



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

\*\*\*\*

**404**

**CWP-19230-2003**

**Date of Decision: 13.11.2025**

NARESH KUMAR

...Petitioner

Vs.

U.T.ADMINISTRATION CHD. & ORS.

...Respondents

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

Present:- None for the petitioner

Mr. Avinit Avasthi, Advocate and  
Mr. Abhishek Kumar Proni, Advocate  
for respondents No.1 and 2-U.T.

\*\*\*

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

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 19.11.2003 whereby official respondents have appointed respondent No.5 on the post of Physical Training Instructor.

2. The petitioner is assailing appointment of respondent No.5. The appointment was made in 2002-03. A period of more than two decades has passed.

3. 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.”*

4. The petition stands dismissed in terms of mandate of ***Sivanandan C.T. (supra)***.
5. Liberty to petitioner to move an appropriate application within three months from today, if cause survives.
6. Pending application(s), if any, stands disposed of.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**November 13, 2025**  
*Deepak DPA*

|                           |        |
|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |