



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

208+103

CWP-5435-2022 (O&M)
Date of decision: 03.07.2026

Rakesh Punia

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sunil K. Nehra, Senior Advocate with
Mr. Viren Nehra, Advocate
for the petitioner.

Mr. Balvinder Sangwan, Advocate and
Mr. Krishna Maurya, Advocate
for respondent No.3 (HPSC).

NIDHI GUPTA, J.CM-1732-2026

Prayer in the present Application under Section 151 CPC is for disposal of the above-mentioned Writ Petition in terms of the decision of this Court in **CWP No. 4616 of 2023** titled as "**Prasoon Sharma Vs. State of Haryana and Another**" decided on 15.01.2026 (Annexure A-1).

2. It is *inter alia* submitted by learned Senior Counsel for the applicant/petitioner that an advertisement No. 2(2012) dated 29.9.2016 (Annexure P-1), was issued by the Haryana Public Service Commission on 29.09.2016 vide which two temporary posts of Project Officer, Class II (Group B) for the Renewable Energy Department, Haryana were advertised. The essential qualifications for applying to the above said



post were mentioned in clause 2 of the said advertisement; as per which 2 years' experience in Planning, Development and implementation of renewable energy programmes related to Rural Sector Development, was required. As the petitioner fulfilled the eligibility criteria, petitioner had applied in pursuance to the above said advertisement. However, vide impugned order dated 10.03.2022 (Annexure P-10), candidature of the petitioner has been rejected by the respondent-Commission on the ground that the petitioner did not "*..... submit any documentary proof i.e., salary deposit in bank account/ EPF/ESI statement/income tax form-26AS/ any other government document in support of experience. Further, it was mentioned in the impugned order that now no representation/appeal against final rejection of your candidature will be entertained by the Commission.*"

3. Subsequently vide another impugned announcement dated 11.03.2022 (Annexure P-12), candidates were called for interview to be held on 22.03.2022. The petitioner has impugned this announcement to the extent that his Roll No. is not mentioned therein.

4. Learned Senior Counsel for the petitioner contends that the impugned orders are unsustainable and candidature of the petitioner has been wrongly cancelled as, in the advertisement (Annexure P-1) there is nothing mentioned that alongwith application, petitioner was required to submit any documentary proof regarding his salary deposit in bank account/ EPF/ESI Statement/ income tax form-26AS/ any other government document in support of experience. The petitioner had



submitted all the requisite documents on 04.02.2022 and also through email on 11.01.2022. As such, candidature of the petitioner should not have been rejected on the ground that petitioner had failed to append the necessary documents with his application form.

5. It is further contended that the Commission is only a recruiting agency; and it is only the employer i.e. the Department of Renewable Energy, Government of Haryana which is competent to examine correctness of the documents submitted by the petitioner.

6. Learned Senior Counsel further points out that the present case is squarely covered by a judgment dated 15.01.2026 (Annexure A-1) rendered by a Coordinate Bench of this Court in **CWP-4616-2023** titled as **Prasoon Sharma vs. State of Haryana and another, decided on 15.01.2026, neutral citation No. 2026:PHHC 007752**. Learned Senior Counsel takes this Court through the said judgment and submits that facts and issues involved in both the cases are identical; inasmuch as in the relied-upon case also, candidature of the petitioner therein had been cancelled by the Commission; which cancellation was set aside vide the judgement-order dated 15.1.2026. Hence, it is accordingly prayed that the present application be allowed; and the present Writ Petition be disposed of in terms of judgment dated 15.01.2026 passed in CWP-4616-2023 (Annexure A-1).

7. Notice of motion.

8. Learned counsel for respondent No. 3/Commission appearing through V.C. accepts notice; and at the very outset concedes that the



present case is covered by the aforesaid judgment dated 15.01.2026 passed in **CWP-4616-2023** titled as **Prasoon Sharma supra**; whereby the order impugned therein rejecting candidature of the petitioner therein, had been set aside.

9. It is also pointed out that against the judgment dated 15.01.2026 passed in **CWP-4616-2023** in case of **Prasoon Sharma supra**, an **LPA-801-2026** titled as **Haryana Public Service Commission vs. Prasoon Sharma and another** was preferred by the Commission. Although the said LPA was ultimately disposed of vide order dated 1.4.2026, however, the Hon'ble Division Bench had modified certain observations of the learned Single Judge with regard to the role of the recruitment agency. It is also pointed out that as observed by the Division Bench in para 6 of the order dated 1.4.2026, any document submitted by the petitioner shall be subject to verification. It is prayed that a similar enquiry in respect of the genuineness of the documents submitted by the petitioner, is also required to be made in the present case.

