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

Date of decision: 21st May, 2026

+ W.P.(C) 7371/2019 & CM APPL. 30729/2019

RAJAT KUMAR SINGHPetitioner
Through: Ms. Vrinda Goyal, Mr. Vaibhav
Maheshwari and Mr. Rahul Singh,
Advocates.

versus

UNION OF INDIA & ORSRespondents
Through: Mr. Kamal Kant Tyagi, Advocate for
R-2.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA
JUDGMENT

SANJEEV NARULA, J. (Oral)

1. The Petitioner, a student of Electronics and Communication Engineering at Delhi Technological University [“DTU”], has invoked the writ jurisdiction of this Court to challenge the selection process undertaken by Respondent No. 2, Bharat Electronics Limited [“BEL”], for recruitment to the post of Probationary Engineer through the campus recruitment process conducted during the year 2017-18.

2. The grievance in the present petition arises out of the Petitioner’s non-selection in the aforesaid recruitment process. The relief sought, *inter alia*, is in the nature of *certiorari* for quashing the selection list and a direction to the Respondents to conduct the selection process in a fair and transparent manner, in accordance with law.



Factual Background

3. BEL visited the campus of DTU for recruitment to the post of Probationary Engineer. The selection process comprised two stages, namely, a written test followed by an interview. The Petitioner participated in the selection process by appearing in the written test held on 2nd April, 2018 and the interview conducted on 3rd April, 2018. Upon completion of the selection process, the Petitioner was not included in the final list of selected candidates.

4. The Petitioner thereafter submitted representations dated 7th June, 2018 and 27th June, 2018 in relation to the recruitment process. He also sought information under the Right to Information Act, 2005 [*“RTI Act”*]. In response thereto, BEL, by communication dated 9th July, 2018, informed the Petitioner that he had secured *“43.56 marks out of 85”* in the written test and *“04.00 out of 15.00 marks”* in the interview. Subsequently, by communication dated 30th August, 2018, BEL informed the Petitioner that he had secured *“30.75 out of 60 marks”* in the written test and *“4 out of 15 marks”* in the interview.

Petitioner’s Contentions

5. In support of the petition, Ms. Vrinda Goyal, counsel for the Petitioner, makes the following submissions:

5.1. The selection process is vitiated by arbitrariness, lack of transparency and favouritism. The Petitioner had secured the highest marks in the written test, yet was excluded from the final list of selected candidates. Candidates who had secured lower marks in the written examination were selected by being awarded disproportionately high marks in the interview. Despite being the highest scorer in the written test, the Petitioner was effectively



eliminated through the interview process.

5.2. The Respondents have not disclosed the basis, parameters or criteria on which marks were awarded in the interview. The Petitioner secured only 4 marks out of 15 in the interview and there is no material on record to demonstrate any objective assessment or evaluation. The methodology adopted for awarding interview marks, as well as the individual assessment forming the basis thereof, has not been disclosed. In the absence of any disclosed criteria governing the interview process, the interview marks were utilized to displace the merit position emerging from the written examination and the outcome cannot be regarded as transparent or objective.

5.3. The principal challenge is founded upon the two replies furnished under the RTI Act. While one reply disclosed that the Petitioner had secured 43.56 marks out of 85 in the written test and 4 marks out of 15 in the interview, another reply disclosed that he had secured 30.75 marks out of 60 in the written test and 4 marks out of 15 in the interview. These contradictory disclosures reveal uncertainty and arbitrariness in the manner in which marks were maintained and communicated. The very denominator of the written examination changed from one RTI response to another and, if the examination was conducted out of 60 marks, the Respondents could not subsequently describe the same examination as being out of 85 marks.

5.4. The answer sheet supplied to the Petitioner under the RTI Act shows that more than 35 answers were correct. On that basis, the score of 30.75 marks out of 60 is disputed as being mathematically inexplicable. The methodology by which the written-test marks were calculated has never been disclosed.

5.5. The explanation subsequently furnished in the Counter Affidavit that



the marks were converted from a scale of 60 to a scale of 85 is an afterthought and cannot cure the defect apparent from the RTI replies. No such conversion formula, moderation process or methodology was disclosed in the advertisement, recruitment process, instructions issued to candidates or the question paper. The Respondents have altered the evaluation methodology after the event and sought to justify the same retrospectively.

5.6. The process of normalization was impermissible. No such process was disclosed beforehand and, therefore, the selection process cannot withstand scrutiny under Articles 14 and 16 of the Constitution of India.

5.7. The Respondents have also failed to disclose complete category-wise vacancy details, qualifying criteria and the marks secured by other selected candidates, thereby preventing any meaningful verification of the fairness of the selection process.

