



**Constitutional Bench Update:**

**Tej Prakash Pathak v. Rajasthan  
High Court**

**(Changing Rule of Game During  
Selection Process)**



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**Bench: Justices Indira Banerjee,  
Hemant Gupta, Surya Kant, MM  
Sundresh, Sudhanshu Dhulia**

**Case Admitted on:  
March 20, 2013**

**Last Date of Hearing:  
September 13, 2022**

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# Background of the Case

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- The High Court of Rajasthan initiated a recruitment process for filling up 13 posts of translators.
- After the exam was conducted, the Chief Justice ordered that only those candidates who secured a minimum of 75% marks be selected to fill up the posts in question.
- While nothing on these lines was provided in the service rules, thereby giving rise to the issue in the instant case.

The appellants contended that the decision of the Chief Justice amounts to “changing the rules of the game after the game is played”.

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- On 20th March, 2013, a 3-Judge Bench of the Supreme Court ordered that the matter be placed before the Hon'ble Chief Justice of India for appropriate orders. Currently, the matter is being heard by a Constitution Bench.
- On the last date of hearing i.e. 13-09-2022, the Bench ordered that these matters be placed before Hon'ble Chief Justice of India for constitution of an appropriate Bench, at the earliest.

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# Issues under Consideration



There primary issue is:

- Can the rules of the game be changed after the game is played and the result of the game is known to the selectors’?

In the instant case, it means that can the criteria of recruitment be changed after the examination has been conducted?



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+91-120-4014524



[contact@manupatra.com](mailto:contact@manupatra.com)