

2025.PHHC:149412



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

214

CWP-5386-2018

Date of Decision: 30.10.2025

BHUPENDER SINGH

....PETITIONER(S)

VERSUS

STAFF SELECTION COMMISSION AND ANR.

....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Sushil Sheoran, Advocate
for the petitioner.

Mr. Anil Chawla, Advocate
for the respondents.

SANDEEP MOUDGIL, J

1. Prayer

The present petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus directing the respondents to appoint petitioner on the post of Constables (GD) in UR (9) category in 'C' CRPF or of Rifleman (GD) in 'F' Assam Rifles for General Area Type of vacancy from the State of Haryana or in the deficient states where vacancies have not been filled on the basis of diverting policy provided in clause 10(iv) of the Advertisement, whereby the commission has the discretion to divert candidates from surplus states to deficit states after accommodating all available candidates in such deficit states, subject to category-wise reservation maintained.

2. Facts

The Staff Selection Commission (SSC) invited applications for

the posts of Constable (GD) in CAPFs, namely ITBP, BSF, CISF, CRPF, SSB, and Rifleman (GD) in Assam Rifles through an advertisement dated 15.12.2012, with the last date for submission of applications being 11.01.2013 (Annexure P-1). The recruitment process comprised Physical Standards Test, Physical Efficiency Test, Written Examination, and Medical Examination, with vacancies allotted state-wise for candidates domiciled in the respective states. The petitioner applied under category 9-UR before the last date and was allotted Roll No. 2201135620. The final result for male candidates was declared on 22.04.2014, wherein the petitioner secured 85 marks. As per the cut-off declared by SSC on 30.05.2014, the last selected candidates from Haryana in CAPFs—specifically CRPF ('C') and Assam Rifles ('F')—had also obtained 85 marks in the UR (9) category. Despite being medically fit and having equal marks, the petitioner's name did not appear in the selection list. The petitioner later filed an RTI on 07.03.2015 seeking clarification but received an unsatisfactory response dated 21.04.2015, merely referring him to the website for cut-off details. A legal notice seeking redressal was sent on 12.12.2017 (Annexure P-2), but SSC, in its reply dated 01.01.2018 (Annexure P-3), rejected his claim, stating that although his total marks were equal to the last selected candidates in CRPF ('C') and Assam Rifles ('F'), his Part-A marks were lower.

3. Contentions

On behalf of petitioner

The counsel for the petitioner contends that the petitioner secured 85 marks, equal to the last selected candidates in the UR (9) category for Haryana in CAPFs, CRPF ('C') and Assam Rifles ('F') and was medically fit, yet his name was omitted from the selection list. Such exclusion is arbitrary,

discriminatory, and violative of Articles 14 and 16 of the Constitution. The rejection of his candidature on the ground of lower Part-A marks, despite equal total marks, is unjustified since the advertisement did not prescribe Part-A marks as a tie-breaking or determining factor.

It is submitted that, under clause 10(iv) of the advertisement, the petitioner could have been considered for appointment in other states where vacancies in the same category remained unfilled, particularly as candidates with lower marks, such as Roll No. 2201141650 (Manjeet), were allowed to join in Rajasthan, in violation of the merit principle. The respondents' selective approach amounts to unfair and discriminatory treatment.

It is alleged that a second list was published including candidates with lesser marks, but the same was not made public to prevent higher-merit candidates from raising objections, thereby compromising transparency in the recruitment process.

Additionally, the cut-off for Haryana in the UR (9) category was unreasonably high compared to other states, contrary to clause 10(ii) of the advertisement, which prescribes a minimum qualifying percentage of 35% for General and Ex-servicemen candidates. The arbitrary fixation of a higher cut-off and denial of relaxation to Haryana candidates caused undue hardship and violated the principles of fairness and equality. The counsel, therefore, submits that the entire selection process suffers from arbitrariness, lack of transparency, and non-application of mind, and that the petitioner, being higher in merit, is entitled to appointment with all consequential benefits in the interest of justice.

On behalf of respondents

The respondents respectfully submit that the petitioner appeared in the Constable (GD) in CAPFs and Rifleman (GD) in Assam Rifles Examination, 2013, conducted by the SSC as per the advertisement dated 15.12.2012. In the written examination held on 12.05.2013, the petitioner scored fewer marks than the last selected candidates in BSF, CISF, SSB, and ITBPF, and was accordingly not selected. In CRPF and Assam Rifles, although the petitioner's total marks equaled those of the last selected candidates, his Part-A marks (23) were lower than the last selected candidates' Part-A marks (24). As per the tie-breaking procedure prescribed in the Notice of Examination—total marks, Part-A marks, age, and alphabetical order—the petitioner was therefore not selected.

