



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

**CWP No. 37094 of 2025
Date of Decision:23.12.2025**

Ankit

....Petitioner

VS.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

**Present: Mr. Ranvir Singh Arya, Advocate
for the petitioner**

Mr. Ravi Partap Singh, D.A.G, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Article 226/227 of the Constitution of India is seeking direction to respondent to allow him to join as Constable.

2. The petitioner pursuant to advertisement No. 06/2024 dated 28.06.2024 applied for the post of Constable under General Category. He successfully cleared Common Eligibility Test followed by second stage test. He further cleared physical measurement and physical screening test. He was issued provisional appointment letter. He sought extension of joining period because he was supposed to serve three months to existing employer. His resignation was approved vide order dated 17.01.2025. He could not join within the extended period due to an accident. He intimated the same to



concerned authority on 21.01.2025. He submitted fitness certificate on 02.04.2025 but respondent has not allowed him to join the service. He has also sent a representation to DCP, Faridabad but to no avail.

3. Learned State counsel submits that as per Government instructions, the petitioner was granted sufficient time to join, however, he failed. There was no lapse on the part of respondent and at this stage he cannot be permitted to join. He further submits that factum of accident needs to be examined by authorities as there are possibilities that petitioner has submitted forged documents or he, at present, may not be fit for the job.

4. I have heard learned counsel for the parties and perused the record with their able assistance.

5. This court vide order dated 13.10.2025 passed in **CWP No. 28252 of 2025**, titled as “**Harsh Rawal vs. State of Haryana and others**” has directed respondents to issue appointment letter to a somewhat similarly situated candidate. Operative portion of order dated 13.10.2025 is reproduced as below:-

“6. Rule 12.18 of PPR adverts to situation arising out of implication of a candidate in a criminal case. Learned State counsel has conceded that case of petitioner is not covered by any negative situation contemplated by said Rule. He has been denied appointment on the sole ground that he did not join within 30 days from the date of appointment letter. The underpinning of impugned order is Instructions dated 13.09.2019 issued by Under Secretary, General Administration. The Instructions noticed in the impugned order are reproduced as below:-

“2. The matter has been reconsidered by Government and in supersession of all the above instructions, the



policy on fixation of minimum and maximum joining time on first or subsequent appointment through HSSC or HPSC or any other approved Recruitment Agency shall be as under:-

- i. In case of fresh appointment of a candidate he may be allowed the maximum period of 30 days to join his new appointment.*
- ii. In case a candidate, who being already in service in a Private or Government Organization/Department, is not able to join within 30 days or for bona-fide reasons, the competent authority may, where the administrative requirements permit, allow suitable extension of time which should not however exceed three months irrespective of duration of validity of waiting list.*
- iii. For women candidates who are declared temporarily unfit on account of being pregnant, the joining time may be extended upto such period as is considered necessary provided not beyond six months from the date of confinement.*
- iv. If a candidate who is covered under (i), (ii) or (iii) above does not join duty within the period specified above, his/her selection made by the HSSC, HPSC or any other approved Recruitment Agency, will be deemed to have been cancelled without any further notice. Necessary provision in this regard should be made by the Appointing Authorities at the time of issuance of appointment letter.*



- v. *Where the joining time is to be extended in public interest due to short supply of candidates e.g. Doctors, Engineers, etc. the case may be sent to General Administration Department for extension beyond the period specified above.”*

7. *The respondent has refused to allow petitioner to join service on the basis of aforesaid instructions. The instructions are not statutory in nature. Rule 12.18 of PPR governs the situation arising out of implication of a candidate in a criminal case. The petitioner's case is not covered by negative covenant of said Rule. It is settled proposition of law that instructions are binding on authorities, however, Courts are not bound by instructions. Rule 12.18(3) of PPR specifically deals with the situation in hand and does not prescribe 30 days period to join. In the absence of statutory provision, the instructions may be treated as directory instead of mandatory besides the fact that departmental instructions are not binding upon Courts. This Court is of the considered opinion that period of 30 days prescribed in the instructions cannot be mechanically applied. The difficulty of the candidate must be considered holistically and pragmatically. The instructions cannot be treated as sacrosanct to deny substantive benefit of appointment. It is well known fact that there is scarcity of job in the country. The petitioner has cleared rigorous selection process, thus, it would not be just and fair to deny him job opportunity on account of procedural lapse/delay.*

8. *In the wake of above factual position, this Court is of the considered opinion that impugned order deserves to be set aside and accordingly set aside. The respondent is hereby directed to issue appointment letter to the petitioner within two weeks from today and permit him to join subject to compliance of other terms and conditions of the appointment letter.”*

6. In the wake of factual and legal position, this Court deems it appropriate to direct respondents to examine medical certificate submitted by petitioner and ascertain whether petitioner actually met with an accident or not, or whether at present he is physically fit for job or not. If it is found that he actually met with an accident and at present is fit for the post, he would be permitted to join within four weeks from today subject to compliance of other procedural formalities.

7. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

23.12.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	