



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

**CWP-13502-2001 (O&M)
Date of Decision: 15.07.2025**

Raj Pal

...Petitioner

Vs.

State of Haryana and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. S.P. Laler, Advocate for the petitioner (Through V.C.).

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

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of appointment of respondent No.5-Kuldeep Singh as he was medically unfit and direction to respondent to appoint him under Scheduled Caste Category.

2. The petitioner applied for the post in 2001. Selection process completed in 2001. The petitioner was not selected. His name figured in the waiting list.

3. Mr. S.P. Laler, Advocate submits that sufficient posts were available still petitioner was not selected. The respondent No.5 was medically unfit still he was selected.

4. Mr. Raman Sharma, Addl. A.G., Haryana submits that Kuldeep Singh joined service and a period of 24 years has expired.

5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. The petitioner applied under SC-B Category. He, at present, is

50 years old. He had applied for the post of Constable.

7. 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 of 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.”

8. In the case in hand, Kuldeep Singh joined in 2001. A period of 24 years from the joining has passed away. He must have gained rich experience. Rejection of his selection, at this stage, would neither be in the interest of public nor official respondent. The aforecited judgment of Supreme Court is squarely applicable in the instant matter.
9. There is another aspect of the matter. The petitioner participated in the selection process which was initiated in 2001 and completed in 2001. A period of 24 years from the date of selection of other candidates has passed away. The post advertised was of Constable. Physical/mental fitness is of paramount consideration in the Police Force. The petitioner cannot be expected of having fitness as postulated for Constable at the time of initial selection.
10. In the wake of above discussion and findings, the instant petition deserves to be dismissed and accordingly hereby dismissed.
11. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

15.07.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No