

2026 LiveLaw (SC) 481

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

PAMIDIGHANTAM SRI NARASIMHA; J., ALOK ARADHE; J.

MAY 7, 2026

SLP (CIVIL) NO. 41 OF 2020; SLP (CIVIL) NO. 14491 OF 2021

DURGAPUR STEEL PLANT & ORS. versus BIDHAN CHANDRA CHOWDHURY & ORS.

Service Law – Selection Process – Appointment – Indefeasible Right – Preservation of Records – Adverse Inference - No Indefeasible Right to Appointment - The State or its instrumentalities, while filling vacancies, are obligated to adhere to the principle of comparative merit based on performance - It is well-settled law that even if a candidate’s name appears in a select list, they do not acquire an indefeasible right to appointment in the absence of a specific rule entitling them to such appointment - Where neither the recruitment rules nor the advertisement prescribed a duration for preserving selection records, the non-production or destruction of records after the finalization of appointments cannot be deemed mala fide - Mere non-production of examination records does not justify drawing an inference that the candidates had cleared the written test, especially when there is no material on record to indicate they had passed - A direction for appointment cannot be granted when the qualifications for the advertised post have subsequently been revised by the employer. [Relied on *Union Territory of Chandigarh v. Dilbagh Singh & Ors.*, (1993) 1 SCC 15; *Mohd. Rashid v. Director, Local Bodies, New Secretariat & Ors.*, (2020) 2 SCC 582 [Para 13]; *State of Manipur & Anr. v. Takhelmayum Khelendro Meitei & Ors.*, (2019) 3 SCC 331; Para 13-18]

For Petitioner(s): Mr. Ranjit Kumar, Sr. Adv. Mr. Sunil Kumar Jain, AOR Ms. Rashika Swarup, Adv. Mr. Naman Jain, Adv.

For Respondent(s): Mr. Subhasish Bhowmick, AOR Ms. Manisha Pandey, Adv. Mr. Suraj Kumar Singh, Adv. Mr. Reegan S Bel, Adv. Mr. Rahul Kushwaha, Adv. Mr. Ashutosh Singh, Adv. Mr. Rakesh Kumar Tiwari, Adv.

J U D G M E N T

ALOK ARADHE, J.

1. Leave granted.
2. These appeals arise out of the order dated 19.07.2019 and the judgment dated 27.09.2019 passed by the Division Bench of the Calcutta High Court (High Court) in a writ petition. By its order dated 19.07.2019, the High Court granted liberty to the Appellant No.2 to examine and assess the candidature of the respondents for appointment to the post of Plant Attendant-cum-Junior Technician (Plant Attendant), and directed that the result of such assessment be produced before it. Subsequently, by judgment dated 27.09.2019, the High Court affirmed the order dated 27.03.2018 passed by the Central Administrative Tribunal (Tribunal), Calcutta Bench, and dismissed the writ petition preferred by the appellants.
3. The facts, in brief, leading to the filing of these appeals are as follows. The appellant no.1, namely Durgapur Steel Plant, is one of the five integrated Steel

Plants of Steel Authority of India Limited, a Public Sector Enterprise of the Central Government. An advertisement dated 16.10.2007 was issued by Appellant No.1, for recruitment to the post of Plant Attendant. Initially, 90 posts were advertised, which were subsequently increased to 150 and thereafter to 200 posts due to additional requirements. The selection process comprised a written examination and an interview, followed by a medical examination of successful candidates. The conduct of the written examination was outsourced to an independent agency. In response to the advertisement, 52,000 applications were received. The written examination was conducted on 23.03.2008, in which 29,459 candidates appeared; out of these 1,530 candidates qualified and their names were published on the website.

4. On 17.06.2008, a merit list containing the roll numbers of candidates shortlisted for interview was published. Thereafter, appointment offers were issued to 150 candidates, out of whom 139 joined service. Subsequently, in view of additional vacancies arising during the same recruitment cycle, 55 more candidates were offered appointments, resulting in a total of 194 candidates joining service.

5. In January 2009, the respondents filed a writ petition seeking a direction for production of the results of the written examination and disclosure of the marks obtained by them. They also sought a direction restraining the appellants from issuing appointment orders to the selected candidates. Another writ petition was filed challenging the advertisement dated 04.03.2010 issued by the appellants, for filling posts of Junior Technician/Operator. By orders dated 07.02.2012 and 14.02.2012 both writ petitions were transferred to the Tribunal.

6. The Tribunal, by a common order dated 27.03.2018, *inter alia* held:

(i) the marks of the written test were neither produced before the Tribunal nor disclosed to the respondents;

(ii) despite the pendency of the writ petitions, the records were not preserved after finalisation of appointments of 194 candidates; and

(iii) there was no documentary evidence to establish that the respondents had failed in the examination.

