

2025:PHHC:145526



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-25672-2025
RESERVED ON: 13.10.2025
PRONOUNCED ON:17.10.2025

LAKHAN SINGH
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

CWP-23638-2025

NAVENDER
.....PETITIONER(S)

VERSUS

HARYANA PUBLIC SERVICE COMMISSION
.....RESPONDENT(S)

CWP-24103-2025

AMAN DALAL AND OTHERS
.....PETITIONER(S)

VERSUS

HARYANA PUBLIC SERVICE COMMISSION AND ORS.
.....RESPONDENT(S)

CWP-24106-2025

HARSHVARDHAN MALIK
.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS
.....RESPONDENT(S)

CWP-25241-2025

ANAND HOODA AND OTHERS

.....PETITIONER(S)

VERSUS

HARYANA PUBLIC SERVICE COMMISSION

.....RESPONDENT(S)

CWP-28061-2025

MUSKAN

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

CWP-29741-2025

BHUSHAN AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ajit Singh Lamba, Advocate,
Mr. Vivek Sheoran, Advocate and
Ms. Annie, Advocate for the petitioner in CWP-25672-2025

Mr. Omkar Chauhan, Advocate
for the petitioner in CWP-23638-2025

Mr. Prashant Manchanda, Advocate,
Ms. Nancy Shah, Advocate and
Mr. Angad Singh, Advocate for
the petitioners in CWP-25241-2025

Mr. Gurinder Pal Singh, Advocate and
Ms. Sushma Singh, Advocate

for the petitioner in CWP-24103-2025

Mr. Abhinay Sharma, Advocate and
Ms. Nevadita Malik Sharma, Advocate
for the petitioner in CWP-24106-2025.

Mr. Rohit Kumar, Advocate and
Ms. Yashika Walia, Advocate
for the petitioner in CWP-28061-2025

Mr. MS Kundu, Advocate
for the petitioner in CWP-29741-2025

Mr. Sushil Bhardwaj, Addl. AG Haryana
Mr. Kanwal Goyal, Advocate,
Ms. Sheena Dahiya, Advocate and
Ms. Komal Klana, Advocate for the respondent-HPSC

SANDEEP MOUDGIL, J

1. The bunch of writ petitions is being decided through a common order, as they arise from the same set of facts, involve a common question of law, and seek identical relief. To avoid repetition, the facts are being referred from CWP-25672-2025.

Prayer

2. The present writ petition has been filed under Article 226 of the Constitution of India, seeking issuance of an appropriate writ, order, or direction, particularly in the nature of *mandamus*, directing Respondent No. 2 to withdraw the scheme/pattern of the screening test as notified through the Announcement dated 08.08.2025 (Annexure P-2), issued in connection with Advertisement No. 18 of 2025 (Annexure P-1) for the post of Assistant District Attorney in the Prosecution Department, Haryana.

3. The petitioner further seeks a direction to Respondent No. 2 to modify the said scheme/pattern of the screening test in accordance with the nature of the post and the responsibilities associated with it. Additionally, the petitioner

prays for an interim relief restraining Respondent No. 2 from conducting the screening/shortlisting test based on the impugned scheme/pattern as long as the present writ petition remains pending adjudication.

Brief Facts

4. The factual matrix leading to the filing of this civil writ petition unfolds as under that the Haryana Public Service Commission (hereinafter referred as “Commission”) vide Advertisement bearing No.18 of 2025 dated 08.08.2025 (Annexure P-1), invited applications for the post of Assistant District Attorney Group-B (in short as ADA), in the Prosecution Department, Haryana.

5. The opening date for submission of online applications was 13.08.2025 with the last date for submission of the form notified as 02.09.2025 and the date announced to conduct the screening test being 02.11.2025 and the petitioners being candidates intended to appear for the same.

6. The Commission, while announcing the number of vacant posts, also provided a category-wise bifurcation of the advertised vacancies for eligible candidates for the said post, as detailed below:

Gen/UR	SC		Backward classes		EWS	Total	ESM (UR)	ESM (SC)	ESM (BC-A)	ESM (BC-B)	PwBD Locomotors Disability or Cerebral Palsy
	OSC	DSC	BCA	BCB							
134	26	26	28	15	26	255	7	2	3	2	14 (OH)

7. The essential qualifications for eligibility to compete for employment for the advertised post as laid down in consonance with the relevant service rules were :

- (i) Degree of Bachelor of Laws (Professional) of a recognized University.

(ii) Hindi/Sanskrit upto Matric or Higher Standard.

(iii) should have enrolled as an Advocate with Bar Council.

8. Subsequent to advertisement, the Commission issued an Announcement dated 08.08.2025 (Annexure P-2), wherein the scheme/pattern of the Exam was published. The recruitment was to be conducted in three stages, which is as under:-

(i) Screening test

(ii) Subject Knowledge Test and

(iii) Interview.

9. The syllabus for the first two stages was also intimated through the announcement. The screening test is to be conducted at first stage, which is objective in nature with a total of 100 MCQs and Clause (i) of the announcement stipulated that candidates will have to secure a minimum of 25% marks to get through the screening test. However, Clause (j) further clarified that candidates four times the number of advertised posts alongwith bracketed candidates, if any will be called for the Subject Knowledge Test, provided they meet the above provided threshold. Further Clause (k) stated that the marks obtained by the candidates in the screening test is merely for shortlisting and will not be counted for the final selection.

10. The syllabus for the screening test was majorly general in nature and did not include subjects of the legal domain, which reads as under:-

“Topics / Syllabus of Screening Test:-

General Science

Current Events of National and International Importance

History of India

Indian and World Geography

Indian Culture, Indian Polity and Indian Economy

General Mental Ability (Reasoning and Analytical Abilities)

Basic numeracy (numbers and their relations, order of magnitude etc.

- Class X level),

Data interpretation (charts, graphs, tables, data sufficiency etc. - Class X level)

Haryana GK - History, Geography, Polity, Economy, Culture etc.”