The petitioner's allegation that candidates with lower marks were selected under Clause 10(iv) of the Notice is without basis. Clause 10(iv) empowers the Commission, with MHA approval, to divert candidates from surplus to deficit states, but there is no record of its exercise in the 2013 recruitment. SSC conducted the examination strictly within the framework of the recruitment policy laid down by MHA.

The recruitment process for 2013 was completed in 2014, and any unfilled vacancies were carried forward and merged with subsequent recruitment cycles. The MHA, vide letters dated 23.07.2019 and 30.09.2019, has confirmed that no vacancies remain unfilled from the 2011, 2012, 2013, and 2015 Constable (GD) examinations.

Specifically, the petitioner's reference to candidate Manjeet (Roll No. 2201141650) is incorrect. Manjeet, who applied under Haryana, was not selected under Haryana or Rajasthan. None of the candidates cited by the

petitioner scored more than the last selected UR candidate from Haryana, who had 85 total marks with 24 in Part-A.

In view of the above, the petitioner's claims are factually incorrect, legally untenable, and devoid of merit. The respondents, therefore, respectfully pray that the writ petition be dismissed in its entirety with costs and any other order deemed fit and proper in the interest of justice.

Herd counsel for both parties.

4. Analysis

Having heard learned counsel for the parties, this Court does not find any merit in the present petition. Before advertng to the facts of this case, this court finds it apposite to discuss the trite legal position of service jurisprudence that "any process of recruitment must strictly adhere to the statutory rules governing the service as well as the specific terms and conditions set out in the recruitment advertisement." The competent authority responsible for making appointments is bound by these rules and cannot act in deviation from them. The advertisement serves as the foundation upon which candidates assess their eligibility and legitimate expectations are created. Reliance may be placed on "***M.P. State Cooperative Dairy Federation Ltd. v. Rajnesh Kumar Jamindar, (2009) 15 SCC 221***" where in it was observe that:

"36. This rule was enunciated by Mr. Justice Frankfurter in Vitarelli v. Seaton [359 US 535], wherein the learned Judge said :

'An executive agency must be rigorously held to the standards by which it professes its action to be judged. ... Accordingly, if dismissal from employment is based on a defined procedure, even though generous beyond the requirements that bind such agency, that procedure must be scrupulously observed. ... This judicially evolved rule of administrative law is now firmly established and, if I may add, rightly so. He that takes the procedural sword shall perish with that sword.' "

37. The power of judicial review of a superior court although a restricted one, has many facets. Its jurisdiction is not only limited in the cases where the administrative orders are perverse or arbitrary but also in the cases where a statutory authority has failed to perform its statutory duty

in accordance with law. An order which is passed for unauthorized purpose would attract the principles of malice in law.

39. It is also a well-settled principle of law that an authority discharging a public function must act fairly. It, for the aforementioned purpose, cannot take into consideration an irrelevant or extraneous matter which is not germane for the purpose for which the power is sought to be exercised."

Therefore, all stages of the selection process being invitation of applications, scrutiny, evaluation, and final appointment must be conducted in conformity with the notified statutory provisions and the contents of the advertisement. Any departure from these requirements vitiates the selection process and renders the resultant appointments legally unsustainable.

Moreover, the contention of the petitioner that he was arbitrarily denied selection despite securing equal marks as the last selected candidates in CRPF and Assam Rifles is without merit. The recruitment process clearly prescribed tie-breaking criteria in the Clause 11 of Notice of Examination (Annexure P-1), giving preference first to total marks, then to Part-A marks, followed by age, and finally alphabetical order. The petitioner's Part-A marks were lower than those of the last selected candidates, and hence, he was rightly not selected. The principle of merit was duly applied as per the notified procedure.

Also, the petitioner's reliance on Clause 10(iv) of the Notice of Examination (Annexure P-1) to argue that he could have been diverted to other states is misplaced. Clause 10(iv) confers only a discretionary power on the Commission, subject to MHA approval, to transfer candidates from surplus to deficit states. The records and affidavit of the Regional Director (SSC, NWR) clearly indicate that no such diversion was made in the 2013 recruitment. Accordingly, no entitlement arises for the petitioner under this

Further, allegations regarding the selection of candidates with lower marks or manipulation of cut-offs are factually incorrect. The SSC conducted the recruitment strictly within the framework prescribed by the Ministry of Home Affairs, and subsequent MHA communications confirm that no vacancies remained unfilled from the relevant recruitment cycles.

5. Conclusion

In view of the above, the petitioner’s claims of arbitrariness, discrimination, or non-application of mind are factually and legally untenable. The respondents have acted strictly in accordance with the advertised criteria and applicable policy. Accordingly, the present writ petition is dismissed being devoid of any merits.

(SANDEEP MOUDGIL)
JUDGE

30.10.2025
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<i>Whether speaking/reasoned</i>	<i>:Yes/No</i>
<i>Whether reportable</i>	<i>:Yes/No</i>