BEL's Contentions

6. Opposing the petition, Mr. Kamal Kant Tyagi, counsel appearing on behalf of BEL, submits as follows:

6.1. BEL had approved 69 vacancies for recruitment to the post of Probationary Engineer through Campus Recruitment 2017-18, out of which 37 vacancies pertained to the Electronics and Communication discipline. A Selection Committee constituted by the competent authority conducted the recruitment process.

6.2. As per the applicable recruitment policy, selection for executive posts comprised two components, namely, a written test carrying 85 marks and an interview carrying 15 marks. For the purposes of campus recruitment, the written test was conducted out of 60 marks and the marks so obtained were thereafter converted to a scale of 85 marks in accordance with the



recruitment policy. The interview component continued to carry 15 marks. Accordingly, the score of 30.75 out of 60 reflected in the RTI reply dated 30th August, 2018 and the score of 43.56 out of 85 reflected in the RTI reply dated 9th July, 2018 represent the same performance of the Petitioner and there is no inconsistency in the two RTI responses.

6.3. The minimum qualifying marks prescribed for General and OBC category candidates were 35% in the written test and 35% in the interview. Consequently, a candidate was required to secure at least 5.25 marks out of 15 in the interview to qualify. The Petitioner secured only 4 marks out of 15 and, therefore, failed to attain the prescribed qualifying standard at the interview stage.

6.4. Selection was based upon the aggregate performance of candidates in the written test and interview and not upon written-test marks alone. Merely securing the highest marks in the written examination did not confer any right to selection.

6.5. The marks of the six General Category candidates who qualified for interview have been placed on record and are reproduced below:

S. No.	Name	Written marks out of 85	Interview marks out of 15	Total out of 100	Result
1.	Rajat Kumar Singh	43.56	04	47.56	Not selected
2.	Akshat Singh	41.79	12	53.79	Selected
3.	Sanjeev Kumar	38.60	04	42.60	Not selected
4.	Shivani Singh	38.25	11	49.25	Selected
5.	Akshay Rathi	33.65	05	38.65	Not selected
6.	Praveen Kr. Singh	30.10	03	33.10	Not selected



6.6. Akshat Singh and Shivani Singh secured aggregate scores of 53.79 and 49.25 respectively, both of which were higher than the Petitioner's aggregate score of 47.56, and were therefore rightly selected in accordance with the applicable merit criteria.

6.7. The allegation that marks were normalized is disputed. Reliance is placed upon the RTI reply dated 30th August, 2018, wherein it was specifically stated that no normalization of marks was undertaken during the selection of Probationary Engineers through Campus Recruitment.

6.8. The Petitioner had also lodged a complaint before the Vigilance Department alleging irregularities in the recruitment process. Upon examination of the complaint, it was concluded that the applicable recruitment rules had been followed and the complaint was accordingly closed.

6.9. A preliminary objection has been raised on the grounds of delay and the relief becoming infructuous. The recruitment process was completed in July, 2018 and the selected candidates joined service in October, 2018. The writ petition came to be instituted only on 31st May, 2019, by which time all vacancies had already been filled. No vacancy existed either on the date of institution of the writ petition or on the date when this Court, by order dated 12th July, 2019, directed that one vacancy be kept vacant for the Petitioner. Consequently, the present writ petition has become infructuous and incapable of yielding any effective relief.

Issues for Determination

7. On the basis of the rival submissions and the material placed on record, the following questions arise for consideration:

(i) Whether the RTI replies dated 9th July, 2018 and 30th August, 2018



disclose any inconsistency in the recording or computation of the Petitioner's written-test marks and, if so, whether the same affects the validity of the selection process.

(ii) Whether the Petitioner can claim selection merely because he secured the highest marks in the written test.

(iii) Whether the award of 4 marks out of 15 in the interview, and the manner in which interview marks were awarded, is shown to be arbitrary, *mala fide* or otherwise legally unsustainable.

(iv) Whether the relief of quashing the selection list can be granted in the absence of the selected candidates and after completion of the recruitment process.

Discussion & Analysis

8. The scope of judicial review in matters of selection is settled. The Court does not sit as an appellate selection committee. It examines the legality of the process, not the comparative suitability of candidates. Unless the process is shown to be contrary to the applicable rules, affected by *mala fides*, demonstrably arbitrary, or vitiated by a breach of constitutional or statutory mandate, the Court does not substitute its own assessment for that of the selection body.

