



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

CIVIL APPEAL NO.....OF 2025

(Arising out of Special Leave Petition (Civil) No. 21353 of 2024)

HIGH COURT OF MADHYA PRADESH & ANR. APPELLANTS
VERSUS
JYOTSNA DOHALIA & ANR. RESPONDENTS

J U D G M E N T

ATUL S. CHANDURKAR, J.

1. Leave granted.
2. The High Court of Madhya Pradesh through its Registrar General is aggrieved by the exercise of review jurisdiction by the Division Bench of the Madhya Pradesh High Court in proceedings relating to the recruitment of Judicial Officers under the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994.
3. Facts relevant for considering the challenges as raised are that the Madhya Pradesh Judicial Service (Recruitment and Conditions of Service) Rules, 1994 (for short, hereinafter referred to

as “the Rules”) govern the field of recruitment of Judicial Officers in the State. The eligibility criteria for candidates who seek appointment on the post of Civil Judge (Entry Level) is prescribed therein. Rule 7 of the said Rules came to be amended on 23.06.2023 as a result of which only such candidate, who had been in continuous practice as an Advocate for at least three years or had secured 70 percent or above marks in so far as General Category and Other Backward Classes Category were concerned and 50 percent or more in respect of candidates belonging to the Scheduled Castes and Scheduled Tribes categories in his/her first attempt without ATKT was eligible to apply.

4. On 17.11.2023, the High Court issued an advertisement for recruitment on about 199 posts of Civil Judge (Entry Level). 61 of these posts pertained to the year 2022. Of the remaining 138 posts, 6 posts were earmarked for Persons with Disabilities, 17 posts were for General category candidates, 11 posts were for Scheduled Caste candidates, 109 posts were for Scheduled Tribe candidates and 01 post for the Other Backward Class candidates. The validity of amended Rule 7 of the Rules was the subject matter of challenge in various writ petitions filed before the High Court. The issue had reached this Court and by an order dated 15.12.2023 passed in Writ Petition (Civil) No.1380 of 2023 (Monica Yadav and Others Vs. High Court of Madhya Pradesh and Another), all the candidates who were

eligible in accordance with the Rules prior to their amendment on 23.06.2023 were permitted to participate in the recruitment process. Such participation was made subject to outcome of the challenge to the vires of the Rules that was pending before the High Court.

5. The result of the preliminary examination came to be declared on 10.03.2024. The respondents herein who had participated in the recruitment process secured 112 marks and 108 marks respectively. The cut-off marks were 113. The main examination was thereafter held on 30-31.03.2024. The High Court vide its judgment dated 01.04.2024 decided various writ petitions raising a challenge to the validity of the Rules of 1994. In so far as the challenge to the amendment of Rule 7(g) of the Rules of 1994 was concerned, the same was negated. Special Leave Petition (Civil) No.9570 of 2024 (Garima Khare Vs. The High Court of Madhya Pradesh and Another) challenging the aforesaid judgment dated 01.04.2024 came to be dismissed on 26.04.2024. Thereafter, on 07.05.2024, Writ Petition (Civil) No.12399 of 2024 preferred by the respondents raising challenge to the results of the preliminary examination came to be dismissed. The High Court held that both the respondents had secured marks that were below the cut-off marks and hence they could not be permitted to participate in the main examination.

6. The respondents thereafter filed a review application on 25.05.2024 seeking recall of the order dated 07.05.2024 passed by

the High Court dismissing their writ petition. The Division Bench in exercise of review jurisdiction proceeded to hold that the order dated 07.05.2024 suffered from various errors. In view of the fact that ineligible candidates were likely to appear in the main examination and would secure appointment on the post of Civil Judge (Entry Level), the Division Bench after invoking review jurisdiction recalled the order passed on 07.05.2024. The High Court was thereafter directed to exclude all such candidates who had passed the preliminary examination held on 14.01.2024, who did not satisfy the eligibility criteria under the Rules of 1994 as amended. A further direction was issued to re-compute the cut-off marks by applying the ratio of 1:10. A further direction was also issued that a fresh main examination be held in respect of those eligible candidates who had secured marks between the earlier cut-off (113 marks) and the re-computed cut-off marks. Till the said process was completed, the High Court was restrained from proceeding ahead with the recruitment process that had commenced pursuant to the advertisement dated 17.11.2023. Being aggrieved by the order dated 13.06.2024, the High Court through its Registrar General and its Examination Department have come up in appeal.

