

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026

(Arising Out of Special Leave Petition (Civil) No. 14322/2025)

UNION OF INDIA & ANR.

A-1: Union of India, Through the Director, Directorate of
Printing, Ministry of Housing and Urban Affairs

A-2: The Manager, Government of India Press,

Appellant(s)

VERSUS

PRADIP VIJAYKUMAR PAWAR & ORS.

R-1: Pradip Vijaykumar Pawar

R-2: Shivaji Bandu Rupwate

R-3: Neelima Sakharam Jadhav

R-4: Sachin Rambhau Jadhav

R-5: Nitin Jaywant Pagare

R-6: Sandeep Madhukar Dalvi

Respondent(s)

O R D E R

Heard Ms. Archana Pathak Dave, learned ASG for the
petitioners, Mr. Ashutosh Thakur, learned counsel for the
respondent(s) & Mr. Shantanu Sagar, learned counsel for the
Respondent No. 3.

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SACHIN KUMAR
SRIVASTAVA
Date: 2025.07.27
16:40:11 IST
Reason:

2. Leave granted.

3. The present appeal arises out of the order dated 22.07.2024

passed by the High Court of Judicature at Bombay in WP No. 9989/2024, by which the order passed by the Central Administrative Tribunal, Mumbai Bench in OA/564/2015, directing appointment of the respondents No. 3 and 6 has not been interfered with.

4. Learned ASG submits that both the CAT as well as the High Court, despite not interfering with the recommendation of the Central Vigilance Officer for cancellation of recruitment to the posts of Farash, Chowkidar and Safaiwala, have still directed the appointment of respondents No. 3 and 6, who had participated in the said selection process and figured in the list of finally selected candidates. It is her contention that there is a fundamental error in the approach both by the CAT and the High Court inasmuch as when, on the one hand, the process has been held to be vitiated, making appointments pursuant to that very same exercise cannot be justified either on facts or in law.

5. She further contends that there were discrepancies after the interview and practical test and preparation of the final select list. She states that before actual appointment letters were issued; the matter was scrutinized by the Central Vigilance Officer and discrepancies were found indicating illegalities, including appointment of close relatives of persons who were already employed, recommendation for filling up of posts beyond the numbers advertised and also on the practical aspect that more than 100 persons were interviewed in a span of two days.

6. Learned ASG points out to the Court that such discrepancies of facts have never been controverted or found to be incorrect. In

such background, she submits that the exercise as a whole stands vitiated and the only alternative available is to go through the exercise afresh, which though on the one hand, technically has been set aside, on the other hand, by directing the appointment of respondents No. 3 and 6, the sanctity in principle of the exercise concerned has also been upheld.

7. Learned counsel for the respondents No. 3 and 6 submits that there is no fault on the part of the said respondents and once they had taken part and participated in the interview and practical test and were allotted marks, there being no error pointed out in such award of marks, they cannot be placed in the category of others against whom there may be allegations of nepotism etc. They also state that for the last almost two decades, the matter has been pending, and the respondents No. 3 and 6, despite being selected, have not been given appointment orders and the Court may do justice to them, and in fact, the same may be tempered with mercy.

8. It is their contention that even with regard to the number of vacancies advertised and finally recommended, the advertisement itself indicates that the same is subject to change depending on future vacancies and it is not the case of the appellants that the number of candidates recommended exceed the available vacancies. Winding up their submission, learned counsel submit that in view of the respondents No. 3 and 6 having suffered for almost two decades and there being posts available on which they can be accommodated, and the fact that they have taken part in an exercise for such recruitment, the Court may, in the facts and circumstances of the

present case, direct the appellants to suitably accommodate them on any equivalent post.

9. We have considered the entire controversy in depth. The issue before the Court is simple. It relates to whether once in a process relating to recruitment to a public post, irregularities of the nature which have been shown to have taken place in the present case come to the notice of the Authority and corrective measures are taken, whether it is proper for the Tribunal or the Court to interfere on such an issue which in facts are not controverted by any of the stakeholders or parties concerned.

10. It is settled law that judicial review is not directed against the decision, but is confined to the decision making process. It is equally well settled that administrative decision cannot and must not be set aside unless it is demonstrated that there is improper abuse of power.

11. In the present case, as the entire exercise was based purely on the subjective satisfaction of the interview board along with the practical test and the discrepancies pointed out in the report of the Central Vigilance Officer have not been interfered with either by the CAT or the High Court, still going ahead with the direction to appoint the respondents No. 3 and 6 appears to be without any basis. If we uphold such a view taken by the CAT and the High Court, it would mean that the CAT and the High Court can substitute their subjective satisfaction for a process in which the respondents No. 3 and 6 were selected, i.e., only by holding of an interview and practical test.

12. Moreover, no reasoning has been given either by the CAT or the High Court as to why the procedure adopted in the case of the respondents No. 3 and 6 is valid, when clearly the entire process with regard to all others has been held to be vitiated and the cancellation of such an exercise upheld.

13. For the reasons aforesaid, the appeal is allowed. The impugned judgment of the Central Administrative Tribunal dated 12.10.2023 passed in O.A. No.564/2015, as upheld by the High Court vide the impugned order dated 22.07.2024 in WP No. 9989/2024 is set aside. The decision of the Authorities to cancel the entire exercise pursuant to the advertisement vide Employment News dated 1-7 December, 2007 for the aforesaid three posts is upheld.

14. Pending applications, if any, stand disposed of.

.....J.
(AHSANUDDIN AMANULLAH)

.....J.
(MANMOHAN)

NEW DELHI
OCTOBER 15th, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 14322/2025

[Arising out of impugned final judgment and order dated 22-07-2024 in WP No. 9989/2024 passed by the High Court of Judicature at Bombay]

UNION OF INDIA & ANR.

Petitioner(s)

VERSUS

PRADIP VIJAYKUMAR PAWAR & ORS.

Respondent(s)

IA No. 232309/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 227047/2025 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

Date : 15-10-2026 This matter was called for hearing today.

CORAM : HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) : Ms. Archana Pathak Dave, A. S. G.
Ms. Madhulika Upadhyay, AoR
Ms. Tusharika Sharma, Adv.
Mr. Satya Jha, Adv.
Mr. Khushal Kolwar, Adv.
Mr. Jagdish Chandra, Adv.
Mr. Mili Baxi, Adv.

For Respondent(s) : Mr. Surinder Kumar Gupta- 2251, AoR
Mr. Udit Gupta, Adv.
Mr. Shailender Singh, Adv.

Mr. Shantanu Sagar- 2058, AoR
Mr. Anil Kumar, Adv.
Mr. Prakash Kumar Mangalam, Adv.
Mr. Manoneet Dwivedi, Adv.
Mr. Abhishek Kumar Gupta, Adv.
Ms. Anshala Verma, Adv.
Ms. Ishani Shrivastava, Adv.

Mr. Ashutosh Thakur- 3620, AoR

O R D E R

Heard Ms. Archana Pathak Dave, learned ASG for the petitioners, Mr. Ashutosh Thakur, learned counsel for the respondent(s) & Mr. Shantanu Sagar, learned counsel for the respondent No. 3.

2. Leave granted.

3. The appeal is allowed in terms of the signed order which is placed on the file.

4. Pending applications, if any, stand disposed of.

(SACHIN KUMAR SRIVASTAVA)
COURT MASTER (SH)

(ANJALI PANWAR)
ASSISTANT REGISTRAR