

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16590 of 2025

1. Puja Kumari Wife of Ajay Kumar, resident of Chitragupt Colony, Bikramganj, Police Station-Bikramganj in the district of Rohtas.
2. Pinki Kumari, Daughter of Hirdaya Kumar Singh, resident of Village-Govindpur, Police Station-Harsiddhi in the district of East Champaran.
3. Madhu Kumari, Daughter of Kandhjee Prasad, resident of House No. 65, Bajrang Bihar Colony, Ashiana, Patna, Police Station- Rajiv Nagar in the district of Patna.
4. Priya Kumari, Daughter of Akhilesh Kumar, resident of Sanjay Market, Fida Hussan More, Jehanabad, Police Station- Jehanabad in the district of Jehanabad.
5. Khushbu Kumari, Daughter of Ramji Pandit, resident of Village-Kayamganj, Police Station-Makhdumpur in the district of Jehanabad.
6. Rashmi Priya Verma, Wife of Randhir Kumar Singh, resident of Village-Kishanpur, Police Station-Sarai Ranjan in the district of Samastipur.
7. Girja Kumar, Son of Kamlesh Sharma, resident of Village- Mussi, Police Station- Makhdumpur in the district of Jehanabad.
8. Vivek Raj, Son of Late Ramphal Singh, resident of Village- Beri, Police Station- Pouthu in the district of Aurangabad.
9. Sintu Kumar, Son of Raj Kumar Paswan, resident of Village- Saidpur, Police Station- Ghosi in the district of Jehanabad.
10. Indihar Thakur, Son of Nagendra Thakur, resident of Village- Sundarpur, Police Station- University in the district of Darbhanga.
11. Sachin Kumar, Son of Ram Dhyam Ram, resident of Quarter No.4, Board Colony, Shastri Nagar, Patna, Police Station- Shastri Nagar in the district of Patna.
12. Md. Imdad Baksh, Son of Md. Elahi Baksh, resident of House No. 112, Board Colony, Shastri Nagar, Patna, Police Station- Shastri Nagar in the district of Patna.
13. Prem Sagar Gupta, Son of Bengali Prasad Gupta, resident of Village-Fazeliganj, Police Station- Tarapur in the district of Munger.
14. Vivek Narayan, Son of Mohan Prasad, resident of Village- Diha, Police Station- Tharthari in the district of Nalanda.
15. Amarnath Bhandari, Son of Chandeshwar Bhandari, resident of Village-



- Pachadhi, Police Station-Pandaul in the district of Madhubani.
16. Krishna Kant Kumar, Son of Sudhir Prasad Singh, resident of Village Ekarha, Police Station-Chewara in the district of Sheikhpura.
 17. Ravi Shankar Chaudhary, Son of Bihari Chaudhary, resident of Village-Bhagwanpur, Police Station-Bhagwanpur in the district of Kaimur.
 18. Md. Ziyaur Rahman, Son of Md. Mujeebur Rahman, resident of Village-Mohanpur, Police Station-Bibhutipur in the district of Samastipur.
 19. Intekhab Hussain, Son of Md. Nizamuddin Ansari, resident of Village-Bheria, Dalmianagar, Police Station- Dalmianagar in the district of Rohtas.
 20. Nishant Kumar, Son of Sunil Kumar Singh, resident of Village- Puran Tand, Police Station- Lalganj in the district of Vaishali.
 21. Ranjeet Kumar, Son of Late Ram Sewak Mahto, resident of Jay Prakash Lane, Machhali Gali, Phulwarisharif, Police Station- Phulwarisharif in the district of Patna.
 22. Pawan Singh Rathour, Son of Pramod Kumar Singh, resident of Village-Devhaliya, Police Station-Ramgarh in the district of Kaimur.
 23. Ranjeet Kumar, Son of Lalan Sah, resident of Village- Kalyanpur Harauna, Police Station- Motipur in the district of Muzaffarpur.
 24. Deepak Kumar, Son of Birendra Kumar, resident of Village- Rasalpur, Police Station- Chakand in the district of Gaya.
 25. Bimmi Kumari, Daughter of Arvind Kumar, resident of A-103, Sanjana Shashwatam Apartment, Ara Garden Road, Baily Road, Patna, Police Station- Shastri Nagar in the district of Patna.
 26. Aayushi Anand, Daughter of Shyamanand Sah, resident of 403, Aprajita Apartment, Khajpura, Police Station- Shastri Nagar in the district of Patna.
 27. Shahin Kaushar, Wife of Md. Sajjad Ansari, resident of Village- Baghakol, Police Station- Bihta in the district of Patna.
 28. Kumari Rimjhim, Daughter of Awadh Bihari Singh, resident of South Indira Nagar, Road No.6, Postal Park, Police Station- Jakkanpur in the district of Patna.
 29. Niraj Kumar, Son of Krishna Chaudhary, resident of Village Manjhaul, Police Station-Phulwarisharif in the district of Patna.
 30. Ranjeet Kumar Ram, Son of Bajrangi Ram, resident of Village- Dharhara, Vaishali, Police Station-Sarai in the district of Vaishali.
 31. Rakesh Kumar, Son of Sukhdev Ram, resident of Village- Sarbahda, Police Station- Sarbahda in the district of Gaya.



