

Before Namit Kumar and Vikram Aggarwal, JJ.

MANIK KHURANA—Petitioner/Appellant

Versus

**THE CENTRAL ADMINISTRATIVE TRIBUNAL,
CHANDIGARH BENCH, CHANDIGARH AND OTHERS—
Respondents**

CWP No. 39633 of 2025

December 29, 2025

Constitution of India, 1950—Art. 226—The petitioners, practicing Advocates, applied for posts of Assistant District Attorneys. The UPSC, in terms of a clause stated in the advertisement, adopted a short listing criteria based on higher experience to restrict the number of candidates to be called for interview. Aggrieved by this, the Petitioners approached Central Administrative Tribunal. As interviews were scheduled, they filed applications to participate, which were dismissed by the Tribunal. The said orders were assailed in the writ petitions.

Whether the selecting agency can enhance the experience criteria for shortlisting candidates?

The employer can set bench marks at different stages of recruitment, if allowed by the Rules or advertisement and is not arbitrary and illegal.

Held, that to the same effect is the judgment of the Hon'ble Supreme Court in Union of India v. T. Sundararaman : (1997) 4 SCC 664 which has been followed by Delhi High Court in Pramiti Basu v. Secretary General Supreme Court of India : 2025 NCDHC 7483, wherein it has been held that the employer can set bench marks at different recruitment stages, if allowed by rules or advertisement and not found to be arbitrary and illegal.

(Para 11)

Further held, that now, coming back to the facts of the present case, there is nothing wrong in the action of the respondents in shortlisting of the candidates and enhancing the clause of experience from 02 years to 06 years for unreserved/OBC category candidates and 05 years for EWS candidates. Neither counsel for the petitioner has been able to make out a *prima facie* case nor the balance of convenience lies in favour of the petitioner. Therefore, there is no infirmity in the order passed by the learned Central Administrative Tribunal. The petition stands dismissed accordingly.

(Para 12)

MP Public Service Commission vs. Nvnit Kumar Potdar,
1995 (1) SCT 50 (Para 10)

Union of India vs. T. Sundararaman
1997 (4) SCC 664 (Para 11)

Pramiti Basu vs. Secretary General Supreme Court of India
2025 NCDHC 7483 (Para 11)

Geetanjali Chhabra, Advocate, *for the petitioner* in CWP-39633-2025.

Kulwinder Bhargav, Advocate, *for the petitioner(s)* in CWP-39669-2025.

Akshat Dalal, Advocate, *for the petitioner(s)* in CWP-39672-2025.

Sanjeev Kaushik, Advocate (through VC) for respondent No.2-UPSC in CWP-39633-2025, for respondent No.1-UPSC in CWP-39669-2025 and for respondent No.3-UPSC in CWP-39672-2025.

Shubreet Kaur, Advocate with Sukriti Gupta, Advocate, for respondents No.3 and 4-U.T., Chandigarh in CWP-39633-2025.

Madhu Dayal, Additional Standing Counsel with Varun Sandhu, Junior Panel Counsel, for respondent No.2-U.T., Chandigarh in CWP-39669-2025 and for respondent No.4-U.T., Chandigarh in CWP-39672-2025.

NAMIT KUMAR, J.

(1) This order shall dispose of above-mentioned three writ petitions as they all have arisen out of the same recruitment process and similar questions of facts and law are involved therein. For the sake of convenience, the facts are being extracted from CWP-39633-2025 titled as 'Manik Khurana v. The Central Administrative Tribunal, Chandigarh Bench, Chandigarh and others'.

(2) The petitioner has invoked the writ jurisdiction of this Court by filing the present petition under Articles 226/227 of the Constitution of India, seeking the following reliefs:-

“(a) issue a writ, order or direction especially in the nature of certiorari quashing the impugned order dated 23.12.2025 (**Annexure P-1**) passed by Respondent No.1, whereby the stay application filed by the petitioner in O.A. No. 1157 of 2025 has been illegally, arbitrarily and mechanically

rejected;

(b) Issue a writ, order or direction in the nature of mandamus, directing Respondents to grant stay of operation and implementation of the Interview Schedule bearing F. No. 59(21)/2025/R-II dated Nil (**Annexure P- 10**) and all further proceedings pursuant thereto, scheduled from 29.12.2025 to 31.12.2025, for recruitment to the post of Assistant District Attorney, Chandigarh, during the pendency of O.A. No. 1157 of 2025;

