



CGHC010384442026



2026:CGHC:44081

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7303 of 2026

Anil Kumar S/o Shri Santosh Kumar Aditya, Aged About 29 Years Resident of Pump House Jhopadi Para, Near Kirodi Shop Ward No. 10, District Korba (Chhattisgarh)

--- Petitioner

versus

1 - State of Chhattisgarh Through The Principal Secretary, Department of Law and Legislative Affairs, Mantaralaya, Mahanadi Bhawan, Naya Raipur Atal Nagar, District Raipur (Chhattisgarh)

2 - High Court of Chhattisgarh, Through The Registrar General, High Court Chhattisgarh, Bilaspur (Chhattisgarh)

3 - Principal District and Session Judge Raipur, Through The Chairman, Recruitment And Appointment Committee, Office Of The Principal District And Session Judge, Raipur (Chhattisgarh)

4 - Principal District and Session Judge, Rajnandgaon, Through The Chairman, Departmental Selection Committee, Office Of The Principal District and Session Judge Rajnandgaon (Chhattisgarh)

--- Respondents

AND

WPS No. 7304 of 2026

Sudhir Toppo S/o Shri Jainu Toppo Aged About 36 Years Resident of Village Sisaringa, Post Pandaripani, Tahsil Farasabahar, District Jashpur (Chhattisgarh)

---Petitioner

Versus

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1 – State of Chhattisgarh Through The Principal Secretary, Department of Law and Legislative Affairs, Mantralaya, Mahanadi Bhawan, Naya Raipur Atal Nagar, District Raipur (Chhattisgarh)

2 - High Court of Chhattisgarh Through The Registrar General, High Court of Chhattisgarh, Bilaspur (Chhattisgarh)

3 - Judge, Family Court, Mungeli Through The Chairman, Recruitment Committee, Office of The Judge, Family Court, Mungeli (Chhattisgarh)

4 - Principal District and Sessions Judge, Surguja Through The Chairman, Departmental Selection Committee, Office of The Principal District and Sessions Judge, Surguja (Ambikapur), (Chhattisgarh)

--- Respondents

For Petitioners	:	Mr. Siddhant Sharma & Mr. Syed Jayed Ziya Ali, Advocates
For State/Respondent No.1	:	Mr. Suyashdhar Badgaiya, GA
For Respondent Nos. 2 to 4	:	Mr. H.S. Ahluwalai, Advocate

(Hon'ble Shri Justice Bibhu Datta Guru)

Order on Board

12/10/2026

1. In Writ Petition (S) No. 7303 of 2026, *Anil Kumar v. State of Chhattisgarh and Others*, the petitioner has challenged the graduation-percentage screening criteria prescribed by the Principal District and Sessions Judge, Raipur, under Advertisement No. 2815/two-11-12/2015 dated 24.07.2026, issued for recruitment to the posts of Stenographer Grade-3 at Raipur. The petitioner has also questioned the screening criteria prescribed by the Principal District and Sessions Judge, Rajnandgaon, under Advertisement No. 1701/two-11-8/2026 dated 22.07.2026, as amended by Amended Advertisement No. 1789/two-11-

8/2026 dated 03.08.2026, for recruitment to the posts of Stenographer Grade-3 (Hindi) and Assistant Grade-3 at Rajnandgaon.

2. In Writ Petition (S) No. 7304 of 2026, *Sudhir Toppo v. State of Chhattisgarh and Others*, the petitioner has challenged the graduation-percentage screening criteria prescribed in the recruitment process for the posts of Assistant Grade-3 at Mungeli and the posts of Assistant Grade-3 and Peon at Surguja. The challenge, insofar as Mungeli is concerned, is directed against Advertisement No. 390/two-12-4/2023 dated 22.07.2026, issued by the competent authority for the Mungeli District Judiciary. Insofar as Surguja is concerned, the challenge is directed against Advertisement No. 2234/two-11-1/2025 dated 22.07.2026, as amended by Amended Advertisement No. 2294/two-11-1/2025 dated 24.07.2026, issued for recruitment in the Surguja District Judiciary.
3. Thus, both writ petitions raise a common grievance regarding the prescription and application of graduation-percentage screening criteria for shortlisting candidates for the written examination in direct recruitment to posts in the district judiciary. The petitioners contend that the impugned criteria are not traceable to the applicable provisions of the Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023, and seek appropriate relief against the criteria prescribed in the respective recruitment advertisements.
4. Learned counsel for the petitioners submit that the petitioners possess the

prescribed educational qualification and has applied for the post in question pursuant to the recruitment advertisement. It is contended that the introduction of a minimum graduation-percentage criterion, over and above the prescribed educational qualification, impermissibly restricts the opportunity of otherwise eligible candidates to participate in the recruitment process. According to the petitioner, once a candidate fulfills the prescribed eligibility conditions, the candidate ought to be permitted to participate in the written examination, and the comparative merit should thereafter be determined on the basis of performance in the examination. It is further contended on behalf of the petitioners that the impugned screening criterion has been introduced through the advertisements and that the respondents ought to have followed a uniform selection procedure.

