courses. In other words, the seats reserved for the three special categories of candidates will be filled up by the candidates belonging to these three special categories even if they fail to obtain the minimum qualifying marks in the tests held. In other words, the candidates belonging to the three special categories who have passed the MBBS examination will have to take the test for admission to postgraduate medical courses but that will be an idle formality because they will qualify for admission to the postgraduate medical courses even though they do not secure the minimum qualifying marks in the tests.





20. *In our view, this rule comes in conflict with the direction given by the Postgraduate Medical Education Committee that students for postgraduate training should be selected strictly on merit. It was open to the State Government to say that selection to the postgraduate medical courses should be made on the basis of the performance of the candidates in the MBBS examination only. But the State Government has chosen to hold a test among the persons who have passed the MBBS examination in order to select candidates for postgraduate courses. It has laid down minimum qualifying marks for admission. Candidates belonging to the three special categories who secure the minimum qualifying marks will have to be admitted so long as their quota of seats is not filled up. But if the special category candidates fail to secure the minimum marks in the tests held, it is not open to the Government to say that even then the special category of candidates must be selected for the postgraduate courses. If this is done, the merit will be sacrificed altogether.*

21. *In our view, the Government having laid down a system for holding admission tests, is not entitled to do away with the requirement of obtaining the minimum qualifying marks for the special category candidates. It is open to the Government to admit candidates belonging to the special categories even in a case where they obtain lesser marks than the general candidates provided they have got the minimum qualifying marks to fill up the reserved quota of seats for them."*

41. Similarly in the case of **S. Vinod Kumar & Another vs. Union of India & Others, (1996) 6 SCC 580**, while dealing with Article 335 of the Constitution of India, the Hon'ble Supreme Court observed as under:

"9. *To the same effect are the observations of Sawant, J. in para 549, which we have extracted hereinabove. The learned Judge also speaks of:
(SCC p. 566)*

"concessions/exemptions etc. such as relaxation of age, extra attempts for passing the examinations, extra training period etc."

The other learned Judges in their separate opinions have merely held that reservation in the matter of promotions is not permissible under Article 16(4). They have not separately dealt with the concessions and facilities which can be extended to these reserved categories. [Of course, one of the learned Judges who constituted the majority, Ahmadi, J. (as the learned Chief Justice then was) was of the opinion that it was not necessary to consider in that case the question whether Article 16(4) permits reservation in the matter of promotions.] In the light of the fact that Pandian and Sawant, JJ. have agreed with the conclusions arrived at in the majority judgment and in the absence of any contrary proposition in the opinion of any other learned Judge, it must be held that the law on this question is the one declared in para 831. We are, therefore, of the opinion that so far as the provision for lower qualifying marks or lesser level of evaluation in the matter of promotion is





concerned, it is not permissible under Article 16(4) in view of the command contained in Article 335 of the Constitution. In other words, even if it is assumed for the sake of argument that reservation is permitted by Article 16(4) in the matter of promotions, a provision for lower qualifying marks or lesser level of evaluation is not permissible in the matter of promotions, by virtue of Article 335. If so, there can be no question of such a provision or 'concession', as it is called by the Tribunal, being saved by the declaration in para 829 of the said judgment."



2. Applying the ratio of the aforesaid judgments to the facts

f the present cases, this Court is of the considered opinion that selection of candidates securing original raw marks in negative range and increased normalised marks as low as 0.0035 or equally low marks out of total 200 marks is wholly inconsistent with the constitutional requirement of maintaining minimum standards in public employment. Such selection not only undermines efficiency in administration, but also erodes public confidence in fairness and credibility of recruitment processes undertaken by the State.

43. This Court also deems it appropriate to observe that constitutional goals of social justice and reservation must operate in harmony with maintenance of minimum standards in public administration. Reservation prescribed for disadvantaged sections cannot translate into complete dilution of merit to the extent where public institutions themselves lose credibility.

44. For the discussion and analysis made hereinabove, this Court, therefore, holds that the impugned select list, insofar as it includes candidates selected for General- Ex-serviceman, SC-Widow, ST-Widow, Gen-EWS-Widow, OBC-Widow, MBC-Widow, SAH-General, SAH-Female and SAH-Widow categories despite securing raw marks in negative range, later on increased normalised marks which are virtually negligible and below minimum rational standards of



suitability, is arbitrary, irrational and violative of Articles 14 and 16 of the Constitution of India, and the same is, therefore, hereby quashed and set aside. Respondents are directed to undertake fresh exercise for preparation of merit/select list to the extent of these categories strictly in accordance with law after prescribing reasonable minimum qualifying standards consistent with constitutional requirements and principles of fairness in public employment. For rest of the categories, the respondents can proceed further to complete the recruitment and appointment process.

45. It is further directed that the State Government shall, within a period of three months, frame appropriate policy/guidelines ensuring prescription of minimum qualifying marks in such recruitments so that situations of this nature do not recur in future.

46. Both the writ petitions stand disposed of accordingly, with the above directions.

47. Pending Applications, if any, shall also stand disposed of.

48. Office is directed to keep copy of this judgment in the connected writ petition.

49. Original record/Minutes of meeting produced by learned Counsel for the Respondent-Board has been returned back to the Counsel.

(ANAND SHARMA),J

MANOJ NARWANI/**