7. It may be stated that on 23.09.2024 while issuing notice in the Special Leave Petition, the contention raised on behalf of the appellants that only those candidates who had satisfied the eligibility

criteria had been permitted to appear in the examination was recorded. Thereafter, the operation of the order under review dated 13.06.2024 came to be stayed. It may be noted that when the present litigation was pending, the challenge to the validity of Rule 6A of the Rules of 1994 in so far as it excluded visually impaired candidates from seeking appointment in Judicial Service came to be struck down. Similarly, Rule 7 of the Rules of 1994 to the extent it was applicable to candidates from the Persons with Disability category also came to be struck down. A further direction was issued by this Court permitting the appellants in the said proceedings to participate in the recruitment process, subject to the observations made in the judgment dated 03.03.2025 passed **In Re: Recruitment of Visually Impaired in Judicial Services**¹. When the said decision was brought to the notice of this Court on 08.08.2025, the following order was passed in the present proceedings:

- “1. Learned counsel appearing for the parties have brought to our notice the judgment of this Court in the Recruitment of Visually Impaired in Judicial Services, the case arising out of the advertisement dated 17.11.2023 under the Madhya Pradesh Judicial Service (Recruitment and Condition of Service) Rules, 1994.
2. Learned counsel appearing for the High Court will take instructions as to whether a similar exercise can be undertaken in the present case. Incidentally, that is also the direction of the Division Bench of the High Court vide its order dated 13.06.2024.
3. List the matter on 14.08.2025.”

¹ 2025 INSC 300

8. Pursuant to the said order, an affidavit has been filed by the Registrar (I & L) High Court of Madhya Pradesh dated 23.08.2025 stating therein that the matter was placed before the Recruitment Committee which noted that no ineligible candidate who had been declared successful in the main written examination would be considered and that only those candidates who fulfilled the amended eligibility criteria would be called for interview. Conduct of a third main written examination would result in various difficulties. It is in the aforesaid backdrop that the learned counsel for the parties have been heard.

9. Mr. Ashwani Kumar Dubey, learned counsel for the appellants at the outset submitted that the High Court committed an error in exercising review jurisdiction and issuing the impugned directions. According to him, when the writ petition filed by the respondents herein was decided on 07.05.2024, the validity of Rule 7(g) of the Rules of 1994 had been upheld. The respondents having not secured the cut-off marks, there was no basis whatsoever for the High Court in exercise of review jurisdiction to re-open the proceedings and direct the appellants to conduct the third main examination by re-computing the cut-off marks. Merely by stating that there was an error apparent on the face of the record for invoking review jurisdiction, the High Court proceeded to re-open the matter and thereafter take a different view thereby substituting

its earlier view. Such exercise was not permissible in exercise of review jurisdiction. In that regard, the learned counsel has placed reliance on the decisions passed in **Northern India Caterers Vs. Governor of Delhi**² and **Kamlesh Verma Vs. Mayawati**³. It was then submitted that the impugned exercise undertaken by the High Court was on an incorrect premise that ineligible candidates were likely to be appointed pursuant to the advertisement dated 17.11.2023. It was the specific case of the appellants that no ineligible candidate would be considered for appointment and hence the entire basis for the High Court to have undertaken such exercise in review jurisdiction was impermissible. It was also incorrect to state that the earlier cut-off marks would be reduced to enable those candidates, who had scored lesser marks than the cut-off marks to be considered for appointment. Merely on the ground that a second main examination was held for physically impaired candidates, the same could not be the basis for directing a third main examination to be conducted. Moreover, the candidates who were successful in the preliminary examination had not been impleaded as parties in the review petition and the impugned direction causing prejudice to them was issued in their absence. Reliance was placed on the decision in **Canara Bank Vs. Debasis Das**⁴ in this regard. It was

² (1980) 2 SCC 167

³ (2013) 8 SCC 320

⁴ (2003) 4 SCC 557

also necessary to bear in mind that the advertisement in question sought to fill up vacancies of the year 2022, while the impugned exercise was directed to be undertaken in 2025. It was, thus, submitted that for the aforesaid reasons the impugned order dated 13.06.2024 passed by the High Court, in exercise of review jurisdiction, was liable to be set aside.

10. On the other hand, Mr. Rohit Amit Sthalekar, learned counsel for the respondents supported the impugned order. According to him, the High Court was justified in exercising review jurisdiction by issuing a direction to re-compute the cut-off marks and thereafter hold an additional main examination. It was undisputed that all candidates irrespective of their eligibility in accordance with the Rules of 1994, as amended, had been permitted to appear in the preliminary examination. As a result of participation of such candidates, the cut-off marks had been determined. The respondents though eligible for appointment were being deprived of an opportunity to appear in the main examination only on the ground that they did not obtain the requisite cut-off marks. After the names of the ineligible candidates were deleted, the cut-off marks would be lowered down, thus, entitling the respondents of having an opportunity to appear in the main examination. The appellants proceeded on a misconception that the cut-off marks were sacrosanct and irreversible. There was a distinction between the

eligibility criteria and prescription of cut-off marks. The fact that 194 candidates were found eligible after re-computation of the cut-off marks indicated the error that was committed by the High Court in its order dated 07.05.2024. Since, the High Court had conducted a second main examination for physically impaired candidates, there was no reason for not conducting another main examination for candidates who were otherwise eligible and entitled to appear for such examination on the basis of the re-computed cut-off marks. It was, thus, submitted that the High Court did not commit any error in exercising review jurisdiction. Hence, no interference with the impugned order was called for and the appeal was liable to be dismissed.