32. Rohit Raj, Son of Harendra Prasad, resident of Mohalla- Ubani Nagar, Tehta, Police Station- Tehta in the district of Jehanabad.
33. Abhishek Kumar, Son of Bhadai Singh, resident of Village- Dudhpura, Police Station- Samastipur in the district of Samastipur.
34. Nitish Kumar, Son of Harendra Prasad, resident of Village- Nonaura, Police Station- Ghorasahan in the district of East Champaran.
35. Rajeev Kumar, Son of Kameshwar Singh, resident of Village- Khalispur Tola Devrath, Police Station-Kako in the district of Jehanabad.
36. Bhagat Singh, Son of Ashok Kumar Singh, resident of Village- Teghra Barain, Police Station- Babu Barhi in the district of Madhubani.
37. Dewendra Kumar, Son of Ram Akwal Paswan, resident of Village- Kadma, Police Station-Kadma in the district of East Champaran.
38. Kartik Kumar, Son of Late Digamber Singh, resident of Village- Salonachak, Police Station-Lakhisarai in the district of Lakhisarai.
39. Abhishek Kumar Ranjan, Son of Pravesh Kumar, resident of West Jay Prakash Nagar, Phulwarisharif, Police Station- Phulwarisharif in the district of Patna.
40. Himanshu Shekhar, Son of Nand Kishor Prasad, resident of Village- Sablak Sarai, Police Station- Kurtha in the district of Arwal.
41. Sudhanshu Kumar, Son of Ram Baran Prasad Rai, resident of Village- Rajawan, Police Station-Tharthari in the district of Nalanda.
42. Ravi Shankar Prasad, Son of Bholu Prasad Singh, resident of Village- Maheshi, Ward No.6, Police Station-Mehsi in the district of Samastipur.
43. Upendra Kumar, Son of Binay Kumar Chaudhari, resident of Mohalla- Alampur Gonpura, Police Station- Phulwarisharif in the district of Patna.
44. Ravi Shankar Kumar, Son of Bhagya Narayan Mahto, resident of Village- Matiar Kalan, Police Station- Sitamarhi in the district of Sitamarhi.
45. Pankaj Kumar Singh, Son of Ramchandra Singh, resident of Mohalla- Anandpuri near Govind Palace, Harmu, Police Station Harmu in the district of Ranchi (Jharkhand).
46. Bipin Kumar, Son of Vijay Kumar, resident of Pathri Ghat, Lal Babu Ki Gali, Tirpolia, Police Station-Alamganj in the district of Patna.
47. Rahul Kumar, Son of Suresh Prasad Singh, resident of Village- Sultanpur, Police Station- Sadar in the district of Vaishali.
48. Guddu Kumar, Son of Kedar Nath, resident of Mohalla- Khajurbanna, Sultanganj, Police Station-Sultanganj in the district of Patna.



49. Vikash Vaibhav, Son of Shatrudhan Prasad Gupta, resident of near Sanjivani Hospital, East of B.M.P.-6, Police Station- Mushari in the district of Muzaffarpur.
50. Vikash Kumar, Son of Rajdeo Singh, resident of Village- Amarpur, Police Station- Amarpur in the district of Begulsarai.
51. Sumit Raj, Son of Tarakant Das, resident of Village- Dherukh, Police Station- Benipur in the district of Darbhanga.
52. Rajeev Kumar, Son of Shyamlal Ojha, resident of Mohalla- Kurthoul Pakari, Anishabad, Police Station-Gardanibagh in the district of Patna.
53. Praduman Kumar, Son of Kameshwar Prasad, resident of Quarter No. 410, Market Lane, BTPS Colony, Malhipur, Police Station- Barauni in the district of Begusarai.
54. Dharmendra Kumar, Son of Krishna Prasad, resident of Village- Bhadsara, Police Station- Dulhin Bazar in the district of Patna.
55. Prem Kumar, Son of Kallu Chaudhary, resident of Subhav Tola, Sadishopur, Police Station-Kadamkuan in the district of Patna.
56. Satish Kumar, Son of Ashok Kumar, resident of Mohalla- Matkhan, Sipara, Police Station- Jakkanpur in the district of Patna.
57. Ashirbad Kumar Shailendra Prasad, Son of Shailendra Prasad, resident of Village- Dariyapur, Police Station- Giryak in the district of Nalanda.
58. Satish Kumar, Son of Baijnath Rai, resident of Village- Aganager, Police Station- Maniyari in the district of Muzaffarpur.
59. Vikash Ranjan, Son of Sarvan Yadav, resident of Shakuntala Utsav Hall near Bus Stand, Karbigahiya, Police Station- Jakkanpur in the district of Patna.
60. Sandeep Kumar, Son of Ramakant Thakur, resident of Village- Sakri, Police Station- Arwal in the district of Arwal.
61. Rajeev Ranjan, Son of Dhananjay Prasad, resident of Village- Bajitpur, Police Station- Dhanarua in the district of Patna.
62. Shekhar Suman, Son of Nageshwar Singh, resident of Rajapur, Mainpura, Police Station- Patliputra in the district of Patna.
63. Prashant Anand, Son of Chandradeo Singh, resident of Village- Bishambharpur, Police Station-Bihta in the district of Patna.
64. Yashwant Ram, Son of Suryadeo Ram, resident of Village- Mahuain, Police Station- Madanpur in the district of Aurangabad.
65. Shashi Bhushan Kumar Das, Son of Nathuni Das, resident of Village- Singraha, Police Station- Sahiyara in the district of Sitamarhi.



66. Sappu Verma, Son of Deosharan Verma, resident of Grid Colony, Ram Dayalu Nagar, Police Station-Sadar in the district of Muzaffarpur.
67. Anil Kumar, Son of Gorelal Chaudhary, resident of Village- Simri, Police Station- Simri in the district of Saharsa.
68. Basant Chaudhary, Son of Arjun Chaudhary, resident of Village- Adhgawa, Police Station- Meskour in the district of Nawada.
69. Ranjit Kumar, Son of Rajendra Rajak, resident of Mohalla- Hanuman Nagar, Police Statation- Patrakar Nagar in the district of Patna.

... .. Petitioner/s

Versus

1. The Bihar State Power (Holding) Company Limited, Patna through its Chairman-cum-Managing Director, 1st Floor, Vidyut Bhawan, Bailey Road, Patna.
2. The Chairman-cum-Managing Director, Bihar State Power (Holding) Company Limited, 1st Floor, Vidyut Bhawan, Bailey Road, Patna.
3. The Managing Director-cum-Examination Controller, South Bihar Power Distribution Company Limited, 2nd Floor, Vidyut Bhawan, Bailey Road, Patna.
4. The General Manager (HR and Adm.), Bihar State Power (Holding) Company Limited, 1st Floor, Vidyut Bhawan, Bailey Road, Patna.
5. The General Manager (HR and Adm.), North Bihar Power Distribution Company Limited-cum-Chairman of Selection Committee 06/24 (Internal), 5th Floor, Vidyut Bhawan-2, Bailey Road, Patna.
6. The Deputy Secretary, Appointment Cell, Bihar State Power (Holding) Company Limited, 1st Floor, Bailey Road, Patna.
7. South Bihar Power Distribution Company Ltd., Bidyut Bhawan, Baily Road, Patna through its Managing Director (SBPDCL).
8. North Bihar Power Distribution Company Ltd., Bidyut Bhawan, Baily Road, Patna through its Managing Director (NBPDCCL).
9. Bihar State Power Transmission Company Ltd., through its Managing Director (BSPTCL).
10. Bihar State Power Generation Company Ltd., through its Managing Director (BSPGCL).



