

2025:PHHC:178486



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CWP-36517-2025
Date of decision: December 23, 2025

SHUBHAM

...Petitioner

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Nikhil Lather, Advocate
for the petitioners.

Mr. Gurnoor Singh Sandhu, Advocate
for respondent no.3/Commission.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* quashing the result of screening test dated 20.11.2025, Annexure P-7, for the post of Lecturer in Civil Engineering, against advertisement 75/2024, dated 06.11.2024, as the petitioner has been excluded therefrom. Further, a writ of *mandamus* has been sought directing the respondents to relax the condition of minimum standard of suitability as per paragraph 'Q' of Government Instructions dated 01.05.2019, Annexure P-8.

2. Learned counsel for the petitioner contended that the respondents invited applications for three posts of Persons with Benchmark Disabilities (PwBD) in Orthopedically Handicapped(OH)/One Leg(OL) or One Arm(OA) category. As per the scheme of examination notified by the respondent/Haryana Public Service Commission, the candidates were

required to appear for a Screening Test and Subject Knowledge Test, before being called for interview/*viva-voce*. The petitioner has suffered fifty per cent permanent disability, as established vide certificate dated 29.11.2017, Annexure P-3. He, accordingly, applied for BC-A PwBD (OH) category post, and appeared for the Screening Test conducted on 02.11.2025. As per its result dated 11.11.2025, he secured 23.9011 marks, and could not be shortlisted for the Subject Knowledge Test as the candidates were required to secure minimum twenty-five per cent marks in the Test to be called for the next stage of selection. The petitioner has sought relaxation in these cut-off marks on the basis of instructions dated 01.05.2019, issued on the subject of *“Reservation for the Persons with Benchmark Disabilities in case of direct recruitment to Govt. jobs”*.

3. Learned counsel has placed reliance upon paragraph ‘Q’ of the Instructions, dated 01.05.2019, to claim that being a disabled candidate he is to be given relaxation in the minimum qualifying marks of the Screening Test. It is because only three posts of Lecturer in Civil Engineering were advertised under PwBD category, for which six candidates applied and only two of them have been shortlisted for the Subject Knowledge Test under OH category. Therefore, non-availability of suitable reserved category candidates with benchmark disabilities entitles the petitioner to seek relaxation in general standards to fill the remaining vacancies.

4. Learned counsel for the Commission, on the contrary, submits that all the candidates are required to fulfill this mandatory condition of securing twenty-five per cent marks in the Screening Test to be shortlisted

for the next stage of selection/Subject Knowledge Test. Also, as per the condition in the scheme of examination, candidates four times the number of advertised posts are to be called for the next stage. The Instructions relied upon by the petitioner have no relevance, as the advertisement does not provide for any relaxation in the minimum marks of Screening Test. Apart from providing reservation to the PwBD category candidates, they have also been given relaxation in age and fee concession for applying to the post in question. There is a provision for giving them extra time as well, while taking the examination. Further, in support of the contention, reliance has been placed by him on the Division Bench judgment, dated 29.10.2025, rendered in LPA-2408-2025 titled *Sachin Kumar v. State of Haryana and others*.

5. Considering the submissions, this Court is not inclined to entertain the petition as the petitioner cannot be held entitled to relaxation in minimum qualifying marks in the Screening Test on account of being a candidate under PwBD (OH) category. Firstly, such relaxation has not been provided to the candidates as per terms of the advertisement. Also, without raising any objection against the provision of securing minimum twenty-five marks in the Screening Test to be eligible for being shortlisted for the Subject Knowledge Test, the petitioner took the Screening Test. And only after remaining unsuccessful he has approached this Court seeking relaxation, which is impermissible as he cannot be allowed to turn around and challenge that very scheme of examination wherein he willingly participated. Secondly, paragraph Q(i) of the instructions, 01.05.2019, is also

of no help to the petitioner. It provides for relaxation of standards of suitability for PwBD category candidates if they are not available in sufficient numbers to fill the reserved vacancies. This relaxation may be claimed, if provided for in the advertisement, at the time of final selection and not at the stage of clearing the Screening Test which has no bearing on the final selection as the merit list is to be prepared by adding marks of Subject Knowledge Test and Interview/*viva-voce* only. However, such a provision has not been incorporated in the advertisement in question even for the final selection.

6. Besides, the issue has already been considered and decided in *Sachin Kumar* case *ibid.* on similar facts. The appellant therein had cleared the first stage of selection but was not able to secure the minimum marks required to clear the second stage. Being the only person belonging to PwBD category for which the post had been reserved, he sought relaxation in minimum marks for passing the second stage so that he could be considered for selection. This Court declined the relief by holding as under:

19. The general policy contained in the notification dated 01.05.2012 cannot be construed to obligate the employer to relax the standard of suitability to such an extent that it requires lowering of the standard of fitness required for the post. The policy, rather, is just the otherwise. The relaxation must remain consistent with the required fitness for the post.

20. The judgment of the Supreme Court in *Suo Motu* case relied upon by the appellant also cannot come to his rescue, inasmuch as the Court merely made it permissible for relaxation to be incorporated for protecting the cause of persons suffering from benchmark disabilities in accordance with applicable rules

and policies. In the absence of any statutory mandate or applicable policy requiring the Commission to relax norms in recruitment below the level fixed for the fitness for the post, it would be difficult for us to hold that the appellant is entitled to issuance of a writ in the nature sought for.

21. There are two other considerations which persuade this Court not to grant the relief prayed for by the appellant. First and foremost, it is not clear as to how many marks are secured by the appellant at the second stage. To what extent lowering of marks would be required in order to accommodate the appellant, thus, is not ascertainable. In the event relaxation is made mandatory for filling up posts reserved for persons with benchmark disabilities, then, the aspect of fitness of the candidate would be bypassed and administrative efficiency compromised, which would run counter to the predominant public interest.

22. The other aspect which dissuades the Court from granting relief to the appellant is the stage at which such relaxation is to be granted. Ordinarily, relaxation would be allowed at the final stage of recruitment. In the event relaxation is allowed at every stage, the recruitment itself would become chaotic, inasmuch as a person suffering from benchmark disability would then contend that at the first stage also, relaxation in the minimum marks be ordered by the Court so as to ensure his selection. This would result in compromising the minimum level of efficiency required for the post.

23. We are, therefore, of the considered view that the competing interests of fitness of candidates for public employment, in order to maintain administrative efficiency, will have to be simultaneously protected while defending the cause of persons suffering from benchmark disabilities, and excessive

emphasis on one at the cost of the other would not be desirable.
...

7. In view of the discussion, the petition is hereby dismissed being devoid of merit.

December 23, 2025
Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE

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