



2026:DHC:1267-DB



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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*Judgment reserved on: 05.02.2026*

*Judgment pronounced on: 16.02.2026*

*Judgment uploaded on: 16.02.2026*

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W.P.(C) 17518/2025 & CM APPL. 72332/2025

DINESH & ANR.

.....Petitioners

versus

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH  
THROUGH ITS DIRECTOR

GENERAL & ANR.

.....Respondents

+

W.P.(C) 18506/2025 & CM APPL. 76747/2025

NISHA

.....Petitioner

versus

COUNCIL OF SCIENTIFIC AND INDUSTRIAL RESEARCH  
THROUGH ITS DIRECTOR

GENERAL & ANR.

.....Respondents

+

W.P.(C) 17604/2025 & CM APPL. 72719/2025

RAJENDER SINGH

.....Petitioner

versus

COUNCIL OF SCIENTIFIC AND  
INDUSTRIAL RESEARCH

.....Respondent

+

W.P.(C) 17645/2025 & CM APPL. 72885/2025

NISHANT & ORS.

.....Petitioners

versus

UNION OF INDIA & ORS.

.....Respondents

+

W.P.(C) 17648/2025 & CM APPL. 72902/2025

KARTAVYA & ANR.

.....Petitioners

versus

UNION OF INDIA & ORS.

.....Respondents

+

W.P.(C) 17605/2025 & CM APPL. 72721/2025

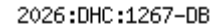
NAVEEN DESWAL

.....Petitioner

versus

UNION OF INDIA & ANR.

.....Respondents



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|---|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| + | <p>W.P.(C) 17623/2025 &amp; CM APPL. 72774/2025<br/> AMIT DAHIYA &amp; ANR.<br/> .....Petitioner</p> <p style="text-align: center;">versus</p> <p>UNION OF INDIA &amp; ORS.<br/> .....Respondents</p>                                                                                              |
| + | <p>W.P.(C) 17629/2025 &amp; CM APPL. 72790/2025<br/> PARMESH &amp; ORS.<br/> .....Petitioners</p> <p style="text-align: center;">versus</p> <p>UNION OF INDIA &amp; ORS.<br/> .....Respondents</p>                                                                                                 |
| + | <p>W.P.(C) 17668/2025 &amp; CM APPL. 72990/2025<br/> ROHITASH MEENA<br/> .....Petitioner</p> <p style="text-align: center;">versus</p> <p>UNION OF INDIA &amp; ORS.<br/> .....Respondents</p>                                                                                                      |
| + | <p>W.P.(C) 17675/2025, CM APPL. 73009/2025 &amp; CM APPL.<br/> 7843/2026<br/> SACHIN DAHIYA<br/> .....Petitioner</p> <p style="text-align: center;">versus</p> <p>UNION OF INDIA &amp; ORS.<br/> .....Respondents</p>                                                                              |
| + | <p>W.P.(C) 17844/2025 &amp; CM APPL. 73685/2025<br/> SOHAN LAL KURI &amp; ORS.<br/> .....Petitioners</p> <p style="text-align: center;">versus</p> <p>COUNCIL OF SCIENTIFIC AND INDUSTRIAL<br/> RESEARCH (CSIR &amp; ORS.<br/> .....Respondents</p>                                                |
| + | <p>W.P.(C) 18349/2025, CM APPL. 75964/2025 &amp; CM APPL.<br/> 1045/2026<br/> SHIVCHARAN MEENA &amp; ANR.<br/> .....Petitioners</p> <p style="text-align: center;">versus</p> <p>COUNCIL OF SCIENTIFIC AND<br/> INDUSTRIAL RESEARCH THROUGH<br/> ITS DIRECTOR &amp; ANR.<br/> .....Respondents</p> |
| + | <p>W.P.(C) 19205/2025 &amp; CM APPL. 80018/2025<br/> ASHISH MEENA<br/> .....Petitioner</p> <p style="text-align: center;">versus</p> <p>COUNCIL OF SCIENTIFIC AND INDUSTRIAL</p>                                                                                                                   |



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RESEARCH

.....Respondent

**Present:**

**For Petitioners**

Ms. Puja Jakhar, Mr. Harshit Prakash, Ms. Ekta Bharati, Mr. Satyam Dwivedi, Mr. Shrey, Mr. Gagandeep RM, Mr. Gurveer Lally, Mr. Indranil Chakravorty, Advs. in Item Nos. 63 to 71  
Mr Shanker Raju and Mr Nilansh Gaur, Advocates in Item No. 73

