

GAHC010266292025



2026:GAU-AS:6692-DB

**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : WA/412/2025**

SURABHI DEY AND 14 ORS  
D/O- DURJOY DEY, VILL. KALDOBA PT1, P.O AGOMANI, P.S AGOMANI,  
DIST. DHUBRI ASSAM, PIN783335

2: DIKHITA HAZARIKA  
D/O- PRASANTA HAZARIKA VILL-MUDOI GAON P.OP.S- SOOTEA DIST-  
BISWANATH  
ASSAM PIN-784175

3: SEEMA NATH  
D/O-NRIPEN NATH  
VILL MADULIJHAR  
P.O-CHAKCHAKA BAZAR  
P.S-SORBHOG  
DIST-BARPETA ASSAM  
PIN-781317

4: TAHIR AHMED  
S/O- SULEMAN UDDIN  
VILL BASATTIHAL  
P.S RATABARI  
P.O ANIPUR  
DIST-SRIBHUMI. PIN- 788734

5: SOLMAN ALOM  
S/O-ABDUL SALAM  
VILL ANDPO-LAMAJUAR  
PS-BADARPUR DIST SRIBHUMIKARIMGANJ PIN-788701.

6: ANUPAM DAS  
YEARS S/O NOKA DAS  
VILL. BIDYARDABRI  
PT-I  
P.O- BIDYARDABRI  
P.S- GOLAKGANJ

DIST. DHUBRI  
PIN-783335.

7: BEGUM JOBEDA KHATUN  
D/O- LT ABDUR RASID  
VILL-HATIPOTA PT-2  
P.OP.S-BILASIPARA  
DIST- DHUBRI  
PIN 783348.

8: KALIMULLAH  
S/O FAKOR UDDIN  
VILL-SALEHPUR P.O. BARAIGRAM P.S PATHARKANDI  
DIST SRIBHUMIKARIMGANJ. PIN-788723

9: MAYURI SARKAR  
D/O AJIT KUMAR SARKAR  
VILL BISHKHOWA  
P.O-BISHKHOWA  
P.S GOLAKGANJ  
DIST DHUBRI ASSAM  
PIN 783334.

10: ARJIFA PARBIN  
D/O ASHAN ALI AHMED  
VILL KHORAGHAT  
P/O BARKANDA  
P/S BAGRIBARI  
DIST KOKRAJHAR  
PIN 783348.

11: SHAHANA BEGUM  
D/O KAMAL UDDIN AHMED  
VILL BAZARGHAT  
P.O. BAZARGHAT  
P.S. RATABARI  
DIST-SRIBHUMI. PIN-788733.

12: TAHIR AHMED  
S/O-ABDUL MATIN VILL- HULASHNAGAR P.O-ANIPUR P.S- RATABARI  
DIST SRIBHUMI KARIMGANJ. PIN 788734.

13: TUKLU DAS  
S/O BABUL DAS  
VILL- MANASANGAN  
P.O- RAKESH NAGAR  
P.S- KARIMGNAJ DISTRICT- SRIBHUMI KARIMGNAJ  
PIN 788701

14: SABINA YASMIN CHOUDHURY  
D/O- ISLAM UDDIN CHOUDHURY  
VILL BHAIRABNAGAR  
P.O. KRISHNAPUR  
P.S SILCHAR  
DIST -CACHAR  
PIN 788025.

15: HUSSAIN AHMED  
S/O ALAUDDIN  
VILL- WEST SARKARIBARI  
P.OP.S- RATABARI  
DISTRICT- SRIBHUMI  
PIN 788735

VERSUS

THE STATE OF ASSAM AND ORS  
REPRESENTED BY THE COMMISSIONER AND SECRETARY TO THE  
GOVERNMENT OF ASSAM, EDUCATION, SECONDARY DEPARTMENT,  
GUWAHATI781006.

2:THE DIRECTOR OF SECONDARY EDUCATION  
KAHILIPARA  
GUWAHATI-781019.

3:BABA SAHEB AMBEDKAR EDUCATION UNIVERSITY  
ADDRESS 25/2 AND 25/3  
BALLYGUNGE CIRCULAR RD  
GARCHA  
BALLYGUNGE  
KOLKATA  
WEST BENGAL70001

**Advocate for the Petitioner** : MR. S HANDIQUE,

**Advocate for the Respondent** : SC, EDU,

**B E F O R E-**  
**HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR**  
**HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY**

**JUDGMENT& ORDER (CAV)**

**Date : 15-05-2026**

**(Arun Dev Choudhury, J)**

1. We have heard Mr. M. Karla, learned counsel for the appellants and Mr. N.J. Khataniar, learned standing counsel for the Department of School Education. We have also perused the records and considered the rival submissions advanced at the bar.
2. The present intra-court appeal is directed against the judgment and order dated 13-11-2025, passed by the learned Single Judge in WPC No.6409 of 2025, whereby the writ petition preferred by the present appellants came to be dismissed.
3. The learned Single Judge declined to interfere, principally on grounds of delay and laches, and also held that no legal rights had been established warranting the exercise of jurisdiction under Article 226 of the Constitution of India.
4. The 15 appellants before us are aspirants for appointment to the posts of graduate and post-graduate teachers in Government and Provincialised Secondary Schools in the State of Assam.

