



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

125

CWP-26881-2025
DECIDED ON:10.09.2025

DEEPAK MALIK

...PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Manjeet Singh, Advocate
for the petitioner
Ms. Mayuri Lakhanpal Kalia, DAG, Haryana

SANDEEP MOUDGIL, J

1. Prayer

The petitioner has approached this Court under Articles 226/227 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 21.05.2025 whereby his provisional appointment to the post of Sub-Fire Officer has been cancelled, and for a further direction to the respondents to treat him as duly selected and allow him to continue on the said post.

2. Brief Facts

The petitioner was provisionally appointed to the post of Sub-Fire Officer in the Directorate of Fire and Emergency Services, Haryana pursuant to Advertisement No. 03/2023 issued by the Haryana Staff Selection Commission. The essential qualifications for the said post under the Haryana Fire (Group C) Service Rules, 2016 included graduation with minimum prescribed marks, Sub-Fire Officer's Course from the National Fire Service



College, Nagpur or equivalent, knowledge of Hindi/Sanskrit up to Matric standard, and possession of a valid Heavy Motor Vehicle Driving License.

The petitioner, holding a B.Tech. degree in Fire Technology and Safety, applied for the post claiming that the said degree constituted a higher qualification in the same line as envisaged in the Government instructions dated 25.03.2016.

Moreover, it is an admitted position that on the last date of submission of applications i.e. 18.05.2023, the petitioner had only applied for a Heavy Motor Vehicle Driving License but the license itself was issued later on 18.08.2023.

The petitioner cleared the selection process and was issued a provisional appointment letter dated 07.02.2024, whereafter he joined duty. Subsequently, the appointment came to be withdrawn by the competent authority vide alleged impugned order dated 21.08.2025 on the ground that the petitioner did not fulfil the essential qualifications as per the Haryana Fire (Group C) Service Rules, 2016 on the cut-off date, particularly with reference to the prescribed Sub-Fire Officer's Course and possession of Heavy Motor Vehicle Driving License.

Aggrieved, the petitioner approached this Court challenging the cancellation of his appointment and praying for reinstatement with consequential benefits.

3. Contentions

On behalf of Petitioner

Learned counsel for the petitioner submits that the impugned order dated 21.08.2025 withdrawing the appointment of the petitioner is arbitrary, perverse, and contrary to law. It is argued that the petitioner, holding a B.Tech. in Fire Technology and Safety, possesses a higher qualification in the



same line as the Sub-Fire Officer's Course prescribed under the Haryana Fire (Group C) Service Rules, 2016. The counsel places reliance on the Government instructions no. 10/4/2015-3GSIII dated 25.03.2016, incorporated in the advertisement itself, which require that candidates with higher qualifications in the same field be treated as eligible despite lower minimum qualifications being prescribed.

It is further urged that the petitioner had completed all requisite formalities for issuance of the Heavy Motor Vehicle Driving License before the cut-off date i.e. 18.05.2023, having applied and paid the requisite fee well in advance, and the delay in issuance of the license was only administrative in nature. The petitioner was in possession of a valid Heavy Motor Vehicle Driving License on the date of his appointment, and hence, was eligible in all respects.

Learned counsel would further contend that the petitioner was duly recommended by the Haryana Staff Selection Commission, issued a provisional appointment letter, and joined service on 12.02.2024. Having worked for a substantial period, his appointment could not have been cancelled without affording him proper opportunity of hearing, since the so-called hearing provided pursuant to the earlier directions of this Court vide order dated 18.12.2024, was reduced to a mere formality, as the submissions and expert opinions in petitioner's favour were not duly considered.

It is further urged that, in view of the clear assurance in the advertisement issued by the respondents, they are estopped from cancelling the petitioner's appointment, as such action is arbitrary and contrary to the doctrine of promissory estoppel.



On behalf of Respondents

Learned counsel for the respondents contends that the petitioner did not fulfil the essential qualifications under the Haryana Fire (Group C) Service Rules, 2016 as on the cut-off date of 18.05.202 since, the Rules specifically require the Sub-Fire Officer's Course from NFSC, Nagpur or equivalent and possession of a valid Heavy Motor Vehicle Driving License. Admittedly, the petitioner neither held the prescribed course certificate nor the license on the relevant date.

It is further urged that the appointment issued to the petitioner was purely provisional, subject to verification of eligibility and once the petitioner was found to lack the mandatory qualifications, the provisional appointment was rightly withdrawn. Accordingly, the counsel prays for dismissal of the petition being devoid of merit.

4. Analysis

Upon hearing learned counsel for the parties and examining the record, this Court is of the considered view that the present writ petition is devoid of merit.

At the very outset, it is necessary to recapitulate the framework governing recruitment for the post of Sub-Fire Officer concerned in the present case. The qualifications for the post of Sub-Fire Officer are prescribed under Appendix B of the Haryana Fire (Group C) Service Rules, 2016, framed in exercise of powers under the proviso to Article 309 of the Constitution. These Rules specifically require, inter alia, successful completion of the Sub-Fire Officer's Course from the National Fire Service College, Nagpur or an equivalent examination, and possession of a valid Heavy Motor Vehicle Driving Licence. These conditions are expressed in mandatory terms and constitute essential eligibility requirements.



