



**IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**Case No: LPA No.177/2024
CM No. 6997/2024
CM No. 4940/2025
CM No. 5013/2024**

*Reserved on: 10.02.2026
Pronounced on:19.02.2026
Uploaded on:19.02.2026*

*Whether the operative part or full
Judgment is pronounced :Full*

Altaf Hussain and another

...Petitioner(s)/Appellant(s)

Through: Mr. Altaf Hussain and Mr. Roshan Lal-
Appellants in person.

v/s

Union of India and others

Through: Mr. Vishal Sharma, DSGI with
Mr. Eishaan Dadichi, CGSC

**CORAM: HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE.**

JUDGMENT

PER OSWAL-J

1. The writ petition preferred by the appellants bearing SWP No. 924/2018, whereby they had challenged Notification dated 28.10.2017 for cancelling Advertisement Notification No. Ed/715/GNR dated 10.02.2016, came to be dismissed in terms of judgment dated 07.03.2024.
2. The appellants in person have filed this intra-court appeal thereby assailing the judgment dated 07.03.2024 rendered by the learned writ Court on the ground that the learned writ Court has not examined the



issue of parity as in the similar Advertisement, some candidates were selected and they were even permitted to join by the respondents. It is also contended that appellant No.1 was asked to submit his Computer Literacy Certificate, which he did. Thereafter, his verification was also conducted by the CID of J&K Police, and he was cleared by the CID Agency, but while appellant No. 1 was awaiting the issuance of the appointment order, the respondents, without any rhyme or reason, proceeded to cancel the Notification pursuant to which they had applied for the post of Gramin Dak Sewak, which the appellants came to know through reply dated 05.04.2018 in response to the legal notice served upon the respondents. It is also urged that no reason has been mentioned in the communication dated 01.08.2016 that necessitated the cancellation of the selection of all types of Gramin Dak Sewaks. Besides, it is also contended that in the same selection list, the respondents permitted one Vijay Singh to join, for the reasons best known to them and on the contrary denied the appointment to the appellants.

3. During the pendency of this appeal, the co-ordinate Bench of this Court vide order dated 08.04.2025 directed the respondents to file a short affidavit indicating the following:

- (i) What is the status of selection process in question which was stopped in terms of communication of Assistant Director General (GDS), Ministry of Communication and IT Department of Posts dated 01.08.2016?
- (ii) Whether any formal decision on the proposal for making online selection of Grameen Dak Sevaks was taken by the competent authority, more particularly, when we are shown advertisement notification issued on 05.06.2018 inviting applications for



filling up the vacant posts of Gramin Dak Sevaks without adopting online mode?

(iii) What is the present status of the posts of GDS BPM, Branch Office Nanga and GDS BPM, Branch Office Kotli Mian Fateh?

4. In response to the said affidavit, the respondents stated that all engagement cases where the selection was underway, but not finalized, were cancelled. Subsequently, permission to conduct the selection process manually in the Jammu & Kashmir Circle was granted vide Postal Directorate letter No. 17-23/2016-GDS dated 27.10.2017, issued by ADG (GDS) and subsequently, vide letter No.ED/8-225/GDS Recruitment dated 08.11.2017 was issued to all the Postal Divisions in Jammu & Kashmir Circle requesting them to manually process the engagement/selection of Gramin Dak Sevaks of all categories. It was also stated that the posts of GDS Branch Postmaster at Nanga Branch Office and Kotli Mian Fateh Branch Office were notified under GDS Online Engagement Cycle-II/2019-2020 vide Notification No. ED/8-225/GDS RECTT./II.
5. In response to the affidavit filed by the respondents, the appellants submitted that their original documents had been retained by the respondents, on account of which they were prevented from applying afresh. The appellants have also adverted to various factual aspects of the case, which may be taken note of, as and when required.
6. An application bearing CM No. 6997/2024 has been filed by the appellants to place on record the advertisement notice dated 05.06.2018 whereby the respondents have received the application forms from the eligible candidates for the post of Gramin Dak Sevaks mail carrier to assert that the process was initiated on off-line/online



basis. Thereafter, another CMP No. 4940/2025 has been filed by the appellants whereby the appellants have placed on record the selection list and merit list for the post of Gramin Dak Sevak Branch Postmaster Kotli Mian Fateh Branch Office obtained through RTI on 23.05.2025.

