



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

1

LPA-2516-2025(O&M)

Date of Decision : **September 24, 2025**

SUMAN KUMARI AND ANOTHER

.....Appellants

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

2

LPA-2686-2025(O&M)

SANOJ KUMAR

.....Appellant

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

3

LPA-2687-2025

NARESH KUMARI

.....Appellant

VERSUS

STATE OF HARYANA AND OTHERS

.....Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present : Mr. Arvind Kumar Bangar, Advocate
for the appellants in LPA-2516-2025.
Mr. H.S.Dhindsa, Advocate for the appellant(s)
in LPAs-2686-2687-2025.
Mr. Pankaj Middha, Addl. AG, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. These three appeals arise out of composite judgment of the learned Single Judge dated 01.08.2025, whereby all the writ petitions have

been dismissed. The primary ground for rejection of the claim is delay in approaching the Court.

2. It transpires that process was initiated in the year 2018 for filling up of about 1600 posts in Haryana Police. The advertisement contemplated award of 10 additional marks to those candidates, who had completed computer course as per Punjab Police Rules, as applicable to Haryana. The petitioners are Constables and during the course of their employment, had undertaken such computer training. Their grievance before the writ Court was that 10 additional marks have not been allowed to them and, therefore, their non-selection was arbitrary. Reliance was placed upon a judgment of the learned Single Judge in **CWP-6708 of 2020 “Anju Bala Vs. State of Haryana,” decided on 29.10.2020.**

3. On facts, we find that the result was declared for different categories from the year 2019 upto March 2020. The appellants admit that the last result was declared on 25.03.2020. All the appellants, therefore, were made aware of the fact that they have not been selected. Cause of action had arisen to them at that stage, if they felt aggrieved by their non-selection. No writ petition, however, was filed by them. The only explanation offered is that certain RTI queries were made and representations were filed.

4. It is not in issue that after CWP No.6708 of 2020 was allowed, the State preferred an appeal being LPA No.26 of 2021, wherein the following orders were passed on 15.11.2021:-

“9. Thus, from the above sequence of events it would be clear that the criteria as such for the additional marks which were to be given for the general test as per the amended rule and which can go up to 10 marks was denied to the dis-advantage of the petitioners. If this benefit was not to be

granted, the criteria should have been fixed at the time when the process as such was initiated on 28.05.2018. Therefore, for the reasons above, this Court is of the opinion that the writ petitioners were justified for agitating their claim.

10. Counsel for the State has, however, contended that the said benefit as such be restricted only to the writ petitioners as it would open a Pandora's Box regarding similarly situated persons who had chosen not to approach this Court, though a period of 2 years has gone by.

11. Keeping in view the above, the present appeals are disposed of by holding that the benefit as such would apply to the writ petitioners only who were successful as such and had agitated for their claim at the initial point of time and had not been fence sitters as has been held in 'State of Uttar Pradesh & others Vs. Arvind Kumar Srivastava & others' 2015 (1) SCC 347. The instructions which were issued, however, cannot be faulted with since they are to fill in the gaps in the statutory rules. They only laid down as to which of the tests could be recognized for the purpose of granting benefits as per the statutory rules and the said instructions would thus only operate from the date they were issued.

12. Accordingly, the present appeals are partly allowed and the order of the learned Single Judge is modified to the above extent that the writ petitioners be given the benefit of the computer/training test.”

5. It is undisputed that the appellants have filed their writ petitions after the judgment of the Division Bench dated 15.11.2021. The filing of the writ petitions after the Division Bench judgment has thus not found favour with the learned Single Judge.

6. Learned counsel for the appellants argue that the petitioners were pursuing remedy before the authorities and there was no unexplained delay on their part in approaching the writ Court. It is also submitted that the appellants were not the fence sitters such that their claims could be discarded on the ground of delay itself.

7. The learned State counsel opposes the claim on the ground that the filing of the writ petitions was not only after the Division Bench judgment was delivered, but there was a delay of more than 1½ years between declaration of the final result and the filing of the writ petitions.

8. In the facts of the case, we do find substance in the objection of the respondent-State inasmuch as the cause of action to the petitioners had arisen by March 2020 itself. A timely challenge was not made by any of the petitioners. Though the writ petition filed by other persons was allowed but the judgment was made specific to the petitioners, therein, by the Division Bench of this Court. It is after the Division Bench judgment dated 15.11.2021 that the writ petitions by the petitioners came to be filed. We, therefore, are of the view that the status of the petitioners would remain that of fence sitters and the observations made by the Division Bench restricting the benefit only to the petitioner, who made a timely challenge, cannot be relaxed for the petitioners.

9. In that view of the matter, the present Letters Patent Appeal is dismissed.

10. All pending application(s), if any, also stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

September 24, 2025
ajaysharma

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No