



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

**CWP-26380 of 2021(O&M)
Date of Decision: 29.07.2025**

Ram Karan and others

....Petitioners

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. D.S.Patwalia, Senior Advocate with
Mr. Adityajit Singh Chadha, Advocate
for petitioners No. 1, 3 and 4

Mr. Nikhil Lather, Advocate
for Mr. Anurag Goyal, Advocate
for petitioners No. 2 and 5

Mr. Shashank Bhandari, Addl.A.G, Haryana
Mr. Rahul Gupta, A.A.G., Haryana

Mr. Rajat Mor, Advocate
for respondent No. 4

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of show cause notice dated 16.12.2021 (Annexure P-5) whereby they have been called upon to show cause as to why their services should not be dispensed with.



2. The petitioners pursuant to advertisement No. 3/2018 dated 16.04.2018 applied for the post of Sub Inspectors (Male). They cleared the written test followed by physical test. They came to be selected. They were issued appointment letters. In view of appointment letters, they joined in March'2019. Few unselected candidates approached this Court. As soon as notice of motion was issued by this Court, the Recruitment Agency reconsidered marks awarded to the petitioners therein and came to a conclusion that they have not been awarded correct marks. On account of revision of result, the petitioners herein were bound to be relieved because their merit went down. The respondent issued impugned show cause notice calling upon the petitioners to show cause as to why their services should not be dispensed with.

3. This Court while issuing notice of motion directed the parties to maintain status quo. The order dated 22.12.2021 reads as:-

“ Learned counsel contends that pursuant to the orders of Hon’ble the Coordinate Bench dated 05.01.2021 and 12.03.2021, in CWP-5221-2019 and connected cases, report of the Nodal Officer along with record of the application forms was furnished by the State Government in sealed cover, but the same has not been considered and the case has now been listed for hearing on 02.02.2022, but the respondents have issued show cause notice on the basis of report of the said Nodal Officer without supplying a copy of the report to the petitioner or affording opportunity to show cause as to why their services should not be dispensed with immediate effect.

Notice of motion for 22.02.2022.

Notice regarding stay.



In the meantime, status quo as exists today shall be maintained, till the next date.”

4. The petitioners on account of aforesaid interim order till date are working with respondent. They had already completed service of more than six years. They have become overage to apply anywhere else especially for the post of Assistant Sub Inspector.

5. Mr. D.S.Patwalia, Senior Advocate submits that petitioners were selected by respondent. There was no fraud, connivance or misrepresentation on their part. The respondent selected them having found meritorious and suitable. They are in service for the last more than six years. They have settled their family life and any order disturbing their appointment would ruin their lives. They cannot be punished for the lapse, if any, on the part of respondent.

6. *Per contra*, Mr. Shashank Bhandari, Addl. A.G., Haryana pointing out reply submits that it is difficult to create supernumerary posts of Sub Inspectors. If posts are created, those would be over and above the advertised posts. The appointment of petitioners was provisional. They did not have absolute or fundamental right on the post.

7. I have heard learned counsel for the parties and perused the record with their able assistance.

8. In the case of **Vikas Pratap Singh and others vs. Rahul Bhagat and others, (2013) 14 SCC 494**, Hon'ble Supreme Court has held that candidates who have already successfully undergone training and are efficiently serving State for more than three years, should not be discharged because it would undoubtedly impinge upon their economic security as well



as their dependants. It will also adversely affect their careers. It would be highly unjust and grossly unfair to the appellants who are innocent appointees of an erroneous evaluation of the answer scripts.

9. In the case of **Rajesh Kumar and others vs. State of Bihar and others, (2013) 4 SCC 690**, Hon'ble the Supreme Court while protecting interest of already selected candidates has held:-

21. There is considerable merit in the submission of Mr Rao. It goes without saying that the appellants were innocent parties who have not, in any manner, contributed to the preparation of the erroneous key or the distorted result. There is no mention of any fraud or malpractice against the appellants who have served the State for nearly seven years now. In the circumstances, while inter se merit position may be relevant for the appellants, the ouster of the latter need not be an inevitable and inexorable consequence of such a re-evaluation. The re-evaluation process may additionally benefit those who have lost the hope of an appointment on the basis of a wrong key applied for evaluating the answer scripts. Such of those candidates as may be ultimately found to be entitled to issue of appointment letters on the basis of their merit shall benefit by such re-evaluation and shall pick up their appointments on that basis according to their inter se position on the merit list."

10. Concededly, the petitioners are working with respondent since March'2019. They were selected by respondent on the basis of merit list. There was no fraud, connivance or misrepresentation on their part. They were found meritorious and accordingly selected. At the time of their



selection they were more than 25 years old. They must have settled their economic and family life. There is scarcity of job in the country. If the selected candidates, at this stage, are disturbed it would ruin their lives. It would not be in the interest of justice and fitness of things.

11. In view of the above discussion and findings, the instant petition deserves to be allowed and accordingly allowed. The Show cause notice dated 16.12.2021 (Annexure P-5) is hereby set aside.

12. The respondent, at this stage, may or may not be having vacant posts, thus, this Court finds it appropriate to direct the respondent to consider all the petitioners against vacant posts, if any and in the absence of vacant posts, the respondent would create supernumerary posts.

13. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

29.07.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	