2026:PHHC:010734

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 2934-2024(O&M)
Date of Decision:27.01.2026

Navjot Kaur

….Petitioner

vs.

State of Punjab and others

….Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Karan Bhardwaj, Advocate
for the petitioner

Mr. Aman Dhir, DAG, Punjab

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JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of selection of respondents No.4 to 6 against seats reserved for "Women Category" for the post of Assistant Financial Officer against Advertisement dated 17.08.2021.

2. The petitioner pursuant to Advertisement No.5 of 2021 dated 17.08.2021 applied for the post of Assistant Financial Officer under Backward Class (BC) category. The respondent issued a list of shortlisted candidates for document verification. The petitioner was at Serial No.118 with 125 marks in the combined list of all the candidates. The respondent declared result on 06.07.2023 and sent intimation to selected candidates to join. The respondent selected those female candidates who do not belong to

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the State of Punjab. The petitioner claims that selection of respondent Nos. 4 to 6 is contrary to Punjab Civil Services (Reservation of Posts for Women) Rules, 2020 (for short "2020 Rules"). The Department of Personnel has issued clarification dated 29.01.2021 to the effect that Cabinet of State Government in its meeting held on 18.03.2017 had decided to grant reservation to the women belonging to the State of Punjab. The Department of Social Welfare, Women and Child Development vide letter dated 07.02.2022 has clarified that benefit of reservation for women has to be given only to women belonging to the State of Punjab. This Court vide judgment dated 12.01.2023 in CWP No.16556 of 2022 titled as "***Kalpana Komal Bhatti V/s State of Punjab and Others***" has held that intention of the State Government was to grant 30% reservation in direct recruitment to the women of the State of Punjab. In view of aforesaid instructions, the petitioner submitted representation dated 05.10.2023 claiming that merit list for women quota be revised and she be given appointment. The Special DGP, Central Recruitment Board, Punjab vide letter dated 27.09.2023 has admitted that respondents No. 4 to 6 did not upload their Punjab Domicile Certificate.

3. Learned counsel for the petitioner submits that with an intent to extend reservation to women belonging to State of Punjab, 2020 Rules were introduced vide Notification dated 20.10.2020. These Rules were framed pursuant to meeting of Cabinet of Ministers. There was ambiguity in the Rules with respect to domicile of women. The Social Welfare Women and Child Development Department vide clarifications dated 07.02.2022 and 29.01.2021 clarified that reservation was available to women belonging to

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State of Punjab. The reservation was not available to women belonging to other States. The clarification issued by respondent was binding upon all the Departments. The clarification was retrospective in nature. The respondent has implemented said clarification for other advertisements.

4. *Per contra,* learned State counsel submits that petitioner on the earlier occasion filed CWP No. 14600 of 2023. In the said petition, question of reservation to women belonging to States other than State of Punjab was not raised. The petitioner cannot raise issues in piecemeal by filing multiple petitions. It is settled law that for the same cause of action multiple petitions cannot be filed. With respect to advertisement in question, multiple petitions were filed on the earlier occasions by other candidates. On the directions of this Court, the Recruitment Board passed speaking order dated 09.01.2023. The said order was challenged before this Court and this Court vide order dated 01.05.2023 directed the respondent to pass fresh order after considering objections of all the candidates. The respondent invited objections from all the candidates and thereafter passed fresh order dated 26.05.2023. The result was revised on 06.07.2023 and till then no objection was raised by petitioner with respect to selection of private respondents against seats reserved for women.

5. Heard the arguments and perused the record.

6. From the perusal of record, it is evident that petitioner belongs to State of Punjab. There is no representation of private respondents, thus, contention of petitioner may be accepted to the extent that private respondents did not belong to State of Punjab. The petitioner is claiming that benefit of reservation in direct recruitment was available to women

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belonging to State of Punjab only. A woman belonging to State other than Punjab was not entitled to benefit of reservation. The department concerned has issued clarification dated 07.02.2022 whereby it has been clarified that benefit of reservation is available to women belonging to State of Punjab only. The clarification dated 29.01.2021 issued by Personnel Department clarifies that benefit of reservation is available only to women belonging to State of Punjab. The clarifications dated 29.01.2021 and 07.02.2022 make it clear that benefit of reservation is available to women belonging to State of Punjab only. For the ready reference, clarifications dated 29.01.2021 and 07.02.2022 are reproduced as below:-

Clarification dated 29.01.2021

"Subject: Regarding amendment in roaster point for reservation on different posts.

Sir/Madam,

"On the subject cited above, I am directed to brought to your attention towards instructions issued vide letter no.8/30/96-3 PP1/17240-17244 dated 21.08.1997, and letter no. 8/2/2019-3PP1/1548834/1-2 and also directed to write that it has been decided by the Cabinet in its meeting held on 18.03.2017 to give 33% reservation to the women of State of Punjab in direct recruitment of Group-A, B, C and D posts. In this regard Department of Social Security & Women and Child Development in order to implement, vide letter no.11/5/2017-1SS(3SS)/3269 dated 13.12.2020 has notified the rules and after considering the letter no.1/1/2017-3DC/1588894/1, dated 3.10.2019 written by Department of Social Security & Women and Child Development to enhance reservation from 3% to 4% to Physically Handicapped in direct recruitment, the roaster points are

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here by re-determined, the detail of which is enclosed herewith. As such, all the Head of Departments are requested to do direct recruitment as per these roaster points."

Clarification dated 07.02.2022

"Subject: Regarding clarification with regard to 30% reservation for direct recruitment of different posts by Punjab Government.

In reference to the subject it is written to you that this department vide letter No. 11/05/2017-1SS(3SS)E-2594 dated 28.10.2020 notified Punjab Civil Services (Reservation of Posts for Women) Rules, 2020 and further in reference to letter dated 29.01.2021 issued by personnel department you are informed that the benefit of State of Punjab is extendable in Women belonging to State of Punjab only."

7. From the perusal of above-quoted clarifications, it is evident that Social Welfare Women and Child Development Department has formed an opinion that benefit is available only to women belonging to State of Punjab, however, there is nothing in the Rules restricting the benefit to women belonging to State of Punjab. In the notification dated 21.10.2020 expression "women" has been used whereby provision for reservation was made was issued in exercise of power conferred by proviso to Article 309 read with Article 15 of the Constitution of India. The Rules framed under Article 309 are not like Rules framed by Government in exercise of power conferred by some Statute. Scope and strength of Rules framed under Article 309 is entirely different from Rules framed pursuant to power conferred by some Statute. The clarification can be issued with respect to doubt and that too if permitted by the statutory provisions. There was no

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ambiguity in the Rules framed under Article 309 of the Constitution of India which are under consideration. The expression "women" was used. The said Rules can be amended by Governor in exercise of powers conferred by proviso to Article 309 of the Constitution of India. One or another officer of a department could not modify rules by way of clarification. The Court cannot rely upon clarification which is beyond the scope of rules. Even the Court cannot add or subtract any word in the Statutory provisions. The clarifications are, at the most, permissible to clarify a doubt. In the rules, there was no doubt, thus, clarifications had no sanctity in the eye of law.

8. In the wake of above discussion and findings, this Court is of the considered opinion that contention of the petitioner that private respondents were wrongly granted benefit of reservation available to women is misconceived and liable to be rejected. The instant petition deserves to be dismissed and accordingly dismissed.

9. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

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Whether speaking/reasoned:	Yes	
Whether reportable:	Yes	

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