

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).11295-11296/2026

[Arising out of impugned final judgment and order dated 17-10-2024 in WPS No. 5116/2023 17-10-2024 in WPS No. 5260/2023 passed by the High Court of Chhattisgarh at Bilaspur]

THE SECRETARY RAILWAY BOARD & ORS.

Petitioner(s)

VERSUS

J ANIL, ETC.

Respondent(s)

IA No. 40919/2026 - CONDONATION OF DELAY IN FILING

IA No. 40921/2026 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

Date : 24-09-2026 This matter was called on for hearing today.

CORAM HON'BLE MR. JUSTICE MANOJ MISRA
 HON'BLE MR. JUSTICE VIJAY BISHNOI

For Petitioner(s) Mr. Kanakamedala Ravindra Kumar, A.S.G.
 Mr. Divyam Aggarwal, Adv.
 Ms. Rita Jha, Adv.
 Mr. Shubham Prakash Mishra, Adv.
 Ms. Mrigna Shekhar, Adv.
 Mr. Amrish Kumar, AOR
 Mr. Dr Arun Kumar Yadav, Adv.

For Respondent(s) Mr. Kaustubh Shukla, AOR
 Ms. Pushpanjali Singh, Adv.
 Mr. Vipul Kumar, Adv.
 Ms. Gursimrat Kaur, Adv.

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

1. The original applicants who had filed the application before the Central Administrative Tribunal (for short 'CAT') were from the unreserved category. Their

grievance was that candidates who had participated in the recruitment exercise under the reserved category had migrated to the unreserved category thereby depriving the candidates from the unreserved category of their right to be considered for appointment against unreserved seats/posts.

2. Migration of a candidate from reserved category to the unreserved category may not be permissible where the candidate has taken benefit of any kind of relaxation available to that reserved category.
3. However, here, it is not clear from the orders of the CAT as well as the High Court whether any such relaxation was availed by candidates belonging to the reserved category who migrated to the unreserved category at the stage of final selection.
4. What appears from the order of the CAT is that the examination was in two stages. The first stage was Computer Based Test referred to as CBT and the second stage was Computer Based Aptitude Test referred to as CBAT. CAT in paragraph 13 of its order records a

finding in the following terms:

“...In the instant case, the respondents have switched the category of candidates in exam to exam (CBT to CBAT) to give undue benefit to the candidates of their own choice by giving relaxation from their particular community.”

5. It is, however, not clear from the orders of the CAT as well as the High Court as to whether a separate cut-off for qualifying CBT was specified category wise; and whether the cut-off for CBT was lower for the reserved category than what it was for the unreserved category; and whether the candidates from the reserved category who got empaneled in the final select list against unreserved seats/ posts had availed the benefit of that lower cut-off.
6. To have clarity on the issue, we deem it appropriate to require the petitioner to file an additional affidavit explaining the following:

(i) Whether the candidates who had applied under the reserved category and were empaneled in the final select list against unreserved

seats/posts had taken benefit of any kind of relaxation in the recruitment process available to that category. If any such relaxation was provided to them, the nature of such relaxation shall be disclosed; and

(ii) Whether for participation in the CBAT test a candidate was required to have marks above a specified cut-off in the CBT test. Whether such cut off varied category wise. If so, whether the candidates from the reserved category, placed in the final select list against unreserved posts/seats, had obtained marks higher than the cut-off fixed for the unreserved category in the CBT test.

7. Let aforesaid details be provided in the affidavit for which four weeks' time is allowed.

8. List on 27.10.2026.

SLP (C) No. 11296/2026

1. The office has reported that the third respondent could not be served, as the notice sent to him returned with remark 'no such person in the address'.
2. In such circumstances, we deem it appropriate to require the petitioner to personally serve the third respondent within two weeks from today and file affidavit of service within the next one week.
3. The notice would indicate that the matter would be listed on 27.10.2026.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)