11. The second stage of the examination comprised of a subject knowledge test followed by an interview both holding a weightage of 87%.5 and 12.5% respectively. The syllabus for the Subject Knowledge Test is as under:-

“a) Civil Law

i) Code of Civil Procedure

ii) Bhartiya Sakshya Adhiniyam, 2023

iii) Indian Contract Act

iv) Indian Partnership Act

v) Sale of Goods Act

vi) Hindu Law

vii) Mohammadan Law and Customary Law.

b) Criminal Law

i) Bhartiya Nyaya Sanhita (BNS)

ii) Bhartiya Nagrik Suraksha Sanhita (BNSS)

iii) Bhartiya Sakshya Adhiniyam, 2023”

12. The petitioners being aspirants for the post of ADA in the State of Haryana have applied for the said post and now approached this Court challenging the Advertisement No. 18 of 2025 dated 08.08.2025 issued by respondent no. 2.

13. The grievance of the petitioners is that unlike previous recruitment processes where the Screening Test comprised of law subjects, the present syllabus includes questions of general knowledge, reasoning, current affairs, language and

allied topics, which, according to them, is arbitrary and *de hors* the Haryana State Prosecution Legal (Group-B) Service Rules, 2001 (Annexure P-5).

14. Hence, this petition.

Contentions:

On behalf of the Petitioners

15. Mr. Ajit Singh Lamba, learned Advocate vehemently argued that the advertisement dated 08.08.2025 issued by the Commission, whereby the syllabus of the Screening Test for the post of ADA has been confined to General Knowledge, Reasoning, Current Affairs and allied topics, is wholly arbitrary and unsustainable in law as it has no nexus with the specialization attached to the advertised post of the ADA.

16. He further flagged a concern relating to the procedure adopted by the commission to altogether change the existing syllabus while submitting that under *Clause 41* of the Haryana Public Service Commission (Limitation of Functions) Regulations, 1973 read with Article 320 of the Constitution, any alteration in the principles governing recruitment ought to have been made only in consultation with the Government, which requirement has been overlooked in the present case.

17. Also, Mr. Gurinder Pal Singh, learned Advocate appearing for the petitioners in CWP-24103-2025 submitted that the post in question is a specialized legal post and the very essence of the recruitment lies in testing the legal acumen possessed by the candidates in subjects such as criminal law, evidence, and procedure. By completely excluding law from the Screening Test, the Commission has destroyed the rational nexus between the mode of selection and the object sought to be achieved.

18. Counsel has further contended that in the earlier recruitment cycle of 2017, the Screening Test carried 80% weight-age for law and only 20% for general knowledge, and thus the petitioners had a legitimate expectation that the process would remain law-centric. The departure of the commission from such established practice without any cogent justification is *per se* arbitrary and violative of Article 14 of the Constitution.

19. Learned counsel also submits that *Clause* 10 of the advertisement (Annexure P-1) though grants powers to the Commission, cannot be stretched to confer unfettered authority to eliminate legal subjects from the shortlisting process altogether therefore, impugned action fails the test of reasonableness under the Wednesbury principle and the doctrine of proportionality as administrative convenience cannot justify a method that is destructive of merit and is totally flawed.

20. Lastly, it is argued that the new announcement gravely prejudices candidates who were guided by the earlier practice and have invested their time in preparing for the exam on the basis of earlier practices. On these grounds, the counsel prays for the announcement dated 08.08.2025 to be quashed.

On behalf of Respondents-Commission

21. Per contra, learned counsel for the respondent-Commission Mr. Kanwal Goyal, submits that the grievance raised by the petitioners is wholly misconceived and devoid of merit. It is pointed out that *Clause* 10 of the advertisement itself empowers the Commission to adopt any of the prescribed shortlisting methods, including a Screening Test, Subject Knowledge Test, or Interview, in such combination and manner as deemed fit by the commission. The advertisement further makes it abundantly clear that the decision of the

Commission regarding the pattern of examination would be final and binding upon all candidates.

22. It is submitted that nowhere has the Commission in the advertisement stated that the Screening Test would necessarily comprise of law subjects only. On the contrary, the announcement dated 08.08.2025 was issued well in advance, almost three months before the date of examination, thereby affording sufficient preparation time to all aspirants who have submitted online applications.

23. Learned counsel for the Commission while rebutting the argument that legal acumen is ignored, emphasized that the Screening Test is merely a qualifying stage, intended to shortlist candidates, and the candidates' knowledge in the legal domain is fully tested at the next stage of recruitment, i.e. the Subject Knowledge Test, which carries a weightage of 87.5%, with the remaining 12.5% earmarked for interview.

24. Counsel further submits that the Commission, being entrusted under Article 320 of the Constitution with the duty of selecting the most meritorious candidates, must be given latitude to evolve its procedure to meet contemporary requirements. The rationale behind including General Knowledge and Current Affairs in the Screening Test is that an ADA, being a Group-B officer, is not confined to court work alone but is also deputed to various departments, Boards, and Corporations, where broader awareness and ability to advise on diverse matters are indispensable.

25. It is further contended that there exists no vested right in the petitioners to demand continuance of the earlier syllabus or method of recruitment adopted by the commission as in the previous advertisements and legitimate expectation cannot override the constitutional mandate of selecting the most

competent candidates. The counsel places reliance upon the judgment of this Court in *CWP-24605-2022 titled as "Ashish Kumar and another v. State of Haryana"* decided on 12.05.2025, wherein a similar challenge to a general screening test for technical posts was rejected by the Division Bench, in view of the dictum of the apex court *Sanchit Bansal v. JAB (2012) 1 SCC 157* upholding the Commission's discretion to devise any reasonable and rational shortlisting methods.

26. Furthermore, in response to a query raised by this Court, the counsel stated that a substantial number of candidates have submitted online applications for the advertised posts therefore conducting the examination on such a large scale would be highly inconvenient for the state, as it would significantly delay the selection process and impose a considerable logistical burden in evaluating a larger number of answer sheets.

27. Lastly the counsel submits that unless a policy is shown to be manifestly arbitrary, *malafide*, or violative of statutory provisions, Courts ought not to interfere in the selection process, especially in academic and recruitment matters which lie within the expert domain of the Commission. On these premises, it is prayed that the writ petition be dismissed.