7. The appellants, who are interestingly appearing in person despite lacking legal knowledge and expertise, have submitted that the appellant No.1 was directed to submit Computer Literacy Certificate which he submitted, and thereafter his verification was also got conducted by the respondents through CID, J&K Police and he was cleared in verification also, but was not appointed for the reason as he was informed that the recruitment process was kept pending in view of the letter dated 01.08.2016. Appellant No.2 has submitted that as per the information provided to him under the RTI Act, he was figuring at S.No.1 in the merit list for the post of Gramin Dak Sevak, Branch Postmaster at Kotli Mian Fateh Branch Office. Appellants have further submitted that the respondents could not have cancelled the selection process without furnishing any justifiable reasons.

8. *Per contra*, Mr Vishal Sharma, learned DSGI has submitted that in view of the instructions received on 05.10.2016 vide communication dated 01.08.2026 from Postal Directorate, the recruitment process was kept pending, and finally cancelled vide letter No. EDS-715/GNR dated 25.10.2017. He further submitted that vide letter dated 01.08.2016, it was decided to stop all the cases of engagement, which were under process as there was a proposal for online selection of Gramin Dak Sevaks. Mr. Sharma, learned DSGI has admitted that



because of joining of one Vijay Singh at some other place, the appellant No.1 was to be appointed as Gramin Dak Sevak for Branch Postmaster, Nanga Branch Office, whereas the appellant No.2 was figuring at S.No.1 in the merit list and it was only because there was a proposal to make engagement on the basis of online selection process, the advertisement notice pursuant to which the appellants had applied, was cancelled.

9. Heard appellants in person and learned DSGI for the respondents and also perused the record.

10. This is the admitted case of the respondents that the appellant No.1 applied for Branch Postmaster, Nanga Branch Office and he figured at S.No.2. One Vijay Singh, who was figuring at S.No. 1 ahead of appellant No.1, opted for Branch Postmaster, Pangyari Branch Office vide his application dated 06.05.2016 and thereafter his candidature for the Nanga Branch Office was cancelled and treated as withdrawn. The appellant No.1 being next meritorious candidate was asked to submit the essential Computer Literacy Certificate vide communication dated 25.05.2016, which he submitted. While the document verification process was underway, the respondents abruptly issued a communication dated 01.08.2016. This directive ordered an immediate halt to the selection and engagement of all Gramin Dak Sevaks, leading to the subsequent cancellation of the recruitment advertisement.

11. Regarding appellant No. 2, we observe that the initial writ petition was inadequately drafted, lacking specific averments on his behalf. However, by placing unimpeachable official documents on record,



appellant No. 2 has satisfactorily demonstrated that he applied for the post of Gramin Dak Sevak Branch Postmaster at Kotli Mian Fateh Branch Office and was ranked first in the merit list. Though we could have remanded the case to the learned Writ Court for reconsideration, we are not inclined to do so, particularly having regard to the fact that the litigation has remained pending for more than eight years. Also having regard to the nature of the post and in view of the submission made by the learned DSGI admitting the authenticity of the documents, we find it inappropriate to remit the matter at this belated stage.

12. The core question that arises for our determination is whether the respondents were legally justified in cancelling the recruitment advertisement, pursuant to which the appellants had applied, solely on the basis of the communication dated 01.08.2016.

13. Before advertizing to the issue, it is necessary to examine the settled judicial precedents governing the scope of judicial review in matters where a selection process is cancelled at an advanced stage.

14. In *Shankarsan Dash v. Union of India*, (1991) 3 SCC 47, the Hon'ble Apex Court has held as under:

7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. **Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons.** And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the



candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in *State of Haryana v. Subash Chander Marwaha*, *Neelima Shangla v. State of Haryana* or *Jatinder Kumar v. State of Punjab*.