5. The recruitment process commenced with an online advertisement issued by the Director of Secondary Education, Assam, on 26-12-2023, inviting applications for the notified vacancies.
6. The appellants responded to the advertisement, submitted their applications and participated in the Teacher's Eligibility Test (TET) cum recruitment examination.
7. Their grievance arises from the fact that they were not considered for selection and appointment because they had not furnished their B.Ed degree certificates, which were one of the essential eligibility qualifications under the recruitment notice.
8. According to the appellants, they had successfully pursued the B.Ed course from Babasaheb Ambedkar Education University, but the university had not declared the result before the last date prescribed for submission of documents, namely 20-11-2024. It is their case that such non-declaration of the result was beyond their control and, therefore, they could not be penalised for the same.
9. The records further reveal that on 11-11-2024, the appellants submitted a representation before the competent authority seeking relaxation of the requirement of immediate production of the B.Ed certificate with an undertaking that the same would be furnished as soon as the university declares the result. It has been urged before us that the

said representation remained pending and was never formally considered.

10. According to the appellants, such inaction created in them a legitimate expectation that their request would receive favourable consideration, particularly because, according to them, a similar indulgence had been shown in an earlier recruitment exercise.
11. The appellants further contend that they performed meritoriously in the recruitment test and that certain candidates who had secured lesser merit were subsequently issued appointment letters. According to them, it was at that stage that they were compelled to challenge the recruitment process.
12. Another limb of challenge is directed against a corrigendum dated 15-3-2024, by which the provisions enabling condonation or relaxation of eligibility criteria stood withdrawn. The submission is that once the recruitment process had commenced, such an alteration amounted to changing the rules of the game after the game had begun and was therefore impermissible in law.
13. The learned Single Judge considered the aforesaid contentions and also noted the state's stand that the original advertisement dated 26-12-2023 was not complete in all respects and was followed by the necessary addenda and corrigenda, including the corrigendum dated 15-3-

2024. It was further noticed by the learned Single Judge that, by the time the writ petition was taken up, nearly 20 months had elapsed since the issuance of the corrigendum, and the silence had rendered the claim stale. The learned Single Judge, accordingly, declined the reliefs prayed for.

14. Having bestowed our anxious consideration on the matter, we are unable to persuade ourselves to take a view different from that taken by the learned Single Judge.
15. At the outset, it must be borne in mind that in an appeal of the present nature, interference with the exercise of discretionary jurisdiction by the learned Single Judge is warranted only when the decision suffers from manifest illegality, patent perversity, or grave miscarriage of justice. None of these features are discernible in the case at hand.
16. The foundational facts are not in dispute.
17. Possession of a B.Ed degree was one of the essential eligibility conditions for appointment to the post in question. It is equally undisputed that on the relevant cut-off date, the appellants did not possess documentary proof of such qualifications.
18. Their inability may have arisen because the university did not declare the results in time; the legal consequence, however, is that the prescribed condition remained unfulfilled on the crucial date.

19. In matters of public employment, prescription of a cut-off date serves an important constitutional purpose; recruitment to the state service must proceed on transparent, objective, and uniform standards applicable equally to all candidates.
20. In our considered view, mere submission of a representation does not create an enforceable legal right. At the highest, such representation invites administrative consideration. Unless the recruitment rules or the advertisement itself confer a right to relaxation, no candidate can claim that the eligibility conditions must be suspended pending consideration of a request.
21. A representation neither overrides the terms of the advertisement nor postpones the operation of the prescribed cut-off date.
22. Equally untenable is the plea founded on legitimate expectation.
23. The doctrine of legitimate expectation operates in the realm of fairness in administrative action, but it cannot be invoked contrary to law, contrary to recruitment rules, or in any manner destructive of equal opportunity.
24. To sustain such a plea, there must exist a clear and consistent past practice or a specific representation capable of enforcement in public law.

25. Even assuming that, in some earlier recruitment exercise, a degree of relaxation had been granted, such a concession cannot crystallise into a perpetual right binding the State in every subsequent recruitment. The recruitment process is governed by its own terms, timeline, and administrative exigencies.
26. Another circumstance of considerable significance is the delay with which the appellants approached the writ Court.
27. The recruitment process commenced in December 2023, and the Corrigendum was issued on 15-03-2024. The appellants participated in the process and chose to await the outcome. It was only after the appointments were issued that the appellants became wise. Even the writ petition was filed after a substantial lapse of time from 15.03.2024.
28. Delays in service matters, particularly in recruitment disputes, are not mere technicalities. Public appointments create third-party rights, affect institutional functioning, and attain finality. Courts, therefore, insist that challenges to recruitment conditions or the selection process be brought promptly, before the process culminates.
29. The conduct of the appellant also cannot be overlooked. A candidate who participates in a selection process with full knowledge of its governing conditions ordinarily cannot, after being unsuccessful, turn around and assail those very

conditions. This principle is founded upon fairness and consistency of conduct.

