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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision : 06.07.2026

1. CWP-27494-2025 (O&M)

MANDEEP KAUR AND OTHERS Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS Respondents

2. CWP-17724-2025 (O&M)

MANOJ GOYAL AND OTHERS Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS Respondents

3. CWP-28577-2025 (O&M)

PARGAT SINGH AND OTHERS Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS Respondents

4. CWP-26253-2025 (O&M)

RAJINDER SINGH Petitioner

VERSUS

STATE OF PUNJAB AND ANOTHER Respondents

5. CWP-11020-2020 (O&M)

RAVINDER KUMAR AND ANR Petitioners

VERSUS

STATE OF PUNJAB AND OTHERS Respondents

Present: Mr. Gurminder Singh Gill, Senior Advocate with Mr. J.S Gill and Mr. Abhishek Kumar, Advocate for the petitioner(s) in CWP No.27494 of 2025 and CWP No.17724 of 2025.

Mr. Shreesh Kakkar, Advocate for Mr. Kapil Kakkar, Advocate for the petitioner(s) in CWP No.11020 of 2020 and CWP No.19859 of 2020.

Mr. Sunny Singla, Advocate for the petitioner in CWP No.26253 of 2025.

Mr. Gunjan Mehta, Additional Advocate General, Punjab for the respondent-State.

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present are the bunch of five petitions, the details of which are mentioned in the heading, involving common question of law in the context of common set of facts and thus they are being decided by a common order. For the sake of convenience and better understanding, the facts are drawn from CWP No.17724 of 2025 (O&M).

2. In the present bunch of petitions, the challenge is to the impugned letter dated 12.05.2025 (Annexure P-11) issued by the Government, whereby the advertisement dated 22.10.2020 (Annexure P-4) for 173 posts of Principal has been withdrawn by the respondent-State.

3. Certain facts needs to be noticed for the correct appreciation of the issue in hand.

4. The Punjab Public Service Commission issued an advertisement dated 22.10.2020 inviting applications for 173 posts of Principal, to be filled up in accordance with the Punjab Educational Service

(School and Inspection Cadre General) Group “A” Service Rules, 2018 (for short, “the 2018 Rules”) as amended by the Punjab Educational Service (School and Inspection Cadre) Group A Service (1st Amendment) Rules, 2020 (for short, “the 2020 Rules”).

5. Before the selection process could commence, the said advertisement dated 22.10.2020 along with the 2018 Rules, as amended in the year 2020, was challenged in CWP No.10646 of 2020 and other connected cases. While issuing notice of motion, the respondents were directed not to finalise the said selection process, keeping in view the fact that the Rules on the basis of which the advertisement was issued were under scrutiny before this Court.

6. During the pendency of the said writ petitions, and since the selection process pursuant to the advertisement dated 22.10.2020 could not be finalised, thereby causing prejudice to the candidates, the State relooked into the 2018 Rules, as amended in the year 2020, and sought the opinion of the competent authority regarding the action required to be taken so that the vacant posts of Principal could be filled at the earliest.

7. The respondent-State obtained an opinion that, under the 2018 Rules when amended in the year 2020, only the employees working with the Government of Punjab were made eligible, whereas all others, including candidates working with the Chandigarh Administration or other States, had been rendered ineligible, accordingly, the opinion given was to withdraw the advertisement dated 22.10.2020 and reconsider the 2020 amendment of the 2018 Rules.

8. The respondent-State of Punjab accepted the said opinion and withdrew the advertisement dated 22.10.2020 vide notice dated 12.05.2025, a copy of which has been appended as Annexure P-11 in the present writ petition.

9. Not only was the advertisement dated 22.10.2020 withdrawn, but the 2018 Rules, as amended in the year 2020, were also amended vide Notification dated 12.09.2025. Keeping in view the amendment carried out vide Notification dated 12.09.2025, the respondent-State of Punjab decided to extend the eligibility to all persons who are working in Government Schools throughout India as it existed prior to the amendment of 2018 Rules in the year 2020.

10. The respondent-State of Punjab has informed this Court with the submission that the posts in question shall be advertised afresh in accordance with the amendment carried out on 12.09.2025 in 2018 Rules and the recruitment shall be conducted accordingly.

11. We have heard learned counsel for the respective parties and have gone through the records of the present bunch of petitions with their able assistance.