(c) In the alternative, direct the Respondents to keep one post of Assistant District Attorney vacant or to permit the petitioner to participate provisionally in the interview, subject to the final outcome of the present writ petition as well as O.A. No. 1157 of 2025;

(d) Pass an interim order staying the interview process scheduled from 29.12.2025 to 31.12.2025, or grant any other protective interim relief deemed just and proper, to prevent the present petition from being rendered infructuous;

xx xx xx xx xx”

(3) The brief facts of the case, as have been pleaded in the petition, are that the Union Public Service Commission (hereinafter referred to as 'Commission') issued an advertisement No.08 of 2025, dated 28.06.2025 (Annexure A-4) inviting online applications for recruitment by selection to various posts, including 09 posts of Assistant District Attorney (ADA) in the Law and Prosecution Department, Chandigarh Administration. The relevant portion from the advertisement reads as under:-

“50.(Vacancy No. 25060850228) Nine vacancies for the post of Assistant District Attorney, Law and Prosecution Department, Chandigarh Administration.

RESERVATION POSITION:

(UR-07, EWS-01, OBC-01) (PwBD-01).

Reservation/Suitability of the post for PwBD: Of the nine vacancies, one vacancy is reserved for candidates belonging to category of Persons with Benchmark Disability (PwBD) viz. Blindness and Low Vision with disability i.e. Blind (B) or Low Vision (LV).

The vacancies are also suitable for candidates belonging to category of Persons with Benchmark Disability (PwBD) viz.

Blindness and Low Vision with disability i.e. Blind (B) or Low Vision (LV), Deaf and Hard of Hearing with disability i.e. Hard of Hearing (HH), Locomotor Disability including Cerebral Palsy, Leprosy Cured, Dwarfism, Acid Attack Victims, Muscular Dystrophy, Spinal Deformity and Spinal Injury without any associated neurological/limb dysfunction. with disability i.e. Both legs affected but not arms (BL) or Both arms affected (BA) or One leg affected (R or L) (OL) or One arm affected (R or L) (OA) or Both legs and both arms affected (BLA) or One leg and One arm affected (OLA) or Both Legs and One Arm affected (BLOA) or Leprosy Cured (LC) or Dwarfism (DW) or Acid Attack Victims (AAV) or Spinal Deformity without any associated neurological/limb dysfunction (SD) or Spinal Injury without any associated neurological/limb dysfunction (SI), Autism, Intellectual Disability, Specific Learning Disability and Mental Illness with disability i.e. Specific Learning Disability (SLD), Multiple Disabilities (MD) i.e. at least two disabilities from the categories of the disabilities indicated above.

PAY SCALE:

Level-07 in the Pay Matrix as per 7th CPC. AGE:

30 years for UR/EWSs, 33 years for OBCs and 40 years for PwBDs.

ESSENTIAL QUALIFICATIONS:

(A) EDUCATIONAL:

Degree of Bachelor of Law from a recognized University/Institute.

Note: ICT course is mandatory at entry level as per instructions issued by the Chandigarh Administration vide letter No. 28/69-IH(12)/Pers. Trg.-2019/17927 dated 25.11.2019.

(B) EXPERIENCE:

Should be a qualified legal practitioner i.e. Advocate (within the meaning of the Advocates Act, 1961) who has practiced as such **for two years**.

NOTE: The Qualifications are relaxable at the discretion of the Union Public Service Commission, for reasons to be recorded in writing, in the case of candidates otherwise well qualified."

Moreover, Clause 3 of Para 50 of the above Advertisement is also being reproduced below for ready reference:-

"3. MINIMUM ESSENTIAL QUALIFICATIONS:

All petitioners must fulfill the essential requirements of the post and other conditions stipulated in the advertisement. They are advised to satisfy themselves before applying that they possess at least the essential qualifications laid down for various posts. No enquiry asking for advice as to eligibility will be entertained.

NOTE-I: The prescribed essential qualifications are **0214** the minimum and the mere possession of the same does not entitle candidates to be called for interview.