5. *Per contra*, learned counsel appearing for Respondent Nos. 2 to 4 opposes the writ petition and submits that the recruitment process is being conducted in accordance with the applicable statutory rules and the conditions governing the selection. It is specifically submitted that the possession of the minimum educational qualification does not, by itself, confer an absolute or vested right upon every applicant to be called for the written examination, irrespective of a lawful and uniformly applicable shortlisting criterion.
6. In their reply, the respondents have specifically stated that the petitioner's educational qualification and candidature, together with the documents submitted by them, are subject to scrutiny and verification in accordance with the applicable recruitment conditions. The allegation of

discriminatory treatment has been denied. The respondents have further submitted that, in view of the substantial number of applications received in relation to the vacancies advertised, it became necessary to adopt an objective and manageable method of shortlisting candidates so that the subsequent stages of the recruitment process could be conducted in an orderly and expeditious manner.

7. Referring to Rules 6 and 8 of the Chhattisgarh District Judiciary Establishment (Recruitment and Conditions of Service) Employees Rules, 2023, the respondents submit that the selection must be undertaken in accordance with the applicable recruitment framework. It is their specific stand that the shortlisting mechanism adopted in the present recruitment is not arbitrary or discriminatory and that the remaining allegations made by the petitioner are incorrect and misconceived.
8. The respondents have also referred to Rule 16(3) of the aforesaid Rules and the permission granted for filling up the vacant posts by way of direct recruitment. In this regard, they have relied upon the memorandum dated 15.07.2026 issued by the Registrar General, High Court of Chhattisgarh, Bilaspur, concerning recruitment to the posts in question. The respondents submit that the recruitment process has been initiated pursuant to the requisite permission and that the authorities are required to ensure fairness, transparency and expeditious completion of the selection process.
9. I have heard learned counsel for the parties and perused the documents.

10. The principal question for consideration is whether, in the facts and circumstances of the case, the screening criterion challenged by the petitioners can be held to be arbitrary or contrary to the applicable recruitment rules merely because it operates in addition to the minimum educational qualification prescribed for the post.
11. The submissions advanced by the learned counsel for the parties have been considered, and the pleadings and material placed on record have been perused.
12. At the outset, it is necessary to distinguish between the minimum qualification prescribed for eligibility to apply for a post and the criteria that may lawfully be adopted for shortlisting candidates for participation in the subsequent stages of a selection process. The fulfilment of the minimum eligibility qualification ordinarily enables a candidate to be considered in accordance with the applicable recruitment conditions. It does not, by itself, confer an indefeasible right to be called for every stage of the selection process, irrespective of the number of applicants, the number of vacancies and a lawful method of shortlisting. Where the number of applicants is disproportionately large in comparison with the number of vacancies, the selection authority may adopt an objective and rational criterion for shortlisting candidates. Such a criterion must bear a reasonable relationship to the requirements of the selection process, must not be arbitrary or discriminatory, and must be applied uniformly to candidates similarly situated.
13. In this context, the decision of the Hon'ble Supreme Court in ***B.***

Ramakichenin @ Balagandhi v. Union of India, 2008 (1) SCC 362,

assumes relevance. The Hon'ble Supreme Court recognised that, where the number of eligible applicants is large and it is not practicable to call all of them for the next stage of selection, the selection authority may resort to shortlisting on an objective and rational basis. The Court also clarified that, where a particular method of shortlisting is prescribed by the applicable rules or the advertisement, the prescribed method must be followed.

14. In ***B. Ramakichenin @ Balagandhi*** (supra) the Supreme Court held thus at paras 15, 16 & 17 :

15. It is well settled that the method of shortlisting can be validly adopted by the selection body vide M.P. Public Service Commission v. Navnit Kumar Potdar (vide paras 6, 8, 9 and 13) and Govt. of A.P. v. P. Dilip Kumar {(1993) 2 SCC 310: 1993 SCC (L&S) 464: (1993) 24 ATC 123}.

16. Even if there is no rule providing for shortlisting nor any mention of it in the advertisement calling for applications for the post, the selection body can resort to a shortlisting procedure if there are a large number of eligible candidates who apply and it is not possible for the authority to interview all of them. For example, if for one or two posts there are more than 1000 applications received from eligible candidates, it may not be possible to interview all of them. In this situation, the procedure of shortlisting can be resorted to by the Selection Body, even though there is no mention of shortlisting in the rules or in the advertisement.

