



2026 INSC 741

NON-REPORTABLE

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

**CIVIL APPEAL NOS. 8257-8259 OF 2026
[ARISING OUT OF SLP (CIVIL) NOS. 4012-4014 OF 2023]**

ARVIND KUMAR & ORS.

... APPELLANTS

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

**WITH
CIVIL APPEAL NO. 8261 OF 2026
[ARISING OUT OF SLP (CIVIL) NO. 13648 OF 2023]**

KAMLESH KUMAR MANJHI

... APPELLANT

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

**WITH
CIVIL APPEAL NO. 8260 OF 2026
[ARISING OUT OF SLP (CIVIL) NO. 9685 OF 2023]**

BEROJGAR AUDYOGIK KALYAN SAMITI

... APPELLANT

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

**WITH
CIVIL APPEAL NO. 8262 OF 2026
[ARISING OUT OF SLP (CIVIL) NO. 19877 OF 2026]**

VINOD KUMAR

... APPELLANT

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

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JATINDER KAUR
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WITH
CIVIL APPEAL NO. 8263 OF 2026
[ARISING OUT OF SLP (CIVIL) NO. 19898 OF 2026]

BRAJESH KUMAR

... APPELLANT

VERSUS

STATE OF U.P. & ORS.

... RESPONDENTS

J U D G M E N T

DIPANKAR DATTA, J.

- 1.** To enhance the skills of available workforce in our country (the 'Skill Capital' of the world), the Industrial Training Institutes¹ were established in the 1950s to ensure quality vocational education and training. The present case concerns recruitment of INSTRUCTORS in these prestigious ITIs by the State of Uttar Pradesh².
- 2.** At the relevant time, the Directorate General of Employment & Training under the Ministry of Labour³, was responsible for setting standards for vocational training. The Government of India, through the aforesaid department, issued directions on 24th July, 1996⁴ enhancing the existing qualifications for the post of Vocational Instructors and directing the State Governments/Union Territories to amend their existing recruitment rules accordingly. In terms thereof, one of the essential

¹ ITIs

² SoUP

³ since been reorganized and renamed as the Directorate General of Training (DGT) under the Ministry of Skill Development & Entrepreneurship

⁴ No. DGE&T-19 (20) /95-CD

qualifications⁵ for a candidate seeking appointment as an INSTRUCTOR in the ITIs was, a 'certificate under regular Craft Instructor Training Scheme⁶ of one year duration.' This being a mandatory condition, the SoUP accepted this direction and incorporated changes in the Uttar Pradesh Industrial Training (Instructors) Services Rules, 1991⁷ by way of 2nd amendment notified on 8th August, 2003.

3. Appellants (128 appellants in the main appeals⁸, sole appellant in the first, third and fourth connected appeals and 134 candidates/members of a Regd. Society which is representing them) claim to be the holders of certificates issued under CITS.
4. Their grievance, in brief, is this. In supersession of all existing rules and orders on the subject, the SoUP diluted the requirement of CITS certificate by making it a "preferential qualification" instead of "essential qualification" by framing the Uttar Pradesh Industrial Training Institutes (Instructors) Service Rules 2014⁹. However, notwithstanding awareness in respect of the changes made but desirous of appointment on the posts of INSTRUCTORS, the appellants had applied pursuant to two

⁵ **Complete Qualifications:** The essential qualification prescribed for the post of Vocational Instructor (Theory) was a minimum pass in the 10th Standard, along with a three-year Diploma in the appropriate branch of Engineering **and a certificate under the Craft Instructor Training Scheme (CITS), which is a one-year course.**

For the post of Vocational Instructor (Practical), the essential qualification was a minimum pass in the 10th Standard, together with a National Trade Certificate (NTC) or National Apprenticeship Certificate (NAC) in the relevant trade **and a certificate under the Craft Instructor Training Scheme (CITS), which is a one-year course.**

⁶ CITS

⁷ 1991 Rules

⁸ Consisting of 124 petitioners in SLP 4012/2023, 3 petitioners in SLP 4013/2023, and 1 petitioner in SLP 4014/2023. *Vide* order dated 12th December, 2023 in I.A. No. 73237/2023, 122 applicants were permitted to be impleaded in SLP 4012/2023.