NOTE-II: IN THE EVENT OF NUMBER OF APPLICATIONS BEING LARGE, COMMISSION WILL ADOPT SHORT LISTING CRITERIA TO RESTRICT THE NUMBER OF CANDIDATES TO BE CALLED FOR INTERVIEW TO A REASONABLE NUMBER BY ANY OR MORE OF THE FOLLOWING METHODS:

- (a) "On the basis of Desirable Qualification (DQ) or any one or all of the DQs if more than one DQ is prescribed".
- (b) On the basis of higher educational qualifications than the minimum prescribed in the advertisement.
- (c) **On the basis of higher experience in the relevant field than the minimum prescribed in the advertisement.**
- (d) By counting experience before or after the acquisition of essential qualifications.
- (e) By invoking experience even in cases where there is no experience mentioned either as Essential Qualification (EQ) or as Desirable Qualification (DQ).
- (f) "P:LBY holding a Recruitment Test. Generally, weightage in the ratio of 75:25 is accorded for marks in Recruitment Test and for marks in interview in determining final merit."

(4) The petitioner applied for the said post by submitting his Online Recruitment Application (ORA) dated 08.07.2025 (Annexure A-5) and his name was also mentioned at Sr.No.578 in the list of candidates, who have applied for the said post. It is the case of the petitioner that he fulfils all the essential and desirable qualifications

prescribed for the post of ADA, however, while conducting shortlisting process, vide public notice dated 17.10.2025, the respondents have changed the criteria of the candidates for interview for unreserved vacancies and the experience clause has been raised to 06 years and above, whereas in the advertisement it was mentioned that the experience of candidates should be of 02 years and in pursuance to the said notice, the candidates were directed to submit their documents with effect from 27.10.2025. The petitioner moved a representation dated 22.10.2025 by questioning the action of the respondent-Commission in enhancing the experience criteria and since no action was taken on the said representation, the petitioner approached the Central Administrative Tribunal, Chandigarh Bench, Chandigarh (hereinafter referred to as 'Tribunal'), by filing OA No.1157 of 2025 and prayed for staying the interview process or to allow him to participate in the interview process, however, the prayer for interim relief seeking stay on the operation and implementation of interview schedule and all further proceedings pursuant thereto scheduled from 29.12.2025 to 31.12.2025 for recruitment to the post of ADA, Chandigarh has been rejected by the learned Tribunal, vide order dated 23.12.2025 (Annexure P-1) on the basis of the stand taken by the Commission in its reply filed before the Tribunal, wherein it was stated that the Commission has received 1699 applications against 09 advertised vacancies of ADAs (General- 1115, OBC-338, EWS-91, SC-141 and ST-14), including 37 applications of PwBDs and, therefore, shortlisting criteria of enhanced experience has been adopted by the respondents and 138 applications have been taken under consideration zone.

(5) Aggrieved against the said order passed by the Tribunal, the instant petition has been filed.

(6) Learned counsel for the petitioner submits that the petitioner was fully eligible for the post of ADA, however, now he has been excluded from the interview process only on account of the enhancement of experience from 02 years to 06 years, which was not part of the advertisement issued by the Commission. He has further argued that under the prevailing +2+3+3 educational structure, a candidate ordinarily completes law degree at around 23-24 years of age and, thereafter, commences his legal practice upon enrolment from the Bar Council and as such the requirement of 06 years post-enrolment practice within the upper age limit of 30 years prescribed for unreserved/EWS category candidates, is practically unachievable for the majority of the candidates, thereby making the action of the respondents illegal, discriminatory and violative of principles of natural justice.

(7) On receipt of advance copy of the petition, learned counsel for the respondents have submitted that since the Commission has received a large number of applications i.e. 1699 applications against 09 advertised vacancies of ADAs, the process of shortlisting has been adopted by the Commission in terms of Note II of para 3 of 'Instructions and Additional Information to Candidates for recruitment by selection', which provides that in the event of large number of applications being received, the Commission will adopt the shortlisting criteria to restrict the number of candidates to be called for interview.

(8) We have heard learned counsel for the parties and perused the record.

(9) The facts are not in dispute that the Commission advertised 09 vacancies of ADAs in the Law and Prosecution Department of U.T., Chandigarh, vide advertisement No.08 of 2025 dated 28.06.2025 (Annexure A-4). Being eligible in terms of the said advertisement, the petitioner applied for the said post by submitting his Online Recruitment Application (ORA) dated 08.07.2025 (Annexure A-5). It is the case of the Commission that they have received 1699 applications, against 09 advertised vacancies of ADAs (General-1115, OBC-338, EWS-91, SC-141 and ST-14), including 37 applications of PwBDs and, therefore, shortlisting criteria of enhanced experience has been adopted by the respondents and 138 applications have been taken under consideration zone. The relevant portion from the written statement filed by the Commission to the OA, is as under:-