12. Learned Senior counsel appearing on behalf of the petitioner(s) argues that once a particular advertisement had been issued and despite the challenge to the 2018 Rules as amended in 2020 with regard to terms and conditions of eligibility, this Court had permitted continuation of the selection process and a written examination had also been conducted, merely

because there was an interim order restraining finalisation of the selection process would not confer any right upon the respondent-State to withdraw the said advertisement. It is contended that the respondent-State is bound to fill up the 173 posts in question in accordance with the 2018 Rules existing on the date of issuance of the advertisement, ignoring the subsequent amendment of the Rules in 2025 whereby the eligibility criteria were enlarged again as it existed prior to 2020 amendment.

13. Learned Senior counsel for the petitioner(s) further argues that the aforesaid proposition of law is covered by the judgment of the Division Bench of this Court in ***LPA No.1861 of 2018 titled Nidhi Sharma and others vs. State of Haryana and others, decided on 11.05.2022***, wherein withdrawal of the advertisement on the ground that the Rules had been amended was held to be unsustainable, and a direction was issued to conduct the selection for the posts advertised prior to the amendment in accordance with the unamended Rules.

14. Learned counsel for the respondent-State, on the other hand, submits that once the eligibility criteria prescribed in the advertisement were challenged before this Court and, upon consideration thereof, the respondent-State realised that only a particular section of candidates working with the State of Punjab had been made eligible, which amounted to 100% reservation, the State decided to amend the 2018 Rules again so as to extend eligibility to all persons having experience of working in any Government School throughout India so as to withdraw 2020 amendment to 2018 Rules. It is, thus, submitted that the prayer of the petitioner(s) that they had

acquired a right to seek a direction from this Court to take the advertisement dated 22.10.2020 to its logical end by making final selection and appointments, is misconceived.

15. Learned Senior counsel appearing on behalf of the petitioner(s) submits that though a ground is being taken with regard to the amendment of the 2018 Rules carried out on 12.09.2025, the said amendment to Rules came into existence only after the withdrawal of the advertisement. Hence, the amendment of the Rules cannot be taken as a ground to justify the withdrawal of the advertisement dated 22.10.2020. It is submitted that the said withdrawal can only be examined on the basis of the reasons recorded in the impugned order and not on the basis of any subsequent event.

16. It may be noticed that after the advertisement was issued by the respondent-State on 22.10.2020 advertising 173 posts of Principal. The issue with regard to eligibility arose in view of the 2018 Rules, as amended in the year 2020. The grievance raised before this Court was that the 2018 Rules, as amended in the year 2020, reserved 100% posts for employees working under the Director Public Instructions, Government of Punjab, and excluded other eligible candidates coming from other States, including Chandigarh, which city, otherwise, was also required to be considered as part and parcel of Punjab, keeping in view the settled principles of law.

17. Though the Government opposed the challenge wherein the 2018 Rules, as amended in the year 2020, were under challenge, it is a matter of fact that after the selection process was directed not to be finalised by this Court, the Government reconsidered its stand by obtaining an expert

opinion on the issue as to whether direct recruitment should be restricted only to candidates working under the Director Public Instructions, Government of Punjab or whether the scope of eligibility was required to be enlarged as it existed prior to the amendment carried out in 2020 to 2018 Rules. And the opinion received was that the 173 posts of Principal should be withdrawn, the same also meant that, the 2018 Rules were required to be amended in case the Government intended to change its stand so as to provide an equal opportunity to all candidates having experience of rendering service in a Government School throughout India to be eligible to compete for direct recruitment.

18. It is a conceded position that, upon receiving the expert opinion, the advertisement issued in 2020 was withdrawn and the said decision was followed by amendment of the Rules on 12.09.2025, whereby, for direct appointment to the post of Principal and other posts governed by the 2018 Rules, any candidate having experience from a Government School throughout India would be treated as eligible.

19. Hence, prima facie, once the eligibility zone has been enlarged by virtue of the amendment carried out in the year 2025, accepting the prayer of the petitioner(s) would mean that the challenge raised to the 2018 Rules, as amended in the year 2020, and the grievance though accepted by the State, would have to be ignored so as to restrict the eligibility for appointment pursuant to the advertisement dated 22.10.2020 only to those personnel who had experience of working under the Director Public Instructions, Government of Punjab.

20. It is submitted that it would not be appropriate for this Court to ignore the candidates who, though possessed the requisite experience of working in a Government School but were not serving under the Director Public Instructions, Government of Punjab, and to exclude them from consideration for the said vacancy. Such denial of an opportunity to participate would not only be harsh but also unjustified, particularly when the Government, upon reconsideration, had decided to enlarge the zone of eligibility to include candidates having working experience in a Government School throughout India on the same terms as it existed under 2018 Rules prior to the amendment done in 2020.