28. No other argument has been raised by counsel for either of the parties.

29. Heard counsel for both parties.

Analysis

30. Having heard the learned counsel for the parties at length, and traversed through factual matrix of the case at hand with the utmost care, what emerges is a concern raised by the petitioners that conduct of screening test at the first stage itself to oust large number of candidates on the basis thereof would smell of arbitrariness and having no nexus with the objective to be achieved since

in the said screening test there is not even an iota in the syllabus prescribed vide announcement dated 08.08.2025 (Annexure P-2) attached to the advertisement 18 of 2025 (Annexure P-1) qua any legal subject even for a paper, which will be objective in nature. An attempt has been made to derive support from this assertion while referring to the syllabus as published to say that it would be totally unfair and total deviation from the earlier syllabus, which was being followed for quite long years for selecting the ADA. It is also the positive case of the petitioners that for such deviation of syllabus from the earlier set pattern ought to have been after a discussion and recording of reasons as is the mandate in Clause 41 & 42 of Haryana Public Service Commission (Limitation of Functions) Regulations, 1973.

31. This omission is urged to be so severe in arbitrariness that there is no rational nexus between the assessment mechanism and the functional requirements of the post, thereby raising serious doubts in the procedure, which may be also suffering from malice and against the spirit of Constitution of India, which guarantees equal opportunity to all in the public employment. Notably, the Commission does not dispute this factual assertion as it is fairly conceded that questions pertaining to the legal domain are entirely absent from the screening test stage, but Mr. Kanwal Goyal, learned Advocate appearing on its behalf tried to justify conduct of such screening test at the first stage with a cut-off mark of 25% in order to short-list the candidates upto four times to the number of advertised posts, since more than 27,500 candidates have applied for the said post, which would be a huge task to manage such number of aspirants at the second stage and the final stage to test their ability.

SCOPE OF JUDICIAL INTERFERENCE

32. This court finds itself duty bound and called upon to firstly examine its own ambit as embarked upon it under *Article 226* of the Constitution of India and the legitimacy and scope of judicial review in the sphere of administrative discretion involving academics. The scope of judicial review in public appointment cases represents one of the most cautious and nuanced areas of administrative law in India. Courts should balance between ensuring legality and upholding autonomy of recruiting agencies/institutions such like Commission in the instant cases. Judicial review arises under Articles 32, 226, and 14 16 of the Constitution, allowing courts to test administrative decisions for illegality, irrationality, mala fides, or procedural impropriety. However, appointment/employment being for a specialized field, the judiciary largely refrains from interference and leaves it with the expert bodies i.e. the statutory selection committees and the appointing authorities while ensuring to maintain fairness and transparency in the process of recruitment In public appointments, the judicial review is available to examine:

- *Legality of process,*
- *Fairness and equal opportunity, and*
- *Compliance with statutory norms and regulations governing such appointments.*

33. But courts do not adjudicate on academic merit, expertise, or subjective suitability of candidates. The doctrine of judicial deference thus coexists with constitutional oversight, ensuring lawful autonomy within public appointment.

34. Thus, on the subject matter of public appointment, one would find that judicial non-interference is the rule and interference is the exception.

Generally courts refuse to scan through the recruitment process and to probe into their legitimacy, particularly when the decision is taken by the experts. But court does interfere when the impugned decision is prima facie illegal and irregular being violative of the provisions of the Statute or Regulations or is shockingly arbitrary and manifestly unreasonable or unjust or is visibly mala fide. Even though being public bodies, they have their own autonomy but they have not been left totally free by the courts from the constitutional accountability of judicial review.

35. Before I proceed further it would be appetite to have a glance of certain enunciations dealing with the scope of judicial review in the administrative decision.

36. The Hon'ble Apex Court in the case of ***Dr. J.P. Kulshrestha and others vs. Chancellor, Allahabad University and other, 1980(3) SCC, 418***, has held as under:-

“17. Rulings of this court were cited before us to hammer home the point that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs. While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decision of academic bodies. But university organs, for that matter any authority in our system, is bound by the rule of law and cannot be a law unto itself. If the Chancellor or any other authority lesser in level decides an academic matter or an educational question, the court keeps its hands off; but where a provision of law has to be read understood, it is not fair to keep the court out. In Govinda Roa's case, Gajendragadkar, J. (as he then was) struck the right note :

"What the High Court should have considered is whether the appointment made by the Chancellor had contravened any

statutory or binding rule or ordinance and in doing so; the High Court should have shown due regard to the opinions expressed by the Board and its recommendations on which the Chancellor has acted."

(Emphasis added)

The later decisions cited before us proudly conform to the rule to caution sounded in Govinda Rao. But to respect an authority is not to worship it unquestioningly since the bhakti cult is inept in the critical field of law. In short, while dealing with legal affairs which have an impact on academic bodies, the views of educational experts are entitled to great consideration but not to exclusive wisdom. Moreover, the present case is so simple that profound doctrines about academic autonomy have no place here."

37. Further while reiterating the above view, it was observed in the case of ***All India Council for Teacher Education vs. Surinder Kumar Dhawan, 2009 AIR (SCW), 3124***, which reads as under:-

The role of statutory expert bodies on education and role of courts are well defined by a simple rule. If it is a question of educational policy or an issue involving academic matter, the courts keep their hands off. If any provision of law or principle of law has to be interpreted, applied or enforced, with reference to or connected with education, courts will step in.

38. Lately the Apex Court in ***Mandeep Singh and ors. vs. State of Punjab & Ors, 2025 INSC, 834***, while quashing the recruitment to the post of Assistant Professors and Librarian in Punjab has held that sudden deviation from established recruitment norms and adoption of arbitrary procedures without valid reasons is violative of principle of fairness under Article 14 of the Constitution of India. The relevant extract of *Mandeep Singh (supra)* reads as under:-

"52. The State and its instrumentalities have a duty and responsibility to act fairly and reasonably in terms of the mandate of Article 14 of the Constitution. Any decision taken by the State must be reasoned,

and not arbitrary. This Court has consistently held that when a thing is done in a posthaste manner, mala fides would be presumed, and further that anything done in undue haste can also be termed as arbitrary and cannot be condoned in law. We may refer here to a few judgments of this Court which lay down this proposition.”

