



W.A. No. 534 of 2022, W.A. No. 624 of 2022,
W.A. No. 626 of 2022 & W.A. No. 629 of 2022

**IN THE HIGH COURT OF MADHYA PRADESH
AT JABALPUR**

BEFORE

**HON'BLE SHRI JUSTICE SANJEEV SACHDEVA,
CHIEF JUSTICE**

&

HON'BLE SHRI JUSTICE VINAY SARAF

WRIT APPEAL No. 534 of 2022

***CENTRAL BANK OF INDIA (GOVERNMENT OF INDIA
UNDERTAKING) AND OTHERS***

Versus

PRADEEP KUMAR SHUKLA AND OTHERS

AND

WRIT APPEAL No. 624 of 2022

CENTRAL BANK OF INDIA AND OTHERS

Versus

RAJA MEENA

AND

WRIT APPEAL No. 626 of 2022

CENTRAL BANK OF INDIA MUMBAI AND OTHERS

Versus

KUMAR KANT GARHWAL AND OTHERS



W.A. No. 534 of 2022, W.A. No. 624 of 2022,
W.A. No. 626 of 2022 & W.A. No. 629 of 2022

AND

WRIT APPEAL No. 629 of 2022

CENTRAL BANK OF INDIA AND OTHERS

Versus

RAJENDRA KUMAR VISHWAKARMA AND OTHERS

Appearance:

Shri K.C. Ghildiyal - Senior Advocate with Ms. Warija Ghildiyal – Advocate and Shri Kaustubh Singh – Advocate for the appellants.

Shri Prashant Shrivastava – Advocate for respondent no.3, 4, 6, 7, 8 and 10.

Shri Mukhtar Ahmed – Advocate for respondent no.1, 3 to 10 in W.A.No.624 of 2022.

Shri N.P. Choudhary – Advocate for respondent in W.A.No.626 of 2022.

Shri Shantanu Seth – Advocate for respondent no.2, 4 and 5 in W.A.No.629 of 2022.

Reserved on : 26th November, 2025

Pronounced on : 12th January, 2026

JUDGMENT

Per: Justice Sanjeev Sachdeva

1. These appeals impugn a common judgment dated 16.03.2022 passed by learned Single Judge. Since common issue arises for consideration all the appeals were taken up for analogous hearing. For the sake of brevity, the facts are taken from W.A. No.534/2022.

2. Appellant - Central Bank of India issued an advertisement on 14.11.2012 for recruitment of Safai Karmchhari-cum-Sub Staff persons



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in 41 regions including Bhopal and Indore, a Grade-IV post. Respondents applied for the post and interview call letters were issued to Respondents on 28.01.2013. Thereafter, select list was issued on 02.04.2013, wherein the names of all the respondents figured. Respondents were asked to appear with their testimonials on 18.04.2013, however, on 17.04.2013, a notice was issued and selection process was stayed till further orders because of unavoidable circumstances.

3. Respondents submitted their representation challenging the stay of selection process. By order dated 25.06.2014, recruitment process of Safai Karamchari for Bhopal and Indore region were cancelled. The Cancellation of Selection process by the Bank was challenged by the respondents in subject writ petitions. By the common order dated 16.03.2022 (impugned herein) said Writ Petitions have been allowed and a direction has been issued to the appellant bank to appoint the respondents on the post of Safai Karamchari subject to the scrutiny of the documents and relevant papers submitted by them.

4. Shri K.C. Ghildiyal, learned senior counsel with Ms. Warija Ghildiyal, Advocate appearing on behalf of the Appellant Bank submits that the recruitment process was initiated to recruit subordinate staff with designation Safai Karmchari-cum-Sub Staff, in 77 regions out of which in 37 regions, the exercise were completed and 2048 candidates were recruited. Later on, the bank received complaint in respect of alleged irregularity, malpractices in the



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recruitment process, therefore, the bank compelled to stop further exercise of recruitment process. By letter dated 17.04.2013 issued to all the regions and zones the Appellant Bank directed maintenance of status quo in the recruitment process and called for details of the completed or in-process recruitment process.

5. Learned senior counsel submitted that actual sub-staff strength for certain branches and zones was more than the sanctioned strength for that particular branch, thus, there was no necessity to recruit any more person. He submitted that keeping in view the actual sub-staff strength and the sanctioned strength, the Board decided to cancel the recruitment process in respect of Bhopal and Indore region.