21. Learned Senior counsel(s) have argued that the only reason assigned for withdrawal of the advertisement dated 22.10.2020 was that there was an order passed by the competent Court of law due to which the selection process could not be finalised. However, the State is relying upon the fact that the 2018 Rules were under consideration for amendment, which fact does not form part of the impugned order withdrawing the advertisement. Hence, such subsequent amendment of the 2018 Rules cannot be made a ground to justify the withdrawal of the advertisement, which had already been issued prior to the amendment of the 2018 Rules in the year 2025.

22. For deciding the aforesaid submissions, the notice of withdrawal of advertisement dated 22.10.2020 needs to be examined. Paragraph 3 of the withdrawal notice dated 12.05.2025 is reproduced hereunder:-

“3. Out of the total 1950 posts of Principal Cadre in Punjab State, many posts are vacant. Due to which there is a problem in running the schools of the district and the education of the students is also suffering. The department has decided to amend these rules of the year 2018 to solve their current situation. Therefore, the department has decided to withdraw the advertisements issued through PPSC on 22.10.2020 and 12.07.2021 for filling the posts through direct recruitment.”

23. A bare perusal of the above reproduction would show that even prior to the withdrawal of the advertisement dated 22.10.2020, the respondent-State had already taken a decision to amend the 2018 Rules, keeping in view the expert opinion rendered with regard to the challenge raised to the 2018 Rules, as amended in the year 2020. Hence, the argument being raised that the amendment of the Rules was not a ground for withdrawal of the advertisement, is factually incorrect and cannot be accepted.

24. Rather, the process undertaken was firstly to consider whether the 2018 Rules, as amended in the year 2020, are to be amended, and once such decision to amend the 2018 Rules again was taken with a view to enlarge the zone of eligibility, the consequence thereof was withdrawal of the advertisement dated 22.10.2020 so as to provide equal opportunity to all eligible candidates to participate for the 173 posts of Principal in question.

25. Therefore, the argument being raised that the order withdrawing the advertisement dated 22.10.2020, is not supported by the ground of amendment of the Rules, is incorrect and the same is accordingly rejected.

26. Now, the question that arises for consideration is whether an advertisement once issued has to be taken to its logical end under all

circumstances, or whether the State has any liberty to withdraw the same in certain mitigating circumstances or in circumstances which necessitate such withdrawal.

27. In the present case, immediately upon issuance of the advertisement dated 22.10.2020, the same was challenged along with the 2018 Rules, as amended in the year 2020, on the ground that a large section of candidates, who intended to participate in the selection process, had been rendered ineligible on the ground that their experience was from government schools which were not under the control of the Director Public Instructions, Government of Punjab, though they were working within India, particularly Chandigarh.

28. Once such consideration came up before this Court and the Court directed that, till the said issue was decided, the selection process should not be finalised, as the eligibility to participate in the selection process was under adjudication, the withdrawal of the advertisement upon reconsideration of the matter by the respondent-State, whereby it decided to enlarge the zone of eligibility keeping in view the challenge to the 2018 Rules as amended in the year 2020, cannot be said to be arbitrary, illegal, or an invalid ground for withdrawal of the advertisement, which could thereafter be issued afresh by enhancing the eligibility criteria to include candidates having the requisite experience from a Government School throughout India.

29. Further, it is a settled principle of law that mere selection does not confer a right to appointment. Hence, even where, before the selection

process could be initiated, an interim order had been passed by the competent Court of law on the issue relating to the eligibility of candidates, the challenge to the withdrawal of the advertisement upon reconsideration of the issue and acceptance of the contentions raised before this Court regarding eligibility of candidates having experience from Government Schools throughout India, if accepted, would mean that candidates who are otherwise eligible and possess experience from a Government School outside the State of Punjab would not be permitted to compete for the said 173 posts.

30. Such a prayer cannot be accepted by this Court, especially when the employer, in its wisdom, has decided to withdraw the restriction imposed earlier and conduct the selection process by providing equal opportunity to all eligible candidates to compete for the said 173 posts.

31. Learned Senior counsel for the petitioner(s) has placed reliance upon the judgment of this Court in ***Nidhi Sharma's case (supra)*** to contend that, in similar circumstances, a direction was issued to proceed with the selection process, though therein also the advertisement was withdrawn due to the pendency of litigation and subsequent amendment of the Rules.

32. It may be noticed that the facts of each case are the relevant consideration for appreciating the judgment rendered by a Court.

