



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

234

CWP-4616-2023 (O&M)
Date of decision: 15.01.2026

Prasoon Sharma

....Petitioner

Versus

State of Haryana and another

....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Karambir Singh Kharbanda, Advocate
for the petitioners.

Mr. Shubham Malik, Advocate
for Mr. Jagbir Malik, Advocate
for respondent No.1.

Mr. Balvinder Sangwan, Advocate
for respondent No.2.

HARPREET SINGH BRAR J. (Oral)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* to quash the impugned orders dated 29.09.2022 (Annexure P-8) and 04.01.2023 (Annexure P-10) whereby the candidature of the petitioner for the post of Manager (Utility) with the Haryana State Industrial and Infrastructure Development Corporation (HSIIDC), in pursuance of advertisement No.1 (8)/2018 dated 21.07.2018 (Annexure P-1), was rejected. Further a writ of *mandamus* has been sought, directing respondent No.2 to consider the candidature of the petitioner for the post of 'Manager [Utility] as eligible being



having all essential qualification under General Category in pursuant to Advertisement No.1 (8)/2018 dated 21.07.2018 (Annexure P-1).

FACTUAL BACKGROUND

2. Respondent No.2-Haryana Public Service Commission (HPSC) (hereinafter 'Commission') issued an advertisement bearing No.1(8)/2018 dated 21.07.2018 (Annexure P-1) for direct recruitment to 07 posts of Manager (Utility) with respondent No.1-HSIIDC (hereinafter 'Employer'). The petitioner applied for the same under General Category within the stipulated time period and also submitted the requisite certificates in the prescribed format. The application of the petitioner was found proper and roll No.4768 was allotted to him, as discernible from the admit card available at Annexure P-4. Thereafter, the Commission held a written examination on 14.09.2021. On 11.11.2021, the result thereof was declared and the successful candidates, including the petitioner, were invited for scrutiny of documents on 24.11.2021.

3. The petitioner appeared for document verification and upon scrutiny, no objection was raised by the Commission. However, subsequently, vide email/letter dated 28.06.2022 (Annexure P-6), the petitioner was informed that his candidature is liable to be rejected as the condition of 02 years of experience is not met. The employment of the petitioner with M/s Atcon Engineers was not counted towards the same for want of proof of employment i.e. Bank Statement, Form 26, EPF Record, ESI Record and NPS statement etc. The petitioner was



further informed that he may submit a representation along with any documentary proof in this regard by 05.07.2022. Consequently, the petitioner approached the Commission vide email dated 05.07.2022 and submitted documents like cash salary slips, EPF Non-Applicability certificate, Experience certificate etc., to address the objections raised. Thereafter, the Commission vide impugned email dated 29.09.2022 (Annexure P-8) rejected the candidature of the petitioner stating that the requisite documents were not deposited by him.

4. The petitioner approached the Commission yet again vide representation dated 30.09.2022 (Annexure P-9) explaining why Bank Statement, Form 26, EPF Record, ESI Record and NPS statement etc., could not be submitted. However, vide order dated 04.01.2023 (Annexure P-10), the petitioner was informed that since the matter has attained finality, no action is required to be taken. Hence, the present writ petition.

CONTENTIONS

5. Learned Senior counsel for the petitioner *inter alia* contends that the eligibility criteria laid down by advertisement (Annexure P-1) requires a candidate to have at least 02 years of post-qualification experience as on 20.08.2018 i.e. the closing date for applications to the post of Manager (Utility) with the Commission. The petitioner worked at the post of Civil Engineer with M/s Atcon Engineers from 01.07.2016 to 22.08.2017 (1 year, 1 month and 22 days), as discernible from Annexure P-4 and as a Junior Engineer-Civil



(on contract) with the Irrigation and Water Resources Department, Haryana from 23.08.2017 to 08.06.2020, as highlighted by Annexure P-3. In view of the cut-off date prescribed by the advertisement (Annexure P-1), the service rendered by the petitioner from 23.08.2017 to 20.08.2018 (11 months and 29 days) in the Irrigation and Water Resources Department could only be considered. Cumulatively, the petitioner meets the 02 year post-graduation experience and is therefore, eligible for consideration for the post of Manager (Utility).