**For Respondents**

Mr. Sanjoy Ghose, Sr. Advocate along with Mr. Arun Sanwal, Mr. Aditya Mani Sharma & Mr. Rohan Mandal, Advocates for CSIR in Item No. 61

Mr. Sanjoy Ghose, Sr. Adv. with Mr. Arun Sanwal & Mr. Aditya Mani Sharma, Advocates for CSIR in Item No. 62

Mr. Arun Sanwal & Mr. Aditya Mani Sharma, Advocates for CSIR in item No. 63, 64, 65, 66, 67, 68, 69, 70, 72

Mr. Sanjoy Ghose, Senior Advocate with Mr. Arun Sanwal and Mr. Rohan Mandal, Advs. for CSIR in Item No. 73

Mr. Sahaj Garg, SPC with Mr. Sanjay Pal, GP in Item No. 61

Mr. Rakh Pal Singh, SPC Mr. Sambhav Sharma, G.P for R2 in Item No. 62

Ms. Shubhi Bhardwaj, SPC with Mr. Sanjay Pal, GP for UoI in Item No. 64

Dr. Vijendra Singh Mahndiyan CGSC for R1 in Item No. 65

Mr. Atul Tanwar, Adv. for R1 in Item No. 66

Ms. Neha Rastogi (Sr. Panel Counsel), Mr. Animesh Rastogi, Mr. Rajat Dubey, Mr. Shashank Pandey, Ms. Kanchan Semwal (G.P.), Advocates in Item No. 67

Dr. Ishaan Swarana Sharma, SPC with Ms. Shambhavi Sharma, GP, Mr. Shubham Shukla, Mr. Ayush, Mr. Mukund Ranjan, Ms. Avantika Pandey, Ms. Vanshika Arora, Advocates in Item No. 68

Mr. Ripudaman Bhardwaj, CGSC with Ms. Laavanya Kaushik (GP) with Mr. Amit Kumar, Ms. Pragati Trivedi, Mr. Kushagra Kumar & Ms. Khyati Bansal, Advs. for R1 in Item No. 69  
Ms. Urvashi Basak, Advocate (Government Pleader) for R1 in Item No. 70

Mr. Sanjoy Ghose, Senior Advocate along with Mr. Jasbir Bidhuri and Mr. Aditya Mani Sharma, Advs. for R1 in Item No.



71

Mr. Vinay Kaushik, Government Pleader in Item No. 72

Mr. Ashish K Dixit, CGSC with Mr. Umar Hashmi, Ms. Iqra Shiekh, Ms. Deepika Kalra, Ms. Venni Kakkar & Ms. Urmila Sharma, Advs. in Item No. 72

**CORAM:**

**HON'BLE MR. JUSTICE ANIL KSHETARPAL**

**HON'BLE MR. JUSTICE AMIT MAHAJAN**

**J U D G M E N T**

**ANIL KSHETARPAL, J.:**

1. Through the present batch of Writ Petitions filed under Articles 226 and 227 of the Constitution of India, the Petitioners assail the correctness of the common Order dated 08.09.2025 [hereinafter referred to as '**Impugned Order**'] passed by the learned Central Administrative Tribunal, Principal Bench, New Delhi [hereinafter referred to as '**the Tribunal**'], whereby the Original Applications instituted by the Petitioners challenging the prescription of minimum threshold marks in Paper-III by the Council of Scientific & Industrial Research [hereinafter referred to as '**CSIR**'] in Combined Administrative Services Examination-2023 [hereinafter referred to as '**CASE-2023**'] were dismissed.

2. In essence, the Petitioners contend that the Respondent-CSIR acted arbitrarily and contrary to the terms of the Recruitment-advertisement by prescribing minimum qualifying marks for Paper-III after the commencement of the recruitment process, thereby altering the rules of the game mid-way. It is urged that such a prescription



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resulted in the exclusion of the Petitioners from consideration for the post of Section Officer ('SO').

3. Hence, the issue that falls for consideration before this Court is whether the Respondent-CSIR was empowered under the Recruitment-advertisement to prescribe minimum threshold marks for Stage-II (Paper-III) of CASE-2023, and whether the prescription of such threshold marks vitiates the recruitment process as being arbitrary or contrary to settled principles governing public employment.

4. Since the issues raised in all the Petitions arise out of the same recruitment process, involve identical questions of law and fact, and challenge the same order of the Tribunal, they are being disposed of by this common judgment.

