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Mr. Jaskirat, Advocate, and
Mr. K.K. Thakur, Advocate for the respondents.
(joined through VC)

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, four writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.

2. Learned counsel for the petitioner(s) submits that the issue raised in the present writ petitions is covered by the judgment of the Division Bench of this Court in ***CWP No.12722 of 2022 titled as Employees' State Insurance Corporation and another vs. Amandeep Singh and others, decided on 02.06.2022 (Annexure P-9)*** wherein, qua the same selection process, it has already been held that if the criteria of the minimum marks required was not mentioned in the advertisement but was brought into operation subsequently, it would be held to be invalid and a direction was given to complete the selection process on the basis of the advertisement issued.

3. Learned counsel for the petitioner(s) submits that the OA filed by the petitioner(s) was dismissed by the Central Administrative Tribunal only on the ground that there was no challenge to the criteria though, the said amended criteria had already been found to be invalid by this Court while passing order in ***Amandeep Singh's case (supra)***.

4. Learned counsel for the petitioner(s) further submits that once the claim of the petitioner(s) herein and respondents in ***Amandeep Singh's case (supra)*** was akin, the benefit granted in favour of the respondents therein, should have been given to the petitioner(s) herein so as to consider

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them eligible on the basis of terms and conditions of the advertisement rather than by terming them ineligible on the basis of the criteria which was made operative on 02.01.2017.

5. Learned counsel for the petitioner(s) further submits that the post qua which the claim was raised in the respective category in which the petitioner(s) have applied for, no candidate has been selected and all such posts are lying vacant and therefore, the respondents are liable to be directed to consider the claim of the petitioner(s) according to their merit in terms of the judgment of the Division Bench of this Court in ***Amandeep Singh's case (supra)***.

6. Learned counsel for the respondents submits that though, the issue raised in the present petitions is covered by the decision of ***Amandeep Singh's case (supra)*** but once, no one was found eligible on the basis of criteria dated 02.01.2017, in the reserved category, all the applicants will be considered and the restriction of consideration be not restricted only to the petitioner(s) herein.

7. Keeping in view the agreement between the parties that the issue raised in the present bunch of writ petitions is covered by the decision of the Coordinate Division Bench of this Court in ***Amandeep Singh's case (supra)*** where the criteria framed on 02.01.2017 has been held to be bad, the direction is issued to the respondent-Corporation to consider the claim of all eligible applicants including the petitioner(s) for the post in question in the concerned category, on the basis of their respective merit obtained. The consideration will not be limited only to the petitioner(s) but will be extended to all, who had applied in pursuance to the advertisement qua the

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post.

8. The present writ petitions are disposed of in above terms.
9. Civil miscellaneous application pending if any, also stands disposed of.
10. A photocopy of this order be placed on the file of other connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

October 15, 2025
harsha

(DEEPAK MANCHANDA)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No