6. He further contended that the action of the Bank of cancelling the recruitment process was challenged by some of the aspirants before the High Court of Judicature at Patna and the Division Bench of Patna High Court upheld the decision of cancellation of the process of recruitment. Said order of the Division Bench of the Patna High Court was challenged before the Supreme Court, however, the Supreme Court dismissed the SLP. He further submitted that similarly a challenge was made before the High Court of Judicature at Bombay and the High Court has upheld the decision of cancelling the recruitment process. Said decision of the Bombay High Court was also challenged before Supreme Court unsuccessfully.



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7. Further, it is contended that it is settled position of law that a candidate whose name appears in the merit list based on a competitive examination does not acquire an indefeasible right of appointment as a government servant and the employer is not under a legal duty to fill up the vacancies and the employer may cancel the recruitment process without assigning or tendering any reason. He further submitted that in the advertisement dated 14.11.2012, it was specifically mentioned in clause no. 10 that the Bank reserved its right to cancel the recruitment process at any time without assigning any reason.

8. Reliance is placed on the judgments of the Supreme Court in *Shankarshan Dash Vs. Union of India and ors, 1991 (3) SCC 47*, *Kulwinder Pal Singh v. State of Punjab and ors, (2016) 6 SCC 532*, *Manoj Manu vs. Union of India and ors, (2013) 12 SCC 171*, to contend that merely because the name of a candidates finds place in a selection list, by itself could not give any indefeasible right to an appointment and it was always open to the government not to fill up the vacancies.

9. It is contended that the action of the bank was neither arbitrary nor discriminatory. The decision to cancel the recruitment process for Bhopal and Indore region was taken by the Board of Directors of the Bank and they decided not to fill up any vacancy in those regions except the aspirants who were already working as daily wagers. He submitted that the scope of interference in the decision to cancel the



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recruitment process was very limited and in the facts and circumstances of the case, the action of the bank was fully justified.

10. It is stated that a comprehensive Board Agenda was put up before the Board in its meeting held on 21.06.2014, wherein the Board approved for cancellation of recruitment process of Safai Karmchari-cum-Sub Staff in 41 regions, where recruitment process was not completed and were at different stages. As the recruitment process in Bhopal and Indore regions was not completed, therefore, it was advised by the General Manager (HRD) to Field General Manager, Bhopal to inform the decision of the Board to all the candidates.

11. Shri Mukhtar Ahmad and Shri N. P. Choudhary, learned counsels appearing on behalf of respondents supported the impugned order passed by the learned Single Judge and submitted that the action of the Bank cancelling the selection process was arbitrary and without assigning any reason. It is submitted that the respondents were duly selected and even called for document verification and at the fag end of the process, the selection process has been cancelled by exercising the powers vested in the employer, which was arbitrary and capricious.

12. Reliance is placed also on the judgment of the Supreme Court in *Shankarshan Dash (supra)* to contend that the State was not having a license to act arbitrarily and the decision not to fill up the



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vacancies must be taken bonafidely for appropriate reasons and no discrimination was permissible.

13. Further reliance is placed on the judgment of the Supreme Court in *East Coast Railway and another vs. Mahadev Appa Rao and ors., (2010) 7 SCC 678*, to contend that the examination process cannot be cancelled only upon receipt of complaints without thoroughly investigating the same. Decision on behalf of employer not to fill up the advertised vacancies, should not be arbitrary or unreasonable but must be based on sound, rational and conscious application of mind.

14. It is contended that in the present case, no reason was assigned by the bank for cancelling the recruitment process in as much as in the cancellation letter dated 25.06.2014 it is simply mentioned that the Board has taken decision to cancel the pending recruitment and no reason for cancelling the recruitment has been mentioned, therefore, the action of the Bank to cancel the recruitment was arbitrary and capricious.

15. They relied on the judgment of Guwahati High Court in respect of the same recruitment process in *Anil Chandra Das and others vs. Central Bank of India and others, W.P. (C) No.3781/2014 decided on 14.03.2016*, whereby the Guwahati High Court held that the reasons given for cancellation of recruitment process was not legally valid and tenable and the Guwahati High Court issued direction to



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complete the recruitment. Appeal against said judgment was dismissed by the Division Bench by order dated 15.06.2017. Further, Special Leave Petition before the Supreme Court in SLP No.26673-74/2017 was also dismissed by order dated 27.10.2017.

16. It is an admitted position that Appellant Bank issued the advertisement on 14.11.2012 for recruitment of Safai Karmchari-cum-Sub Staff in as many as 77 regions including Bhopal and Indore regions. Selection process was underway, when it was stayed by on 17.04.2013. At the time when the process was stayed, Respondents had been were called for the interview based on the merit list. At that stage documents verification was also pending. Subsequently, by letter dated 25.06.2014 the General Manager (HRD) communicated to the Field General Manager of the Bank that the Board had taken a decision on 21.06.2014 to cancel the recruitment process in respect of regions where the same was in process.