9. In ***Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan & Ors.***¹, the Supreme Court held that it is not the function of the Court to hear appeals over the decisions of Selection Committees or to scrutinize the relative merits of candidates. Whether a candidate is fit for a particular post is a matter for determination by the duly constituted Selection Committee possessing the requisite expertise, and the Court does not substitute its own



assessment for that of such expert body. The same principle has been reiterated in *M.V. Thimmaiah & Ors. v. Union Public Service Commission & Ors.*², wherein it was observed that the recommendations of a Selection Committee are not ordinarily open to challenge except on grounds such as *mala fides* or violation of statutory rules. Likewise, in *Basavaiah v. Dr. H.L. Ramesh & Ors.*³, the Supreme Court emphasised that courts should show deference and consideration to the assessment of expert bodies and ought not to sit in appeal over their decisions. Judicial review, therefore, remains confined to examining the legality of the selection process and not the comparative merits of the candidates.

10. The first plank of the Petitioner's challenge concerns the two RTI replies furnished by BEL. Upon a closer examination of the record, the contention that the two replies disclose contradictory marks cannot be accepted. One reply communicated the Petitioner's written-test score as 43.56 out of 85, whereas the other reflected the score as 30.75 out of 60. The mathematical relationship between the two figures admits of no real doubt.

11. If 30.75 marks out of 60 are converted to an 85-mark scale, the resulting figure is 43.5625, which, on rounding off, becomes 43.56. The question paper was admittedly of 60 marks, whereas BEL's recruitment scheme treated the written-test component as carrying 85 marks and the interview component as carrying 15 marks. The conversion did not alter the Petitioner's relative position in the written examination. Nor is there any material to suggest that the conversion was selectively applied or operated to the Petitioner's prejudice.

¹ (1990) 1 SCC 305.

² (2008) 2 SCC 119.



12. The Petitioner's objection, however, is not merely mathematical. His case is that the methodology for conversion of marks was not disclosed in advance and that the explanation furnished in the Counter Affidavit constitutes an afterthought. Even assuming that the conversion methodology was not expressly communicated in the recruitment instructions, advertisement or question paper, no material has been placed before the Court to demonstrate that the conversion was arbitrary, selectively applied, manipulated in favour of any candidate, or otherwise resulted in prejudice. The challenge, therefore, does not progress beyond an objection to the manner in which the marks were communicated in the RTI replies. A selection process cannot be invalidated merely because one RTI reply communicated the converted score out of 85 while another communicated the raw score out of 60, when both figures represent the same performance expressed on different scales.

13. The Petitioner's further contention that the answer sheet disclosed more than 35 correct answers also does not advance the matter. BEL's explanation is that the examination carried negative marking of 0.25 marks for every incorrect answer. If a candidate answered a number of questions incorrectly, the final score could legitimately be lower than the number of correct answers. This Court cannot, in exercise of writ jurisdiction, undertake a re-evaluation of the answer sheet in the absence of any pleaded or established error in the answer key, marking methodology or computation. In any event, the Petitioner has not demonstrated that the score of 30.75 out of 60 was impossible or erroneous.

14. The second plank of the challenge is that the Petitioner secured the

³ (2010) 8 SCC 372.



highest marks in the written examination. Even assuming that assertion to be correct, it does not confer a right to selection. The recruitment process admittedly consisted of two components, namely, a written test and an interview. Selection was not based on written-test marks alone. The Petitioner secured 43.56 marks in the written component but only 4 marks out of 15 in the interview, resulting in an aggregate score of 47.56 out of 100. The two selected General Category candidates secured aggregate scores of 53.79 and 49.25 respectively and, therefore, ranked above the Petitioner in the final merit position.

15. The written-test component cannot be isolated from the selection process as a whole. A candidate who participates in a recruitment process comprising multiple stages must be evaluated on the basis of the criteria prescribed for the process in its entirety. A high score in the written examination may entitle a candidate to be considered further in the selection process, but it does not, by itself, create an enforceable right to appointment.

16. The Court must next consider the challenge to the interview marks. The interview carried 15 marks out of a total of 100. Such weightage cannot, by itself, be regarded as excessive or constitutionally suspect. In *Lila Dhar v. State of Rajasthan & Ors.*⁴, the Supreme Court observed that there can be no rule of thumb regarding the precise weight to be attached to the written examination and the interview, and that the relative weightage must vary according to the nature of the service, the source-material available for recruitment and other relevant factors. The Court further observed that it is ordinarily not for the courts to redetermine the appropriate method of selection or the relative weight to be attached to different components of the



selection process unless exaggerated weightage has been prescribed with proven or obvious oblique motives. In *Ajay Hasia v. Khalid Mujib Sehravardi*⁵, and *Ashok Kumar Yadav v. State of Haryana*⁶, the Supreme Court recognised that viva voce marks, if disproportionately high, may widen the area of arbitrariness and tend to become a determining factor in the selection process. The present case does not present such a situation. The interview component constituted only 15% of the total marks and no material has been placed before the Court to demonstrate that the allocation or award of interview marks was designed or applied so as to defeat written merit or otherwise render the selection process arbitrary.