30. One who takes a calculated chance by participating in the process cannot thereafter approbate and reprobate depending upon the result. If the appellants were genuinely aggrieved by the absence or withdrawal of a relaxation clause, the challenge ought to have been raised at the earliest available stage and certainly before the process concluded.
31. We are equally unable to accept the contention that the Corrigendum dated 15-03-2024 amounted to an impermissible change in the rules of the game.
32. The doctrine that the rules of the game cannot be changed after the commencement of selection is not a rigid formula to be applied in isolation. What law bars is a change that alters essential eligibility criteria, disturbs the level playing field, modifies comparative merit standards or otherwise prejudices candidates after they have entered the field. Administrative clarifications, corrections, procedural streamlining or modification intended to carry the process to its logical end stand on an altogether different footing.
33. In the present case, possession of a B.Ed qualification was always an essential requirement. The Corrigendum did not introduce a new disqualification nor did it alter the criteria

of comparative merit or change the mode of selection. It merely clarified that applications seeking condonation or relaxation of criteria would not be entertained.

34. Such a measure cannot be equated with retrospective alteration of substantive recruitment norms. On the contrary, it ensured uniform application of existing eligibility requirements and curtailed discretionary power to relax eligibility conditions.
35. The authorities cited on behalf of the appellants, namely ***Abhimit Sinha and others versus High Court of Judicature at Patna and others***, reported in **(2024) 7 SCC 262** and ***Dr. (Major) Meeta Sahai versus State of Bihar***, reported in ***AIR Online 2019 SC 1766***, do not carry the matter any further.
36. On the other hand, the broader principles enunciated by the Constitution Bench in ***Tej Prakash Pathak and others versus Rajasthan High Court and others***, in ***Civil Appeal No.2634/2013***, lend support to the learned single judge's conclusion that not every modification during an ongoing recruitment process is forbidden. What is impermissible is a change that is arbitrary, unfair or destructive of equal opportunity. If the modification is regulatory in nature and intended to facilitate completion of the process without disturbing its essential framework, judicial intervention would be unwarranted.
37. The scope of judicial review in matters of recruitment is

confined to examining the decision-making process, not to substituting administrative decisions with judicial preferences. So long as the action is informed by reason, conforms with the governing norm and is free from malafides or manifest arbitrariness, the court does not sit as a recruiting authority.

38. We find no allegation, much less any material, establishing malafides. What is essentially sought is an equitable exemption from an eligibility condition that lies beyond the legitimate scope of judicial review.
39. It is apposite to record herein that this court, under its order dated 24.02.2026, taking note that appellants have lost their age because of intervening litigation but had performed very well in the recruitment process in question and that they were not selected only for the reason of their not having obtained and supplied the certificate of eligibility, sought for an information from the State whether the candidature of the appellants could be considered against vacant post, if not already filled up.
40. The respondent state has filed an affidavit in that regard, contending that although 1659 posts are presently lying vacant pursuant to the selection process in question, the candidature of the appellants cannot be considered for said posts, as they did not possess the requisite qualifications as on the last date of submission of applications. It is further

contended that such consideration would confer an undue and impermissible advantage upon the appellants inasmuch as several other similarly situated candidates, who acquired the essential eligibility qualifications after the prescribed cut-off date, were not considered. It is also contended that entertaining the appellants' candidature at this stage would result in unequal treatment, violate the principle of level playing field and render the selection process legally unsustainable.

41. Such contention cannot be brushed aside on equitable consideration.
42. It is correct that once a date is fixed for determining eligibility, relaxation in favour of a few candidates outside the governing norms would itself generate inequality and expose the process to challenge on the grounds of arbitrariness. Courts have consistently held that sympathy arising from individual hardship cannot supplant compliance with notified eligibility conditions, particularly where public posts are concerned, and rights of numerous competing candidates are involved.
43. There is another aspect of the matter. Acceptance of the appellant's plea at this stage would essentially entail unsettling a completed recruitment process and reopening of appointments already made in favour of candidates who are not before the court. Courts exercising writ

jurisdiction are slow to disturb concluded selections unless a grave illegality touching the root of the process is demonstrated. No such foundational illegality has been shown to us.

44. We also looked at the age of the appellants and it appears to us that they would be eligible, age wise, in the next recruitment process, which the state contends shall be undertaken in due course of time.

45. For all the aforesaid reasons, we are of the considered opinion that the learned single judge was fully justified in declining relief to the appellants.

46. The appellants failed to satisfy the essential eligibility criteria on the prescribed date; no enforceable right accrued from the pending representation; the plea of legitimate expectation is misconceived; the silence caused delay and acquiescence; the correspondence does not amount to an unlawful alteration of the rules of the game.

47. The impugned judgment, therefore, warrants no interference.

48. The writ appeal accordingly stands dismissed.

49. No orders as to cost.

**JUDGE**

**CHIEF JUSTICE**

**Comparing Assistant**