### **FACTUAL MATRIX:**

5. In order to appreciate the controversy, it is necessary to briefly advert to the relevant facts.

6. The Respondent-CSIR, on 08.12.2023, issued Advertisement No.E-1/RC/2023/1 [hereinafter referred to as '**Recruitment-advertisement**'], inviting applications for the CASE-2023 for filling 444 posts, comprising 76 posts of SO and 368 posts of Assistant Section Officer ('ASO'). As per the Recruitment-advertisement, the online application process commenced on 08.12.2023, and the last date for submission of applications was 12.01.2024.



7. Significantly, the aforesaid Recruitment-advertisement expressly stipulated that “*Minimum threshold marks, wherever prescribed/required, would be decided by the Competent Authority*”. It further stipulated that “*The above process is suggestive only.*”

8. The exercise consists of Stage-I and Stage-II. Paper-I and Paper-II in Stage-I and Paper-III in Stage-II were prescribed as common and compulsory papers, with further stages of interview for the post of SO and a Computer Proficiency Test for ASO.

9. The Stage-I (Paper-I and Paper-II) examination was conducted between 05.02.2024 and 20.02.2024. Thereafter, *vide* Notice dated 03.06.2024, the Respondent-CSIR declared the Stage-I results along with cut-off marks. The applicants were shortlisted for Stage-II (Paper-III), which was scheduled to be conducted on 07.07.2024.

10. Prior to the conduct of Paper-III of Stage-II, the Respondent-CSIR issued a Notice dated 28.06.2024 prescribing minimum qualifying marks for Paper-III, keeping in view the functional requirements of the post.

11. Thereafter, the Petitioners appeared in Stage-II (Paper-III) of the CASE-2023. Subsequently, on 02.10.2024, the Respondent-CSIR issued the list of candidates shortlisted for interview for the post of SO. The Petitioners were not shortlisted, having failed to secure the minimum qualifying marks in Paper-III.



12. The final result of CASE-2023 was declared on 02.01.2025, followed by the issuance of appointment letters and joining of selected candidates.

13. It is only thereafter that the Petitioners approached the Tribunal by filing Original Applications challenging the prescription of minimum threshold marks in Paper-III.

14. The Tribunal, upon a detailed consideration, dismissed the Original Applications *vide* the Impugned Order, on the following grounds:

- i. The discretion to prescribe threshold marks was expressly reserved in favour of the Respondent-CSIR in the Recruitment-advertisement itself.
- ii. The threshold marks were notified prior to the relevant stage of examination.
- iii. The candidates who participate in such an exercise without protest are estopped from challenging the same at a later stage.

15. Aggrieved by the same, the present batch of Writ Petitions has been preferred by the respective Petitioners.

### **CONTENTIONS OF THE PARTIES:**

16. Heard learned Counsel for the parties at length and, with their able assistance, perused the paperbook.



17. Learned Counsel for the Petitioners has submitted that the prescription of minimum threshold marks amounted to changing the rules of the game after commencement of the recruitment process. Reliance has been placed upon the judgments rendered in ***Tej Prakash Pathak & Ors. v. Rajasthan High Court & Ors.***<sup>1</sup>; and ***Salam Samarjeet Singh v. High Court of Manipur at Imphal and Anr.***<sup>2</sup>

18. *Per contra*, learned Senior Counsel for the Respondent-CSIR has submitted that:

i. The Recruitment-advertisement, under Clause 5-A titled “*Scheme of Examination*”, expressly stipulates that “*minimum threshold marks, wherever prescribed/required, shall be decided by the Competent Authority*”. The Recruitment-advertisement, therefore, unequivocally reserves discretion in favour of the Respondent-CSIR to prescribe minimum qualifying marks at the relevant stage of the selection process.

ii. The minimum threshold for Stage-II (Paper-III) was duly notified to the candidates prior to the commencement of Paper-III, and hence, no element of surprise or arbitrariness can be attributed to the said decision.

iii. Learned Senior Counsel also raised a preliminary objection regarding non-joinder of necessary parties, contending that the candidates who have already been selected pursuant to the recruitment process are required to be impleaded, as their rights would be directly

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<sup>1</sup> 2024 INSC 847

<sup>2</sup> (2024) 14 SCC 179





affected. It is pointed out that while in W.P.(C) No.17844/2025, certain ASO candidates have been arrayed as parties, even therein their particulars have not been disclosed, and candidates selected for the post of SO have not been impleaded in any of the Writ Petitions.

