

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

Civil Appeal No.10932/2025

J AND K SERVICE SELECTION BOARD & ANR.

APPELLANTS

VERSUS

SUDESH KUMAR & ORS.

RESPONDENTS

O R D E R

1. Heard learned counsel for the parties.
2. This appeal impugns judgment and order dated 6th March 2019 passed by the High Court of Jammu and Kashmir at Jammu¹ in LPASW No.68/2008, I.A. No.4/2008 connected with LPASW No.110/2008, I.A. No.115/2008.
3. The Jammu and Kashmir Services Selection Board (for short, 'Board') issued a recruitment notification inviting applications, *inter alia*, for 38 posts of Foresters for the Jammu Division. Qualifications specified for the post were: Academic: 10 + 2 or equivalent with Science; Physical Standard: Height 163 cm; Physical fitness: 25 km walk completed in 4 hours.
4. As there were no rules governing the selection, the Board provided for the mode of evaluation as per

¹ The High Court

which, *inter alia*, 25 points were to be awarded for B.Sc. Forestry out of a total of 100 points. However, after conducting the interviews of the shortlisted candidates, the Board changed the evaluation criteria by bisecting B.Sc Forestry degree into two. One based on 4 years' course, and the other based on three years' course. B.Sc. Forestry with three years' course was awarded 20 weightage points whereas the one with four years' course was awarded 25 points. Based on that, the select list was drawn which came to be challenged by candidates who had three years' course degree to their credit on the ground that the evaluation criteria cannot be changed after the interviews were over and only select list was to be prepared; more so, when such differentiation was uncalled for as both courses were recognized, and candidates were already fulfilling the minimum eligibility criteria.

5. The learned Single Judge of the High Court dismissed the writ petition of those candidates against which intra-court appeal(s) were filed before Division Bench of the High Court which came to be allowed by the order impugned.
6. The Division Bench of the High Court took the view

that once the selection process was complete and only select list was to be prepared, the evaluation criteria ought not to have been altered particularly when the minimum academic qualification for the post of Forester was only 10+2 with science. The Division Bench placed reliance on several decisions of this Court including K. Manjusree vs. State of Andhra Pradesh & Anr. (2008) 3 SCC 512 and, after finding that such change was arbitrary, made after the final stage of selection i.e., holding of interviews was over, having regard to the fact that those who were selected had already served for a certain period and it would be too harsh on them to be replaced or ousted from service particularly when they had already crossed the age bar for selection, issued the following direction:

"25. The respondents, if ousted, would be prevented from seeking any other Govt. job on account of age restrictions. Even otherwise, the respondents would then not only be deprived of their social status, which they have acquired in the interregnum, the same would also affect their families harshly. Such of the appellants, who make up the merit shall, in that case, be considered against any of the vacant post of Foresters or if there are none then additional posts be created for their adjustment with the benefits as have been directed to be given in the preceding paragraph. Let the needful be

done within a period of three months from today."

7. Impugning the judgment of the Division Bench, the learned counsel for the appellants submitted that there was no change in the eligibility criteria as that remained the same. The change was only in the mode of evaluation and since the two degrees differed on the length of the course, awarding different weightage points for them was not arbitrary. It was argued that no doubt change was made after holding interviews, but it was necessitated on account of representations that B.Sc degree in Forestry with three years' course was qualitatively different with the one that was based on a four years' course. In such circumstances, giving due weightage to a lengthier course over a shorter course cannot be termed arbitrary. It has also been argued that after the selection had been complete, there were no posts available for adjustment of the writ petitioners who succeeded in the writ appeals. In such circumstances, it is prayed that the order passed by the Division Bench be set aside.
8. Per contra, the learned counsel representing the respondent submitted that the decision of the Division

bench is based on the law laid down by this Court in K. Manjusree (supra) which has since been affirmed by a Constitution Bench of this Court in Tej Prakash Pathak v. High Court of Rajasthan (2025) 2 SCC 1. It has been submitted that the mode of evaluation could not have been changed at the stage of preparation of select list when candidates had already undergone all stages of evaluation. Such alteration in the evaluation criteria at the stage of preparation of select list is nothing but arbitrary and cannot be countenanced. It was argued that selection was not on academic criteria as the minimum qualification was just 10+2 with science. In fact, weightage points were provided for various other aspects, and therefore, once all stages of evaluation were over, change in evaluation criteria only for preparation of select list was justifiably held arbitrary by the High Court. In such circumstances, it is submitted that the view taken by the Division Bench is not liable to be interfered with.

9. We have heard the rival submissions and have taken note of the decisions in K. Manjusree (supra) and Tej Prakash Pathak (supra).
10. It is not in dispute that weightage points allotted to

a B.Sc. Degree in Forestry was 25 points at the stage when the candidates participated in the selection process, and this was altered only after interviews were held, that is, when all the stages of participation by a candidate in the selection process were over. In *Manjushree* (supra), this Court did not approve of prescribing minimum cut-off marks in the interview for selection after the interviews were over. This issue was considered by a Constitution Bench of this Court in *Tej Prakash Pathak* (supra) and approved². We acknowledge that recruiting bodies could devise an appropriate procedure for successfully concluding the recruitment process provided the procedure adopted has been transparent, non-discriminatory/ non-arbitrary and has a rational nexus to the object sought be achieved. Here, we find that the evaluation procedure was altered after the interviews were over, candidates had completed their participation in the selection process, and most importantly, it was altered on representation of candidates. Such alteration, in our opinion, cannot be termed transparent and does not have a rational nexus to the object sought to be achieved in as much as the

² See: Paragraphs 36, 43 and 53 of *Tej Prakash Pathak*'s judgment as reported in (2025) 2 SCC 1

academic qualification required for the post was barely 10+2 with science and stress was more on physical attributes of a candidate including viva voce. Therefore, a change in the selection criteria, after interviews were held, in our view, was rightly not countenanced by the Division Bench of the High Court.

11. Consequently, we find no merit in this appeal and the same is dismissed.
12. Pending application(s), if any, shall stand disposed of.

.....J
[MANOJ MISRA]

.....J
[PRASANNA B. VARALE]

NEW DELHI
NOVEMBER 26, 2025

ITEM NO.105

COURT NO.13

SECTION XI-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.10932/2025

J AND K SERVICE SELECTION BOARD & ANR.

Appellant(s)

VERSUS

SUDESH KUMAR & ORS.

Respondent(s)

Date : 26-11-2025 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE PRASANNA B. VARALE

**For Appellant(s) : Mr. G.M.kawoosa, Adv.
Mr. Pashupathi Nath Razdan, AOR
Ms. Maitreyee Jagat Joshi, Adv.
Mr. Astik Gupta, Adv.
Ms. Akanksha Tomar, Adv.**

**For Respondent(s) :Mr. Rohit Amit Sthalekar, AOR
Mr. Shashank Singh, Adv.
Mr. Sankalp Narain, Adv.
Mr. Purnendu Bajpai, Adv.**

**UPON hearing the counsel the Court made the following
O R D E R**

- 1. The appeal is dismissed in terms of the signed order which is placed on the file.**
- 2. Pending application(s), if any, shall stand disposed of.**

**(KAVITA PAHUJA)
ASTT. REGISTRAR-cum-PS**

**(SAPNA BANSAL)
COURT MASTER (NSH)**