17. The allegation that the Petitioner was deliberately awarded low interview marks is unsupported by the record. Allegations of *mala fides* cannot rest upon suspicion or conjecture. They require specific pleadings and cogent supporting material. No member of the interview board has been impleaded. No personal bias has been alleged against any identified member. No relationship, extraneous influence or improper consideration has been established in favour of the selected candidates. The assertion that the Petitioner was intentionally failed in the interview is, therefore, no more than an inference sought to be drawn from the outcome of the selection process.

18. The Court is conscious that interview assessments may involve an element of subjectivity. Subjectivity, however, is not synonymous with arbitrariness. Unless it is shown that such discretion has been exercised *mala fide*, for an extraneous purpose, or in a manner so unreasonable that no

⁴ (1981) 4 SCC 159.

⁵ (1981) 1 SCC 722.



rational selection body could have arrived at the same conclusion, judicial review does not extend to re-assessing interview performance. The Petitioner's dissatisfaction with the marks awarded to him cannot, by itself, furnish a basis for interference.

19. The challenge founded upon alleged normalization is equally unpersuasive. BEL has consistently maintained that no normalization of marks was undertaken during the recruitment process. The RTI reply dated 30th August, 2018 specifically records the same. No material has been produced to demonstrate that any process of normalization, distinct from the arithmetical conversion of marks from a 60-mark scale to an 85-mark scale, was ever adopted. What the Petitioner describes as normalization appears, in substance, to be the uniform conversion of raw written-test marks into the scale prescribed under the recruitment policy. Such conversion, without more, cannot be equated with arbitrary normalization.

20. The Petitioner's contention regarding non-disclosure of vacancy particulars, qualifying criteria and comparative marks also does not survive scrutiny. The Counter Affidavit places on record the number of vacancies, the qualifying benchmark prescribed for General and OBC candidates, and the comparative marks of the candidates who were called for interview in the General Category. The material placed before the Court is sufficient to evaluate the challenge raised in the present proceedings.

21. The challenge is also confronted by a serious procedural impediment. The writ petition seeks quashing of the selection list pursuant to which appointments have already been made. The selected candidates, whose appointments would be directly and vitally affected by any order setting

⁶ (1985) 4 SCC 417.



aside the selection, have not been impleaded as parties. In *Prabodh Verma & Ors. v. State of U.P. & Ors.*⁷, the Supreme Court held that a Court ought not to hear and dispose of a writ petition without the persons who would be vitally affected by its judgment being before it as respondents, or at least some of them being before the Court in a representative capacity where their number is large. The Court further observed that if the petitioners refuse to join such persons, the petition may be liable to dismissal for non-joinder of necessary parties. The relief sought in the present petition is directed against a selection process that has already culminated in appointments. Any order quashing the selection would directly prejudice the selected candidates. In the absence of those candidates before the Court, such relief cannot ordinarily be granted.

22. There is another circumstance which weighs against the grant of relief. The selection process was conducted in April, 2018. BEL states that the recruitment process was completed in July, 2018 and that the selected candidates joined service in October, 2018. The writ petition came to be instituted only on 31st May, 2019. Though the Petitioner submitted representations and pursued remedies under the RTI Act, the mere submission of representations does not furnish a fresh cause of action or revive a stale claim. In *C. Jacob v. Director of Geology and Mining*⁸, and *State of Uttaranchal v. Shiv Charan Singh Bhandari & Ors.*⁹, the Supreme Court observed that repeated representations do not “*arrest time*” and cannot be relied upon to revive a claim that has otherwise become stale.

23. The Court may also observe that the use of two different

⁷ (1984) 4 SCC 251.

⁸ (2008) 10 SCC 115.



denominators in the RTI replies was avoidable and was capable of causing confusion. Public authorities would do well to communicate examination results with greater clarity, particularly where raw marks are converted to a prescribed scale under an applicable recruitment policy. Had BEL clarified at the outset that 30.75 marks out of 60 corresponded to 43.56 marks out of 85 after conversion, a substantial part of the misunderstanding that led to the present litigation may have been avoided.

24. Judicial review, however, is concerned with legality and not with every administrative lapse capable of generating confusion. Upon examination of the material on record, the Petitioner's challenge does not withstand scrutiny.

25. In view of the foregoing discussion, no ground for interference with the impugned selection process is made out. The writ petition is accordingly dismissed. Pending application(s), if any, shall also stand disposed of.

SANJEEV NARULA, J

MAY 21, 2026

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⁹ (2013) 12 SCC 179.