10. It is lastly submitted that vide the announcement dated 13.1.2022 (Annexure P-6), the petitioner had been duly informed that he was required to submit the following documents: -

- "1. Proof of month wise salary deposit in bank account.*
- 2. EPF/ESI statement to tally with experience certificate issued by the Institution.*
- 3. Income Tax Form-26AS to link with the experience certificate issued by the Institution.*



4. Any other Govt. document which help in checking validity of experience certificate.”

11. It is contended that accordingly, petitioner cannot state that he had no information that the aforesaid documents were also required to be submitted for consideration of his candidature. Yet, the petitioner failed to do the needful. As such, it cannot be stated that the impugned orders suffer from any infirmity.

12. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file. I find merit in the submissions advanced on behalf of the petitioner.

13. Vide advertisement dated 29.09.2016 (Annexure P-1), the Haryana Public Service Commission/respondent No.3 herein had advertised 2 temporary posts of Project Officer, Class-II (Group-B) for the Renewable Energy Department, Haryana. Perusal of the said advertisement shows that the essential qualification required for applying to the said posts was as follows: -

“Essential Qualifications:

(i) Masters Degree in Physics/ Chemistry/ Mathematics/ Operational Research with atleast 60% marks or equivalent degree;

OR

Bachelor Degree in Electrical /Mechanical/ Chemical/ Computer/ Agricultural Engineering or equivalent degree with atleast 60% marks.

(ii) Hindi/ Sanskrit upto Matric Standard.



(iii) Two years experience in Planning, Development and implementation of renewable energy programmes related to Rural Sector Development.”

14. The petitioner applied for the same. As per the advertisement the cut-off date for submission of online application was stipulated as 28.10.2016. The petitioner had duly submitted his application before the cut off date and also submitted the requisite documents in prescribed format. Upon scrutiny, no infirmity was found in the application submitted by the petitioner. Consequently, he was allotted roll no.59 by the Commission.

15. However, subsequently petitioner received impugned order dated 23.12.2021 (Annexure P-4) from the Commission that his candidature was rejected as he did not possess the requisite experience as per the advertisement. It was further mentioned in the said order dated 23.12.2021 that if petitioner had any objection against the rejection, he could make a representation within seven days. Thereafter, another impugned communication dated 7.1.2022 (Annexure P-5) to this effect was received by the petitioner informing that as petitioner had failed to submit any representation against the order dated 23.12.2021, therefore, his candidature stood rejected.

16. It has been contended by learned counsel for the Commission that vide announcement dated 13.1.2022 (Annexure P-6), petitioner had been informed about the documents required to be submitted; yet, petitioner had failed to do so. However, a perusal of the



announcement dated 13.1.2022 (Annexure P-6) shows that it is stated therein that candidates whose names were mentioned in the said announcement, had not submitted the requisite documents and hence, they were again directed to submit the required documents through email by 14.1.2022. However, name of the petitioner is not mentioned in the said announcement dated 13.1.2022.

17. Nonetheless, the petitioner had submitted all requisite documents including proof of educational qualifications, experience letters, payment detail, et cetera, along with forwarding letter on dated 4.2.2022 (Annexure P-9); and also through email dated 11.1.2022 (Annexure P-13). Thus, all stipulated documents were duly provided by the petitioner. Despite that, respondent-Commission issued another announcement dated 21.2.2022 (Annexure P-7), calling upon the candidates mentioned therein to submit the documents by 28.2.2022. The name of the petitioner was mentioned in this announcement dated 21.2.2022, despite the fact that he had already submitted all the necessary documents on 4.2.2022. Again, vide email dated 25.2.2022 (Annexure P-14), petitioner submitted his Income Tax Returns and other documents.

