

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

CWP-21545-2025

Date of decision : 17.09.2025

Praveen Chandra and others

.....Petitioners

Versus

High Court of Punjab and Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Praveen Chandra - Petitioner No.1 in person
(through video conferencing).

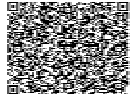
Mr. Amit Jhanji, Senior Advocate (arguing counsel), with
Mr. B.S. Patwalia, Advocate,
for respondent No.1 – High Court.

Mr. Deepak Balyan, Addl. Advocate General, Haryana.

SHEEL NAGU, CHIEF JUSTICE

1. Petitioners, who are three in number, have invoked the writ as well as supervisory jurisdiction of this Court under Article 226 read with Article 227 of the Constitution, to primarily assail the legality and validity of Rule 11 (bb) of Haryana Superior Judicial Rules, 2007 (in short, “2007 Rules”) and clause 3.3 of advertisement issued vide notification dated 01.06.2025 (P-2) inviting applications to fill up 25 vacancies of Additional District & Sessions Judge by way of direct recruitment under 25% quota reserved for Advocates.

2. Rule 11 (bb) of 2007 Rules, impugned herein, is re-produced below for ready reference and convenience :



“Qualifications

11 The qualifications for direct recruits shall be as follows :

- (a) xxx xxx xxx*
- (b) xxx xxx xxx*
- (bb) Must be an income tax assessee for at least three assessment years preceding the date of application, with gross professional income of not less than rupees five lacs per annum. The applicant shall also be required to attach the proof of his independent engagement and conducting of not less than fifty cases (other than bunch cases) per year in the preceding three years :*

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Backward Classes, physically challenged persons and Ex-Servicemen, the gross professional income shall not be less than rupees three lacs per annum and the condition of independent engagement and conducting of cases shall be forty cases (other than bunch cases) per year in the preceding three years.

- (c) xxx xxx xxx*
- (d) xxx xxx xxx*

2.1 The other challenge is to clause 3.3 of advertisement vide notification dated 01.06.2025 (P-2), which also is re-produced below for ready reference and convenience :-

“3. Eligibility/Qualifications :-

A candidate for direct recruitment to the service :

- 3.1 xxx xxx xxx*
- 3.2 xxx xxx xxx*
- 3.3 must be an income tax assessee for at least three assessment years preceding the date of application, with gross professional income of not*



less than rupees five lakhs per annum. The applicant shall also be required to attach the proof of his independent engagement and conducting of not less than fifty cases (other than bunch cases) per year in the preceding three years :

Provided that in case of candidates belonging to Scheduled Castes, Scheduled Tribes, Backward Classes, Economically Weaker Sections, Physically Challenged persons and Ex-servicemen, the gross professional income shall not be less than rupees three lakhs per annum and the condition of independent engagement and conducting of cases shall be forty cases (other than bunch cases) per year in the preceding three years.

3.4 xxx xxx xxx

3.5 xxx xxx xxx”

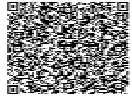
3. Shri Amit Jhanji, learned senior counsel for respondent No.1 – High Court, at the very outset prays for dismissal of this petition on the ground that challenge to same Rule and similar clause in the advertisement was unsuccessfully made in CWP-21026-2019, titled “Dr. Gurbuneet Singh Randhawa Vs. The Registrar General, Punjab & Haryana High Court, Chandigarh”, which was dismissed vide judgment dated 24.09.2019. Shri Jhanji has drawn the attention of this Court to relevant findings rendered by Co-ordinate Bench in the aforesaid judgment, while repelling challenge to similar Rule and clause, which are re-produced below for ready reference and convenience :-

“36. It may also be mentioned here that similar provision, pari matria to rule 10(bb) of the Punjab Superior Judicial Service Rules, 2007 and clause 3(bb) of the impugned notification, has been made in rule 11(bb) of the Haryana Superior Judicial Service Rules, 2007 notified vide



*Gazette Notification dated 06.06.2014 which was challenged in the Hon'ble Supreme Court by the Punjab and Haryana High Court Bar Association by filing **writ petition (Civil) No.579 of 2015 titled as 'The Punjab and Haryana High Court Bar Association Vs. The Registrar (Recruitment), Punjab and Haryana High Court'**, which was subsequently, on leave sought in this regard, dismissed as withdrawn vide order dated 20.04.2018.*

37. *The object of sub-rule (bb) of Rule 10 of the 2007 Rules is to enable the High Court to get the candidates of the desired level of excellence in the Punjab Superior Judicial Service to cater to the exigencies thereof. The requirements of the job can be taken into consideration to prescribe higher eligibility conditions as part of a well structured process for making a selection which would advance the cause of efficiency. Higher eligibility conditions can always be introduced by the competent authority for the purpose of maintenance of higher standards in service in furtherance to its decision taken in the interest of administrative excellence. What has been done by the Notification dated 30.05.2019 is to evolve a procedure to choose the best available talent. It cannot for a moment be stated that prescription of the condition is in any manner irrelevant or not having any nexus to the object sought to be achieved. The merit of a candidate from the Bar and his suitability for direct recruitment have to be assessed with reference to his performance at the Bar. Therefore, the prescription of the eligibility conditions of appearance in 50 cases in a year and income of Rs.5 Lakhs per annum (Rs.3,00,000/- per annum for candidates of SC/ST/BC categories) in Rule 10 (bb) of the 2007 Rules reproduced by way of clause 3(bb) in the Notification dated 26.3.2001 is necessary and fully justified for assessment of suitability of*



