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

**CWP-25200-2025 (O&M)
DECIDED ON: 05.09.2025**

KAPIL KUMAR

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mazlish Khan, Advocate for the petitioner(s).

Mr. Sushil Bhardwaj, Addl. A.G., Haryana.

SANDEEP MOUDGIL, J (ORAL)

This Civil Writ Petition under Articles 226/227 of the Constitution of India seeking a writ of Certiorari to quash the Final Result dated 23.06.2022 (Annexure P-4) declared by Respondent No. 2 Haryana Staff Selection Commission for Category No. 1 (Clerk), advertised vide Advertisement No. 05 of 2019 (Annexure P-2), insofar as it awards marks under the unconstitutional 'socio-economic criteria and experience' (SECE) framework introduced vide Notification dated 11.06.2019 (Annexure P-1).

Learned counsel for the petitioner submits that the said framework, having been declared ultra vires Articles 14, 15, and 16 by this Hon'ble Court in CWP No. 16904 of 2021 (*Neeraj v. State of Haryana*, decided on 22.05.2025) and affirmed by the Hon'ble Supreme Court, cannot form the basis of selection. The

impugned result, therefore, suffers from manifest illegality and is liable to be set aside to the extent it relies upon such invalidated criteria.

Learned counsel for the petitioner further submits that the facts of the present case are squarely covered by the judgments dated 01.09.2025 and 28.08.2025 passed by this Court in CWP-25677-2025 and CWP-25288-2025 titled as '***Sunil Malik vs. State of Haryana and ors.***'; and '***Shalini Sharma vs. State of Haryana and ors.***' respectively. In ***Sunil Malik's case*** (supra) the Court has held as under :-

'Learned counsel for the parties are ad idem that the issue raised in the instant writ petition has already been answered in the judgment dated 22.05.2025 of the Co-ordinate Bench of this Court passed in CWP-16904-2021 and connected cases in which it is held as under:-

"37. Since, we have set aside the criteria of adding up to 10 bonus marks on the basis of socio-economic criteria and experience, we issue following directions:-

A. The State would be required to publish a revised result and on the basis of the revised result, the candidates who are found to be meritorious, would be entitled to be considered for appointment for the concerned posts which were advertised in the year 2019.

B. Those candidates, who have already been appointed, if they fall in the said merit would continue to perform their duties.

C. Those appointees, who are going to be ousted on account of the revised merit list, shall be allowed to continue against future posts and in this regard, the State Government may conduct an exercise of finding out vacancies for them. If no vacancies are available, they will be allowed to continue on ad hoc basis till vacancies are made available. Their appointments would be treated from the date the vacancies are so made available and would have no claim on the posts which were advertised vide advertisement in 2019. The power is being exercised to save such appointments as there was no fault of

such persons, who have already appointed and have been working for years now.

D. The candidates, who are placed in the revised merit, will be treated as senior to those whose appointments have been saved although not falling in the merit.

E. The new incumbents, who would be selected on account of the revised merit list, would be entitled to claim their appointments from the date the similarly situated other candidates were appointed with all consequential benefits of seniority and pay parity. However, their salary would be fixed notionally from the date others were appointed till the date they join the post.

F. The exercise shall be conducted within the period of three months.'

Learned State Counsel do not controvert the submissions made by learned counsel for the petitioner.

In view of the above, the instant petition stands disposed of in the same terms as in judgments dated 01.09.2025 and 28.08.2025 passed by this Court in CWP-25677-2025 and CWP-25288-2025 tilted as '***Sunil Malik vs. State of Haryana and ors.***'; and '***Shalini Sharma vs. State of Haryana and ors.***' respectively.

05.09.2025
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(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*