17. It is also not in dispute that insofar as the subject regions i.e. Bhopal and Indore are concerned, the recruitment process was not complete. Interviews were yet to be conducted and document verification had still to take place. Selection of the Respondents had not been finalized and no appointment letters was issued to the respondents. Furthermore no other similarly situated aspirant was appointed by the Central Bank of India in the subject region of Bhopal and Indore and no further recruitment process was initiated immediately thereafter.



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18. It is no more *res-integra* that government has the right to cancel the recruitment process initiated on the basis of any competitive examination and the candidates who succeed in the competitive examination do not acquire any indefeasible right of appointment as a government servant, even if a vacancy exist.

19. Supreme Court in ***Shankarshan Dash*** (*supra*) has held as under:-

“7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in State of Haryana v. Subash Chander Marwaha [(1974) 3 SCC 220 : 1973 SCC (L&S) 488 : (1974) 1 SCR 165], Neelima Shangla v. State of Haryana [(1986) 4 SCC 268 : 1986 SCC (L&S) 759] , or Jatinder Kumar v. State of Punjab [(1985) 1 SCC 122 : 1985 SCC (L&S) 174 : (1985) 1 SCR 899].”

20. Supreme Court in ***Shankarshan Dash*** (*supra*) has held that it is not correct to say that if a number of vacancies are notified for



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21. The Supreme Court in *Manoj Manu* (*supra*) further reiterated the said principle and held as under:-

*“10. We are conscious of the legal position that merely because the name of a candidate finds place in the select list, it would not give him/her indefeasible right to get appointment as well. It is always open to the Government not to fill up all vacancies. However, there has to be a valid reason for adopting such a course of action. This legal position has been narrated by this Court in *Neelima Shangla v. State of Haryana* [*Neelima Shangla v. State of Haryana*, (1986) 4 SCC 268 : 1986 SCC (L&S) 759 : (1986) 3 SCR 785]. In that case:*

“The appellant was the candidate for appointment to the post of Subordinate Judge in Haryana. Under the scheme of the Rules, the Public Service Commission was required to hold first a written test in subjects chosen by the High Court and next a viva voce test. Unless a candidate secures 45% of the marks in the written papers and 33% in the language paper, he will not be called for the viva voce test. All candidates securing 55% of the marks in the aggregate in the written and viva voce tests are considered as qualified for appointment. The appellant though secured 55% of the marks was not appointed as her name was not sent by the Public Service Commission to the Government. The Supreme Court in such fact situation found that



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the Public Service Commission is not required to make any further selection from the qualified candidates and is, therefore, not expected to withhold the name of any qualified candidate. The duty of the Public Service Commission is to make available to the Government, a complete list of qualified candidates arranged in order of merit. How should the Government, act is stated by the Supreme Court in the following words: (Neelima Shangla case [Neelima Shangla v. State of Haryana, (1986) 4 SCC 268 : 1986 SCC (L&S) 759 : (1986) 3 SCR 785] , SCC pp. 271-72, para 2)

‘2. ... Thereafter the Government is to make the selection strictly in the order in which they have been placed by the Commission as a result of the examination. The names of the selected candidates are then to be entered in the register maintained by the High Court strictly in that order and appointments made from the names entered in that Register also strictly in the same order. It is, of course, open to the Government not to fill up all the vacancies for a valid reason. The Government and the High Court may, for example, decide that, though 55% is the minimum qualifying mark, in the interests of higher standards, they would not appoint anyone who has obtained less than 60% of the marks.’”

(emphasis supplied)

22. This principle was further reiterated by the Constitution Bench of the Supreme Court in ***Kulvinder Pal Singh*** (*supra*). The Supreme Court held as under:-

“10. It is fairly well settled that merely because the name of a candidate finds place in the select list, it would not give him indefeasible right to get an appointment as well. The name of a candidate may appear in the merit list but he has no indefeasible right to an appointment (vide Food Corporation of India v. Bhanu Lodh [Food Corporation of India v. Bhanu



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Lodh, (2005) 3 SCC 618 : 2005 SCC (L&S) 433] , All India SC & ST Employees' Assn. v. A. Arthur Jeen [All India SC & ST Employees' Assn. v. A. Arthur Jeen, (2001) 6 SCC 380 : (2007) 2 SCC (L&S) 362] and UPSC v. Gaurav Dwivedi [UPSC v. Gaurav Dwivedi, (1999) 5 SCC 180 : 1999 SCC (L&S) 982] .

