



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

CWP-21351-2024 (O&M)
Date of Decision: 19.12.2025

.....PETITIONERS

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Mr. Vikas Sonak, AAG, Punjab.

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HARPREET SINGH BRAR, J. (ORAL)

CM-15056-CWP-2025

The present application has been filed under Article 226 of the Constitution of India read with Order 1 Rule 10 and Section 151 of the Code of Civil Procedure, 1908, seeking impleadment of the applicants as respondents No.9 to 15 in the present writ petition and further, for placing on record the amended memo of parties.

For the reasons mentioned in the application, the same is allowed and applicants are ordered to be impleaded as respondents No.9 to 15 in the present case. Amended memo of parties is taken on record, subject to all just



exceptions.

CWP-21351-2024

1. The present writ petition has been filed under Article 226/227 of the Constitution of India seeking issuance of writ in the nature of *certiorari* for setting aside the impugned speaking order dated 28.06.2024 (Annexure P-12) passed by respondent No.2, whereby the claim of the petitioners for dereservation/conversion of the vacant posts of Firemen, originally reserved for women, for lack of sufficient number of eligible women candidates and to fill up the said posts in accordance with merit, was rejected. Further, it is prayed that a writ of *mandamus* be issued for directing the respondents to fill up the said vacant posts in accordance with merit and to consider the candidature of petitioners for the same in a time bound manner.

2. Learned counsel for the petitioners *inter alia* contends that respondent No.3 vide advertisement No.1 of 2023 dated 28.01.2023 (Annexure P-1) invited applications for recruitment to the posts of Firemen and Drivers/Operators in various Municipal Councils, Corporations and, Panchayats. Out of the 991 posts advertised, 461 were reserved for women. A perusal of the advertisement would indicate that while educational qualifications for both male and female candidates were identical, different requirements of physique were prescribed for them. The relevant part is reproduced below:

8.	Qualification for direct recruitment as per Service Rules.	Minimum Matric should preferably the demobilised soldiers of other able bodies person all below the age of 37 years who are quite fit to undergo rigors of the duties of fire brigade personnel. Note:-<u>Physique for direct recruitment</u>
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	a) Height 5'5" minimum b) Chest 33.5" unexpanded with 1.5" c) Eye sight 6/6 both eyes without glasses Note:- Womens and girls only from Physique scale (a) Height and (c) Eye sight will apply. <u>Physical fitness standard:</u> a)Running a distance of 100 yards with a weight of 60 Kg stones in one minute. b) Lifting the hook ladder to a vertical position from 3rd to 6th round. c) Climing a rope or a vertical pipe to a height of 8-10 feet from the Ground.
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3. Learned counsel submits that the petitioners have passed matric and meet the physical standard as required. Further, they also successfully cleared the Physical Measurement and Efficiency Test (PMT) for the post of Fireman. As per the schedule, a total of 1875 women appeared for the PMT, however, none of them were able to clear the same. Subsequently, respondent No.3 conducted counselling and the petitioners were declared eligible upon scrutiny of their documents. Ultimately, the results for employment with Municipal Councils and Municipal Corporations were released on 04.02.2024 wherein no female candidate was declared successful, causing all 461 posts to stay vacant. He further contends that since no female candidates are available for consideration, Rule 5(3) of the Punjab Civil Services (Reservation of Posts for Women) Rules, 2020 (hereinafter ‘Rules of 2020’) may be resorted to in order to fill these vacant posts. The said provision particularly states that if reserved posts remain unfilled due to non-availability of candidates, they shall be filled from the other candidates of respective vertical categories. The petitioners are next in line to be considered



for appointment, however, the respondents have not conducted any such exercise yet.

4. Aggrieved by the lack of action, the petitioners filed CWP No.6743 of 2024 titled *Blakar Singh and others vs. State of Punjab and others*, which was disposed of vide order dated 21.03.2024 with a direction to respondent No.2 to consider the claim of the petitioners. In compliance thereof, respondent No.2 passed a speaking order dated 28.06.2024 (Annexure P-12) whereby the claim of the petitioners was denied citing pendency of CWP-25576 of 2023 titled *Jasdeep Kaur and others vs. State of Punjab and others* before a Division Bench of this Court whereby relaxation in the physical parameters was sought. Vide interim order dated 21.11.2023 (Annexure P-14), it was directed that– “*Any recruitment, if made, shall abide by the final decision in the present writ petition.*” He further submits that while releasing the results for the post of Junior Draftsmen, respondent No.3 had converted the unoccupied posts reserved for women and recruited mail candidates, as discernible from Annexure P-15. It is further submitted that the case of the petitioners is squarely covered by the judgment rendered by this Court in *CWP-12572-2025*, titled as *Gagandeep Singh and others vs. State of Punjab and others*. Thus, it is prayed that the vacant reserved posts be converted and the candidature of the petitioners be considered for recruitment to the post of Fireman.

