



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

CWP-8840-2013

Date of Decision: 29.10.2025

Lakhwinder Singh

...Petitioner

Versus

State of UT Chandigarh and Others

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Vishal Mehta, Advocate
for the petitioner.

Ms. Shubpreet Kaur, Standing Counsel and
Ms. Ayushi Sharma, Junior Standing Counsel
for respondent No.1.

Mr. Suvir Sidhu, Advocate for
Mr. G.S. Dhillon, Advocate
for respondents No.2 to 4.

Ms. Parul Saini, Advocate for
Mr. Pritam Saini, Advocate
for respondents No.6 and 7.

Mr. Gagneshwar Walia, Advocate
for respondent No.8.

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of selection process adopted by respondents for the post of Nurse.

2. The respondent vide Advertisement No.18/2010 dated 03.12.2010 invited applications for the post of Nurse. The petitioner participated in the selection process, however, his name did not figure in the select list. He is assailing selection process.

3. The selection process concluded in 2011 and all the selected candidates joined service. They were confirmed in 2012. The instant petition was filed in 2013. Hon'ble Supreme Court in ***Tajvir Singh Sodhi and Others v. State of Jammu and Kashmir and Others*** 2023 SCC ***OnLine SC 344***, has held that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. A candidate cannot allege that selection process was unfair or there was some lacuna in the process just because selection process was not palatable to a candidate.

4. A five Judge Bench of Hon'ble Supreme Court in ***Sivanandan C.T. and Others v. High Court of Kerala and Others***, 2023 SCC ***OnLine SC 994*** though held that appointment of judicial officers 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 the 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 all 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.”

5. In the case in hand, a period of more than a decade from date of joining of private respondents has elapsed. They must have gained rich experience. Any direction pertaining to award of marks for experience or interview, at this stage, would risk career of candidates who have already been selected. This would neither be in the interest of public nor official respondents. The present case is squarely covered by afore-cited judgment of Hon'ble Supreme Court.

6. In the wake of above discussion & findings and aforecited judgments of Supreme Court, this Court is of the considered opinion that

present petition being bereft of merit deserves to be dismissed and accordingly ***dismissed.***

(JAGMOHAN BANSAL)
JUDGE

29.10.2025
Prince Chawla

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No