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. P. N. Shahi, Sr. Advocate with
Mr. Pankaj Kumar, Advocate
For the Respondent/s : Mr. Umesh Prasad Singh, Sr. Advocate with
Mr. Vivek Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

C.A.V JUDGMENT

Date : 15-06-2026

Heard Mr. P. N. Shahi, Learned Senior Counsel assisted by Mr. Pankaj Kumar, learned Advocate for the petitioners, and Mr. Umesh Prasad Singh, learned Senior Counsel appearing for the State through virtual mode, assisted by Mr. Vivek Prasad, Advocate for the respondents.

2. The present writ petition has been filed with the following reliefs:-

“1. To quash the office order contained in Memo No. 727 dated 23.9.2025 issued under the signature of respondent no.4 i.e. the G.M. (HR/ADM.), BSPHCL by which Employment Notice No. 06 of 2024 has been cancelled without assigning any reason.

II. Also to quash the Notice contained in Memo No. 712 dated 11.9.2025 issued under the signature of respondent no.4 by which process of document verification-



cum-joining for recruitment to various posts against Employment Notice No. 06 of 2024 is going to be held on 12.9.2025 was postponed.

III. Also to quash the order contained in Memo No. 728 dated 23.9.2025 issued under the signature of respondent no.4 by which a Committee for formulation of regulation for process of Internal appointment in pursuance to the Resolution No. 125-05.02 was constituted.

IV. Also to direct the respondents to appoint the petitioners against the vacant/sanctioned post in pursuance to the Employment Notice No. 06 of 2024 as the petitioners were declared successful in CBT (Computer Based Test) held on 02.06.2025 and 03.06.2025 and the result of CBT was declared on 04.09.2025 contained in Memo No. 707 dated 04.09.2025.

V. Also to restrain the respondents from issuance any fresh Internal Advertisement for appointment against the post/vacancy published in Employment Notice No. 06 of 2024.

VI. Also to restrain the respondents from publishing the result of External Examination under ENN-03/2024, ENN-04/2024 and ENN-05/2024 and if final result be published then direct the respondents to prioritize Internal candidates in seniority, whose scheduled Document Verification-cum-joining was abruptly postponed without appropriate reasons and cancelled thereafter vide office order 1444 dated 23.9.2025 without specifying any reasons, considering that the



internal recruitment has been pending since January, 2022 whereas external recruitment commenced from March, 2024.

VII. Also to direct the respondents to prioritize the Internal candidates selected under ENN-06/2024 in seniority over newly recruited candidates selected under ENN-01/2024 and ENN-02/2024, whose recruitment procedure is almost complete, since Internal recruitment has been pending since January, 2022, while external recruitment commenced from March, 2024.

VIII. Also to constitute a Special Investigation Team (SIT) to ascertain the reasons behind the deliberate and repeated cancellations of various employment notices, started from ENN-01/2022, ENN-03/2022 and ENN-06 of 2024 and to fix accountability of the officers/employees involved therein.

IX. Also for any other relief/reliefs for which the petitioners are found to be entitled in the eye of law.”

3. Learned Senior Counsel for the petitioners submits that the brief facts of the case are that the petitioners are employees of the Respondent-Company who participated in the Internal Recruitment Process under Employment Notice No. ENN-06/2024 pursuant to a policy consciously framed and approved by the competent authority. He submits that Bihar State Power (Holding) Company Limited (BSPHCL) conducts



internal recruitment centrally for itself and its subsidiary companies by inviting applications from regular serving employees fulfilling prescribed eligibility conditions including minimum length of service and requisite educational qualifications. Such recruitment is confined to in-service employees belonging to workmen categories and is not an open market recruitment process. It is further submitted that the said framework is consistent with the long-standing practice prevailing since the erstwhile Bihar State Electricity Board (BSEB), under which internal recruitment has historically operated as a recognized channel of career progression for Class III and IV employees, as reflected from BSPHCL Memo No. 328 dated 08.04.2022 and erstwhile BSEB Memo No. 541 dated 13.08.2005.

4. Learned Senior Counsel further submits that since the year 2022, BSPHCL issued three successive internal recruitment notifications, namely ENN-01/2022, ENN-03/2022 and ENN-06/2024. It is further contended that each successive notification proceeded one stage further than the previous cycle, but every recruitment process was ultimately abandoned, postponed or cancelled after employees had already participated therein, thereby revealing a recurring pattern of uncertainty,



shifting standards and administrative arbitrariness.

5. It is further submitted that under ENN-01/2022, applications were invited from eligible employees and an application fee of Rs.1,000/- was collected from each candidate. However, after receipt of applications and fees, the recruitment process was abruptly cancelled citing “unavoidable reasons”. Thereafter, ENN-03/2022 was issued with adjustment of the earlier application fee. It is further submitted that under ENN-03/2022, BSPHCL successfully conducted the Computer Based Test (CBT), but after nearly two years the entire recruitment process including the CBT was cancelled on 06.03.2024 again citing “unavoidable reasons”. On the same date, ENN-06/2024 was issued under an amended internal recruitment policy approved in the 104th Board Meeting. Learned Senior Counsel submits that although refund of the application fee was assured, the same has not been refunded till date.