5. Learned counsel for interveners/respondents No.4 to 8 submits that the advertisement (*supra*) for recruitment to the posts of Fireman and Drivers/Operators was made in accordance with the applicable Rules. The State has been granted the liberty by the Division Branch to relax the Rules



by bringing appropriate amendments, which is under active consideration.

6. Learned State counsel supports the arguments made by the learned counsel for the intervener/respondents No.4 to 8 to the extent that the relaxation in the Rules is under active consideration of the State Government. In rebuttal, learned counsel for the petitioners submits that it is settled law that such amendment would only have a prospective effect i.e. it will not be applicable to the present selection process, as rules of the game cannot be changed midway. Reliance in this regard is placed on the judgments rendered by the Hon'ble Supreme Court in *Tej Prakash Pathak vs. Rajasthan High Court (2025) 2 SCC 1* and *K. Manjusree vs. State of Andhra Pradesh (2008) 3 SCC 512*.

7. Having heard learned counsel for the parties and after perusing the record with their able assistance, it transpires that a Division Bench of this Court has decided the matter in *Jasdeep Kaur(supra)* vide judgment dated 10.09.2025 in the following manner:

11. In view of the admitted position that the Rules have not been challenged prior to submission of candidature by the writ petitioners and it is only after the petitioners have failed to secure their selection that the writ petitions have been filed, we are of the considered view that at this belated stage, the challenge laid by the petitioners in the writ petitions or their prayer to relax the Rules cannot be considered. More-so no challenge to the Rules or the advertisements made by the candidates much after participation in recruitment having failed to secure the job is not liable to be entertained.

12. Much argument has been advanced on behalf of the parties with regard to the desirability of containing provisions specifying the physical parameters of a candidate for appointment to the post of Fireman. We are, however, not inclined to dwell any deeper on this aspect of the matter considering the fact that the challenge itself has been made at a very belated stage. We, otherwise cannot be oblivious of the fact that the requirement of a fireman are



arduous in nature and the prescription of physical parameters may be necessary to ensure that the job requirement for the post is met by the candidate. However, we leave the question on merits open for examination in appropriate case. We also leave it open for the State to consider the issue of relaxing the norms in respect of women candidates of Punjab, if all the posts for them are left vacant. These observations have been made considering the submission of the petitioners that the State of Punjab is actively considering such issue and we are not inclined to interfere in such proposed action of the State. However, we clarify that our observation, aforesaid, shall not be construed as a direction to the State to relax the Rules.

13. In view of the observations made above, this bunch of petitions fail and are consigned to records.”

8. Adverting to the matter at hand, it appears that none of the female candidates could qualify the PMT causing all the posts reserved for women to remain vacant. Further, Rule 5(3) of Rules of 2020 specifically forbids carrying forward of the unoccupied vacancies for the lack of eligible female candidates, and clarifies that the vacant posts are to be filled from the eligible male candidates in consonance with the vertical reservation requirements. Further still, a perusal of the impugned speaking order dated 28.06.2024 (Annexure P-12) indicates that the case of the petitioners has not been considered on merits in view of the Rules of 2020 in view of the pendency of ***Jasdeep Kaur (supra)***.

9. Further still, since vacant posts have presented themselves at the end of the recruitment exercise, the same must be filled with the next eligible meritorious candidate, in absence of any eligible female candidates. A Division Bench of this Court in ***CWP No.13215-2009*** titled as ***Gajraj Singh vs. State of Haryana***, speaking through Justice M.M. Kumar, made the following observations:



“3. Having heard the learned counsel, we are of the view that the aforesaid contention which has again been raised before us was rightly rejected by the learned Single Judge. It is well settled that once a post has not been consumed and a meritorious candidate in the merit list is available then the vacancy could be filled in by inviting next person in merit. The direction issued by the learned Single Judge are consistent with the principles of equality laid down in Articles 14 and 16(1) of the Constitution. The post of Lecturer in Hindi has to be offered to the most meritorious candidate who may be next in the merit after Vinod Kumar under the exserviceman category. Therefore, no exception is provided to interfere in the view taken by the learned Single Judge. The appeal is wholly without merit and does not warrant admission. Accordingly, the appeal fails and the same is dismissed.”
(emphasis added)

10. This Court dealt with a similar issue in **Gagandeep Singh** (supra), wherein it was observed that:-

“9. Further, since vacant posts have presented themselves at the end of the recruitment exercise, the same must be filled with the next eligible meritorious candidate, in absence of any eligible female candidates.”

“Thus, there is no legal requirement to keep all of the 144 posts vacant for the reason of unavailability of eligible female candidates. The respondents shall, however, be justified in holding back 09 posts, as only 09 female candidates appeared for the written exam, in view of the pendency of writ petitions qua relaxation of the selection criteria before this Court.”

11. In view of the discussion above, the present writ petition is hereby disposed of with a direction to the competent authority to fill the remaining vacant posts in accordance with the Rules of 2020.

12. Pending miscellaneous application(s), if any, shall also stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

19.12.2025