54. True, the State is entitled to change its policy, yet a sudden change without valid reasons will always be seen with suspicion. Even in cases where there is no statutory prescription of any particular way of doing a thing, the executive must observe the long-standing practice, and a deviation from such a practice would require passing the muster of reasonableness, which is a facet of Article 14 of the Constitution. In this regard, this Court in *Bannari Amman Sugars Ltd. v. CTO* (2005) 1 SCC 625 observed that:

"9. While the discretion to change the policy in exercise of the executive power, when not trammelled by any statute or rule is wide enough, what is imperative and implicit in terms of Article 14 is that a change in policy must be made fairly and should not give the impression that it was so done arbitrarily or by any ulterior criteria. The wide sweep of Article 14 and the requirement of every State action qualifying for its validity on this touchstone irrespective of the field of activity of the State is an accepted tenet. The basic requirement of Article 14 is fairness in action by the State, and non-arbitrariness in essence and substance is the heartbeat of fair play. Actions are amenable, in the panorama of judicial review only to the extent that the State must act validly for discernible reasons, not whimsically for any ulterior purpose...."

39. The scope of judicial review in matters involving administrative or academic decisions is well-established. Courts generally refrain from interfering in administrative decisions, respecting the domain and expertise of statutory bodies.

However, this judicial restraint is not absolute. When decisions of administrative

authorities violate legal provisions, established norms, or principles of fairness under Article 14 of the Constitution, courts are duty-bound to intervene. No authority or Institution is above the law, and any deviation from legal or procedural norms especially if done arbitrarily or without justification is subject to judicial scrutiny and this Court on this touchstone would adjudicate the cases in hand.

Examination of Legality in the Recruitment Process: A Judicial

Review Perspective

40. Now testing the advertisement in question on the first principle of judicial review that is legality in the process, this Court would first dwell into this issue. Being conscious of the fact that the post of ADA is an inherently specialized post and calls for a high degree of legal acumen. The very nature of the duties associated with the position demands that candidates possess sound legal reasoning and command over relevant statutes and jurisprudence. However, as per the syllabus published by the Commission/respondent No.2 in response to the Advertisement No. 18 of 2025 vide Announcement dated 08.08.2025 attached herein as Annexure P-2, the topics/syllabus as specifically provided for the Screening Test suffers from a complete exclusion of subjects relating to the legal domain and is completely based on aspects of general knowledge which is not centric to the advertised post but a mere additional requirement. A screening test that bypasses the assessment of such core competencies as per the finding of this Court ceases to be a measure of merit and instead operates as an arbitrary mechanism of elimination having no logical and legal backing.

41. In a country where thousands of students enroll each year in 3-year and 5-year LL.B. programmes with the hope that their legal education will open

doors to public employment in certain posts where law is not merely relevant but essential, ADA being one of them. Conducting a shortlisting process that excludes legal subjects altogether defeats the very premise of their qualification. When candidates possessing the prescribed essential qualification are filtered out at the threshold by tests assessing areas unrelated to their academic training, this nullifies the purpose of professional legal education. This unreasonable procedure adopted by the commission renders the legal degree possessed by the candidates inconsequential and takes away a fair and equal opportunity of public employment from a large number of candidates.

42. Also, discussing the underlying rationale for conducting a Screening test as discussed in *The Kothari Committee on Recruitment Policy and Selection Methods* report, which was constituted with the primary objective of reforming and rationalizing the recruitment processes to public services in our country. Recognizing the increasing complexity of governance and the growing demand for efficiency, equity, and meritocracy in public employment, the Committee was tasked with evolving selection methods that would ensure fairness, objectivity, and accessibility across the socio-economic spectrum. One must remember that the purpose of the screening test was to aid opportunity to all. In a country as vast and varied as ours, marked by economic disparity and unequal access to resources, public employment is not just a job, it is a gateway to empowerment. Therefore, screening is not merely a sieve to identify the best but also a bridge that connects potential with possibility. It is a mechanism through which the State, as a model employer, opens its doors to talent from all corners. It must be designed not only to assess competence but to make access to public employment meaningful. It becomes a way of ensuring that brilliant minds have an equal chance to

demonstrate their capability. Thus, the screening stage is the first invitation in the journey towards public employment. It must be fair and reasonable to embrace the full spectrum of country's human potential.

43. The above observations reveal that the screening process adopted by entirely excluding legal subjects for a legally specialized post like ADA fails to meet the standard of legality in recruitment. It lacks rational nexus with the nature of the post, operates arbitrarily, and undermines the very qualifications it seeks to assess, thereby rendering the process legally unsustainable.

Violation of Fairness and Equal Opportunity in the Recruitment Process

44. Moreover, to shortlist candidates for the Subject Knowledge Test in law by conducting a Screening Test that comprises only General Knowledge, Reasoning, Current Affairs, and allied topics without any component of law, breaks the rational nexus between the method of selection and the object sought to be achieved by the selection procedure. While it is asserted by the learned counsel for the Commission/respondent no. 2 that the impugned announcement clarifies through clause (k) that this stage is merely qualifying in nature and will not contribute to the final merit which is provided vide clause (k) as below:

“(k) The marks obtained by the candidates in the screening test will not be counted for final selection because it is meant only for short-listing of category-wise candidates.”

45. However, the approach adopted by the commission has serious and far-reaching implications causing prejudice to many brilliant legal minds. When the marks obtained in a screening test are not carried forward or counted towards the final merit, then what compelled the commission to change the syllabus and make the test the sole determinant of who proceeds to the next stage. Candidates

invest significant time, energy, and resources to prepare for recruitment processes that hold the promise of public employment and to subject them to an elimination round that is wholly detached from the final selection not only dilutes the legitimacy of the process but also renders their efforts futile.