11. We have heard the learned counsel for the parties at length. We have perused the documentary material on record and also considered the various decisions relied upon by the learned counsel for the parties. In our view, the impugned order dated 13.06.2024 passed by the High Court, in exercise of review jurisdiction, is liable to be set-aside on the ground that the High Court exceeded its jurisdiction while reviewing the earlier order dated 07.05.2024. It is seen that in the writ petition preferred by the respondents before the High Court, a challenge was raised by them to the results of the preliminary examination declared on 10.03.2024. The respondents also prayed that the marks be re-evaluated in accordance with the

new eligibility criteria and the results be revised accordingly. When the said writ petition was decided on 07.05.2024, the validity of Rule 7 of the Rules of 1994 had been upheld by the High Court in another batch of writ petitions decided on 01.04.2024. The respondents contended before the High Court that as the validity of the amended Rules had been upheld, there was a likelihood of scrutiny of all candidates before publishing the final list. As a result, it was likely that the respondents, who had not secured the cut-off marks would have an opportunity of achieving the benchmark after re-computation of the cut-off marks. The High Court while dealing with the said submission held in paragraph No.4 of its judgment dated 07.05.2024, as under:-

“4. However, it is argued before this Court that the preparation of the preliminary examination result was in pursuance to the unamended rules as the interim relief was granted and all the candidates were permitted to continue. However, the cut off was 113 marks and it is an admitted position that both the petitioners have not achieved the target. The preliminary examination was only to consider the eligibility of the candidates and if the candidates are eligible they are to be called for appearing in the main examination in the ratio of 1:10. It is nowhere mentioned in the writ petition that how a candidate who cannot even touch the cut off marks can be permitted to appear in the main examination and how the result of the preliminary examination which was prepared by the examination cell is defective. It is only an apprehension of the petitioners that once the validity of the amended rules has been upheld by the Division Bench of this Court as well as by the Hon'ble Supreme Court then there will be a scrutiny of the candidates which will be done prior to preparation of the main results and all those candidates who are not having the benchmark in terms of the amended rules they will be thrown out of the final list. Therefore, there is every

possibility that the petitioners may have chance now of achieving the benchmark, but the fact remains that the petitioners could not even attain the cut off marks in the preliminary examination. The sorting of the candidates after the main examination is over will not create any possibility that the candidates who have not even attained the benchmark in the preliminary examination, their names can be considered in the preliminary examination list or in the main list. In absence of any explanation that could be given by the petitioners to the aforesaid, no benefit could be extended to them. Even otherwise all the candidates were permitted to appear in the examination in terms of the interim order granted by the Hon'ble Supreme Court but once the validity of the amended rules has been upheld by the Hon'ble Supreme Court in SLP (C) No.9570 of 2024 no benefit can be extended to the petitioners. The admitted position being that cut off marks in the eligibility examination could not be obtained by the petitioners, no relief can be extended to them."

(Emphasis supplied)

12. From the aforesaid discussion, it can be seen that the contention raised by the respondents as regards re-computation of cut-off marks was only on the basis of their apprehension. The High Court found that excluding ineligible candidates would not result in reducing the cut-off marks and there was no likelihood of the respondents being considered for the final examination. The respondents could not furnish any explanation in that regard. Thus, the contention raised by the respondents based on a likelihood of reduction in the cut-off marks having been turned down, it was not open for the High Court, in exercise of review jurisdiction, to reconsider the very same contention and hold otherwise. Such exercise could have been undertaken only in exercise of appellate jurisdiction and not in exercise of review jurisdiction. A perusal of the

impugned order indicates that the High Court has proceeded on the premise that it was necessary to weed out ineligible candidates, who had provisionally appeared in the preliminary examination by assuming that there was a likelihood of ineligible candidates securing appointment.

13. We find that all these contentions raised by the respondents had been duly considered by the High Court, when it dismissed their writ petition on 07.05.2024. In the facts of the present case, there was no occasion to invoke review jurisdiction and direct holding of a fresh main examination, more so, when the advertisement had been issued on 17.11.2023 and the recruitment process continued till June 2024. The conduct of a second main examination in so far as physically impaired candidates were concerned, would not enure to the benefit of the respondents since the scope of those examinations was distinct and it was restricted only for physically impaired candidates. Even on this ground review jurisdiction could not have been invoked.

14. The affidavit filed by the Registrar (I&L) pursuant to the order passed by this Court on 08.08.2025 in the present Special Leave Petition indicates in clear terms that no ineligible candidate though successful in the main written examination would be called for interview. Thus, the apprehension expressed by the respondents, though unfounded, stands answered.

15. For all these reasons, the impugned order dated 13.06.2024 passed by the High Court in exercise of review jurisdiction is set aside. Review Petition No.620 of 2024 filed by the respondents stands dismissed. The appellants shall conclude the recruitment process initiated pursuant to the advertisement dated 17.11.2023 at the earliest. The appeal is allowed in the aforesaid terms, leaving the parties to bear their own costs.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI,
SEPTEMBER 23, 2025.