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

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**CWP-30188-2024 (O&M).  
Date of Decision: 28.01.2025.**

**SUNIL KUMAR**

... Petitioner(s)

Versus

**STATE OF HARYANA AND OTHERS**

... Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ.**

Present: Mr. Neeraj Yadav, Advocate  
for the petitioner.

Ms. Tanisha Peshawaria, DAG, Haryana.

Mr. Kanwal Goyal, Advocate,  
for respondent No.2/HPSC.

**VINOD S. BHARDWAJ, J. (ORAL)**

The petitioner has raised a challenge to the merit list dated 29.10.2024 (Annexure P-4) and the result dated 20.09.2024 of Screening Test (Annexure P-3) declared by the respondent-HPSC for the post of Assistant Engineer (Electrical) in the respondent-Department, pursuant to the advertisement No.59/2023 (Annexure P-1) issued by the respondents.

2 Learned counsel appearing for the petitioner contends that the respondent No.2-Haryana Public Service Commission, had issued an Advertisement N.59/2023 dated 01.12.2023 for the post of Assistant

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Engineer (Civil, Mechanical and Electrical) in Irrigation and Water Resources Department. Being eligible for the post, the petitioner applied for the same under the SC category. A total of seven (07) posts and one post for the reserved SC category had been advertised. Respondent No.2- Haryana Public Service Commission, had also issued Advertisement No.29/2023 for the post of Sub Divisional Engineer (Electrical) in the Department of Development and Panchayat, Haryana on 27.06.2023. He contends that qualifications for both the posts were same, however, as the petitioner was already working with the Railways at the relevant point of time, he had not submitted any application for the post of Sub Divisional Engineer (Electrical) in the Department of Development and Panchayat, Haryana on account of the reason that it would be difficult for him to prepare for different recruitment posts.

3 He further contends that the petitioner was short-listed for appearing in the screening test under the Roll No.71092 which was conducted on 08.09.2024 wherein the petitioner was successful for the next step of examination, a separate Roll No.4006 was allotted to the petitioner. Having cleared the same, he was shortlisted for the interview as well. He contends that, at this stage, the petitioner came to know that the respondents have held a common screening test, written examination as well as Interview for the post of Assistant Engineer (Civil, Mechanical and Electrical) in Irrigation and Water Resources Department along with the post of Sub Divisional Engineer (Electrical) in the Department of Development and Panchayat, Haryana i.e.

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they decided to club/merge the recruitment process for both the advertisements. He contends that in the final select list, his name did not figure in the selected candidates. Alleging that as a result of the clubbing of the conduct of examination for two different advertisements, he has suffered prejudice since he could not apply for the different posts under different advertisements and had he known that a common process of selection would be undertaken, he would have applied for both the posts.

4 Pursuant to the order passed by this Court, a short reply by the Secretary of the Haryana Public Service Commission has been filed wherein apart from taking objections with respect to the maintainability of the petition as also of there being no arbitrariness in the action of respondent No.2 or any prejudice caused to the petitioner, it is averred that the advertisement for the post of Sub Divisional Engineer (Electrical) (Group 'B') in the Department of Development and Panchayat, Haryana had been issued on 27.06.2023 for which the petitioner had concededly not applied. Advertisement No.59/2023 for the post of Assistant Engineer (Civil, Mechanical and Electrical) in Irrigation and Water Resources Department, Haryana was issued later in December 2023 against which the petitioner had submitted an application. The Commission notified the syllabus for the post of Assistant Engineer on 08.07.2024 and a similar syllabus had also been notified for the post of Sub Divisional Engineer (Electrical) on 11.07.2024. Since the essential qualifications for the post of Assistant Engineer (Civil, Mechanical and Electrical) in Irrigation and Water Resources Department, Haryana as well as