17. However, for valid shortlisting there have to be two requirements—

(i) It has to be on some rational and objective basis. For instance, if selection has to be done on some post for which the minimum essential requirement is a BSc degree, and if there are a large number of eligible applicants, the selection body can resort to shortlisting by prescribing certain minimum marks in BSc and only those who have got such marks may be called for the interview. This can be done even if the rule or advertisement does not mention only those who have the aforementioned minimum marks, will be considered or appointed on the post. Thus the procedure of shortlisting is only a practical via-media which has been followed by the courts in various decisions since otherwise there may be great difficulties for the selecting and appointing authorities as they may not be able to interview hundreds and thousands of eligible candidates; (ii) If a prescribed method of shortlisting has been mentioned in the rule or advertisement then that method alone has to be followed.

15. The aforesaid decision, therefore, does not lay down an absolute proposition that every candidate possessing the minimum prescribed qualification must necessarily be permitted to participate in the written examination. Equally, it does not confer an unrestricted power upon the recruiting authority to introduce any criterion of its choice. The legality of the screening criterion must be examined in the context of the governing recruitment rules, the terms of the advertisement, the nature of the selection and the justification for adopting the criterion.
16. Applying the aforesaid principles to the present case, the respondents have specifically pleaded that the screening mechanism was adopted in view of the substantial number of applications received and the need to

undertake the selection process through a manageable and objective procedure. Their reply further indicates that the petitioners' candidature is subject to scrutiny and verification in accordance with the applicable recruitment conditions. The petitioners have not demonstrated, on the material placed before this Court, that the impugned criterion has been applied selectively to exclude them or that candidates similarly situated have been treated differently.

17. The mere fact that a candidate possesses the minimum educational qualification prescribed for the post does not, in itself, establish that a further screening criterion is impermissible. The relevant consideration is whether the criterion is authorised by the applicable recruitment framework and is reasonable, objective and uniformly applied. In the absence of sufficient material establishing a violation of the governing rules, arbitrariness or discrimination, this Court would not be justified in interfering with the recruitment process merely because the petitioners seek a different method of shortlisting.
18. The petitioners' contention that the candidates should first be permitted to appear in the written examination and that shortlisting should thereafter be undertaken on the basis of marks obtained in that examination also does not, by itself, establish a legal right to insist upon that particular sequence of selection. The question whether the selection authority may employ a screening criterion before the written examination must be answered with reference to the applicable rules and the lawful terms governing the recruitment. The Court cannot substitute a preferred method of selection for the method lawfully adopted by the

competent authority merely because the former may be more favourable to a particular candidate.

19. The reliance placed upon the recruitment processes stated to have been followed at Bilaspur, Kanker and Korba does not lead to a different conclusion. The petitioners have not established, on the material presently available, that the recruitment processes relied upon were governed by identical conditions, involved materially similar circumstances and vacancies, and required the respondents to adopt the same procedure in the present recruitment. A method followed in another recruitment cannot, without further examination of the applicable rules and circumstances, be treated as conferring an enforceable right upon the petitioner to demand its adoption in the present case.
20. It is also significant that the respondents have denied the allegation of discrimination and have asserted that the screening mechanism was adopted to facilitate an objective and manageable selection process. No sufficient material has been brought to the notice of this Court to establish that the impugned criterion was devised to favour any particular candidate or group of candidates, or that it was applied in a manner inconsistent with the governing recruitment conditions.
21. The Court is conscious that the power to shortlist candidates is not unfettered. A selection authority cannot disregard a method expressly prescribed by the governing rules or advertisement, nor can it adopt an arbitrary criterion having no rational nexus with the selection process. However, the existence of the power to adopt a reasonable shortlisting

mechanism, recognised in the aforesaid decision of the Hon'ble Supreme Court, cannot be denied merely because the candidate challenging it possesses the minimum educational qualification.

22. In the present case, upon consideration of the pleadings and the submissions advanced, the petitioners have failed to establish a sufficient legal basis for quashing the impugned screening clauses or for directing the respondents to permit all otherwise eligible candidates to appear directly in the written examination. The relief sought would, in effect, require the Court to interfere with the selection procedure without a demonstrated violation of the governing recruitment rules or any established ground of arbitrariness or discrimination.
23. Consequently, this Court finds no sufficient ground to issue a writ or direction interfering with the impugned recruitment advertisements or the shortlisting mechanism challenged in the writ petitions. The challenge to the screening criterion and the consequential prayer for a direction to permit all otherwise eligible candidates to participate directly in the written examination are, therefore, liable to be rejected.
24. Accordingly, both the writ petitions are **dismissed**. All pending applications, if any, shall also stand disposed of.

SD/-
(Bibhu Datta Guru)
JUDGE

Head Note

In a recruitment process shortlisting of candidates can be resorted to even if there is no rule to this effect or there is no mention in the advertisement.