The apex court in “**Tej Prakash Pathak v. Rajasthan High Court 2024 INSC 847**” observed that:

“(4) Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end provided the procedure so adopted is transparent, non-discriminatory/ non-arbitrary and has a rational nexus to the object sought to be achieved.”

46. It is true that the court does not normally interfere with the selections made by duly constituted Body. However, it is equally settled that the court in the exercise of its extra-ordinary jurisdiction, is bound to "reach injustice wherever it occurs". While courts must exercise restraint in interfering with the discretion granted to expert bodies in matters concerning selection procedures, such discretion must nevertheless maintain a clear and rational connection to the objective intended to be achieved. This principle was affirmed by the Supreme Court in “**Chandigarh Administration through Director Public Instructions v. Usha Kheterpal Waie 2011(9) SCC 645**” :

“It is now well settled that it is for the rule-making authority or the appointing authority to prescribe the mode of selection and minimum qualification for any recruitment. Courts and tribunals can neither prescribe the qualifications nor entrench upon the power of the concerned authority so long as the qualifications prescribed by the employer is reasonably relevant and has a rational nexus with the functions and duties attached to the post and are not violative of any provision of Constitution, statute and Rules.”

47. Furthermore, the announcement also specifies, through clause (j) that only four times the number of vacancies for the posts advertised will be shortlisted after the first stage i.e., the screening test in question, the same is reproduced hereinbelow:

“(j) Candidates four times the number of advertised posts alongwith bracketed candidates, if any, will be called for the Subject Knowledge Test, provided that they have secured the minimum cutoff marks of 25%. ”

48. This raises a concern thereby that out of approximately 27,500 applicants, only four times the advertised posts will be shortlisted. Out of an applicant pool only a small fraction equivalent to four times the number of advertised posts will be allowed to proceed to the next stage only which involves legal subjects in the written test, which is called as the second stage of selection process according to the submissions on behalf of the Commission . In effect, this means that over 85% of the aspirants will be eliminated at the initial stage of screening.

Category		Advertised Posts	Proposed 4 % as Shortlisted candidates
Gen/UR		134	536
SC	OSC	26	104
	DSC	26	104
Backward Classes	BCA	28	112
	BCB	15	60
EWS		26	104
ESM(UR)		7	28
ESM (SC)		2	8
ESM(BC-A)		3	12

ESM(BC-B)	2	8
PwBD	14(OH)	56
Total	255	1020

49. It is pertinent to note that these aren't just statistical facts but a constitutional injury as these candidates are not being rejected after a full and fair evaluation of their suitability, they are being denied even the fair chance to be considered. The selection is not at stake here, but the opportunity *to be considered* for selection and by denying such a vast majority of eligible candidates access to the next stage, the process effectively locks them out of the zone of consideration altogether without even testing their ability on legal acumen of the essential qualification i.e., LLB, BA, LLB degree course. And in doing so, it extinguishes their fundamental right of equal opportunity of public employment. This right is not abstract but it is the bedrock of our democratic promise that every individual has an equal stake in public service.

50. In fact it is the spirit of the Constitution itself by its framers wherein its has been mentioned that Article 16(1) of the Constitution is the facet of Article 14 of the Constitution of India guaranting equal opportunity in the matters of public appointment as a fundamental right to every citizen of the country. It would be in the fittest of things to have a glance of Article s 14 & 16 here itself, which reads as under:-

14. Equality before law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

16. Equality of opportunity in matters of public employment

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State,

(2) No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

(4A) Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of Scheduled Castes and the Scheduled Tribes which in the opinion of State are not adequately represented in the services under the State.

51. The Apex Court in the case of ***Union Public Service Commission Vs. Girish Jayanti Lal Vaghela & Others*** [2006 (2) SCALE 115], while dealing with the Article 16 of the Constitution of India observed as under:-

"Article 16 which finds place in Part III of the Constitution relating to fundamental rights provides that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. The main object of

*Article 16 is to create a constitutional right to equality of opportunity and employment in public offices. The words "employment" or "appointment" cover not merely the initial appointment but also other attributes of service like promotion and age of superannuation etc. The appointment to any post under the State can only be made after a proper advertisement has been made inviting applications from eligible candidates and holding of selection by a body of experts or a specially constituted committee whose members are fair and impartial through a written examination or interview or some other rational criteria for judging the inter se merit of candidates who have applied in response to the advertisement made. A regular appointment to a post under the State or Union cannot be made without issuing advertisement in the prescribed manner which may in some cases include inviting applications from the employment exchange where eligible candidates get their names registered. Any regular appointment made on a post under the State or Union without issuing advertisement inviting applications from eligible candidates and without holding a proper selection where all eligible candidates get a fair chance to compete would violate the guarantee enshrined under Article 16 of the Constitution (See **B.S. Minhas Vs. Indian Statistical Institute and others** AIR 1984 SC 363)."*

52. The Hon'ble Supreme Court in **Kesavananda Bharati Vs. State of Kerala (1973 Supp. S.C.R. 1)**, has held that Article 14, and Article 16, which was described as a facet of Article 14, is part of the basic structure of the Constitution of India. The position emerging from **Kesavananada Bharati** (*supra*) was summed up by Jagannatha Rao, J., speaking for a Bench of three Judges in **Indira Sawhney Vs. Union of India (1999 Suppl. (5) S.C.R. 229)**. That decision also reiterated how neither the Parliament nor the Legislature could transgress the basic feature

of the Constitution, namely, the principle of equality enshrined in [Article 14](#) of which [Article 16 \(1\)](#) is a facet. The Apex Court stated, "

The preamble to the Constitution of India emphasises the principle of equality as basic to our constitution. In [Keshavananda Bharati v. State of Kerala](#), it was ruled that even constitutional amendments which offended the basic structure of the Constitution would be ultra vires the basic structure. Sikri, CJ. laid stress on the basic features enumerated in the preamble to the Constitution and said that there were other basic features too which could be gathered from the Constitutional scheme (para 506 A of SCC). Equality was one of the basic features referred to in the Preamble to our Constitution. Shelat and Grover, JJ. also referred to the basic rights referred to in the Preamble. They specifically referred to equality (paras 520 and 535A of SCC). Hegde & Shelat, JJ. also referred to the Preamble (paras 648,

652). Ray, J. (as he then was) also did so (para 886).