6. He further submits that the petitioner had submitted all the requisite documents including experience certificate, in the prescribed format, along with his application form. Upon finding the same to be proper, the petitioner was issued the roll number- 4768 making him eligible to appear in the written examination. The petitioner successfully cleared the said written examination as indicated by announcement/result dated 11.11.2021 (Annexure P-5). However, the Commission vide announcement dated 11.11.2021 (Annexure P-5) invited the successful candidates to appear before it for document verification, thereby exceeding its jurisdiction. It also provided a list of documents that would be acceptable in order to prove genuineness of experience certificates submitted by the candidates. Learned Senior counsel argues that at the time of issuance of advertisement (Annexure P-1), no list of appropriate documents for verification of experience certificate was provided. Thus, the Commission has violated the law as settled by the Hon'ble Supreme Court in *K. Manjusree vs. State of*



Andhra Pradesh (2008) 3 SCC 512. Learned Senior counsel also places reliance on instructions dated 07.06.2020, 23.06.2022 and 05.02.2024 issued by the Chief Secretary, Haryana to contend the prevailing practice has been to appoint a candidate provisionally and conduct verification of character and antecedents within 02/03 months, as the instructions direct, post such appointment. Thus, the Commission has violated the clearly laid executive instructions by engaging in verification of experience certificate of the petitioner as a part of the selection process.

7. Further, the candidature of the petitioner was rejected by the Commission on the ground that the petitioner did not provide any of the documents listed in the announcement dated 11.11.2021(Annexure P-5) in order to prove his employment with M/s Atcon Engineers. Thus, the duration of 1 year, 1 month and 22 days, when the petitioner served M/s Atcon Engineers, was not counted towards the prerequisite of 02 years of post-graduation experience. Upon receiving intimation that his candidature may be rejected for this reason, the petitioner issued a representation vide email dated 05.07.2022 (Annexure P-7) annexing the letter of intent, agreement-cum-appointment letter, experience certificate, salary slips non-applicability of EPF certificate, Form 26AS Income Tax Return Acknowledgements, Form 16A and Bank account statement to establish his credentials with M/s Atcon Engineers. Even so, Commission rejected the candidature of the petitioner despite the fact that he perfectly met the 02 years experience criterion. Learned



Senior counsel further submits that M/s Atcon Engineers being a private firm does not necessitate deductions towards the New Pension Scheme. Further, since the petitioner was paid his monthly salary in cash and since the salary was under the taxable limit, he did not file Income Tax Returns. Further, M/s Atcon Engineers also did not fall within the scope of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952. It is clear that the Commission has been moulding the rules unfairly in order to keep the petitioner out of the zone of consideration, perhaps to favour another candidate. The conduct of the Commission is indicative of *mala fide* as the petitioner is being harassed in complete violation of the applicable rules and the settled law.

8. In compliance of order dated 01.12.2025, learned counsel for the Commission filed the affidavit dated 14.01.2026 on behalf of Satish Kumar, Deputy Secretary, HPSC in Court today. The same is taken on record. The Registry is directed to tag the same at the appropriate place. A copy of the same is also supplied to the counsel opposite.

9. Learned counsel for the Commission argues that vide announcement dated 11.11.2021 (Annexure P-5), the successful candidates were duly informed that the genuineness of the experience will be decided by the Commission based on the documents submitted by them. They were also provided with a list of documents for their own convenience. Since the petitioner did not provide any of the requisite documents in the given time frame, his candidature was rejected. He



further submits that the Commission has not imposed a new condition but is merely examining the credentials and experience of the candidates in order to give a meaningful effect to the recruitment process.