(underlining supplied)

23. Thus it is no more *res-integra* that the employer is having prerogative to cancel the selection process at any stage. However, the decision of the government to cancel the process of recruitment should be bonafide and based on appropriate reasons. Supreme Court has further held that the State does not enjoy any unqualified prerogative to refuse an appointment in any arbitrary fashion or to disregard the merits of the candidates as reflected in the merit list and the decision of the State is not beyond the judicial review before a competent writ court.

24. Reference may be had to the judgment of the Constitutional Bench of the Supreme Court in ***Tej Prakash Pathak vs Rajasthan High Court (2025) 2 SCC 1***, wherein the Supreme Court has held as under :-

“64. Thus, in light of the decision in Shankarsan Das (supra), a candidate placed in the select list gets no indefeasible right to be appointed even if vacancies are available. Similar was the view taken by this Court in Subash Chander Marwaha (supra) where against 15 vacancies only top 7 from the select list were appointed. But there is a caveat. The State or its instrumentality cannot arbitrarily deny appointment to a selected candidate. Therefore, when a challenge is laid to State’s action in respect of denying appointment to a selected



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candidate, the burden is on the State to justify its decision for not making appointment from the Select List.”

25. In ***Manoj Manu*** (*supra*), the Supreme Court has held as under:-

“12. It is, thus, manifest that a person whose name is included in the select list, does not acquire any right to be appointed. The Government may decide not to fill up all the vacancies for valid reasons. Such a decision on the part of the Government not to fill up the required/advertised vacancies should not be arbitrary or unreasonable but must be based on sound, rational and conscious application of mind. Once it is found that the decision of the Government is based on some valid reason, the Court would not issue any mandamus to the Government to fill up the vacancies.”

26. On consideration of the various judicial pronouncements of the Supreme Court, it is clear that it is the prerogative of the State to cancel the recruitment process but at the same time, the action of the State should not be arbitrary and capricious and the same can be judicially reviewed by the Constitutional Court.

27. When the facts of the present cases are examined, it transpires that the Board of the Bank had taken a conscious decision to cancel the recruitment process of all those 41 regions, wherein the process was in progress. The recruitment process had been cancelled as the sub-staff already appointed was more than the sanctioned strength and thus there was no requirement to appoint further Safai Karmchari-cum-Sub Staff.

28. Similar challenge was made by similarly situated aspirants before the High Court of Judicature at Patna arising out of the same



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advertisement assailing the decision of cancellation of recruitment process. Learned Single Judge of Patna High Court by order dated 24.11.2015 allowed the writ petition. However, Division Bench in LPA No.449/2016 in its order dated 29.11.2016, noticing the contention of the Bank that the process was cancelled due to availability of surplus staff, held that in the aforesaid circumstances, no direction could be issued to complete the selection process. The Division Bench held as under:-

“9. In view of the fact that there were surplus staff, the reasoning given by the Bank not to offer appointment cannot be said to be unreasonable or arbitrary, which may warrant interference in the writ jurisdiction of this Court.

10. The order of the learned Single Bench is to the effect that a Public Sector Bank cannot be expected to work on the whims and fancies of the Managing Director of the Bank but such finding cannot be sustained for the reason that it is a decision of the Board of Directors of the Bank on 21st of June, 2014 to cancel the selection process. It is not a decision of an individual, which can be said to be whimsical.”

29. Said decision of the Division Bench was challenged before the Supreme Court in SLP No.22164/2017, which was dismissed by order dated 06.02.2019.

30. Similarly, the decision of the Appellant Bank to cancel the subject recruitment process was challenged by some of the aspirants before the Bombay High in WP (C) No.75559/2014. After examining the decision of Board of Directors of the Bank, the Bombay High Court dismissed the writ petition. Said decision of the Writ Court was



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challenged before the Division Bench and the Division Bench also upheld the decision of the Writ Court. The Division Benches of Patna and Bombay High Court have already examined the rationale of the decision of the Board in cancelling the recruitment process of the subject advertisement and upheld the action of cancellation by holding that the decision of the Board of Directors to cancel the recruitment process due to availability of over staff did not warrant any interference. Learned Single Judge clearly erred in not noticing the decision of the Division Benches of the Patna and Bombay High Court.

31. The judgment of the Guwahati High Court relied upon by counsel for the respondents does not help the case of the Respondents as the same is not applicable to the factual matrix of the case. Said judgment, though arising out of the same recruitment process, was in respect of aspirants who were already engaged as Safai Karmchari-cum-Sub Staff in various branches of three the Regional Offices of Central Bank of India namely Guwahati, Upper Assam and Barpeta Road Regional Office.