Jaganmohan Reddy, J. too referred to the Preamble and the equality doctrine (para 1159). Khanna, J. accepted this position (para 1471). Mathew, J. referred to equality as a basic feature (para 1621). Dwivedi, J. (paras 1882, 1883) and Chandrachud, J. (as he then was) (see para 2086) accepted this position.

What we mean to say is that Parliament and the legislatures in this Country cannot transgress the basic feature of the Constitution, namely, the principle of equality enshrined in [Article 14](#) of which [Article 16\(1\)](#) is a facet."

53. Further the Apex Court in [Indira Sawhney Vs. Union of India](#) [1992 Supp. (2) S.C.R. 454], B.P. Jeevan Reddy, J. speaking for the majority, while acknowledging that equality and equal opportunity is a basic feature of our Constitution, has explained the exultant position of [Articles 14](#) and [16](#) of the

Constitution of India in the scheme of things. The relevant extract of the same reads as under:-

"6. The significance attached by the founding fathers to the right to equality is evident not only from the fact that they employed both the expressions 'equality before the law' and 'equal protection of the laws' in [Article 14](#) but proceeded further to state the same rule in positive and affirmative terms in [Articles 15](#) to 18. 7. Inasmuch as public employment always gave a certain status and power --- it has always been the repository of State power --- besides the means of livelihood, special care was taken to declare equality of opportunity in the matter of public employment by [Article 16](#). Clause (1), expressly declares that in the matter of public employment or appointment to any office under the state, citizens of this country shall have equal opportunity while clause (2) declares that no citizen shall be discriminated in the said matter on the grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them. At the same time, care was taken to, declare in clause (4) that nothing in the said Article shall prevent the state from making any provision for reservation of appointments or posts in favour of any backward class of citizen which in the opinion of the state, is not adequately represented in the services under the state.."

(See paragraphs 6 and 7 at pages 544 and 545) These binding decisions are clear imperatives that adherence to [Articles 14](#) and [16](#) of the Constitution is a must in the process of public employment.

54. It is now well-settled that adherence to the principle of equality in public employment is not merely a statutory requirement, but a basic feature of the Constitution of India, rooted in the ethos of Articles 14 and 16. Article 14 guarantees equality before the law and equal protection of laws to all persons,

while Article 16 specifically ensures equality of opportunity in matters relating to public employment. Together, these provisions form the bedrock of constitutional governance in matters of recruitment and appointments to public offices.

55. The rule of law, being the core of the Constitution, prohibits arbitrary or whimsical exercise of power. A Court of law, therefore, cannot and must not sustain or uphold an appointment that is made in contravention of the rules or without due process, including proper competition amongst all eligible candidates. Any such act would amount to an impermissible bypassing of Articles 14 and 16, and would offend the constitutional vision of a fair and merit-based public service.

56. Ousting such a large number may include capable and bright candidates with legal knowledge solely on the basis of Screening Test that bears no nexus with the essential qualifications for the post of ADA as expressly provided in the statutory rules concerned would be totally capricious and against the spirit of Articles 14 and 16 of the Constitution of India. Such a process effectively eliminates the possibility of meritorious candidates who hold the essential qualifications and have spent years equipping themselves for precisely this opportunity from even entering the zone of consideration not because they lack merit, but because the process chooses to shut the door too soon and that too on an arbitrary and unreasonable ground for the meant post of ADA.

57. The consequence is deeply troubling as candidates who may have demonstrated exceptional potential in their core area of training are excluded, not on account of any deficiency in competence, but due to an elimination filter that operates mechanically and without regard to the full measure of their ability.

58. In a country where public employment is a primary gateway to economic stability, social dignity, and personal advancement, the State cannot

adopt exclusionary mechanisms that, at the threshold itself, slam the door on thousands of hopeful applicants. Such a process may appear procedural sound, but substantively, it is unjust. Opportunity cannot be a mirage, it must be real, accessible, and meaningful. Guidance may be drawn from the landmark judgement of the Supreme Court in **“Lila Dhar vs State of Rajasthan 1981 (4) SCC 159”**, wherein it was held that:

“4. The object of any process of selection for-entry into a public service is to secure the best and the most suitable person for the job. avoiding patronage and favouritism. Selection based on merit. tested impartially and objectively. is the essential foundation of any useful and efficient public service. So, open competitive examination has come to be accepted almost universally as the gateway to public services. The ideal in recruitment is to do away with unfairness”

59. However, it is not in dispute that *Clause 10* of the Advertisement which is reproduced below, empowers the Commission to determine the mode of shortlisting and deciding the pattern of examination, such discretion cannot be construed as unbridled.

“10. MODE OF EXAMINATION:-

1. Generally, the Commission has a three stage recruitment process i.e. Screening Test followed by Subject Knowledge Test and interview. In the event of number of applications being large, Commission may adopt any one of the following modes for shortlisting the candidates for the next stage of the recruitment process:-

a) On the basis of percentage of marks of the candidates in the minimum educational qualification prescribed in the advertisement.

b) On the basis of percentage of marks of the candidates in different educational qualifications, with weightage as decided by the Commission.

c) On the basis of desirable qualifications or any one or all of the desirable qualifications, if more than one desirable qualification is prescribed.

d) On the basis of higher educational qualifications than the minimum/essential qualification prescribed in the advertisement.

e) On the basis of higher experience in the relevant field than the minimum prescribed in the advertisement.

f) By counting experience before or after the acquisition of minimum/essential qualifications

g) By holding a Screening test and/or Subject Knowledge Test.”

60. The court is mindful of the trite law that where the administration is bestowed upon with a duty so heavy and with far reaching repercussions, the administrative discretion must always be exercised in conformity with constitutional principles of fairness, reasonableness and proportionality. The Commission cannot, under the guise of shortlisting, design a test wholly unconnected with the essential qualifications or nature of duties of the posts advertised. A general test which does not examine the candidates understanding of law, even though merely screening, renders the exercise arbitrary. This procedure adopted by the Commission violates the equality of opportunity guaranteed under Article 16(1) of the Constitution of India and results not only in indirect discrimination but sounds unfair against legally proficient candidates in my firm judicious view.