⁹ 2014 Rules

advertisements issued in the year 2014¹⁰ and 2015¹¹ but did not qualify. They felt prejudiced due to the dilution of the CITS certificate requirement, as non-CITS candidates were appointed. This is when this litigation commenced. Rules 9(B)¹², 16(3)(a)(iii)¹³ and 17(3)¹⁴ of the 2014 Rules came to be challenged, as also the advertisements, at the instance of the appellants before the High Court of Judicature at Allahabad¹⁵ by way of various writ petitions¹⁶. Succinctly put, the ground

¹⁰ Advertisement No. 2/2014 for 2498 post of INSTRUCTORS

¹¹ Advertisement No. 20(7)/2025 for 559 posts of INSTRUCTORS

¹² 9. (A) A candidate for recruitment to the post of Instructor in the service must possess the following qualifications:

(1) Must have passed the High School Examination of the Board of High School and Intermediate Education, Uttar Pradesh or an Examination recognised by the Government as equivalent thereto;

(2) Must possess the technical qualifications for different trades/subjects as prescribed in column 4 of the Appendix.

(B) Should possess the preferential qualification to provide training/teaching in relevant trades/subjects as prescribed for different trades/subjects in column 5 of the Appendix.

Provided that the candidates who do not possess the preferential qualification as prescribed for different trades/subjects in column 5 of the Appendix, shall also be considered for selection and if selected, they shall be required to obtain the said qualification in the prescribed period as per rule 17(3).

¹³ 16 (3) In making selection for direct recruitment, the merit list of the eligible candidates shall be prepared in the following manner: -

(a) For academic qualifications prescribed for the post, the marks shall be awarded to each candidate in the following manner:

(i) Fifty percent of the percentage of marks secured in the High School Examination shall be given to each candidate.

(ii) Twenty percent of the percentage of marks secured in the National Trade Certificate Test /National Apprenticeship Certificate Test shall be given to each candidate, Or Twenty percent of the percentage of marks, secured in Diploma or Degree Examination shall be given to each candidate.

(iii) Fifteen percent of the percentage of the marks secured in CITS/POT test shall be given to each candidate.

¹⁴ (3) The appointed persons will have to complete the CITS/POT and CCC Courses referred to in column 5 of the Appendix and obtain the requisite Certificates at their own expenses within three years from the date of joining and leave shall be granted to them for the said period. If a person is unable to complete the same due to reasons beyond his control, he shall be allowed one more year to complete the said courses. If a person is unable to obtain CITS/POT and CCC certificates within the prescribed period as mentioned in above, he shall not be allowed his first increment.

¹⁵ High Court

¹⁶ Advertisement of 2014 challenged in Writ-A No. 63110/2014 and others; Advertisement of 2015 challenged in Writ-A 21295/2019 and others.

urged was that the SoUP erroneously made CITS certificate a desirable qualification, in supersession of the executive directions issued by the Central Government on 24th July, 1996.

5. The High Court heard a total of 43 petitions together, which were dismissed *vide* the common impugned judgment and order dated 4th January, 2023¹⁷. Aggrieved thereby, the appellants have challenged the impugned judgment which has given rise to these appeals¹⁸.
6. The primary issue that these appeals raise is: whether the 2014 Rules are bad for contravention of the executive directions dated 24th July, 1996 *vide* which the Central Government required CITS certificate to be a mandatory essential qualification?
7. It is to be noted that the 2014 Rules have now been superseded by the Uttar Pradesh State Industrial Training Institute (Instructor and Foreman Instructor) Service Rules 2021¹⁹, wherein National Craft Instructor Certificate has been made an essential qualification.
8. Before we venture to explore the answer to the issue enumerated above, a preliminary objection raised by the SoUP calls for our attention.
9. At the outset, the SoUP argued that the appellants applied under the advertisements with full awareness that acquisition of CITS certificate was only a desirable qualification; hence, they were estopped from challenging the same.