19. No other submissions have been made by the learned Counsel representing the parties.

### **ANALYSIS AND FINDINGS:**

20. It is trite that a recruitment advertisement constitutes the charter governing the selection process. The rights of candidates and the discretion of the recruiting authority must, therefore, be examined primarily with reference to the express stipulations contained therein. In the present case, Clause 5-A of the Recruitment-advertisement, under the heading “Scheme of Examination”, categorically provides that “*Minimum threshold marks, wherever prescribed/required, shall be decided by the Competent Authority*”. Additionally, the advertisement clarifies that the outlined process is “*suggestive only*”. These stipulations unmistakably reserve discretion in favour of the Respondent-CSIR to prescribe qualifying benchmarks at appropriate stages of the examination.

21. Once such discretion is expressly reserved in the Recruitment-advertisement, the contention that the prescription of minimum qualifying marks amounts to altering the rules of the game mid-way is rendered untenable. The candidates entered the selection process with clear notice that the competent authority retained the power to prescribe threshold marks wherever required. The exercise of such



power, therefore, cannot be characterised as an *ex post facto* introduction of a new criterion.

22. The legal position in this regard stands authoritatively settled by the decision of Five Judge Bench of the Supreme Court in ***Tej Prakash Pathak*** (*supra*). The Supreme Court, while delineating the contours of permissible discretion in recruitment processes, has held that in the absence of statutory rules to the contrary, a recruiting authority is entitled to evolve an appropriate selection methodology, including the prescription of minimum benchmarks, provided such benchmarks are notified before the commencement of the relevant stage and do not take candidates by surprise. The Court clarified that what is impermissible is a post-evaluation change in criteria, and not the prescription of qualifying standards prior to the conduct of the concerned stage.

23. Applying the aforesaid principles to the facts of the present case, it is evident that the minimum qualifying marks for Paper-III were notified on 28.06.2024, whereas Stage-II (Paper-III) was conducted on 07.07.2024. The prescription of threshold marks thus preceded the relevant stage of examination. Neither the evaluation process nor the outcome of the examination influenced the fixation of the benchmark. Consequently, the decision falls squarely within the permissible domain recognised by ***Tej Prakash Pathak*** (*supra*).

24. The reliance placed by the Petitioners on ***Salam Samarjeet Singh*** (*supra*) is misplaced. The said decision turned on a situation where the selection criteria for the viva voce test were altered on the



eve of the viva voce, that too after the conclusion of the written examination. In contradistinction, the present case is one where the power to prescribe minimum threshold marks was expressly contemplated by the Recruitment-advertisement itself and was exercised prior to the conduct of the concerned paper. The Petitioners have also failed to allege and prove prejudice because prescription of minimum marks was a process of short listing the candidates for next stage and was applicable uniformly across the board.

25. It is also relevant to note that the prescription of minimum qualifying marks was justified by the Respondent-CSIR on the basis of the functional requirements of the posts in question. No material has been placed on record to demonstrate that the threshold so prescribed was manifestly arbitrary, irrational, or wholly disproportionate. In the absence of such material, this Court would be slow to interfere with an administrative decision taken by an expert body in matters of recruitment, particularly when the decision is traceable to an express enabling clause.

26. Furthermore, once participated in the examination without raising any objection and taken their chance, the Petitioners cannot be allowed to challenge the examination after not qualifying. Undisputedly, criterion was same for everyone.

27. A preliminary objection regarding non-joinder of selected candidates was raised on behalf of the Respondent-CSIR. While the submission merits consideration, this Court does not deem it necessary to examine the same in detail, as the challenge to the



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recruitment process fails on merits. Once it is held that the prescription of minimum threshold marks was within the competence of the Respondent-CSIR and in conformity with law, adjudication on the issue of non-joinder would be purely academic.

**CONCLUSION:**

28. In view of the foregoing discussion, this Court finds no infirmity in the reasoning adopted by the Tribunal. The Tribunal has correctly appreciated the terms of the Recruitment-advertisement and applied the law laid down by the Supreme Court. The Impugned Order does not suffer from any illegality, arbitrariness, or perversity warranting interference under Articles 226 and 227 of the Constitution of India. Accordingly, the Impugned Order dated 08.09.2025 is upheld.

29. The present Petitions are accordingly dismissed. All pending applications also stand closed.

**ANIL KSHETARPAL, J.**

**AMIT MAHAJAN, J.**

**FEBRUARY 16, 2026**

*jai/sh*