10. Learned counsel for the Employer submits that the Employer had sent a requisition for the post of Manager (Utility) to the Commission, prescribing qualifications in accordance with HSIIDC Employees Service Bye Laws. However, the Employer only engages in the appointment process after the Commission recommends the names of the selected candidates. On receipt of such recommendation, the Employer engages in verification of their documents of qualification, experience etc., through the concerned authorities. On 01.01.2024, the Commission sent the list of recommended names and according to instructions dated 05.02.2024 issued by the Chief Secretary, Haryana, appointment letters were issued to them provisionally. He further submits that the documents and antecedents were checked by the Employer post their appointment.

OBSERVATIONS AND ANALYSIS

11. Having heard learned counsel for the parties and after perusing the record of the case, the following question arises for adjudication:

Whether a Public Service Commission, while discharging its constitutional or statutory duty of selection and recommendation, can embark upon character verification, antecedent inquiry, confirmation of credentials



or adjudication of document validity, which is otherwise vested in the appointing authority/employer-Department?

12. Before delving into the controversy at hand, it would be apposite to study the concept of institutional integrity which calls upon every constitutional and statutory authority to act within the limits of the powers conferred upon it, and which necessarily requires them to respect the domain, functions and independence of other institutions. Adopting such a principled practice ensures that all institutions involved can enjoy functional autonomy in their respective spheres and democratic accountability is maintained. Moreover, honouring and accepting the bounds of power assists in avoiding jurisdictional conflicts and concentration of power. Upholding the concept of institutional integrity allows the government to function in a manner that inspires public confidence, further reinforcing the idea that power must be exercised in trust, not in trespass.

13. Coming back to the case at hand, it transpires that the Commission issued an advertisement (Annexure P-1) for recruitment to the post of Manager (Utility) with the Employer. The following eligibility criteria were prescribed therein:

“2. Essential Qualifications:-

- i. 1st Class B.E./B.Tech in Civil/Mechanical/Electrical in Engineering with minimum 2 years relevant post qualification experience.*
- ii. Should be proficient in computer.*
- iii. Hindi/Sanskrit upto Matric Standard or Higher Education.*



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xxx

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12. *The eligibility of candidates with regard to qualifications etc. is to be determined on **20.08.2018** (closing date)."*

14. Being eligible, the petitioner was issued an admit card (Annexure P-4) with roll no.4768. As indicated by result/announcement dated 11.11.2021 (Annexure P-5), the petitioner qualified the written exam. The Commission, vide announcement dated 11.11.2021 (Annexure P-5) also invited the selected candidates for document verification and prescribed certain documents to establish genuineness thereof. The relevant part is reproduced below:

"2. The candidates bearing the above roll nos. are directed to appear in the office of the Haryana Public Service Commission, Bays No. 1-10, Block-B, Sector-4, Panchkula (Haryana) on the dates & time given below for the submission & checking of hard copies of their application forms & all relevant documents. The candidates must bring the hard copy of their online application form duly signed and all original relevant documents pertaining to academic qualifications, experience, domicile, caste, Ex-serviceman etc., alongwith one photocopy each duly self-attested by the candidate.

The relevant supporting documents such as Copy of Bank Statement/Pass Book in which salary deposited for relevant period, Copy of Member Pass Book/statement of EPF contribution for relevant period, Copy of Member Pass Book/statement of ESI contribution for relevant period, Copy of FORM 26AS of Income Tax Department for the relevant Financial year, Copy of NPS contribution statement for relevant period etc. should be submitted along with the Experience Certificate by the candidates, to prove its genuineness. The relevance and genuineness of the experience will be decided by the Commission based on the certificates and documents submitted by him only and,



therefore, the candidate should submit all the relevant documents to prove the genuineness of his experience certificate. The candidates should note that no other opportunity will be given for this purpose.”