18. However, without advertng to the petitioner's above, said communications dated 4.2.2022, 11.2.2022, and 25.2.2022, the respondent-Commission passed the impugned order dated 10.3.2022 (Annexure P-10), and impugned announcement dated 10.3.2022 (Annexure P-11), rejecting the candidature of the petitioner on the



ground that “..... you have not submitted the documentary proof i.e. salary deposit in bank account/EPF/ESI statement/Income Tax Form-26AS/ any other Govt. document in support of experience as claimed by you in your online application. In this regard you were directed through e-mail as well as through an announcement issued by the Commission on 13.01.2022 and 21.02.2022 but you have not complied with the above directions. Accordingly, the Commission has considered the matter and decided to finally reject your candidature and now no representation/ appeal against final rejection of your candidature will be entertained by the Commission.”

19. Clearly, the aforesaid reasons are arbitrary and constitute no ground for rejection of the application of the petitioner as, as enumerated hereinabove, petitioner has duly submitted all documents required by the Commission. A perusal of the communications dated 4.2.2022 (Annexure P-9), 11.2.2022 (Annexure P-13), and 25.2.2022 (Annexure P-14), shows that petitioner has submitted detailed documents to demonstrate fulfilment of qualification necessary for appointment to the advertised post. It is to be noted that the advertisement itself did not provide for any condition regarding submission of documents for verification of experience certificate, et cetera. The said documents were firstly asked for by the Commission from the petitioner, only vide communication dated 21.2.2022 (Annexure P-7).



20. Even otherwise, when the petitioner had appeared for documents verification after submission of his online application form, upon scrutiny, no objection was raised by the respondent-Commission regarding incomplete documents. It is only vide the impugned order dated 10.03.2022 (Annexure P-10) and impugned announcement dated 10.3.2022 (Annexure P-11) that petitioner was informed regarding the rejection of his candidature for the aforementioned reasons.

21. As already noted hereinabove, admittedly, the said reasoning/similar impugned orders passed by the respondent No.3-Commission have been set aside by the Coordinate Bench vide order dated 15.01.2026 passed in **Prasoon Sharma's case supra** (Annexure A-1), after considering the entire aforesaid issue in detail. As conceded by learned counsel for respondent No.3-Commission, similar issue of veracity of the experience certificate was raised in the said petition in **Prasoon Sharma's case supra** (Annexure A-1), which was allowed by the Coordinate Bench; and after getting the experience certificate verified from the employer i.e. the concerned department, the petitioner therein was granted appointment.

22. Admittedly, **LPA-801-2026** titled as **Haryana Public Service Commission vs. Prasoon Sharma and another**, filed by respondent-Commission has also been disposed of by a Division Bench of this Court vide order dated 01.04.2026. The relevant paras 6 and 8 of the said order dated 1.4.2026, read as under: -



“6. Before we proceed further, we may note that on the relevant aspect relating the correctness of the experience certificate of the writ petitioner with the private employer, an inquiry has been got conducted, in which, such experience certificate has been found to be credible in terms of order dated 09.07.2025, passed by the writ Court. Once in the inquiry, the correctness of the certificate issued by the private entity has been found to be valid, we take no exception to the direction issued by the learned Single Judge to accord consideration to the claim of the writ petitioner for appointment and to such extent the challenge laid to the judgment of the learned Single Judge, fails. The Commission shall, therefore, proceed further in terms of the order of the learned Single Judge for appointment to the writ petitioner.

XXX XXX XXX

8. We also find merit in the observation of the learned Single Judge that the genuineness of documents constituting eligibility is ultimately required to be determined by the employer, i.e., the State; however, a prima facie scrutiny of such documents by the Commission for the purpose of determining eligibility cannot be faulted.”

23. Consequentially, the present application is **partly allowed**; and the present writ petition is **disposed of** in terms of the judgment dated 15.01.2026 passed by the Coordinate Bench in **Prasoon Sharma’s case supra** (Annexure A-1); and as modified by the Hon’ble Division Bench vide order dated 01.04.2026 passed in **LPA-801-2026** titled as **Haryana Public Service Commission vs. Prasoon Sharma and another.**

Needless to say, prior to issuance of any letter of appointment, any documents submitted by the petitioner will also be subject to

verification to determine the eligibility of the petitioner. It is accordingly directed that the qualifications regarding the experience of the petitioner be verified from the employer i.e. the Concerned department and if the same are found to be genuine similar relief as granted in case of **Prasoon Sharma supra** be granted to the petitioner.

24. Pending application(s) if any also stand(s) disposed of.

03.07.2026

Divyanshi

Whether speaking/reasoned:
Whether reportable:

(NIDHI GUPTA)

JUDGE

Yes/No
Yes/No