61. Reliance may be drawn upon the Supreme Court judgement in ***“Dr. Sudha Suri vs. Union of India and Ors., 2002(2) SCT 63”*** where the court observed that:

“The object sought to be achieved is fairness, proper application of mind and appropriate selection. Fairness in administrative action must not only be done but must also appears to have done in consonance with the basic provisions of law as well as rules.”

62. Moreover, the Commission has failed to provide any cogent justification for this sudden and radical departure from the earlier syllabus, wherein law formed a substantial component of the Screening Test. In the previous recruitment process, 80% of the weightage in the Screening Test was accorded to law subjects and only 20% to general awareness, reflecting a more balanced and rational approach. No explanation has been furnished by the

Commission/respondent no. 2 in the present case as to why the earlier method was found deficient or incapable of ensuring fair shortlisting. The omission of law subjects altogether from the screening stage, particularly when it acts as a filter to determine eligibility for the next round, amounts to an irrational classification and undermines the objective of recruiting the most suitable legal professionals.

63. This court agrees and is well sanguine with the fact that General Knowledge may be an added quality for a Law Officer, however it cannot form the basis of initial short-listing for a specialized post with great responsibility of that of an ADA that too which ensures elimination of more than 85% of total candidates without testing their legal knowledge which is an essential and mandatory qualification. While general awareness may be desirable, it cannot substitute the core requirements of legal acumen, reasoning, and comprehension which are indispensable for discharging the functions of an ADA. In the absence of any law component in the Screening Test, the syllabus lacks a direct and rational nexus with the specifications and functional requirements of the post advertised. A process that does not test a candidate's suitability for the post at the filtering stage is not only unfair but also arbitrary.

64. The Court is also mindful of the settled position of law that although the Public Service Commission is conferred wide latitude in framing procedures for recruitment, such discretion must be exercised within the bounds of reason, transparency, and fairness. There is complete discretion to recruiting agencies, but not in a manner that is disconnected from the object of recruitment or that denies deserving candidates a fair opportunity to compete. Where the method adopted is shown to be manifestly arbitrary or discriminatory in effect, judicial review must step in to ensure constitutional compliance.

65. Public employment constitutes new form of property and all citizens are entitled to participate in the enjoyment of this property. To filter aspiring legal minds through a sieve bereft of legal essence is to betray the very purpose of recruitment. The Constitution enshrines equality not as an empty promise but as a vibrant mandate to ensure fairness and reason in administrative action. When the gateway to opportunity is barred by a test that has no relevance to the competence, the State trespasses upon the rights of deserving candidates and mars the sanctity of merit. In matters so vital, reason must be the compass to bring justice to all candidates participating in the public.

66. The above observations clearly demonstrate that the recruitment process fails to uphold the principles of fairness and equal opportunity. By using a screening test unrelated to the core legal qualifications required for the post and eliminating a vast majority of eligible candidates at the threshold, the process operates arbitrarily and without a rational nexus to the object of selection. Such exclusionary practices deny candidates a meaningful chance to compete and are constitutionally unsustainable.

Non-Compliance with Statutory Norms and Regulations Governing Recruitment to the Post of ADA

67. Adverting to the averments made in reply filed by the Commission/respondent no. 2, this Court finds that while the Commission has sought to justify the selection process currently in place citing administrative concerns such as the delay in the selection process and the logistical burden of evaluating a larger number of answer sheets. However, such justifications, grounded in considerations of efficiency or convenience, cannot override the fundamental rights of candidates under Article 16 of the Constitution. The right to

be considered for public employment especially where the essential qualifications are fulfilled is not a matter of administrative discretion but a constitutional entitlement. To limit access to the next stage of recruitment solely to avoid institutional burden is to invert the very logic of public service. The convenience of the Commission cannot be placed above the right of fairly assessment of eligible and aspiring candidates. Every selection process must be designed to serve the citizen and not the other way around. The constitutional mandate on this legal position is clear that equal opportunity must guide all stages of public employment, and administrative efficiency, while important, cannot be invoked to dilute this foundational principle.

68. The another most forceful contention raised on behalf of the Commission that if candidates are not permitted to be shortlisted on the basis of screening test as prescribed in the announcement dated 08.08.2025 (Annexure P-2), it would be a tough task for it to manage such large number of candidates for the written test on legal subjects i.e., the second stage as per the announcement in question, does not find favour with this Court since such act is absolutely suffers from arbitrariness, which cannot be a reason for the State while making public appointments to deprive large number of candidates merely on a plea of its inability to make suitable arrangements for such aspirants to appear in written test, which cannot be permitted to be argued in a socialistic welfare state on behalf of State Government. In other words such an argument on behalf of the Commission, which is the recruiting agency acting on behalf of the State Government though an autonomous body only indicates that the State Government is running away or shrugging off the responsibly from its shoulders to provide equal reasonable and opportunity to all in a transparent and fair manner, which is not only arbitrary and

unfair as well as unreasonable but also tantamount to violation of Article 16(1) of the Constitution of India .

69. Therefore, the explanation offered does not satisfactorily address whether the process, in its existing form, adequately balances the constitutional mandate under Article 16 with the Commission's statutory responsibility to select the most meritorious candidates for the posts advertised which is of ADA. Public employment must be open to all eligible candidates on equal terms and that any screening or shortlisting procedure must be fair and capable of objective justification.

70. Lastly, the Court takes cognizance of the serious grievance raised by Mr. Ajit Singh Lamba, counsel for the petitioner, regarding the flawed procedure adopted by the Commission in altering the syllabus for the screening test, which clearly violates the Haryana Public Service Commission (Limitation of Functions) Regulations, 1973. The Commission's submission that consultation under *Clause 41* of the said Regulations read with Article 320(3)(b) of the Constitution was unnecessary is legally unsustainable. At the outset, Article 320(3)(b) of the Constitution mandates as follows:

Article 320 (3) The Union Public Service Commission or the State Public Service Commission, as the case may be, shall be consulted:

*(a)****

(b) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;

71. The phrase "*principles to be followed*" is of substantive import and these principles are embedded in the recruitment rules, which necessarily include eligibility criteria, qualifications, experience, and the overall methodology for

selection. Any change to these must be preceded by consultation with the Commission.