15. As discernible vide experience certificates (Annexures P-3 and P-4) issued to the petitioner, he had previously worked with M/s Atcon Engineers, a private firm, from 01.07.2016 to 22.08.2017 (01 year 01 month and 22 days) and the Irrigation and Water Resources Department, Haryana from 23.08.2017 to 08.06.2020 (11 months and 29 days till 20.02.2018). Even with the cut-off date being 20.08.2018, the total post graduation experience of the petitioner successfully breaches the threshold of 02 years. However, a perusal of the impugned orders indicates that the candidature of the petitioner was rejected for the lack of relevant supporting documents to prove the genuineness of the experience certificate pertaining to his term at M/s Atcon Engineers. The relevant part of impugned order dated 29.09.2022 (Annexure P-8) is reproduced below:

“1. You have not submitted the relevant supporting documents such as Copy of Bank Statement/Pass Book in which salary deposited for relevant period. Copy of Member Pass Book/statement of EPF contribution for relevant period, Copy of Member Pass Book/statement of ESI contribution for relevant period, Copy of FORM 26 AS of Income Tax Department for the relevant Financial year, Copy of NPS contribution statement for relevant period etc., to prove the genuineness of your experience certificate for having worked as Civil Engineer in ATCON Engineers from 01.07.2016 to 22.08.2017 (01Y-01M-22D). Hence, the same cannot be considered.

2. Your experience for having worked as Junior Engineer



in Irrigation & Water Resources Department from 23.08.2017 to 20.08.2018 (11M-29D) is being considered which is less than required 02 years as per advertisement.

Accordingly, your candidature for the aforesaid post(s) stands finally rejected and no further correspondence in this regard will be entertained by the Commission under any circumstances.”

Notably, the advertisement (Annexure P-1) did not provide for any such conditions regarding the proper documents for verification of experience certificate submitted by candidates and the above-mentioned guidelines were provided for the first time vide announcement dated 11.11.2021 (Annexure P-5) post declaration of result.

16. The issue regarding lack of relevant documents was flagged to the petitioner for the first time vide email dated 28.06.2022 (Annexure P-6). In response, the petitioner, vide email dated 05.07.2022 (Annexure P-7), submitted letter of intent, agreement-cum-appointment letter, experience certificate, salary slips, non-applicability of EPF certificate, Form 26AS Income Tax Return Acknowledgements, Form 16A and bank account statement to prove his experience. The said email also mentioned that the same documents were also made available by him on the date of document verification. Further still, the petitioner made yet another representation vide email dated 30.09.2022 (Annexure P-9) upon receiving the letter of rejection (Annexure P-8). The Commission, vide email dated 04.01.2023 (Annexure P-10), observed



that EPF and ESI were not applicable to M/s Atcon Engineers under the EPF Act; that the National Pension System is not mandatory for private organisations under the Pension Fund Regulatory and Development Authority Act, 2013; and that the petitioner was paid his salary in cash and had not filed his Income Tax Return. In spite of acknowledging the explanation provided, the Commission did not provide any reasons for why the documents and explanation provided were considered inadequate and merely stated that the matter has already been considered and decided.

17. Furthermore, vide order dated 01.12.2025, in view of the specific stand taken by the Employer in terms of the instructions dated 05.02.2024 (Annexure R-1/1), as well as the instructions dated 07.06.2020 issued by the Chief Secretary to the Government of Haryana as relied upon by the petitioner, an opportunity was granted to the Commission to file an affidavit regarding justifying its authority, in light of any statutory framework, to examine the veracity of the documents submitted by the petitioner. The following order was passed:

“Learned Senior counsel for the petitioner inter alia contends that respondent No.2-HPSC issued an advertisement dated 21.07.2018 (Annexure P-1) inviting applications for direct recruitment to seven posts of Manager (Utility) in the Haryana State Industrial & Infrastructure Development Corporation Limited. The petitioner, having fulfilled the prescribed eligibility criteria, participated in the selection process and submitted two experience certificates in the format specified in the advertisement. The advertisement further made it explicit that no experience would be considered other than what was claimed in the application form. As per the general



instructions to the candidates, they were required to submit the printed copy of application form along with other details.