32. Petitioners therein had applied to the Labour Court. In the proceedings before the Labour Court there was a settlement between the All India Central Bank of India Employees Federation and the Bank and in furtherance of that settlement, memorandum of settlement was reduced in writing and following the same, the advertisement was issued inviting application for the eligible



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candidates for the post of Safai Karmchari-cum-Sub Staff in those three regions.

33. The Guwahati High Court considered the terms of the settlement between the Management of the bank and the Workmen, allowed the Petitioner holding that as per the settlement, onetime relaxation was granted to those employees and due to the cancellation of the recruitment process, on the ground that there are surplus workmen, petitioners therein were deprived from the benefit of onetime relaxation granted to them in the settlement. Therefore, considering the same, the unilateral decision of the Directors of the Bank to cancel the recruitment process, which was initiated pursuant to such settlement, was not found justified and sustainable. The Guwahati High Court considered the judgment of the Bombay High Court but did not follow the same as there was no reliance before the Bombay High Court on any settlement but before the Guwahati High Court the Petitioner was primarily based on a settlement between the bank and workmen. Thus, the Guwahati High Court set aside and quashed the decision of the bank to cancel the recruitment process and issued direction to complete the recruitment process initiated pursuant to the memorandum of settlement dated 09.08.2012 in respect of Barpeta Road, Guwahati and Upper Assam Regional Offices of the Central Bank of India.

34. The Division Bench of the Guwahati High Court held as under:



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“7. After hearing the learned counsel for the parties, we find no merit in the appeals. As seen above, it is clearly stated in the Memorandum of Settlement that as prelude to recruitment of subordinate staff, the management as a pro-employee initiative had converted all the permanent part-time Safai Karmacharis in subordinate cadre into full time wages with the designation Safai Karmachari-cum-Sub-staff and Sub-staff w.e.f. 01-04-2011 and it was after such conversion, the Bank decided to recruit the subordinate staff with the designation Safai Karmachari-cum-Sub-staff and Sub-staff and to give an opportunity to the temporary/casual workers working in the Branches in subordinate cadre to participate in such recruitment process with relaxed norms as a onetime measure. It is for this reason, the learned Single Judge has held that cancellation of the recruitment process on the ground that there was surplus subordinate staff as against the sanctioned strength cadre was neither justified nor tenable. We also find no good reason to disagree with the learned Single Judge. Besides this, it is a well settled principle of law that even in cases where there is no legal right, example, for an appointment to oppose even after selection if the government drops the idea, relief can be granted if the decision taken is wholly unreasonable and arbitrary. It is also to be noted that under the Memorandum of Settlement the Bank has lured the workmen who had instituted cases before Courts and Tribunals for their absorption in the service to withdraw their cases unconditionally to entitle them to appear in the recruitment process as a onetime measure. With such conditions, the Memorandum of Settlement was binding on both the parties i.e. Bank and Workmen. The Bank, therefore, could not have unilaterally decided to cancel the recruitment process, which was initiated pursuant to the Memorandum of Settlement. Moreover, the learned Single Judge has rightly held that having regard to the Scheme of the Industrial Disputes Act, 1947, settlement arrived at between employer and employee is always placed at a higher pedestal than even an award passed after adjudication.”



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35. As in the Petitions before the Bombay High Court and Patna High Court, unlike Guwahati High Court, there is no reliance on any settlement between the Workmen and the Bank before initiation of the recruitment process. It is also not the case of the Respondents that they were working in the bank prior to issuance of the advertisement either on daily wages or temporary basis. Therefore, the judgment of the Guwahati High Court does not further the case of the Respondents.

36. Decision was taken by the Board of the Bank to cancel the recruitment process, which were in progress, in respect of 41 regions on the ground that the sub-staff already employed was more than the sanctioned strength and there was no requirement to recruit anymore employees. No candidate was recruited in the subject regions of Bhopal and Indore except aspirants who were already working as daily wagers. Respondents had merely been selected and put in the select list. Interviews and documents verification was still pending. No appointment letter was issued to any of the respondents. If sufficient staffs were already available with the bank, the bank was justified in cancelling the recruitment process and court cannot compel the bank to complete the recruitment process and appoint the respondents even after cancellation of the process.

37. Clearly learned Single Judge has erred in allowing the Writ Petitions and directing the Appellants to complete the recruitment



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process. In view of the above, the impugned judgment dated 16.03.2022 is not sustainable and is hereby set aside.

38. The appeals filed by the Bank are allowed and the Writ Petitions preferred by the respondents are dismissed. No order as to costs.

(SANJEEV SACHDEVA)
CHIEF JUSTICE

(VINAY SARAF)
JUDGE