7. Accordingly, the Tribunal directed the appellants to offer appointments to the respondents to the post of Plant Attendant or an equivalent post, with suitable age relaxation, within a period of 16 weeks. It was further directed that the respondents would be placed at the bottom of the seniority list and that the benefits arising from such appointment would be prospective.

8. Aggrieved by the aforesaid order, the appellants filed a writ petition before the High Court. By an interim order dated 19.07.2019, the High Court directed the Appellant No. 2 to assess the candidature of the respondents and place the result before it. Thereafter, by judgment dated 27.09.2019, the High Court dismissed the writ petition. It is in this factual backdrop that the present appeals have been filed.

9. Mr. Ranjit Kumar, learned senior counsel for the Appellants submitted that the conduct of the written examination was outsourced to an independent agency, and there was no requirement to maintain or publish the results of all 29,459 candidates who appeared in the examination. It was further contended that no specific relief of appointment had been sought by the respondents. It was also argued that the qualifications for the post of Plant Attendant were revised in 2008, and at this stage, it is not feasible to accommodate the respondents.

10. Per contra, Mr. Subhasish Bhowmick, learned counsel for the Respondent No. 1 submitted that the Respondent Nos. 2 and 3 are no longer interested in prosecuting the matter, and he has instructions to contest only on behalf of the Respondent No.1. It was contended that the recruitment process was *ex facie* arbitrary and violative of Article 14 of the Constitution, inasmuch as no cutoff marks, evaluation criteria, or selection methodology was disclosed either in the advertisement or thereafter. It was further submitted that the appellants merely published the roll numbers of the shortlisted candidates without disclosing their marks, thereby vitiating the entire selection process due to lack of transparency.

11. It was argued that, owing to non-production and/or destruction of records, an adverse inference must be drawn against the appellants, and the relief granted by the Tribunal is justified. It was also urged that the Respondent No.1 was never shown to have failed in the examination. Reliance was placed on the decisions of this Court¹.

12. We have considered the rival submissions and perused the record.

13. The State or its instrumentalities, while filling vacancies, are obligated to adhere to the principle of comparative merit of candidates based on their performance in the recruitment process, and no discrimination is permissible. It is well settled in law that a candidate whose name appears in the select list does not acquire any indefeasible right to appointment to the post in the absence of any specific rule entitling such appointment².

14. In the present case, neither the recruitment rules nor the advertisement required the publication of the marks obtained by all the candidates, who appeared in the written examination. It is not the case of the respondents that they had passed the examination. There is no material on record to indicate that the respondents had passed in the written examination. Merely because the respondents were not shown to have failed, no inference could be drawn that they had passed the written examination.

15. The written examination was conducted through an independent agency. Neither the rules nor the advertisement prescribed the duration for which the

¹ Kerala Public Service Commission & Ors. v. State Information Commission & Anr., (2016) 3 SCC 417; Sachin Kumar & Ors., v. Delhi Subordinate Service Selection Board (DSSSB) & Ors.; (2021) 4 SCC 631, Union of India & Ors., v. O. Chakradhar, (2002) 3 SCC 146 and Poonam Rani v. State of Haryana & Anr.; (2012) 6 SCC 596.

² Union Territory of Chandigarh v. Dilbagh Singh & Ors., (1993) 1 SCC 154; Mohd. Rashid v. Director, Local Bodies, New Secretariat & Ors. (2020) 2 SCC 582 and State of Manipur & Anr. v. Takhelmayum Khelendro Meitei & Ors., (2019) 3 SCC 331

records of the selection process were to be preserved. Therefore, the explanation of the appellants for nonproduction of the record that the same were unavailable or had been destroyed appears to be bona fide. Mere non-production of such records does not justify drawing an inference that the respondents had cleared the written test.

16. It is also noteworthy that, in the writ petitions, the respondents had sought a direction to call for the results of 56 candidates who were subsequently selected, and had not sought appointment for themselves. For an additional reason, a direction for appointment of the respondents to the post of Plant Attendant cannot be granted. The qualifications for the post of Plant Attendant were revised in the year 2008, and therefore, the appellants cannot be directed to appoint the respondents. For the aforesaid reasons, the order of the Tribunal directing appointment of the respondents to the post of Plant Attendant, as well as the judgment of the High Court cannot be sustained.

17. It was submitted before us that respondent nos. 2 and 3 are no longer interested in contesting the matter. Respondent no.1 alone has continued to pursue the litigation since 2008. As we are setting aside the orders of the Tribunal and the High Court whereby the respondents were held entitled to appointment to the post of Plant Attendant, in the peculiar facts and circumstances of the case, we deem it appropriate to direct the appellants to pay a sum of Rs.5,00,000/- (Rupees Five Lakhs) to respondent no.1 within a period of two months.

18. Accordingly, the impugned order and judgment, in so far as it directs the appellants to provide appointment to the respondents to the post of Plant Attendant, is set aside.

19. In the result, the appeals are disposed of. There shall be no order as to costs.

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