This court is sanguine of the well settled service jurisprudence that statutory service rules framed under Article 309 have primacy over executive instructions. In the case of “***State of Karnataka v. Umadevi (2006) 4 SCC 1***”, the Supreme Court categorically held that statutory rules cannot be diluted or overridden by administrative directions or equitable considerations. Similarly, the Supreme Court in ***Zahoor Ahmad Rather vs Sheikh Imtiyaz Ahmad AIR ONLINE 2018 SC 872***, it was held that where rules prescribe essential qualifications, courts cannot substitute them with what may be perceived as “higher” or “equivalent” qualifications. Relevant extract of the same are as below:

22. We are in respectful agreement with the interpretation which has been placed on the judgment in Jyoti KK in the subsequent decision in Anita (supra). The decision in Jyoti KK turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily pre-supposes the acquisition of another, albeit lower, qualification. The prescription of qualifications for a post is a matter of recruitment policy. The state as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is no part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the state, as the recruiting authority, to determine. The decision in Jyoti KK turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification.

3. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the

*content of the course of studies which leads up to the acquisition of a qualification. The state is entrusted with the authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision making. The state as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in *Jyoti KK* must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in *Jyoti KK* turned.*

In the present case, the petitioner does not dispute that, as on the cut-off date of 18.05.2023, he neither possessed the Sub-Fire Officer's Course certificate nor held a Heavy Motor Vehicle Driving Licence. The plea that a B.Tech. degree in Fire Technology and Safety should be treated as a "higher qualification" cannot be accepted when the Rules prescribe a particular course as essential and the ratio of '*Jyoti K.K. v. Kerala Public Service Commission (2010) 15 SCC 596*,' relied upon by the petitioner, cannot come to his aid, for in that case, the higher qualifications were accepted as encompassing the lower prescribed ones where the rules were silent. In the case at hand, however, the Rules specifically prescribe a professional training course of a specialised nature, and such requirement cannot be substituted by an academic degree and override the rules laid out by the competent authorities.

Equally significant is the admitted fact that the petitioner did not hold a Heavy Motor Vehicle Driving Licence on the relevant date. This requirement is rooted in operational necessity, given the nature of the duties of a Sub-Fire Officer. The absence of such a licence by itself renders the petitioner ineligible as the essential qualifications must be satisfied on the cut-

off date and cannot be acquired later. Support may be drawn from the Supreme Court judgment in “**Ravinder Sharma vs State of Punjab AIR 1995 SC 277**”, where it was held as under:

12. The appellant was directly appointed. In such a case, the qualification must be either:

- (i) a Graduate/Intermediate second class or,*
- (ii) Matric first class.*

Admittedly, the appellant did not possess this qualification. That being so, the appointment is bad. The Commission recommended to the Government for relaxation of the qualification under Regulation 7 of the Regulations. The Government rejected that recommendation. Where, therefore, the appointment was clearly against Regulation 7, it was liable to be set aside. That being so, no question of estoppel would ever arise. We respectfully agree with the view taken by the High Court.

This Court takes note of the fact that the appointment letter issued to the petitioner was provisional, expressly subject to verification of eligibility. Upon such verification, when it was found that the petitioner lacked the requisite qualifications, the respondents were well within their rights to withdraw the appointment.

As regards the plea of promissory estoppel, this Court is unable to accept the same. It is well settled that there can be no estoppel against statutory provisions. Even if the advertisement contained a reference to Government instructions dated 25.03.2016, such executive directions cannot dilute or override the statutory mandate of the Haryana Fire (Group C) Service Rules, 2016.

Equally, the petitioner's reliance on the fact that he was permitted to participate in the selection and was even issued an appointment letter is misplaced as it was merely a provisional appointment which does not create any vested right in favour of the appointee. Once it was found, upon verification, that the petitioner lacked the prescribed qualifications, the

respondents were fully justified in withdrawing the same. The principle of estoppel cannot be pressed into service to perpetuate an illegality or to confer eligibility where none exists in law.

This Court is also mindful that while individual aspirations deserve acknowledgement, the State, as a model employer, bears a duty not merely to one candidate, but to the collective. Public employment is a public trust and appointments must be made strictly in accordance with the rules framed under constitutional authority. The law, in its true spirit, must remain equal to all and tilted towards none and the State's responsibility is to ensure fairness, transparency, and strict adherence to prescribed eligibility, for only then can public confidence in institutional integrity be preserved.

Thus, on a holistic consideration of the legal spectrum, it is evident that the petitioner failed to meet the statutory eligibility criteria on the cut-off date, and his provisional appointment conferred no vested right. The respondents' action in cancelling the same is fully justified in law.

5. Conclusion

Accordingly, this Court finds no infirmity warranting interference under Article 226 of the Constitution. The writ petition is, therefore, dismissed.

10.09.2025
anuradha

(SANDEEP MOUDGIL)
JUDGE

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