33. The findings recorded by the Court in ***Nidhi Sharma's case (supra)***, if read in isolation, may convey a completely different meaning however, once such findings are considered in the backdrop of the facts and

circumstances of the said case, it has to be examined whether the same are applicable to another case or not.

34. In *Nidhi Sharma's case (supra)*, the issue before the Court was only with regard to the interpretation of the particular Rules and not the validity of those Rules. Once the validity of the Rules was not under challenge in *Nidhi Sharma's case (supra)* and the Rules merely required interpretation with regard to eligibility hence, reliance upon the said judgment in the facts and circumstances of the present bunch of petitions, is not justified

35. The candidates before the Court in *Nidhi Sharma's case (supra)* sought a particular interpretation of the Rules, whereas the respondent-State was adopting another interpretation, and in order to clarify the issue, the Rules were amended. In such circumstances, where only the interpretation of the Rules was in question, the withdrawal of the advertisement with a view to issue a fresh advertisement was considered by the Co-ordinate Bench. However, in the present bunch of cases, the eligibility criteria prescribed under 2018 Rules, as amended in the year 2020 were under challenge, and the said grievance was accepted by the respondent-State by enlarging the zone of eligibility to include all candidates having experience from Government Schools as it existed under 2018 Rules prior to its amendment in 2020. Hence, in the facts and circumstances of the present case, the judgment in *Nidhi Sharma's case (supra)* would not be applicable merely by reading certain paragraphs in isolation while ignoring the factual background of the present bunch of petitions.

36. Further, it may be noticed that the process of selection was continuing in view of the direction issued by this Court to not to finalize the same. Even otherwise, the complete selection process had not been undertaken till date. Only the written examination had been conducted and, as per the prescribed selection process, even the scrutiny of eligibility of the candidates who had applied had not been carried out. Hence, keeping in view the law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.138 of 1992 titled Dr. P.K. Jaiswal Vs. Ms. Debi Mukherjee and others, decided on 07.01.1992***, wherein it has been held that withdrawal of such an advertisement is permissible, the relevant paragraph No.5 of the said judgment is reproduced hereunder:-

*“5. In support of the first contention, strong reliance was placed on the decision of this Court in [N.T. Devin Katti & Ors. v. Karnataka Public Service Commission & Ors.](#) [1990] 3 SCC 157. In that case this Court observed that a candidate who is eligible and otherwise qualified in accordance with the relevant rules and the terms of the advertisement acquires a vested right of being considered for selection in accordance with the rules as they existed at the date of advertisement. He cannot be deprived of that limited right on the amendment of rules during the pendency of selection unless the amended rules are retrospective in nature. While making these observations, it was made clear that a candidate on making an application for a post pursuant to an advertisement does not acquire any vested right of selection or of appointment to the post in question. This is obvious from the ratio of this Court's decision in *Jatinder Kumar & Ors.*, [1985] 1 SCR 899. In that case, it was clarified that an independent body like the Commission is established to ensure selection of best available talent for appointment to the post in question to avoid arbitrariness and nepotism in the matter of appointment. The selection has to be made by the Commission and on the basis thereof the Government has to fill up the post adhering to the order of merit drawn up by the Commission. This Court emphasised that the selection by the Commission is only recommendary in nature and the final authority for appointment is the Government, and if the Government declined to accept the recommendation the Constitution enjoins the Government to place on the table of the legislature its reasons and report for so doing. Thereby the Government is made answerable to the elected representatives under the Constitution. This however, does not clothe the selectee with any right to appointment that is to say that he cannot force the Government to accept the recommendation of the Commission but the*

