

**CWP-963-2017 1****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****(219) CWP-963-2017
Date of Decision : July 25, 2024****Balwinder Singh and others .. Petitioners****Versus****State of Punjab and others .. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Adish Jain, Advocate, for
 Mr. Naresh Jain, Advocate, for the petitioners.

 Mr. Amarpreet Singh Bains, Assistant Advocate General,
 Punjab.

HARSIMRAN SINGH SETHI J. (ORAL)

1. In the present writ petition, the challenge is to the selection made by the respondents for the post of Peon.

2. Learned counsel for the petitioners submits that as per the advertisement dated 04.01.2016 (Annexure P-1), a candidate, who is 8th pass with Punjabi, is eligible to compete for the post in question whereas, after the advertisement, in the selection criteria mentioned in Corrigendum dated 07.12.2016 (Annexure P-4), it was stated that preference was given to the candidates who had higher qualification than the minimum qualification required to be eligible. Learned counsel for the petitioners further submits that the said criteria was published after passage of 11 months from the



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advertisement dated 04.01.2016 (Annexure P-1), which will amount to change of the selection process.

3. Upon notice of motion, the respondents have filed the reply wherein, they have submitted that the eligibility criteria to compete for the post remained the same as per the qualification mentioned in the advertisement dated 04.01.2016 (Annexure P-1) and it is only the selection criteria (Annexure P-2) which was formed/published subsequently wherein, a candidate who had higher qualification, was required to be given preference hence, the argument that the criteria was changed after the issuance of the notification, is incorrect/erroneous and the writ petition is liable to be dismissed.

4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. In the present writ petition, the petitioners are confusing the minimum eligibility qualification mentioned in the Advertisement dated 04.01.2016 (Annexure P-1) to compete with the selection criteria (Annexure P-2) envisaged for adjudging the suitability. The petitioners have not been declared ineligible so as to oust them for competition for the post in question but, a uniform selection criteria (Annexure P-2) has been framed by the respondents to adjudge the relevant merits of the candidates competing. Therefore, the ground being taken by the respondents that the selection criteria has been changed after the advertisement was issued, cannot be accepted.

6. Even otherwise, as per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal Nos. 8822-8823 of 2022 titled as The State***



of Uttar Pradesh vs. Karunesh Kumar and others, decided on 12.12.2022, the principle of changing the Rules of the game would not apply when the change is regarding the selection process and not the basic qualification. While passing order in *Karunesh Kumar's case (supra)*, the Hon'ble Supreme Court of India has held that once the essential qualification to compete remains the same, the selection criteria to evaluate the relative merit of the candidate even if changed, will not amount to changing the rules of the game in midway. The relevant portion of the judgment is as under:-

“ 32.The respondents have also placed reliance on the decision of this Court in the case of [K. Manjusree](#) (supra). However, in our considered view, the facts of the aforesaid decision are quite different from the present case. A change was introduced for the first time after the entire process was over, based on the decision made by the Full Court qua the cut off. Secondly, it is not as if the private respondents were non-suited from participating in the recruitment process. The principle governing changing the rules of game would not have any application when the change is with respect to selection process but not the qualification or eligibility. In other words, after the advertisement is made followed by an application by a candidate with further progress, a rule cannot be brought in, disqualifying him to participate in the selection process. It is only in such cases, the principle aforesaid will have an application or else it will hamper the power of the employer to recruit a person suitable for a job.”

7. No other argument was raised.



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- 8. Keeping in view the above, no ground is made out for any interference by this Court in the present case.
- 9. Dismissed.

July 25, 2024
harsha

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No