¹⁷ impugned judgment

¹⁸ Leave granted on 21st May, 2026

¹⁹ 2021 Rules

- 10.** The objection sounds to be fair and tenable. If the 2014 Rules were bad, and consequently the advertisements following it were also bad, the appellants should have challenged the same instead of applying for appointment on the posts of INSTRUCTORS knowing fully well that non-CITS certificate holders were also being considered eligible. We do not propose to allow the appellants to raise their voice against the 2014 Rules and/or the advertisements since, admittedly, no question was raised by any one of them before participation in the written examination. The objection being well founded, is upheld.
- 11.** However, though a candidate for a post cannot ordinarily challenge the process of selection where he has participated without objection, law is well-settled that he can do so in a situation where arbitrariness/illegality in the selection process is writ large. After all, the candidate while agreeing to participate in the selection process can neither expect an illegality in the process to be pressed into service to rule out his candidature nor can he be said to have accepted the illegality in it. If indeed illegality in the process is demonstrated to have vitiated the process, notwithstanding his participation, the candidate could be granted relief as the situation would warrant and permit.
- 12.** To satisfy our conscience and to rule out the possibility of illegality having been committed against the appellants, we had *vide* our order dated 13th November, 2025 called for various particulars from the SoUP, viz.:
- (a) What are the dates of presentation of each of the writ petitions, out of which these special leave petitions arise?

- (b) How many candidates were called for interview as against 2498 vacancies?
- (c) Whether the petitioners (except the petitioner Berojgar Audyogik Kalyan) were issued letters to appear for interview?
- (d) Whether any cut-off marks was fixed for the purpose of calling candidates at the interview as well as for offering appointments?
- (e) How many vacancies were sought to be filled up through the process initiated in the years 2015 & 2016?
- (f) Whether the petitioners in Item 10.1 (Kamlesh Kumar Manjhi case) were called upon to attend interview?
- (g) What were the cut off marks for the processes initiated in the year 2015 & 2016?
- (h) How many vacancies remained unfilled pursuant to the process initiated in the years 2014, 2015 & 2016?

13. The State filed a status report dated 19th November, 2025 furnishing part information. It sought further time to provide full information to answer query (c) which was granted on 20th November, 2025. Particulars relating to that query were thereafter furnished by a report dated 3rd December, 2025.

14. On 10th December, 2025, the appellants objected that the report contained particulars of only a few appellants and omitted details of selected candidates who did not possess the CITS certificates. Learned senior counsel for the SoUP assured the Court that complete particulars would be furnished. The SoUP subsequently filed further status reports dated 24th January and 21st February, 2026, furnishing particulars relating to the appellants. It is evident on reading the said reports that the appellants stood excluded from the zone of consideration because they failed to secure the qualifying or cut-off marks for being called to attend the interview.

15. On 24th February, 2026, the appellants again objected that the report dated 24th January, 2026 was incomplete, selective and misleading,

particularly regarding the experience, qualifications and interview status of several appellants, and placed what they claimed to be the correct particulars on record.

16. The information furnished by the SoUP indicates that the selection process was conducted in the manner as noted below:

- a. First, the marks obtained by the candidates in the High School examination were proportionately reduced to a maximum of 50 marks. Second, the marks obtained in the National Trade Certificate Test/National Apprenticeship Certificate Test were reduced to a maximum of 20 marks. Third, the marks obtained in the Craft Instructor Training Scheme (CITS) examination were reduced to a maximum of 15 marks.
- b. On the basis of the aggregate score under these three components, carrying a total of 85 marks, a merit list was prepared for calling candidates for interview. The marks awarded in the interview were reduced to a maximum of 15 marks. Thereafter, the marks obtained in the merit assessment, out of 85 marks, and the interview marks, out of 15 marks, were added to arrive at the final score out of 100 marks.