Government has to make the appointment strictly in accordance with the recruitment rules and merits as determined by the Commission and it cannot disturb the list at its sweet will. Nor can the Government appoint a person whose name does not appear in the list. It is obvious from the ratio of these two decisions to which our attention was pointedly drawn that if the Commission issued an advertisement at the behest of the Government and pursuant thereto calls a candidate for interviews, the candidate has a right to be considered for selection but not a right to be selected or to appointment to the post in question. The right to selection crystallises only after the candidate is called for interview pursuant to the advertisement. But in the instant case the question is whether the Government can withdraw the requisition sent to the Commission for initiating the process of selection because at the point of time no right had crystallised in anyone for being considered for selection. If the Government is at a given point of time considering the question of amending the recruitment rules with a view to providing for promotion to the post in question, the Government can before an advertisement is issued by the Commission and the process of selection is under way request the Commission to withdraw the same till it decides on the question of amending the rules. The decision of the Government to withdraw the requisition sent to the Commission in NOVEMBER 1989 before the issuance of the advertisement does not interfere with any vested right of selection because that stage had yet not reached. In the instant case, that is exactly what happened. Therefore, before the appellant acquired a right to be considered for selection the Government had already intimated that it was examining the question of amending the recruitment rules with a view to providing for appointment by promotion to the post in question. Once this decision was communicated to the Commission before it had set the process of selection in motion by issuing an advertisement, it was not open to the Commission to insist that it will go ahead with the selection process as the extant rule provided for promotion by direct recruitment and the Government could amend the recruitment rules retrospectively, if it so desired, with a view to providing for appointment by promotion. Such an exercise by the Commission would be an exercise in futility, waste of public time and money and hardship to candidates who seek appointment. Whether to provide for promotion as a mode of appointment to the post in question is a matter of policy left to the Government to decide and if it desired that the selection process should be held in abeyance till the question was examined and a final decision was taken thereon, it was not open to the Commission to ignore the communication of the Government in that behalf and proceed to set the selection process in motion. We think the action of the Commission was somewhat hasty and unjustified. The appellant, therefore, cannot claim any vested right as urged by his learned counsel. Nor can the Tribunal's omission to notice that two new layers were created have a bearing on the Government's decision to place the process of selection in hibernation till a final decision is taken on the proposal to provide for promotion to the post."

37. Further, the issue was also considered by the Hon'ble Supreme

Court of India in **Civil Appeal No.2336 of 2007 titled State of Punjab and**

others vs. Arun Kumar Aggarwal and others, decided on 04.05.2007, wherein the Hon'ble Supreme Court of India upheld the decision of the State to withdraw the advertisement in view of the subsequent amendment of the Rules. It was held that no vested right accrues in favour of the candidates merely on the issuance of an advertisement and the State, in exercise of its policy decision, can alter the recruitment process keeping in view the changed circumstances and the amended statutory provisions. The relevant paragraph No.38 of the said judgment is reproduced hereunder:-

“38. We hold the Government has taken conscious decision not to fill up the posts under the old 1941 Rules. The impugned order of the High Court is set aside. We may at this stage point out that the problem seems to have been compounded by the inaction/casual approach of the Government detrimental to public interest. The State Government shall now fill up the vacant posts in accordance with the 2004 Rules within a period of three months from today. All the eligible candidates who satisfy the criteria laid down under 2004 Rules shall be considered. The entire process of recommendation and appointment shall be completed within three months from today.”

38. Learned counsels for the petitioners fail to rebut the said settled principle of law.

39. In the present bunch of cases, the respondent-State had taken a conscious decision not to proceed with the selection process in pursuance to the 2020 amendment, keeping in view the decision to amend the 2018 Rules so as to enlarge the eligibility criteria by permitting candidates having experience from any Government School throughout India to participate. The said decision was a valid consideration.

40. No other argument is raised. The present bunch of petitions stands disposed of.

41. The present order was dictated in open Court in the presence of learned counsel for the respective parties.

42. At this stage, learned Senior counsel appearing on behalf of certain candidates, who had already submitted their applications in pursuance of the Advertisement dated 22.10.2020, submits that due to non-finalisation of the selection process on account of the pendency of the matter before this Court, such candidates have become over-aged, though they continue to fulfil the other eligibility conditions. Hence, such applicants may be granted an opportunity to compete for the said posts in the one-time selection process.

43. Learned counsel for the respondent-State submits that he does not have instructions to make any commitment with regard to the said submission.

44. Hence, it is directed that any candidate who had already applied pursuant to the advertisement dated 22.10.2020 and was eligible with regard to age as per the terms and conditions of the said advertisement shall be treated as eligible for the subsequent selection process, as and when the same is advertised, as otherwise it would cause prejudice to a candidate who, though otherwise eligible, has become ineligible due to the intervening period on account of the pendency of the litigation.

45. It is made clear that the said relaxation of eligibility shall not relate qua any essential qualification required to be possessed and shall be restricted only to the age of the candidates.

46. Any candidate who seeks the benefit of the aforesaid direction shall be at liberty to place the necessary details before the respondent-State at an appropriate stage.

47. Pending application(s), if any, shall stand disposed of.

48. Photocopy of this order be placed on the files of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

06-07-2026
Sapna Goyal

(AMARINDER SINGH GREWAL)
JUDGE

NOTE: Whether speaking/ reasoned: YES
Whether reportable: NO