“5. That the Commission received total of 1699 (Gen- 1115, OBC-338, EWS-91, SC-141 & ST-14) applications, including 37 applications of PwBDs. Applications belonging to SC, ST & OBC (Creamy Layer) categories had been considered under unreserved category. Since the number of applications received was large, the commission invoked the following shortlisting criterion for the candidates:

For UR vacancies: EQ(A) + EQ(B) raised to 06 years and above

For OBC vacancies: EQ(A) + EQ(B) raised to 06 years and above

For EWS vacancies: EQ(A) + EQ(B) raised to 05 years and above

For PwBD vacancies: EQ(A) + EQ(B) (reduced to one year)

6. That after adopting the above shortlisting criteria, 138 applications had been taken under the consideration zone. Since, enhanced experience was invoked, remaining applications, being out of consideration zone, had not been considered.”

(10) Same issue has been considered by the Hon'ble Supreme Court in *M.P. Public Service Commission versus Navnit Kumar Potdar and another*¹, wherein the Madhya Pradesh Public Service Commission issued advertisement inviting applications for appointment of 09 posts of Presiding Officer of the Labour Courts. The Commission received large number of applications and only those candidates were called for interview who had completed 7 ½ years of practice. Although, in view of Section 8(3)(c) of the M.P. Industrial Relations Act, 1960, in the advertisement, it was prescribed that the applicant should have practised as an advocate or pleader for not less than 05 years. The said action was challenged before the Madhya Pradesh High Court and the writ petition was allowed by taking the view that as the statutory qualifications in respect of the practice was only 05 years and raising the said period from 05 years to 7 ½ years, amounts to laying down a criteria in violation of the prescribed statutory criteria and a direction was issued either to call all the applicants for interview, who had completed 05 years of practice as required by Section 8(3)(c) of the Act or to screen the applicants through some test and thereafter to call only such applicants for interview who qualified the said screening test. The said judgment of the High Court was challenged before the Hon'ble Supreme Court, wherein it was held as under:-

“5. The question which is to be answered is as to whether in the process of short-listing, the Commission has altered or substituted the criteria or the eligibility of a candidate to be considered for being appointed against the post of Presiding Officer, Labour Court. It may be mentioned at the outset that whenever applications are invited for recruitment to the different posts, certain basic qualifications and criteria are fixed and the applicants must possess those basic qualifications and criteria before their applications can be entertained for consideration. The Selection Board or the Commission has to decide as to what procedure is to be followed for selecting the best candidates amongst the applicants. In most of the services screening tests or written tests have been introduced to limit the numbers of the

¹ 1995(1) SCT 50

candidates who have to be called for interview. Such screening tests or written tests have been provided in the concerned statutes or prospectus which govern the selection of the candidates. But where the selection is to be made only on basis of interview, the Commission or the Selection Board can adopt any rational procedure to fix the number of candidates who should be called for interview. It has been impressed by the courts from time to time that where selections are to be made only on the basis of interview, then such interviews/viva voce tests must be carried out in a thorough and scientific manner in order to arrive at a fair and satisfactory evaluation of the personality of the candidate.

6. XX XX XX XX XX

7. The sole purpose of holding interview is to search and select the best among the applicants. It is obvious that it would be impossible to carry out a satisfactory viva voce test if large number of candidates are interviewed each day till all the applicants who had been found to be eligible on basis of the criteria and qualifications prescribed are interviewed. If large number of applicants are called for interview in respect of four posts, the interview is then bound to be casual and superficial because of the time constraint. The members of the Commission shall not be in a position to assess properly the candidates who appear before them for interview. It appears that Union Public Service Commission has also fixed a ratio for calling the candidates for interview with reference to number of available vacancies.

8. In Kothari Committee's Report on the "Recruitment Policy and Selection Methods for the Civil Services Examination" it has also been pointed out in respect of interview where a written test is also held as follows:

"The number of candidates to be called for interview, in order of the total marks in written papers, should not exceed, we think, twice the number of vacancies to be filled "