17. Rule 16 of the 2014 Rules reads as follows:

16. (1) Direct recruitment shall be made by a Selection Committee comprising:-

(i) ***

(ii) ***

(iii) ***

(iv) ***

NOTE - ***

2) Applications for being considered for selection shall be invited by the appointing authority in the form published in the advertisement issued under rule 15.

(3) In making selection for direct recruitment, the merit list of the eligible candidates shall be prepared in the following manner: -

(a) For academic qualifications prescribed for the post, the marks shall be awarded to each candidate in the following manner:

(i) Fifty percent of the percentage of marks secured in the High School Examination shall be given to each candidate.

(ii) Twenty percent of the percentage of marks secured in the National Trade Certificate Test /National Apprenticeship Certificate Test shall be given to each candidate,

Or

Twenty percent of the percentage of marks secured in Diploma or Degree Examination shall be given to each candidate.

(iii) Fifteen percent of the percentage of the marks secured CITS/POT test shall be given to each candidate.

(b) (i) After the results of the evaluations under clause (a) have been received and tabulated the Selection Committee shall hold an interview. If the applications received are large in numbers, then in such situation the number of candidates to be called for interview shall be four times the number of vacancies. For this purpose the merit list of candidates shall be prepared separately on the basis of aggregate of marks obtained by them under clause (3).

(ii) The interview shall carry one hundred marks. Fifteen percent of the marks obtained at the interview shall be given to each candidate.

(4) The marks obtained by each candidate under clause (a) of sub-rule (3) shall be added to the marks obtained by him under clause (b) of sub-rule (3). The final select list shall be prepared on the basis of aggregate of marks so arrived. If two or more candidates obtain equal marks in the aggregate, the candidate obtaining higher marks under clause (a) of sub-rule (3) shall be placed higher in the select list. In case two or more candidates obtain equal marks under clause (a) of sub-rule (3) also, the candidate senior in age shall be placed higher in the select list.

(5) The select list referred to in sub-rule (4) shall be forwarded to the appointing authority.

(emphasis ours)

18. Does Rule 16(3)(b)(i) of the 2014 Rules permit shortlisting? If so, when and to what extent? In our reading Rule 16(3)(b)(i) contemplates shortlisting of candidates only in a situation where applications are received in large numbers; and even, in such an eventuality, the Selection Committee is empowered to restrict the candidates called for interview to four times the number of vacancies by preparing a merit list on the basis of marks obtained under Rule 16(3)(a). in other words,

while the rule envisages a mechanism for reducing the pool of candidates only when their number is disproportionately high, no room is provided for excluding candidates from the zone based solely on the marks secured under sub-clauses (i), (ii) and (iii) of clause 3(a) (supra) and without they being called for interview. In the present case, the situation is exactly the converse. As per the information provided by the SoUP, despite 2,498 vacancies having been advertised in 2014, offer letters could be issued to 2,200 odd candidates. Similar is the case in 2015. The number of offer letters issued is less than the number of vacancies advertised. Therefore, instead of an excess of eligible candidates, a substantial number of advertised vacancies have remained unfilled. This consequence is attributable solely to the prescription of qualifying or cut-off marks by the Selection Committee/SoUP, a criterion which finds no mention in the 2014 Rules. Once the rule-making authority has consciously provided only one mode of shortlisting, namely limiting the candidates to be called for interview to four times the number of vacancies where applications are received in large numbers, it was not open to the Selection Committee/SoUP to superimpose an additional eligibility threshold. The fixation of qualifying or cut-off marks resulted in ouster of a substantial number of candidates including the appellants and, thereby, vacancies remained unfilled despite the availability of candidates otherwise eligible under the Rules. Such fixation has to be characterised as arbitrary and contrary to the

recruitment procedure prescribed by the 2014 Rules as well as the overall object behind them.