6. Learned Senior Counsel further submits that in the 104th Meeting of the Board of Directors, a conscious policy decision was taken to regulate internal recruitment by prescribing separate qualifying marks for technical and non-technical posts and by adopting a seniority-cum-merit methodology for preparation of the final select list. It is



submitted that the Respondents themselves admitted in their pleadings in CWJC No. 1403 of 2025 that the said methodology was finalized after detailed consideration and formally approved under Resolution No. 104-06 followed by Office Order No. 288 dated 06.03.2024.

7. Learned Senior Counsel for the petitioners further submits that under ENN-06/2024, BSPHCL completed the recruitment process up to the stage of declaration of final result on 04.09.2025 vide Memo No. 707, whereby a list of 264 successful candidates was published against 553 vacancies on the recommendation of a duly constituted Selection Committee headed by the General Manager (HR/Administration), NBPDC. Thereafter, shortlisted candidates were called for document verification-cum-joining on 12.09.2025. However, shortly before the scheduled reporting time, the process was suddenly postponed citing “unavoidable reasons” and subsequently cancelled on 23.09.2025 without assigning any lawful or contemporaneous reason.

8. Learned Senior Counsel for the petitioners further submits that the aforesaid chronology demonstrates a sustained pattern whereby employees are repeatedly invited to apply, made to deposit fees, appear in examinations, await results and



thereafter face abrupt cancellation after substantial completion of the recruitment process. According to him, such repeated conduct violates the principles of fairness and legitimate expectation and is arbitrary and violative of Articles 14 and 16 of the Constitution of India.

9. Learned Senior Counsel further relies upon the judgment of the Hon'ble Supreme Court in ***East Coast Railway v. Mahadev Appa Rao reported in (2010) 7 SCC 678*** to contend that although no candidate acquires an indefeasible right to appointment, the State cannot refuse appointment in an arbitrary manner and mere receipt of representations cannot justify cancellation of a completed selection process without proper application of mind.

10. Reliance has also been placed upon the judgment of the Hon'ble Supreme Court in ***Shashi Bhushan Prasad Singh v. State of Bihar*** reported in 2024 INSC 763 to submit that administrative authorities cannot alter selection norms or nullify completed recruitment processes in a manner defeating fairness and equality.

11. Learned Senior Counsel further submits that it is settled law that an administrative order must stand on the reasons contained therein or in contemporaneous records. In this



regard, reliance has been placed upon the judgment of the Hon'ble Supreme Court in *Mohinder Singh Gill v. Chief Election Commissioner* reported in (1978) 1 SCC 405. It is submitted that the impugned postponement and cancellation orders do not contain any of the grounds now sought to be introduced through the counter affidavit, such as alleged violation of Article 14, merit-alone principle, natural justice, wrongdoing by the Selection Committee or parity with external recruitment. According to the petitioners, such post facto justifications are legally impermissible.

12. It is further submitted that there is no allegation of paper leak, fraud, impersonation, mass malpractice, corruption or procedural impossibility, and the entire action of the Respondents rests merely upon subsequent policy dissatisfaction, which cannot constitute a lawful ground for cancellation of a completed recruitment process.

13. Learned Senior Counsel also submits that during the period 2022–2025, BSPHCL successfully completed several external recruitment processes and inducted a substantial number of candidates into service after completing all formalities. However, in contrast, internal recruitment processes meant exclusively for existing employees have repeatedly



suffered cancellation and disruption since 2022 despite such employees already serving the Company. According to him, the same demonstrates arbitrary and unequal administrative treatment between external recruitment and internal career progression channels without any rational justification.

14. On the aforesaid grounds, Learned Senior Counsel for the petitioners prays for quashing of the impugned orders of postponement and cancellation concerning ENN-06/2024, for a direction upon the Respondents to act upon the already published select list and issue appointment orders accordingly, and for grant of consequential service benefits including seniority, pay and continuity of service. It is further prayed that any newly framed policy or regulation be directed to operate prospectively without disturbing the rights accrued to the petitioners under ENN-06/2024.

15. Learned Senior Counsel appearing on behalf of the respondents submits that Bihar State Power Holding Company Limited (BSPHCL) and its subsidiary companies, namely SBPDCL, NBPDCCL, BSPGCL and BSPTCL, though separate legal entities in the eye of law, are independently registered companies and no liability of the State Government was transferred to BSPHCL in terms of Clause 4 of the Transfer



Scheme read with Schedule-E thereto. It is further submitted that BSPHCL, in consultation with its subsidiary companies, took a policy decision to fill up internal vacancies and to provide opportunity to existing employees possessing requisite qualifications for higher posts while working on lower posts, particularly in Class III and Class IV categories. Accordingly, eligibility conditions and recruitment criteria were framed as detailed in Annexure-11 to the writ application.

16. Learned Senior Counsel submits that Clause 7(A) (c) of Employment Notice No. 06/2024 specifically provided that a panel of candidates securing minimum qualifying marks in the Computer Based Test (CBT) would be prepared on the basis of date of joining in BSPHCL or its subsidiary companies, i.e., on the basis of seniority, and in case of same date of joining, seniority would be determined on the basis of marks obtained in CBT followed by date of birth. It is further submitted that combined panels were also contemplated for several categories of posts, including Assistant, Correspondence Clerk, Store Assistant, Assistant Electrical Engineer and Junior Electrical Engineer posts.

17. It is further contended that pursuant to the aforesaid conditions, the CBT examination was conducted on



02.06.2025 and 03.06.2025 at Patna and thereafter post-wise results were prepared in accordance with the conditions contained in the advertisement and the applicable Bihar Reservation Rules. The results were accordingly published on the Company's website on 04.09.2025.

18. However, Learned Senior Counsel submits that after publication of the results, several representations were received from unions and applicants questioning the selection methodology as well as the procedure adopted in preparation of the panel. Consequently, the respondent-authorities undertook a comprehensive review of the entire recruitment process, whereupon several issues emerged. It is further submitted that during such review it was observed that wherever appointment is made through a competitive examination, the sole basis of selection ought to be merit reflected through marks obtained in the examination. However, under Employment Notice No. 06/2024, the panel had been prepared substantially on the basis of date of initial appointment/seniority instead of marks obtained in the CBT. Learned Senior Counsel further submits that preparation of the merit list on the basis of seniority effectively diluted and devalued the examination performance of candidates and rendered the CBT marks largely ineffective.