In this background, it is all the more necessary to fix the limit of the applicants who should be called for interview where there is no written test, on some rational and objective basis so that personality and merit of the persons who are called for interview are properly assessed and

evaluated. It need not be pointed out that this decision regarding short-listing the number of candidates who have applied for the post must be based not on any extraneous consideration, but only to aid and help the process of selection of the best candidates among the applicants for the post in question. This process of short-listing shall not amount to altering or substituting the eligibility criteria given in statutory rules or prospectus. In substance and reality, this process of short-listing is part of process of selection. Once the applications are received and the Selection Board or the Commission applies its mind to evolve any rational and reasonable basis, on which the list of applicants should be short-listed, the process of selection commences. If with five years of experience an applicant is eligible, then no fault can be found with the Commission if the applicants having completed seven and half years of practice are only called for interview because such applicants having longer period of practice, shall be presumed to have better experience. This process will not be in conflict with the requirement of Section 8(3)(c) which prescribes the eligibility for making an application for the post in question. In a sense Section 8(3)(c) places a bar that no person having less than five years of practice as an Advocate or a pleader shall be entitled to be considered for appointment to the post of Presiding Officer of the Labour Court. But if amongst several hundred applicants, a decision is taken to call for interview only those who have completed seven and half years of practice, it is neither violative nor in conflict with the requirement of Section 8(3)(c) of the Act.

9. This Court in the case of **State of Haryana v. Subash Chander Marwaha, (1974)1 SCR 165** had to consider as to whether the appointments could have been offered only to those who had scored not less than 55% marks when Rule 8 which was under consideration, in that case, made candidates who had obtained 45% or more in competitive examination eligible for appointment. This Court held that Rule 8 was a step in the preparation of a list of eligible candidates with minimum qualifications who may be considered for appointment. The list is prepared in order of merit and the one higher in rank is deemed to be more meritorious than the one who is lower in the rank. There was nothing arbitrary in fixing the scoring of 55% for the

purpose of selection although a candidate obtaining 45% was eligible to be appointed.

10. xx xx xx xx xx

11. On behalf of the respondents, it was pointed out that there is no presumption that an Advocate having seven and half years of experience will be more suitable for the post of Presiding Officer of the Labour Courts than an Advocate having only five years of experience because it all depends on the personal merit of the candidate concerned. It is true that it has been found that sometimes the persons with lesser years of experience and practice have proved to be better Advocates and they excel in profession. The success in profession is not necessarily linked with the years of practice. But that may be an exception. Normally, it is presumed that with longer experience an Advocate becomes more mature. In any case, this fixing the limit at seven and half years instead of five years of the practice for purpose of calling the interview cannot be said to be irrational, arbitrary having no nexus with the object to select the best amongst the applicants.

12. *The High Court has taken the view that raising the period from five years to seven and half years' practice for purpose of calling the candidates for interview amounted to changing the statutory criteria by an administrative decision. According to us, the High Court has not appreciated the true implication of the short-listing which does not amount to altering or changing of the criteria prescribed in the Rule, but is only a part of the selection process. The High Court has placed reliance on the case of **Praveen Kumar Trivedi v. Public Service Commission, M.P., 1986 Lab IC 1990**, where it has been pointed out that Commission cannot ignore a statutory requirement for filling up a particular post and cannot opt a criteria whereby candidates fulfilling the statutory requirements are eliminated from being even called for interview. As we have already pointed out that where the selection is to be made purely on basis of interview, if the applications for such posts are enormous in number with reference to the number of posts available to be filled up, then the Commission or the Selection Board has no option but to short-list such applicants on some rational and reasonable basis.*

13. Accordingly these appeals are allowed and the judgment

of the High Court is set aside. In the circumstances of the case, there shall be no order for costs.

Appeals allowed.”

(11) To the same effect is the judgment of the Hon'ble Supreme Court in ***Union of India versus T. Sundararaman***² which has been followed by Delhi High Court in ***Pramiti Basu versus Secretary General Supreme Court of India***³, wherein it has been held that the employer can set bench marks at different recruitment stages, if allowed by rules or advertisement and not found to be arbitrary and illegal.

(12) Now, coming back to the facts of the present case, there is nothing wrong in the action of the respondents in shortlisting of the candidates and enhancing the clause of experience from 02 years to 06 years for unreserved/OBC category candidates and 05 years for EWS candidates. Neither counsel for the petitioner has been able to make out a *prima facie* case nor the balance of convenience lies in favour of the petitioner. Therefore, there is no infirmity in the order passed by the learned Central Administrative Tribunal. The petition stands dismissed accordingly.

(13) Consequently, CWP-39669-2025 and CWP-39672-2025 also stand dismissed.

Reporter-Shubreet Kaur

² 1997 (4) SCC 664

³ 2025 NCDHC 7483