



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

CWP-6784-2012

Date of Decision: 04.07.2025

Udai Singh

.....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. O.S. Batalvi, Advocate,
for the petitioner.

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

Mr. Jagbir Malik, Advocate,
for respondent No.4 (appearing through video conferencing).

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of selection of respondent No.4 and direction to respondent to issue him appointment letter.
2. The petitioner pursuant to advertisement dated 12.03.2011 applied for the post of Scientific Assistant Photo (SOC). He was called for interview held on 22.03.2011. The result was declared in June' 2011 wherein respondent No.4 was selected.
3. Mr. O.S. Batalvi, learned counsel for the petitioner submits that petitioner had secured more marks than respondent No.4 still he was not selected. There was wrong calculation of marks of the petitioner.



4. Mr. Jagbir Malik, learned counsel for respondent No.4 who is appearing through video conferencing and Mr. Raman Sharma, Addl. A.G., Haryana submit that there was only one vacancy and respondent No.4 was found eligible and more meritorious than the petitioner, thus, she was selected.

5. I have heard the arguments and perused the record.

6. The selection in question was made in 2011 and selected candidate joined in September' 2011. She since then is working with respondent as Scientific Assistant (Photo) (SOC). She must have further been promoted.

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 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, respondent No.4 joined service in 2011. A period of 14 years from her joining has passed away. She must have gained rich experience. Rejection of her 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 to the instant matter.

9. 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.

04.07.2025
shivani

(JAGMOHAN BANSAL)
JUDGE

Whether reasoned/speaking
Whether reportable

Yes
No