



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

110

CWP-21645-2024

Date of decision: 04.09.2024

PANKAJ AND ANOTHER

...Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

...Respondents

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. K.D.S. Hooda, Advocate
for the petitioners.

Ms. Shruti Jain Goel, Sr. DAG, Haryana.

DEEPAK SIBAL, J.(ORAL)

1. Through the present petition, the petitioners impugn Clause 9 (1) of the Notification dated 05.05.2022 primarily on the ground that it arbitrarily limits the competition through short listing of eligible candidates.

2. Learned counsel for the parties have been heard.

3. The afore primary issue raised through the instant petition is found by us to have also been raised in CWP No.9508 of 2023 - ***Naveen Kumar and Another Vs. State of Haryana and Another*** which petition was dismissed by a co-ordinate Bench on 12.05.2023. Relevant portions of the judgment in ***Naveen Kumar's case (supra)*** are reproduced hereinbelow:-

“16. It is contended that due to similar eligibility/qualification required, candidates are applying for multiple posts suitable to them; that for certain categories of posts mentioned in para 11 thereof amounting to 244 posts, five times candidates amounting to 1157 are being permitted, but since one person/candidate is applying for multiple similar posts, only limited number of candidates would be applying,



and the total number of actual applicants may fall short than even total number of posts of 244. They contend that this is creating uncertainty in the minds of aspirants.

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40. *It made a provision for shortlisting on the basis of CET in the first instance and further shortlisting through proviso to clause 9(i) which was repeated in clause 7(i) of the advertisement. This was admittedly done in view of the large number of candidates who would apply for the posts in question and not for any extraneous consideration.*

41. *The minimum qualification prescribed by the applicable rules framed under proviso to Article 309 of the Constitution of India were not given up, and all the applicants had to fulfill those norms for the respective posts for which they apply.*

42. *Accepting this policy by uploading a declaration was necessary and according to the short reply filed by the Commission, this was done by all the applicants, so they were fully aware of the prospect of shortlisting. So they are estopped from now contending that it is not valid having regard to the decisions mentioned above.*

43. *The Supreme Court had held in Satya Dev Bhagaur and others vs. State of Rajasthan and others⁶ that Courts would be slow in interfering in policy matters unless the policy is found to be palpably discriminatory and arbitrary; that Court would not interfere with policy decision when a State is in a position to point out that there is intelligible differentia in application of policy and that such differentia has a nexus with the object sought to be achieved.*

44. *As stated in the policy dt. 05.05.2022, the Common Eligibility Test was introduced to simplify and standardize the recruitment process for Government employment to Group-C posts and Group-D posts with some exceptions mentioned therein.*

45. *We agree with the said view since consideration of all candidates who have obtained minimum marks in the CET for*



the skilled test and/or written test would have the effect of relegating the meritorious candidates, and would result in failure of the very objective of the policy particularly when large number of candidates in lakhs appeared for the CET and a substantial number of them had qualified in the CET written examination to the tune of 2,92,000 for the posts in question.

46. In our opinion, the clause in the policy providing for shortlisting is in tune with the main objective of inducting meritorious candidates in Government jobs, and limiting the number of meritorious candidates by way of shortlisting would expedite the conducting of examination, evaluation and avoid unnecessary litigation by non-meritorious applicants.

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50. The Commission is an expert body and is competent to decide in consultation with the State departments on what subjects a candidate is to be tested for short listing. It is not the province of this Court to enter into the domain of the Commission and exercise the power vested in the Commission as this Court does not have the requisite expertise in that regard.”

4. When learned counsel for the petitioners was confronted with the afore-reproduced portions of the judgment in **Naveen Kumar’s case (supra)**, he fairly could not distinguish the same.

5. In the light of the above, the present petition is also dismissed in terms of **Naveen Kumar’s case (supra)**.

(DEEPAK SIBAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

September 04, 2024

Nisha Yadav

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No