



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-12444-2001 (O & M)**  
**Date of Decision: 10.07.2025**

(1)

Amit Sharma .....Petitioner(s)

Versus

State of Haryana and others ....Respondent(s)

(2)

**CWP-14900-2001 (O & M)**

Surender .....Petitioner(s)

Versus

State of Haryana and others ....Respondent(s)

AND

(3)

**CWP-2542-2002**

Jasinder Singh and another .....Petitioner(s)

Versus

State of Haryana and others ....Respondent(s)



**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: Ms. Sarla Devi, Advocate,  
for the petitioner.

Mr. Raywant Kaushish, for the petitioner.  
(in CWP-12444-2001).

Mr. Raman Sharma, Addl. A.G., Haryana.

Mr. Samrat Malik, Advocate,  
for respondent Nos.4 to 9 (in CWP-14900-2001)  
for respondent Nos.9, 28, 30, 31, 32, 34  
(in CWP-2542-2002).

Mr. Abhay Chauhan, Advocate  
(through video conferencing)  
and Mr. J.K. Chauhan, Advocate,  
for respondent No.4 (in CWP-12444-2001).

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**JAGMOHAN BANSAL, J. (Oral)**

1. By this common order, CWP Nos.12444 and 14900 of 2001 and CWP No. 2542 of 2002 are hereby adjudicated as issues involved and prayer sought in all the petitions are common.

2. The petitioners through instant petition under Articles 226 and 227 of the Constitution of India are seeking setting aside of selection of private respondents. Mr. Raywant Kaushish, Advocate has filed *Vakalatnama* on behalf of the petitioner in CWP-12444-2001.

3. The petitioners are claiming that private respondents have been selected in violation of applicable Rules and Regulations. Their selection is bad in the eye of law.



4. Learned counsel for the respondents submit that during the intervening period almost all the private respondents have been further promoted.

5. A five Judge bench of Supreme Court in ***Sivanandan C.T. and others vs. High Court of Kerala and others, 2023 SCC OnLine SC 994*** though held that appointment of Judicial Officer by Kerala High Court was bad in law, however, did not disturb appointment on the ground that already appointed officers have already served for nearly six years and gained experience. It would deprive the State and its citizens the benefit of experienced judicial officers. The relevant extracts of the judgment read as:

*“60. The following are our conclusions in view of the above discussions:*

*(i) The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being termed as arbitrary and violative of Article 14;*

*(ii) An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following : (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;*

*(iii) A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;*



*(iv) The decision of the High Court of Kerala to apply a minimum cut-off to the viva voce examination is contrary to Rule 2(c)(iii) of the 1961 Rules.*

*(v) The High Court's decision to apply the minimum cut off marks for the viva voce frustrates the substantive legitimate expectation of the petitioners. The decision is arbitrary and violative of Article 14.*

*(vi) In terms of relief, we hold that it would be contrary to public interest to direct the induction of the petitioners into the Higher Judicial Service after the lapse of more than six years. Candidates who have been selected nearly six years ago cannot be unseated. They were qualified and have been serving the district judiciary of the state. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the state and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”*

6. In the case in hand, the private respondents joined service in 2001 and they have been further promoted. Setting aside of their appointment, at this stage, on any ground, would not be in the interest of State as well as public at large. Issue involved is squarely covered by aforesaid judgment.

7. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be dismissed and accordingly dismissed.

2025:PHHC:082949



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

10.07.2025  
shivani

(JAGMOHAN BANSAL)  
JUDGE

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|---------------------------|-----|
| Whether reasoned/speaking | Yes |
| Whether reportable        | No  |