19. This aspect has weighed with us. Failure of the Selection Committee/SoUP to follow the 2014 Rules to the tee, more particularly excluding the appellants by fixing an arbitrary qualifying or cut-off marks in the guise of screening eligible candidates though the vacancies advertised out-numbered candidates *prima facie* found eligible, cannot be validated merely on the ground that the appellants participated in the selection process. They could not have visualized, prior to declaration/publication of results, that the Selection Committee/SoUP would not follow the rules for selection. The rules of the game, mid-way, could not have been changed by the Selection Committee/SoUP to the detriment of a number of candidates. Since there has been arbitrariness in State action, which has vitiated the process of selection including non-selection of the appellants, this is sufficient for us to consider the question of grant relief to the appellants, without going into the validity of the 2014 Rules.

20. Now, relief cannot mechanically follow based on the above finding without there being vacancies. Undoubtedly, there were vacancies when the results were declared/published. However, much water having flown under the bridge since then, we had called upon the SoUP to apprise us. The SoUP initially disputed the existence of vacancies where the appellants could be accommodated. We, therefore, called upon the appellants to demonstrate that vacant posts were available for

accommodating such of the appellants who are eligible. In response, the appellants placed on record relevant proceedings of the Uttar Pradesh Legislative Assembly, particularly the "List of Questions for the Department of Vocational Education and Skill Development in the Third Session, 2023, of the 18th House." A question was posed to the Minister of Vocational Education regarding the total number of sanctioned posts of INSTRUCTORS in the Government run ITIs. In response, the Minister stated that as against 7,768 sanctioned posts, 5,220 posts were vacant. Evidently, even in 2023, a substantial number of vacancies were available. We called for an affidavit from the SoUP after noticing the statement of the minister concerned. Although no affidavit was filed, as per the written arguments lastly filed by the SoUP dated 29th May, 2026, presently 5,507 INSTRUCTORS are in position out of 7,768 sanctioned posts.

- 21.** It is true that more than a decade has passed since the impugned advertisements were issued and the process of recruitment was set in motion. Appellants have grown in age, which normally diminishes efficiency. Should the appellants, in such circumstance, be granted any relief?
- 22.** We have given a thoughtful consideration to the issue. Appellants having proved that they were subjected to arbitrary treatment and there being sufficient number of vacancies where they can be accommodated even now, we are of the firm opinion that denying relief to them only because

they have aged would cause injustice to them. However, relief needs to be moulded.

23. Bearing all these in mind, we pass the following directions:

- a. We grant liberty to the members of the Regd. Society, the other appellants and the impleaded candidates to approach the appointing authority with a copy of this judgment within two weeks.
- b. Members of the Regd. Society seeking appointment must place documents before the appointing authority to prove that their membership was valid on the date of presentation of the writ petition by such society.
- c. Appellants (including the members of the Regd. Society) and the impleaded candidates shall be considered for recruitment against the posts which are now vacant in the relevant discipline/trade. If, per chance, the number of eligible appellants exceed the number of available vacancies, supernumerary posts be created for them in the relevant discipline/trade.
- d. Appointments be offered within four months of approach being made, with prospective effect, subject to a further scrutiny that the appellants did possess the requisite qualifications as on the dates they had applied for selection, and upon verification of their antecedents.

- e. A reasoned order shall be passed by the appointing authority, should appointment be declined to any appellant. Such order must be communicated to him without any delay.
- f. Since the appellants, the members of the Regd. Society and the impleaded candidates were not interviewed, the respondents would hold the interview of the candidates at the earliest, determine the *inter-se* merit as per the rules and proceed to appoint the eligible candidates.
- g. Once appointed, the appellants will be entitled to all benefits (other than back wages, seniority and promotion) while in service.
- h. Appellants will also be eligible for pension if, after appointment, they qualify for pension as per the prevalent rules.
- i. If gratuity is paid to the INSTRUCTORS at the time of retirement on superannuation, the appellants shall also be entitled to the same subject to being qualified therefor.

24. The appeals are allowed on the aforesaid terms.

25. Pending applications, if any, are disposed of.

.....J.
(DIPANKAR DATTA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI.
July 24, 2026.