

2025:PHHC:123945



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

134

CWP-16454-2025
DECIDED ON:29.08.2025

REENA

...PETITIONER

VERSUS

UNION OF INDIA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sandeep Thakan, Advocate
for the petitioner

Mr. Rahul Dev Singh, Addl. AG, Haryana

SANDEEP MOUDGIL, J

1. Prayer

This civil writ petition under Article 226/227 of Constitution of India is filed for issuance of the Writ in the nature of *Certiorari* for setting aside the impugned order dated 21.05.2025 and directing to the respondents to issue appointment letter and to allow the petitioner to join on the post of Multi-Purpose Health Worker (Female) under General category as selected as per the final result dated 05.02.2024 as the petitioner secured 53.6 marks and last candidate selected under General category secured only 49.725 marks

2. Brief Facts

The petitioner applied for recruitment to Group-C posts pursuant to Advertisement No. 3/2023 issued by the Haryana Staff Selection Commission (HSSC). While submitting the application, her sub-category was allegedly inadvertently entered as Dependent of Ex-Servicemen (DESM), though she belonged to the General Category. She participated in the selection process,

appeared in the examination, and was shown as selected in the UR-DESM category in the result declared on 05.02.2024.

The petitioner made representations seeking correction of her category from DESM to General, asserting that she had secured more marks than the last selected candidate in the General Category. Upon her legal notice, this Court in CWP No. 4015 of 2025 directed the respondents to consider her claim and pass a reasoned order. Pursuant thereto, the respondents rejected her request vide order dated 21.05.2025. The respondents have taken the stand that no change of category was permissible after final submission of the form and that the selection result dated 05.02.2024 itself has been set aside by the Division Bench in LPA No. 1037 of 2023 vide order dated 31.05.2024, which has been upheld by the Supreme Court vide order dated 24.06.2024 deeming the result inoperative.

Aggrieved, the petitioner has filed the present writ petition challenging the rejection order dated 21.05.2025.

3. **Contentions**

On behalf of Petitioner

Learned counsel for the petitioner submits that the petitioner had applied under Advertisement No. 3/2023 for the post of Multi-Purpose Health Worker (Female), but due to a bona fide mistake, her sub-category was mentioned as Dependent of Ex-Servicemen (DESM) though she belongs to the General Category. It is contended that immediately upon noticing the error, the petitioner made written representations, emails and even approached the Commission for rectification, but her request was not entertained.

Counsel argues that the petitioner secured 53.62 marks in the written examination, whereas the last selected candidate in the General

Category had secured only 49.725 marks, thus the petitioner is more meritorious and ought to have been considered in the General Category.

It is further urged that the rejection of petitioner's claim is wholly arbitrary, violative of Articles 14 and 16 of the Constitution, and amounts to denial of equal opportunity in public employment. It is argued that the error in selection of category was purely technical and procedural, and the respondents ought to have considered her candidature in the proper category rather than depriving her of appointment.

Accordingly, it is prayed for the impugned order be set aside and directions be issued to the respondents to treat the petitioner as a General Category candidate and issue her appointment letter for the post in question.

On behalf of Respondents

Learned counsel for the respondents submits that the petitioner had herself applied under the Dependent of Ex-Servicemen (DESM) category in her application form and was allotted a roll number accordingly. The advertisement clearly stipulated that candidates must check all particulars before submission, and after the closing date no change, correction or modification would be permitted under any circumstances and thus, the petitioner cannot now turn around and claim appointment in the General Category.

It is further contended that the petitioner was selected in the category in which she had applied, and her recommendation was duly sent to the concerned department. The respondents also point out that the selection result dated 05.02.2024, on which the petitioner places reliance, has already been set aside by the Hon'ble Division Bench of this court in LPA No. 1037 of 2023 vide order dated 31.05.2024, and the same has been upheld by the

Supreme Court vide order dated 24.06.2024. In these circumstances, no vested right can accrue to the petitioner for appointment on the basis of the said result. Therefore, it is asserted that the claim of the petitioner is untenable in law, based on misrepresentation, and cannot be entertained.

4. Analysis

Having heard learned counsel for both parties and perused the material placed on record, this Court finds in the present writ petition devoid of merit. It is not in dispute that the petitioner while submitting her application had mentioned her category as Dependent of Ex-Servicemen (DESM) even though she did not have relevant documents in support thereof and belonged to the general category. The advertisement governing the recruitment process specifically provided that all particulars were to be checked before final submission and that no correction, modification, or change in the application would be permissible thereafter under any circumstances.

This court is of the opinion that the conditions specifically laid out in the advertisement are non-negotiable and integral to maintaining certainty, transparency, and fairness in large-scale recruitment processes, particularly where lakhs of candidates are involved and once the recruitment notification expressly barred any post-submission correction, no right can be claimed by the petitioner to alter her category at a subsequent stage.

Further, the sole foundation of the petitioner's claim is the result dated 05.02.2024, wherein she was shown as selected in the DESM category wherein she secured 53.6 marks and is claiming appointment on the ground that the last person selected under the general category secured merely 49.725 marks. However, the said result, along with subsequent recommendations, has already been set aside by the Hon'ble Division Bench in "**Haryana Staff Selection Commission v. Rahul and others**", LPA No. 1037 of 2023, vide

order dated 31.05.2024 and the same has been affirmed by the Supreme Court vide SLP (C) No. 13298-13307 of 2024 order dated 24.06.2024. Once the result itself has been quashed, no enforceable right survives in favour of the petitioner to seek appointment on the strength of that result.

This court is sanguine of the well settled principle that participation in a selection process does not by itself confer an indefeasible right to appointment unless such appointment is made strictly in accordance with the rules governing the recruitment. Equally, where the selection has been set aside by a competent court, no vested right can be claimed by any candidate. Guidance may be drawn from the decision of Supreme Court in “**Union of India v. Kali Dass Batish 2006 (1) SCT 332**” wherein it was held as follows:

15. In this matter, the approach adopted by the Jharkhand High Court commends itself to us. The Jharkhand High Court approached the matter on the principle that judicial review is not available in such a matter. The Jharkhand High Court also rightly pointed out that mere inclusion of a candidate's name in the selection list gave him no right, and if there was no right, there could be no occasion to maintain a writ petition for enforcement of a non-existing right.

16. In Shankarsan Dash v. Union of India, 1991(2) SCT 555 (SC) : (1991)3 SCC 47 as under :

"7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bonafide for appropriate reasons."

In the present case, the selection process has already been set aside pursuant to the order passed in SLP (C) No. 13298-13307 of 2024 dated

24.06.2024, as mentioned above and thus, the petitioner’s attempt to base their claim on results that have already been annulled by a court ruling is unjustified and lacks legal foundation.

5. Conclusion

Consequently, not only does the bar on change of category defeat the petitioner’s claim, but the very selection on which reliance is placed has ceased to operate in law.

In these circumstances, this Court is unable to find any arbitrariness, illegality, or violation of Articles 14 and 16 of the Constitution in the action of the respondents.

Accordingly, the present writ petition is **dismissed**.

29.08.2025
Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No