72. Moreso, *Clause 41* of the Haryana Public Service Commission (Limitation of Functions) Regulations, 1973 reinforces this constitutional mandate:

“In accordance with the provisions contained in sub-clause (b) of clause (3) of Article 320 of the constitution of India, the Public Service Commission are to be consulted on the Principles' to be followed in making appointments to Civil Services and posts in making promotions and transfers, from one service to another and on the suitability of candidates for such appointments, promotions or transfers. The expression' Principles to be followed occurring in that sub-clause are those incorporated in the recruitment rules of the particular service/post. Such rules of all services/posts are required to be framed in consultation with the Commission except those covered by regulation 6(f) of the Haryana Public Service Commission when consulted about these rules can express their views in regard to the qualifications and experience to be prescribed for the service/post. Any subsequent change in qualification and/ or experience has also to be referred to the Commission for approval and this should precede the making of recruitment proposals to the Commission. ”

73. Furthermore, *Clause 42* of the same Regulations explicitly addresses the procedural mischief that has occurred in the present case. It states:

“42. The Commission have brought to the notice of Government that quite often no formal proposal suggesting qualification and/or experience for particular posts is made by the Departments and whenever such a proposal is made, it is only as a part of the requisition asking for recruitment. This practice defeats the very purpose of Article 320(3). (b) referred to above. It may, therefore, be ensured that in cases where qualifications/experience for a service/posts are proposed to be prescribed for the first time or where variation from those already prescribed in rules is desired, consultation with the Commission should precede the Placing of the requisition on the Commission. “

74. In view of the above, this Court finds considerable force in the petitioner's submission that the Commission, under the guise of autonomy, cannot bypass the constitutional obligation of consultation by making unilateral changes to the recruitment process. The Commission's attempt to draw a distinction

between “selection” and “appointment” so as to escape the rigour of *Article 320(3)(b)* is wholly misconceived. The process of selection is not a procedural sidebar but an integral and substantive part of the appointment process. Consultation is mandated at every stage of the recruitment process, and not merely at the point of issuing appointment letters. Moreover, the Commission has failed to demonstrate the procedure through which the decision to alter the syllabus or introduce a new shortlisting methodology was reached. To alter the methodology of selection such as the syllabus for shortlisting without consultation, is to defeat the very constitutional architecture that Article 320(3)(b) seeks to preserve.

75. The above observations clearly establish that the recruitment process suffers from non-compliance with statutory norms and constitutional mandates. The unilateral change in syllabus and selection methodology without prior consultation, as required under Article 320(3)(b) of the Constitution and Clauses 41 and 42 of the Haryana Public Service Commission (Limitation of Functions) Regulations, 1973, renders the process procedurally flawed and legally unsustainable. Administrative convenience cannot override the statutory duty to follow due process and uphold candidates' rights under Article 16.

Conclusion:-

76. This Court is compelled to observe that recruitment to public service is neither a mere exercise in administrative arithmetic nor a mechanical sieve that shuts out merit for the sake of convenience. When legality is compromised, fairness is forsaken, and statutory mandates are disregarded, the essence of Article 16 stands deeply violated. In such circumstances, this Court is duty-bound to intervene in the exercise of its powers under Article 226 of the Constitution of India to ensure that substantial justice is done. The judiciary cannot remain a

passive observer when administrative decisions result in manifest injustice, as is evident in the present case. Judicial review must respond where constitutional principles are at stake and arbitrariness is writ large on the face of the record. The present advertisement, aimed at filling a post as specialized as that of Assistant District Attorney, is bereft of any rational nexus with its intended objective. To conduct a screening test that excludes legal knowledge for a post fundamentally rooted in legal expertise is not only irrational but constitutionally untenable.

77. The State, as a model employer, must be anchored in equity and guided by reason in all its actions. It cannot hide arbitrariness behind the cloak of discretion. The wholesale elimination of qualified candidates through a general knowledge filter, the neglect of mandated consultation under Article 320(3)(b), and the silent disregard of established norms without lawful procedure reveal a recruitment process that has lost its legitimacy.

78. Law without legality, process without fairness, and discretion without accountability are anathema to our constitutional order. Each recruitment notification is a beacon of hope for countless aspirants in a country rich in talent yet burdened by unemployment. The State cannot, through administrative haste or callous design, snuff out that hope. Discretion must be tethered to reason, and procedure must reflect purpose. Screening out a vast pool of meritorious candidates without testing their core legal competence fundamentally violates the constitutional guarantees of fairness and equal opportunity.

79. Accordingly, this Court holds that the Screening Test syllabus notified vide the advertisement dated 08.08.2025 at the first stage, for the reason recorded hereinabove, fails the test of reasonableness and relevance to the post of Assistant District Attorney as well as of giving equal opportunity to all in public

employment by excluding a significant and deserving segment of candidates prematurely and unfairly, the process defeats the very purpose of recruiting the best legal talent for public service.

80. In light of the above, the announcement dated 08.08.2025 (Annexure P-2) and advertisement No. 18 of 2025 dated 08.08.2025 (Annexure P-1) are hereby quashed as arbitrary, unreasonable, and violative of Article 16(1) of the Constitution.

81. However, the State Government as well as Commission would be at liberty to consider a fresh the process of selection, in the light of decision made hereinabove to fill up the post in question under the Advertisement No.18 of 2025 dated 18.18.2025 (Annexure P-1) as well as Announcement dated 18.08.2025 (Annexure P-2).

82. The petitions are allowed in the aforesaid terms.

83. Pending application(s), if any shall stands disposed off, having rendered infructuous.

84. A copy of order be placed on the other connected case files.

17.10.2025

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No