19. Learned Senior Counsel further submits that according to the respondents, such methodology was inconsistent with the principles of natural justice and offended Article 14 of the Constitution of India by treating unequal candidates equally. It is also submitted that upon comparative analysis, the result published on 04.09.2025 was found to be inconsistent with standards and procedures followed in other Government departments and institutions, thereby giving rise to objections from various employee cadres. Learned Senior Counsel further contends that upon detailed deliberations, it was found that the selection process based primarily on seniority was inequitable, impractical and contrary to the very objective of conducting a CBT examination. According to the respondents, the recruitment process under ENN-06/2024 was neither a case of promotion based on seniority-cum-merit nor merit-cum-seniority, rather it was akin to direct recruitment from the open market where merit alone ought to prevail. It is further submitted that in light of the aforesaid analysis, the respondent-company took a conscious decision that future internal recruitment processes should also be conducted on the same principles as external recruitment, namely on the basis of marks obtained in the examination and in accordance with



updated Bihar Government Reservation Rules. The matter was thereafter placed before the Board of Directors, which affirmed the said view and further directed framing of comprehensive regulations and guidelines governing internal recruitment.

20. Learned Senior Counsel further submits that pursuant to Resolution No. 125-05.02 passed in the 125th Meeting of the Board of Directors held on 17.09.2025, Office Order No. 1444 dated 23.09.2025 was issued whereby the advertisement, examination and result published under Employment Notice No. 06/2024 were cancelled. It is further submitted that even assuming, for the sake of argument, that the order dated 23.09.2025 is found to be unsatisfactory or legally unsustainable, still the petitioners do not acquire any indefeasible right to appointment merely because their names appeared in the panel or select list. According to the respondents, inclusion in a select list does not confer any enforceable right to appointment and therefore no writ of mandamus can be issued directing the respondents to appoint the petitioners.

21. In support of the aforesaid submissions, Learned Senior Counsel for the respondents has relied upon the judgments of the Hon'ble Supreme Court in *Shankarsan Dash*



v. Union of India reported in *(1991)3 SCC 4* and *Kulwinder Pal Singh and Anr. v. State of Punjab and Ors.* reported in *(2016) 6 SCC 532*.

22. In the facts and circumstances of the case, learned Sr. Counsel for the respondents submits that the present writ application is fit to be dismissed with costs.

23. After hearing the parties from both sides and upon consideration of the materials available on record, this Court has reached the conclusion that the present writ petition has been filed seeking to set aside Memo No. 727 dated 23.09.2025, Memo No. 712 dated 11.09.2025, and Memo No. 728 dated 23.09.2025.

24. The sole issue involved in the present writ petition is whether the internal recruitment process, which was confined to employees already in service and broadly covered under the category of workmen in Class III and Class IV posts pursuant to ENN 01 of 2022 (Internal), ENN 03 of 2022 (Internal), and ENN 06 of 2024 (Internal), could be cancelled after the issuance of the final result through Memo No. 707 dated 04.09.2025. By the said memo, a committee was constituted for verification of the documents of the selected candidates and for facilitating their joining, for which the date



12.09.2025 had been fixed. The recruitment process was subsequently postponed through Memo No. 712 dated 11.09.2025 without assigning any reason, and later cancelled on the ground that the respondents, in a meeting of the Board of Directors, had decided to regulate internal recruitment in the same manner as recruitment conducted for persons not already in employment.

25. From the factual matrix of the case, it transpires that the petitioners participated in the recruitment process initiated pursuant to ENN 01 of 2022, which was subsequently cancelled with a direction that the applications already submitted would be adjusted against future advertisements. Thereafter, ENN 03 of 2022 was issued, which was also cancelled due to unavoidable reasons. Subsequently, ENN 06 of 2024 was issued pursuant to the Internal Recruitment Policy approved in the 104th Board Meeting of the respondents. In furtherance thereof, Office Order No. 288 dated 06.03.2024 was issued, followed by Advertisement ENN 06 of 2024.

26. The recruitment process under ENN 06 of 2024 was completed, and the final result was declared on 04.09.2025 through Memo No. 707, whereby a list of 264 successful candidates was published against 553 vacancies on the



recommendation of a duly constituted Selection Committee headed by the General Manager (HR/Administration), NBPDC. Thereafter, the shortlisted candidates were called for document verification-cum-joining on 12.09.2025. However, a notice contained in Memo No. 712 dated 11.09.2025 was issued stating that the recruitment process under ENN 06 of 2024 (Internal) stood postponed. No reason whatsoever was assigned therein, except the vague expression "due to unavoidable reasons." Subsequently, pursuant to Resolution No. 125-05.02 adopted in the 125th Board Meeting held on 17.09.2025, the recruitment process under ENN 06 of 2024 (Internal) was cancelled. Even in the said decision, no reasons were assigned. It was merely stated that recruitment through internal employment processes for persons already in service and recruitment through external employment processes for persons not in service would henceforth be treated on the same footing and governed by the Bihar Government Reservation Rules. From ENN 06 of 2024 (Internal), as contained in Annexure-11, it is evident that the Bihar Government Reservation Rules had already been followed, and the requisite qualifications had been duly prescribed. Further, in the cancellation notice contained in Memo No. 728 dated 23.09.2025, it was indicated in Clause III



that separate rules governing the internal recruitment process would be framed subsequently, and fresh advertisements would thereafter be issued, pursuant to which a fresh examination would be conducted.

27. Thus, the situation before this Court is that the respondent-company, after advertising the posts, completing the recruitment process, and declaring the final result, but before permitting the selected candidates to join, decided to alter the governing rules of recruitment. Such an action amounts to changing the rules of the game after the game has been played. Moreover, no reasons have been assigned in support of such a decision.

