



CM-9184-2025 in/and RA-CW-237-2025 in  
CWP-32436-2024

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

**CM-9184-2025 in/and  
RA-CW-237-2025 in  
CWP-32436-2024  
Date of decision: 08.08.2025**

**Bhuvan Goel**

**....Applicant/Petitioner.**

**Versus**

**Punjab and Haryana High Court  
and another**

**....Respondents.**

**CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE  
HON'BLE MR. JUSTICE SANJIV BERRY, JUDGE**

Present: - Mr. Rakesh Tikku, Senior Advocate (through VC) with  
Mr. Nayandeep Rana, Advocate and  
Mr. Ajay Jain, Advocate and  
Mr. Roshan Lal Goel, Advocate for applicant-petitioner.

Ms. Subhreet Kaur Saron, Advocate  
for respondent No. 1 High Court.

Mr. Balvinder Sangwan, Advocate, for  
respondent No. 2-HPSC.

Mr. Vaibhav Sharma, AAG, Haryana.

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**SHEEL NAGU, CHIEF JUSTICE (Oral)**

Applicant/petitioner had come up before this Court in  
*CWP-32436-2024 (Bhuvan Goel vs. Punjab and Haryana High Court and  
another)* as an aspirant for appointment as Civil Judge (Entry Level) after  
having applied pursuant to Advertisement No. 1/2024 dated 01.01.2024  
(Annexure P-1), issued by the Haryana Public Service Commission. The  
petitioner obtained 513.50 marks out of 900 marks in the written (main)  
examination, but he could secure only 29.75 marks out of 200 marks in



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viva voce. The said writ petition (CWP-32436-2024) was finally decided vide order dated 09.01.2025 passed by this Court.

2. Challenge raised in *CWP-32436-2024* was essentially two fold. The first ground being that, exceptionally, low marks were awarded in the viva-voce to petitioner despite performing well. Another ground raised by the petitioner was that excessive allocation of marks allocated for the interview exceeded the 15% limit prescribed for viva voce, and therefore violated the law laid down by Apex Court in ***Ajay Hasia and others vs. Khalid Mujib Sehravardi and others***, (1981) 1 Supreme Court Cases 722. During the course of arguments, learned counsel for the petitioner, raised no other ground in *CWP-32436-2024*

3. The aforesaid *CWP-32436-2024*, however, came to be dismissed, primarily on two grounds. The first being that the petitioner having participated in the selection process with open eyes, cannot now turn around to assail the same. In regard to excessive marks of more than 15% allocated in viva voce is concerned, this Court was of the view that in judicial appointments, the allocation of marks more than 15% cannot be found fault with since the level of integrity, aptitude, character and merit required from a candidate who occupies the judicial office is exceptionally high and, thus, the best way to test these attributes is viva voce. In this manner, this Court distinguished the law laid down by the Apex Court in ***Ajay Hasia's case*** (*supra*) by relying upon ***Lila Dhar vs. State of Rajasthan and others*** (1981) 4 Supreme Court Cases 159 and ***Abhimeet***



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***Sinha and others vs. High Court of Judicature at Patna and others,***  
*(2024) 7 Supreme Court Cases 262.*

4. The aforesaid decision with regard to dismissal of CWP-32436-2024 was assailed by petitioner in **Special Leave to Appeal (C) 8415-2025 ‘*Bhuvan Goel vs. Punjab and Haryana High Court and another*’** wherein the Apex Court took the following view: -

*‘The only question which has been argued in this case before this Court is that as per the Rules the committee which was supposed to take interview was to be six members i.e. three Hon'ble Judges of the Punjab & Haryana High Court who are to be nominated by the Chief Justice of the High Court of Punjab & Haryana, nominee of the Chief Secretary of the State of Haryana and Chairman of the State Public Service Commission and Advocate General of the State of Haryana or his nominee. According to the petitioner there were only three members in the Committee who took the interview. At this stage, we do not want to interfere in this matter.*

*After arguing for some time, learned counsel for the petitioner seeks permission of this Court to withdraw this petition with a liberty to file a review petition before the High Court.*

*The present petition is disposed of as withdrawn with the liberty indicated above.*

*Pending application(s), if any, shall also stand disposed of.’*

5. We have heard the learned counsel for the review applicant/petitioner as well as learned counsel for the High Court and Haryana Public Service Commission.



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6. Invoking the liberty extended to the petitioner by the Apex Court, the present review application (RA-CW-237-2025) has been preferred, wherein the sole ground taken is that despite Rule 7B of the Punjab Civil Service (Judicial Branch) Haryana Amendment Rules, 2023 (*for short, the Recruitment Rules 2023*), providing for composition of 06 members including three sitting Judges of the Punjab and Haryana High Court, the interview conducted by the Selection Committee comprised only of 04 members, i.e. three sitting Judges and the Chairman of Haryana Public Service Commission. The contention is that in the absence of Advocate General, Haryana, and Chief Secretary to the Government of Haryana, who are inseparable part of the Selection Committee, the interview could not have been held and if held then the same stands vitiated in the eyes of law. It is further submitted that rules of the game cannot be changed once the game has begun. Meaning thereby that the *Recruitment Rules 2023*, providing for 06 members of the Selection Committee could not have been reduced during the course of selection process to four. As regards the challenge to composition of the Selection Committee is concerned, it is seen from the record and the relevant *Recruitment Rules 2023* that no quorum has been provided for the Selection Committee. This reveals the intention of the rule making authority that the majority would prevail. Meaning thereby that any number of members of the Selection Committee beyond three would validate the proceedings conducted by the Selection Committee.



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6.1 It is further relevant to point out that the petitioner during the course of arguing *CWP-32436-2024* had not raised the said ground of Selection Committee being comprised of only 04 members instead of 06 members. However, it appears that it was an after-thought which made the petitioner and his counsel to raise this plea before the Apex Court which was kind enough to grant liberty to file a review petition. However, it is not very clear from the reading of the order of the Apex Court dated 01.04.2025 passed in **Special Leave to Appeal (C) 8415-2025** (*supra*) (Annexure A-2) that whether the liberty granted in respect of composition on the Selection Committee or not. However, this Court proceeds to deal with the same on merits.

7. In view of the above discussion, it is obvious that in the absence of any statutory provisions prescribing for the quorum in the Selection Committee, the safest mode of judging the validity in regard to the number of members comprised in the Selection Committee is that the decision taken by the Committee is by a majority of members or not. As against 06 members, decision taken by the Selection Committee was affirmed which is the majority. More so, all the 03 sitting Judges of this Court were present besides Chairman of the Haryana Public Service Commission. The subject matter before the Selection Committee was the appointment of a Judicial Officer and it is not settled in view of the authoritative pronouncement by the Apex Court in the case of ***Rojer Mathew vs South Indian Bank Limited and others, 2020 (6) SCC 1***, that any judicial appointment(s) the selection ought to be done in such a



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manner where the judiciary assumes primacy in the process of selection, which was present by the presence of 03 sitting Judges of this Court besides the Chairman of the Haryana Public Service Commission.

8. In view of above, this Court has no manner of doubt that merely because of presence of four instead of 06 members in the Selection Committee, no illegality or impropriety has been committed.

9. Consequently, we dismiss the present review petition (RA-CW-237-2025) without costs.

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

**(SANJIV BERRY)**  
**JUDGE**

08.08.2025

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| i)  | <i>Whether speaking/reasoned?</i> | <i>Yes/No</i> |
| ii) | <i>Whether reportable?</i>        | <i>Yes/No</i> |