(emphasis added)

15. In *East Coast Railway v. Mahadev Appa Rao*, (2010) 7 SCC 678,

the Hon'ble Apex Court has observed as under:

14. It is evident from the above that while no candidate acquires an indefeasible right to a post merely because he has appeared in the examination or even found a place in the select list, yet the State does not enjoy an unqualified prerogative to refuse an appointment in an arbitrary fashion or to disregard the merit of the candidates as reflected by the merit list prepared at the end of the selection process. **The validity of the State's decision not to make an appointment is thus a matter which is not beyond judicial review before a competent writ court. If any such decision is indeed found to be arbitrary, appropriate directions can be issued in the matter.**

(emphasis added)

16. In *Partha Das v. State of Tripura*, 2025 SCC OnLine SC 1844, the recruitment process for the post of Inspector of Boilers had reached its final stage, with only the interview results pending declaration. However, the process was stayed and subsequently cancelled following the introduction of a new recruitment policy. The High Court of Tripura quashed the cancellation order, a decision which was upheld by the Hon'ble Supreme Court with the following observations:

“As such, we are not inclined to deal with all the similar issues separately in the present case. The candidates participated in the recruitment process carried out under the Boilers Act read with the Central Rules and State Rules. **After issuance of advertisement, a written screening test was conducted on 21.08.2017, pursuant to which selected candidates, including**



respondent no. 1 were called for interview on 07.12.2017. Thus, only the result of the interview was left to be declared. As such the recruitment process for the post of ‘Inspector of Boilers’ was at a significantly advanced stage when the recruitment process was kept in abeyance, later cancelled by the Cancellation Memorandum and TPSC notification dated 22.11.2018. The application of the NRP to the ongoing recruitment process was arbitrary and unjust and candidates do have a legitimate expectation of completion of the recruitment process in a fair and non-arbitrary manner. It is pointed out by the appellant - State that in the facts of this case, in the Boilers Act, Central Rules or the State Rules or even in the Advertisement, there is no prescription of marks to be obtained in the written test or the interview, but the fact remains that the written test was already conducted out of 100 marks and the interview was also conducted out of 100 marks. As such, the subsequent decision to apply NRP to the said recruitment process cannot be sustained. The recruitment should be completed as per the Boilers Act, Central Rules and State Rules, and the candidates may be appointed, if found to be meritorious, subject to fulfilling all other criteria.

(emphasis added)

17. Thus, while it is settled law that mere participation in a selection process does not vest an indefeasible right to appointment, the State’s power to cancel such a process is not absolute and must be grounded in justifiable reasons. Constitutional Courts, in the exercise of judicial review, are empowered to scrutinize an employer’s decision to abandon a recruitment process, particularly when it has reached an advanced stage of conclusion. If such a decision is found to be arbitrary or lacks a rational nexus with the intended objective, the Court may issue appropriate directions to provide relief.

18. We shall now evaluate the contentions of the parties in light of the principles enunciated by the Hon’ble Apex Court. The communication dated 01.08.2016, which serves as the sole basis for the cancellation of the recruitment process for all categories of Gramin Dak Sevaks, is reproduced below:



“Government of India,
Ministry of Communication,
Department of Posts
(GDS Section)

No. 17-23/2016-GDS

Dated 1, Aug. 2016

To,

All Heads of Circles.

Sub: Proposed on line selection of all categories of GDS-reg.

I am directed to request you to stop selection/engagement of all types of Gramin Dak Sevaks with immediate effect. It is further requested to stop all cases of engagement which are under process. Cases where selection has already been finalized and communicated to candidates only need not be withheld.

2. These orders are issued in view of proposal for on line selection of Gramin Dak Sevaks. Further orders in this regard may kindly be awaited.
3. This issues with the approval of competent authority.

(R.L.Patel)
Asstt. Director General (GDS)”

19.The communication dated 01.08.2016 indicates that the selection process was scrapped solely to facilitate a transition to online recruitment. Abandoning a nearly-concluded selection for a mere procedural change, without any allegation of irregularity, constitutes an arbitrary exercise of power. This decision is legally flawed and lacks a rational nexus to the objective of fair recruitment. Given the respondents' subsequent actions, the cancellation is both unreasonable and unsustainable in the eyes of law, as in affidavit filed by the respondents pursuant to order dated 08.04.2025 in response to query No.1 as extracted above, it was stated by the respondents that permission to conduct the selection process manually in the Jammu & Kashmir Circle was granted vide Postal Directorate letter No. 17-23/2016-GDS dated 27.10.2017 issued by the Additional Director



General (Gramin Dak Sevaks) and subsequently letter No. ED/8-225/GDS Recruitment dated 08.11.2017 was issued to all Postal Divisions in Jammu & Kashmir Circle requesting them to manually process the engagement/selection of Gramin Dak Sevaks of all categories. The respondents submitted this reply only after it was brought to the Court's attention that despite the purported cancellation of the recruitment process, a fresh advertisement was issued on 05.06.2018. Crucially, this new notice invited applications for Gramin Dak Sevak posts without adopting the online mode, directly contradicting the respondents' stated justification for the initial cancellation.

20.By their own admission, the respondents sanctioned a special exemption for the J&K Circle to continue manual recruitment after 01.08.2016. This admission fatally undermines the decision to cancel the earlier recruitment process. Once the respondents elected to proceed with manual engagements for all categories in the J&K Circle, their refusal to complete the earlier selection process, which had already reached its final stage, became an act of manifest arbitrariness. This is borne from the record that the appellant No.1 was only about to be appointed and the appellant No.2 was at the top of the merit list for Branch Postmaster Kotli Mian Fateh Branch Office.

21.Mr. Sharma, the learned DSGI, has submitted that the two vacancies for which the appellants sought selection have already been filled. However, he has submitted that fresh Notification has been issued by the respondent No.1 dated 28.01.2026 whereby the applications have



been invited to fill up the vacant posts of Gramin Dak Sevaks in different offices of the Department of Posts including Gramin Dak Sevaks, Branch Postmaster Naryana Branch Office in account with Khour SO, Gramin Dak Sevak, Branch Postmaster Bhalwal Branch Office in account with Jourian SO, all under Jammu Tawi HO, Gramin Dak Sevak, Branch Postmaster Hamirpur Branch Office in account with Dialachck SO under Kathua Head Office and Gramin Dak Sevak, Branch Postmaster Sangrampur Branch Office in account with Talab Tillo, SO under Jammu Tawi HO.

22.In view of the admitted position that four posts are presently lying vacant, the appellants can conveniently be accommodated against those vacancies, which would effectively resolve the controversy without causing prejudice to the respondents.

23.Upon consideration of the impugned judgment of the learned Writ Court, we are persuaded to hold that in view of the subsequent developments and the material brought on record by the appellants, duly admitted by the respondents, the judgment dated 07.03.2024 cannot sustain and deserves to be set aside. It is, accordingly, set aside, and this LPA is disposed of in terms of the following directions:-

- (i) The action of the respondents in cancelling the Advertisement Notification vide order dated 28.10.2017 is hereby quashed.
- (ii) The respondents shall offer appointment to appellant No. 1 against any one of the four vacant posts of Gramin Dak Sevak, namely: (1) Branch Postmaster, Naryana Branch Office in account with Khour Sub Office under Jammu Tawi Head



Office; (2) Branch Postmaster, Bhalwal Branch Office in account with Jourian Sub Office under Jammu Tawi Head Office; (3) Branch Postmaster, Hamirpur Branch Office in account with Dialachack Sub Office under Kathua Head Office; and (4) Branch Postmaster, Sangrampur Branch Office in account with Talab Tillo Sub Office under Jammu Tawi Head Office, as per his option, and upon such option being exercised, he shall be allowed to join accordingly.

- (iii) Appellant No. 2 shall be considered for appointment against the remaining vacancies of Gramin Dak Sevaks, after appellant No. 1 exercises his option, but subject to completion of the requisite formalities.

24.Disposed of as above along with connected CM(s), if any.

Jammu
19.02.2026
Madan Verma-Secy