28. For the purpose of deciding the present case, it is necessary to consider the judgments relied upon by the parties. In the case of East Coast Railway (supra), relied upon by the learned Senior Counsel appearing for the petitioners, the Hon'ble Supreme Court observed in paragraphs 8, 9, 10, 11, 12, 13, 14, and 21 as follows:-

“8. There is no quarrel with the well-settled proposition of law that an order passed by a public authority exercising administrative/executive or statutory powers must be judged by the reasons stated in the order or any record or file contemporaneously



maintained. It follows that the infirmity arising out of the absence of reasons cannot be cured by the authority passing the order stating such reasons in an affidavit filed before the court where the validity of any such order is under challenge. The legal position in this regard is settled by the decision of this Court in Commr. of Police v. Gordhandas Bhanji [1951 SCC 1088 : AIR 1952 SC 16] wherein this Court observed:

9. ... public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to whom they are addressed and must be construed objectively with reference to the language used in the order itself.”

9. Reference may also be made to the decision of this Court in Mohinder Singh Gill v. Chief Election Commr. [(1978) 1 SCC 405] where this Court reiterated the above principle in the following words:

“8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and



cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to court on account of a challenge, get validated by additional grounds later brought out.”

10. Later decisions of this Court in R. Vishwanatha Pillai v. State of Kerala [(2004) 2 SCC 105 : 2004 SCC (L&S) 350] and Hindustan Petroleum Corpn. Ltd. v. Darius Shapur Chenai [(2005) 7 SCC 627] have restated the legal position settled by the earlier two decisions noticed above.

11. Relying upon the decision of this Court in Union of India v. Tarun K. Singh [(2003) 11 SCC 768 : 2004 SCC (L&S) 316], Mr Malhotra all the same argued that the challenge to the order cancelling the test was legally untenable as no candidate had any legally enforceable right to any post until he was selected and an order of appointment issued in his favour. Cancellation of the selection process on the ground of malpractices could not, therefore, be subjected to judicial scrutiny before a writ court, at the instance of a candidate who had not even found a place in the select list.

12. A Constitution Bench of this Court in Shankarsan Dash v. Union of India [(1991) 3 SCC 47 : 1991 SCC (L&S) 800 : (1991) 17 ATC 95] had an occasion to examine whether a candidate seeking appointment to a civil post can be regarded to have acquired an indefeasible right to



appointment against such post merely because his name appeared in the merit list of candidates for such post. Answering the question in the negative this Court observed:

“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 [(1974) 3 SCC 220 : 1973 SCC (L&S) 488] , Neelima



Shangla v. State of Haryana [(1986) 4 SCC 268 : 1986 SCC (L&S) 759] or Jatinder Kumar v. State of Punjab [(1985) 1 SCC 122 : 1985 SCC (L&S) 174].”

13. 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.

14. To the same effect is the decision of this Court in UT of Chandigarh v. Dilbagh Singh [(1993) 1 SCC 154 : 1993 SCC (L&S) 144 : (1993) 23 ATC 431] where again this Court reiterated that while a candidate who finds a place in the select list may have no vested right to be appointed to any post, in the absence of any specific rules entitling him to the same, he may still be aggrieved of his non-appointment if the authority concerned acts arbitrarily or in a mala fide manner. That was also a case where the selection process had been cancelled by the



Chandigarh Administration upon receipt of complaints about the unfair and injudicious manner in which the select list of candidates for appointment as conductors in CTU was prepared by the Selection Board. An inquiry got conducted into the said complaint proved the allegations made in the complaint to be true. It was in that backdrop that action taken by the Chandigarh Administration was held to be neither discriminatory nor unjustified as the same was duly supported by valid reasons for cancelling what was described by this Court to be as a “dubious selection”.

21. In the instant case the order passed by the competent authority does not state any reasons whatsoever for the cancellation of the typing test. It is nobody's case that any such reasons were set out even in any contemporaneous record or file. In the absence of reasons in support of the order it is difficult to assume that the authority had properly applied its mind before passing the order cancelling the test.”

29. The learned counsel has further placed reliance upon the judgment of the Hon'ble Supreme Court in **Shashi Bhusan Prasad Singh (supra)**. The Hon'ble Supreme Court, in paragraphs 26 and 28 of the said judgment, has held as under:

“26. Presently, despite the preparation of the Final Select List which signals the conclusion of the appointment process, the State Government seeks to scrap the entire process and undertake a fresh



appointment process under the New Rules. In the considered opinion of this Court, this amounts to effectively changing the rules of the game after the game was played which is impermissible and deprives the candidates of their legitimate right of consideration under the previous Rules. “

28. In this regard, the field is held by the three-judge bench decision of this Court in K. Manjusree (supra) wherein the Court, relying on previous decisions, explicitly held that introducing new requirements into the selection process after the entire selection process was completed amounted to changing the rules of the game after the game was played. Relevant portions of the judgement are reproduced as under:

“27. But what could not have been done was the second change, by introduction of the criterion of minimum marks for the interview. The minimum marks for interview had never been adopted by the Andhra Pradesh High Court earlier for selection of District & Sessions Judges, (Grade II). In regard to the present selection, the Administrative Committee merely adopted the previous procedure in vogue. The previous procedure as stated above was to apply minimum marks only for written examination and not for the oral examination. We have referred to the proper interpretation of the earlier Resolutions dated 24-7- 2001 and 21-2-2002 and held that what was adopted on 30-11-2004 was



only minimum marks for written examination and not for the interviews. Therefore, introduction of the requirement of minimum marks for interview, after the entire selection process (consisting of written examination and interview) was completed, would amount to changing the rules of the game after the game was played which is clearly impermissible. We are fortified in this view by several decisions of this Court. It is sufficient to refer to three of them — P.K. Ramachandra Iyer v. Union of India [(1984) 2 SCC 141 : 1984 SCC (L&S) 214] , Umesh Chandra Shukla v. Union of India [(1985) 3 SCC 721 : 1985 SCC (L&S) 919] and Durgacharan Misra v. State of Orissa [(1987) 4 SCC 646 : 1988 SCC (L&S) 36 : (1987) 5 ATC 148] 32. In Maharashtra SRTC v. Rajendra Bhimrao Mandve [(2001) 10 SCC 51 : 2002 SCC (L&S) 720] this Court observed that “the rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced”. In this case the position is much more serious. Here, not only the rules of the game were changed, but they were changed after the game had been played and the results of the game were being awaited. That is unacceptable and impermissible.”