the candidates for direct recruitment from the Bar. It will not be proper to strike down the Rule framed by the Governor in consultation with the High Court laying down the qualification, which is germane and best suited to achieve the object, as being arbitrary or discriminatory. No doubt, there was no such condition in the similar examinations recently conducted by the High Court of Madhya Pradesh, Jabalpur and the High Court of Judicature at Allahabad for filling up of similar posts in the Higher Judicial Services but that fact is not by itself sufficient to hold the said clause to be arbitrary and discriminatory and strike down the same. When scrutinized in the context of law on the subject, we do not perceive any error in fixation of higher eligibility conditions which otherwise have uniform application and which cannot be treated to be irrelevant, irrational or illegitimate to the object to be thereby achieved. The action of respondent is not discriminatory, arbitrary, unjustifiable and against constitutional provisions guaranteeing equality. Consequently, prescription by Rule 10 (bb) of the 2007 Rules of higher eligibility condition of appearance in 50 cases in a year and income of Rs.5 Lakhs per annum (Rs.3,00,000/- per annum for candidates of SC/ST/BC categories) not being arbitrary or discriminatory and violative of Articles 14 and 16 of the Constitution of India is not liable to be struck down on the ground of being ultra vires to the Constitution of India.”

3.1 Learned senior counsel for the High Court further points out that the aforesaid decision in **Dr. Gurbuneet Singh Randhawa’s** case (supra) was followed by Co-ordinate Bench of this Court in a bunch of petitions, including CWP-27851-2023, titled “Rajender and others Vs. State of Haryana and another”, which were all dismissed vide judgment dated 21.03.2024.

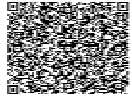


3.2 Learned senior counsel appearing on behalf of respondent No.1 – High Court has also referred to a recent decision of this very Bench rendered in CWP-21095-2025, titled “Kanu Sharma Vs. High Court of Punjab and Haryana at Chandigarh and others”, wherein same issue was taken up and the said petition was dismissed as infructuous, in view of challenge to the same Rule and clause having been repelled earlier in CWP-27851-2023, titled “Rajender and others Vs. State of Haryana and another”.

3.3 Learned senior counsel on behalf of the High Court also informs that aforesaid decision in CWP-27851-2023, earlier decision rendered in CWP-21026-2019, titled “Dr. Gurbuneet Singh Randhawa Vs. The Registrar General, Punjab & Haryana High Court, Chandigarh” and also the recent judgment dated 25.07.2025 of this Court while dismissing CWP-21095-2025 as infructuous, have attained finality for want of any challenge to the same.

4. When confronted with said situation, petitioner No.1, who appeared virtually, contends that grounds raised in this petition are diverse to the grounds raised and decided in earlier petitions, and therefore, this Court needs to consider the challenge afresh in this petition. It is contended that following grounds raised in this petition were neither raised nor considered in the earlier round of litigations :

- (i) That Advocacy being a noble profession, many Advocates indulge in pro bono work, therefore, inclusion of economic criteria under Rule 11 (bb) of 2007 Rules is not only unreasonable but violative of Articles 14, 19 (1) (g) and 21 of the Constitution;
- (ii) That apart from the High Court of Punjab and Haryana, no other High Court has incorporated the impugned economic criteria anywhere in the northern States of India. Impugned economic



criteria is abhorrent to the recent concept of reservation to EWS which is now constitutionally recognized;

- (iii) That the Bar Council of India Rules prohibit indulgence of Advocates in unfair means and, thus, insistence of satisfying economic criteria under the impugned Rule would compel lawyers to indulge in unfair means, such as touting, canvassing, advertising etc.

5. We could have indulged in adjudication of the aforesaid grounds taken in the present petition, which are alleged to be different to the grounds taken in the earlier round of litigations in regard to same subject-matter, but we refrain from doing so, in view of the bar contained in Section 11 (Explanation IV and V) of CPC, which is re-produced below for ready reference and convenience :-

“11. Res judicata – *No Court shall try any suit or issue in which the matter directly and substantially in issue has been directly and substantially in issue in a former suit between the same parties, or between parties under whom they or any of them claim, litigating under the same title, in a Court competent to try such subsequent suit or the suit in which such issue has been subsequently raised, and has been heard and finally decided by such Court.*

Explanation I - xxx xxx xxx

Explanation II - xxx xxx xxx

Explanation III – xxx xxx xxx

Explanation IV - Any matter which might and ought to have been made ground of defence or attack in such former suit shall be deemed to have been a matter directly and substantially in issue in such suit.



Explanation V - Any relief claimed in the plaint, which is not expressly granted by the decree, shall for the purposes of this section, be deemed to have been refused.

Explanation VI - xxx xxx xxx

Explanation VII - xxx xxx xxx

Explanation VIII - xxx xxx xxx

6. *Res judicata* is a doctrine of public policy, which ensures finality of litigation. Challenge raised in earlier rounds of litigation may not be based upon all the grounds, which ought to have been taken, but the said bar of doctrine of *res judicata* prohibits this Court from considering and adjudicating, in the instant case, the said grounds, even if not raised earlier. (Please see : **Devilal Modi Vs. Sales Tax Officer, Ratlam and others, 1965 AIR SC 1150** (5 Judge bench decision).

7. In view of above, this Court declines interference and dismisses this petition *in limine* without cost.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

September 17, 2025
narotam

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