



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

**CWP No. 16724 of 2011 (O&M)
Date of Decision: 06.02.2025**

Sunita Devi and others

....Petitioners

VS.

Haryana Staff Selection Commission and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Rakshit Gupta, Advocate for
Mr. Harsh Garg, Advocate
for the petitioners

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

Mr. R.K.Malik, Senior Advocate with
Mr. Sandeep Dhull, Advocate
for respondents No. 8 to 13, 16, 18, 22, 25 and 27 to 31

Mr. Balbir Saini, Advocate
for respondents No. 7 and 17

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of selection of private respondents as Sanitary Inspectors.

2. The petitioners are claiming that Haryana Staff Selection Commission, Panchkula-respondent No. 1 (in short "Commission") invited applications for 29 posts of Sanitary Inspectors for different Municipal Committees. The essential qualification was Matriculation with Diploma in



Sanitary Inspector and Hindi or Sanskrit upto Matric standard. The age prescribed for the said post was 17 to 40 years. It was further incorporated in the advertisement that Commission may short list the candidates for interview by holding a written examination or on the basis of criteria to be adopted by it.

3. Mr. Rakshit Gupta, Advocate submits that Commission evolved criteria beyond the advertisement, thus, it was bad in the eye of law. It is settled law that rules of game cannot be changed after its commencement. The Commission with intent to favour few candidates granted marks for Matriculation.

4. Mr. Raman Sharma, Addl. A.G., Haryana submits that private respondents were appointed in 2010 and joined in the same year. They are working since then and have further been promoted. They are holding public post. Setting aside of their appointment at this stage would not be in the interest of public as well as Commission.

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

6. 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.”*



7. In the case in hand, the respondents joined in 2010. A period of 15 years from their joining has passed away. They must have gained rich experience. Rejection of their selection, at this stage, would neither be in the interest of public nor official respondents. The afore-cited judgment of Supreme Court is squarely applicable in the instant matter.
8. 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.
9. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

06.02.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	