30. So far as the judgment in ***Mohinder Singh Gill*** (*supra*), relied upon by the learned Senior Counsel for the



petitioners, is concerned, the same is, in the opinion of this Court, not applicable to the facts of the present case, as the said judgment pertains to election law and not to service jurisprudence.

31. So far as the contention advanced by the learned Senior Counsel appearing on behalf of the respondents is concerned, it has been vehemently argued that the mere inclusion of a candidate's name in the select list or merit list does not confer upon such candidate any indefeasible right to appointment. According to the respondents, it is always open to the employer not to fill up the advertised vacancies and, if such a decision is taken for valid and *bona fide* reasons, the same cannot be said to be arbitrary or unreasonable. It has further been submitted that the decision to cancel the recruitment process was taken by the Board in its meeting, wherein it was resolved that a separate set of rules governing fresh internal recruitment would be framed. It is on account of the said decision that the recruitment process was cancelled. According to the respondents, the said decision is a reasoned and policy-based decision, which was duly communicated to the petitioners through Memo No. 727 dated 23.09.2025.

32. This Court also deems it necessary to examine



the judgments of the Hon'ble Supreme Court relied upon by the learned Senior Counsel for the respondents. In *Shankarsan Dash (supra)*, the Hon'ble Supreme Court held that even where a number of vacancies are notified and an adequate number of candidates are found suitable for appointment, the successful candidates do not acquire any indefeasible right to be appointed against the existing vacancies. Ordinarily, an advertisement inviting applications merely constitutes an invitation to eligible candidates to participate in the recruitment process, and mere selection does not create a vested right to appointment. Unless the applicable recruitment rules provide otherwise, the State is under no legal obligation to fill up all or any of the advertised vacancies.

33. However, the Hon'ble Supreme Court further clarified that the aforesaid principle does not confer upon the State an unfettered licence to act arbitrarily. Any decision not to fill up the vacancies must be taken *bona fide* and for valid, germane and justifiable reasons. The Court further observed that, where the vacancies are ultimately filled, the State is bound to adhere to the comparative merit of the candidates as reflected in the selection process, and no discrimination can be permitted in the matter of appointment.



34. The learned Senior Counsel for the respondents has further placed reliance upon the judgment of the Hon'ble Supreme Court in *Kulwinder Pal Singh (supra)*. In the said judgment, the Hon'ble Supreme Court observed in paragraphs 9, 10, 11, 12 and 16 as under:

“9. There is no denying that the appellants were placed in the select list at Sl. Nos. 35, 36 and 37. In the sixteenth meeting of the Administrative Committee held on 8-12-2010, considering the representation of the appellants it was “resolved to recommend, subject to approval of the Full Court, to the Government of Punjab for their appointment as Civil Judges subject to availability of vacancies”. But in the eighteenth meeting of the Administrative Committee held on 6-7-2011, the Committee took note of the direction issued by the Supreme Court to appoint twenty-two candidates selected in the years 1998, 1999, 2000 and 2001 who were not earlier appointed due to Sidhu Scam. At that time only six vacancies were available. To accommodate those twenty-two candidates, the Government of Punjab had sanctioned sixteen temporary posts, with the stipulation that the post will be abolished one by one as and when a vacancy becomes available. Relevant minutes of the eighteenth meeting of the Administrative Committee dated 6-7-2011 reads as under:

“The writ petitions filed by 22 candidates selected in the years 1998,



1999, 2000 and 2001 were allowed on 27-5-2008 [Sirandeeep Singh Panag v. State of Punjab, 2008 SCC OnLine P&H 776 : ILR (2008) 2 P&H 188] and were ordered to be appointed as Civil Judges in Punjab. At that time only 6 vacancies were available. To give effect to the said judgment of this Court, 16 temporary posts were sanctioned on 22-7-2008 by the Punjab Government with the stipulation that the posts will be abolished one by one as and when a vacancy becomes available. As per the orders of the Hon'ble Supreme Court in that matter, only 17 candidates were issued appointment letters, 3 resultant vacancies of the year 2007-2008 stood consumed with the joining of 17 candidates.”

10. It is fairly well settled that merely because the name of a candidate finds place in the select list, it would not give him indefeasible right to get an appointment as well. The name of a candidate may appear in the merit list but he has no indefeasible right to an appointment (vide Food Corporation of India v. Bhanu Lodh [Food Corporation of India v. Bhanu Lodh, (2005) 3 SCC 618 : 2005 SCC (L&S) 433] , All India SC & ST Employees' Assn. v. A. Arthur Jeen [All India SC & ST Employees' Assn. v. A. Arthur Jeen, (2001) 6 SCC 380 : (2007) 2 SCC (L&S) 362] and UPSC v. Gaurav Dwivedi [UPSC v. Gaurav Dwivedi, (1999) 5 SCC 180 : 1999 SCC (L&S) 982] .

11. This Court again in State of



Orissa v. Rajkishore Nanda [State of Orissa v. Rajkishore Nanda, (2010) 6 SCC 777 : (2010) 2 SCC (L&S) 313] , held as under : (SCC p. 783, paras 14 & 16)

“14. A person whose name appears in the select list does not acquire any indefeasible right of appointment. Empanelment at best is a condition of eligibility for the purpose of appointment and by itself does not amount to selection or create a vested right to be appointed. The vacancies have to be filled up as per the statutory rules and in conformity with the constitutional mandate.

* * *

16. A select list cannot be treated as a reservoir for the purpose of appointments, that vacancy can be filled up taking the names from that list as and when it is so required.”

12. In Manoj Manu v. Union of India [Manoj Manu v. Union of India, (2013) 12 SCC 171 : (2014) 2 SCC (L&S) 706] , it was held that (SCC p. 176, para 10) merely because the name of a candidate finds place in the select list, it would not give the candidate an indefeasible right to get an appointment as well. It is always open to the Government not to fill up the vacancies, however such decision should not be arbitrary or unreasonable. Once the decision is found to be based on some valid reason, the Court would not issue any mandamus to the Government to fill up the vacancies. As noticed earlier, because twenty-



two other candidates were declared successful by the Supreme Court pertaining to the selection of the years 1998, 1999, 2000 and 2001 as Civil Judges (Junior Division), they were to be accommodated, as rightly resolved by the Administrative Committee in the meeting dated 6-7-2011. The three resultant vacancies of the year 2007-2008 stood consumed with the joining of the said seventeen candidates and the same could not be filled up from the select list of that year. The decision of the Administrative Committee observing that the three resultant vacancies stood consumed is based on factual situation arising there and cannot be said to be arbitrary.

16. The learned counsel for the appellants contended that when the other candidates were appointed in the post against dereserved category, the same benefit should also be extended to the appellants. Article 14 of the Constitution of India is not to perpetuate illegality and it does not envisage negative equalities. In State of U.P. v. Rajkumar Sharma [State of U.P. v. Rajkumar Sharma, (2006) 3 SCC 330 : 2006 SCC (L&S) 565] it was held as under :

“15. Even if in some cases appointments have been made by mistake or wrongly, that does not confer any right on another person. Article 14 of the Constitution does not envisage negative equality, and if the State committed the mistake it cannot be forced to perpetuate the same mistake.



(See Sneh Prabha v. State of U.P. [Sneh Prabha v. State of U.P., (1996) 7 SCC 426] ; Jaipur Development Authority v. Daulat Mal Jain [Jaipur Development Authority v. Daulat Mal Jain, (1997) 1 SCC 35] ; State of Haryana v. Ram Kumar Mann [State of Haryana v. Ram Kumar Mann, (1997) 3 SCC 321 : 1997 SCC (L&S) 801] ; Faridabad CT Scan Centre v. DG, Health Services [Faridabad CT Scan Centre v. DG, Health Services, (1997) 7 SCC 752] ; Jalandhar Improvement Trust v. Sampuran Singh [Jalandhar Improvement Trust v. Sampuran Singh, (1999) 3 SCC 494] ; State of Punjab v. Rajeev Sarwal [State of Punjab v. Rajeev Sarwal, (1999) 9 SCC 240 : 1999 SCC (L&S) 1171] ; Yogesh Kumar v. Govt. (NCT of Delhi) [Yogesh Kumar v. Govt. (NCT of Delhi), (2003) 3 SCC 548 : 2003 SCC (L&S) 346] ; Union of India v. International Trading Co. [Union of India v. International Trading Co., (2003) 5 SCC 437] and Kastha Niwarak Grahnirman Sahakari Sanstha Maryadit v. Indore Development Authority [Kastha Niwarak Grahnirman Sahakari Sanstha Maryadit v. Indore Development Authority, (2006) 2 SCC 604] .)”

Merely because some persons have been granted benefit



illegally or by mistake, it does not confer right upon the appellants to claim equality.”

35. Upon a careful consideration of the aforesaid judgments, it transpires to this Court that although a candidate, merely by virtue of being declared successful in a recruitment process, does not acquire any indefeasible right to appointment against the existing vacancies, and the employer is under no legal obligation to fill up all or any of the advertised vacancies, the law is equally well settled that such a principle does not confer upon the State or its instrumentalities an unfettered licence to act arbitrarily. The decision to cancel a recruitment process or not to make appointments must be foun upon *bona fide*, valid and justifiable reasons. Such a decision cannot be arbitrary, whimsical, capricious or unsupported by any discernible rationale.

36. In the present case, the recruitment process was initially commenced in the year 2022 for employees already serving under the respondent-company. The very nomenclature of the advertisement, namely "Employee/Internal Recruitment", indicates that it was a special recruitment drive exclusively meant for employees in



service. It is not in dispute that the said recruitment process was undertaken pursuant to a policy decision taken by the Board in its 104th Meeting, which ultimately culminated in the issuance of ENN 06 of 2024 (Internal). Pursuant to the said advertisement, the entire selection process was completed and the final result was published. A list of successful candidates was notified and a committee was constituted for verification of documents and facilitating their joining. The selected candidates were also called upon to appear for document verification-cum-joining. However, at the eleventh hour, the process was first postponed and thereafter cancelled. Significantly, no reason whatsoever was assigned in Memo No. 712 dated 11.09.2025, except the vague expression "due to unavoidable reasons". Thereafter, the recruitment process was cancelled on the basis of a subsequent decision allegedly taken in the 125th Board Meeting.

37. In the considered opinion of this Court, the mere fact that a subsequent Board Meeting resolved to frame fresh rules governing internal recruitment cannot, by itself, constitute a valid ground for cancelling a recruitment process which had already been completed in terms of an earlier policy decision of the Board and had reached the stage of



joining. The respondents have failed to disclose any compelling, legal or administrative reason necessitating such cancellation. A mere change in policy, without any cogent justification and after completion of the selection process, cannot be permitted to defeat the legitimate expectation of the successful candidates.

38. This Court is, therefore, of the firm view that the decision of the Board to cancel the recruitment process under ENN 06 of 2024 (Internal) is arbitrary, unreasonable and unsustainable in law. No legally tenable reason has been assigned in Memo No. 727 dated 23.09.2025 for rescinding the earlier decision of the Board, pursuant to which the recruitment process had been undertaken and substantially completed.

39. Accordingly, Memo No. 727 dated 23.09.2025 issued under the signature of Respondent No. 4, namely the General Manager (HR/Administration), BSPHCL, Memo No. 712 dated 11.09.2025 issued under the signature of Respondent No. 4, and Memo No. 728 dated 23.09.2025 issued under the signature of Respondent No. 4, are hereby quashed and set aside.

40. Consequently, the writ petition stands



allowed.

41. The respondent-company is directed to complete the recruitment process pursuant to ENN 06 of 2024 (Internal), including all consequential formalities, within a period of three months from the date of receipt/production of a copy of this order.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	28.04.2026
Uploading Date	15.06.2026
Transmission Date	NA