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for the post of Sub Divisional Engineer (Electrical) (Group 'B') in the Department of Development and Panchayat, Haryana, required a degree of electrical engineering from a recognized university/institution and the syllabus announced for both the posts was common, hence, it was decided by the Commission that a common examination be conducted for both these posts on 08.09.2024 from 2:00 P.M. to 4:00 P.M. vide public announcement dated 30.08.2024. It was thus specifically mentioned in the said advertisement that a common screening test was to be held. The posts are specifically mentioned at Sr. No.4 and 6 of the advertisement. Hence, it was well known to each applicant that the process of screening and selection had been combined by the Haryana Public Service Commission for the post of AE (Electrical) and SDE (Electrical). The petitioner never raised any objection to the holding of the common screening test. The results of said screening tests were announced on 20.09.2024 whereafter, the Commission issued another public announcement on 27.09.2024 for holding a common Subject Knowledge Test for both the said posts to be held on 30.09.2024. Result was thereafter declared by the respondents on 14.10.2024 and the candidates were called for the interview. The petitioner participated in the said process and having failed to get selected has, challenged the declaration of result at this stage.

5 Counsel for respondent contends that owing to similarity of qualification and syllabus, to the screening test/subject knowledge test was held together. The filing of the instant writ petition, on a frivolous ground,

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after having failed in being selected is impermissible since no objection was raised by the petitioner at any stage previously.

6 I have heard the learned counsel for the respective parties and have gone through the documents appended along with the present writ petition.

7 It is not in dispute that the advertisement for the post of Sub Divisional Engineer (Electrical) in the Department of Development and Panchayat, Haryana, was published in the month of June 2023 whereas the advertisement for the post of Assistant Engineer (Civil, Mechanical and Electrical) along with others in Irrigation and Water Resources Department, Haryana was issued in December 2023. Undisputedly, the petitioner did not submit any application for the post of Sub Divisional Engineer (Electrical) in the Department of Development and Panchayat, Haryana. Hence, the decision of the petitioner to not apply against the said advertisement was a considered decision taken by him for his own convenience and comfort. The present petitioner at this stage cannot claim that he has suffered a prejudice merely on account of holding of the exam together for the sake of convenience and comfort of the candidates as well as the examining body. The projected prejudice is perceptive and unreal. Each person had a right to participate in the selection process and many persons applied under both the posts have been benefitted and avoided inconvenience of appearing in two different examinations at two different points of time. Thus saving hugely not

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only in resources of the candidates but also of the State which would have otherwise been compelled to hold the tests twice by seeking fresh setting of exam paper, centres, manpower; checking etc. especially when the syllabus as well as the qualification for both the posts i.e. the post of Sub Divisional Engineer (Electrical) in the Department of Development and Panchayat, Haryana, and the post of Assistant Engineer (Civil, Mechanical and Electrical) in Irrigation and Water Resources Department, Haryana, was same.

8           The argument of the petitioner that had he known of exam being joint, he would have applied for both is clearly an afterthought. The advertisement for SDE had been published in June 2023 while advertisement for AE was published in December 2023. There was no occasion for petitioner to know that he would apply for vacancy of AE which was not to his knowledge. Hence, a conscious choice was made by him to not apply for the said post. The sense of prejudice is being felt by the petitioner only because of holding of a joint exam and on his failing to secure a place. Having taken a decision not to apply, petitioner cannot allege to be wronged by any subsequent decision of HPSC, which itself may not be aware of any vacancies of the AE to be advertised later. There was never any assurance of HPSC. Unilateral perception giving birth to sense of prejudice cannot be held sufficient to annul a legitimate action. The petitioner having availed his opportunities to participate in the process of selection is raising the present dispute against a decision of HPSC which would not fall either in the domain

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of arbitrariness or amount to any discrimination being exercised against the petitioner.

9 Finding no illegality, the present writ petition is accordingly dismissed.

January 28, 2025.  
raj arora

(VINOD S. BHARDWAJ)  
JUDGE

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