*Further, the petitioner participated in the process and secured marks higher than the last selected candidate. However, with a view to disentitle the petitioner, the respondent-Commission, which is merely a recruitment agency, went to the extent of examining the veracity of the experience certificates by demanding proof of salary such as bank statements, Form 26 AS, EPF record, ESI record and NPS statement, **which were neither required in terms of the advertisement nor under any statutory rules as discernible from Annexure P-6.***

This Court, while passing the order dated 09.02.2024, recorded the petitioner's marks after opening the sealed cover produced by the respondent-Commission. Thereafter, on 09.07.2025, this Court directed the respondents to verify the genuineness of the salary slips and other documents furnished by the petitioner in support of his claimed work experience.

In purported compliance, the verification was carried out and the salary slips and other documents submitted by the petitioner in support of his work experience were found to be genuine. As such, the petitioner, who has been successful in the selection process and has satisfied the minimum threshold is entitled to be appointed and to be given all notional benefits from the date on which other similarly situated candidates were appointed. Despite this, the case of the petitioner was not recommended for recruitment.

Learned counsel for respondent No.2-HPSC is directed to file an affidavit of the Chairman of the respondent-Commission in this regard and specifically clarify whether the Haryana Public Service Commission, being only a recruiting agency, is vested with the authority to examine the veracity of the petitioner's credentials and experience.

Adjourned to 18.12.2025.

To be shown immediately after the urgent list."

(emphasis added)



18. Accordingly, affidavit dated 14.01.2026 on behalf of Satish Kumar, Deputy Secretary, HPSC was filed wherein a feeble attempt has been made to defend the process of verification of credentials undertaken by it, in spite of being aware of the specific stand taken by the Employer and the instructions dated 05.02.2024 (Annexure R-1/1) issued by the Chief Secretary to the Government of Haryana. Curiously, the Commission has itself admitted therein that it generally does not engage in check the veracity of documents submitted by candidates. The relevant part of the affidavit is reproduced below:

*“9. That in response, it is submitted that **the Respondent Commission is not examining the veracity of the documents** submitted by the petitioner. However, to give meaningful effect to the recruitment process, Commission has to undertake a scrutiny process to examine the credentials and experience of Candidate. It is submitted that if the recruitment process is carried out without examining the experience and credentials of the candidates, and all candidates are deemed to be eligible for recommendation by virtue of their having their applying for a particular post, then if at the time found that of it is the appointment recommended candidates do not possess relevant experience and credentials, then it would render the whole recruitment process futile. Therefore, a rigorous scrutiny process is necessary to keep the sanctity of recruitment process intact and to ensure the reaches its fruitful conclusion. **However, it is submitted that during this scrutiny process, the Commission generally does not check the veracity of the documents, but asks that the necessary documents sought be at least supplied.***

10. That in the present case, the respondent Commission sought particular documents by the candidates to show genuineness of the experience, and such documents were Copy of Bank Statement/Pass Book in which salary deposited for relevant period, Copy of



*Member Pass Book/statement of EPF contribution for relevant period, Copy of Member Pass Book/statement of ESI contribution for relevant period, Copy of FORM 26AS of Income Tax Department for the relevant Financial year, Copy of NPS contribution statement for relevant period etc. **These were sought vide Announcement dated 11.11.2021, and the announcement was uniformly applied to all the candidates.** Moreover, any of the above documents would easily prove the genuineness of the experience certificate. It is humbly submitted that the announcement dt. 11.11.2021 has not been challenged present petition, and hence, it binds the commission as well as the candidates. It is submitted that the aforesaid documents which were sought by the Commission were not provided by the petitioner, and hence, the Commission was constrained to reject the candidature of the petitioner. It is submitted that if the petitioner had provided the documents sought by the Commission, and the Commission had rejected those documents on the ground that the said documents were not genuine, then it would have been a matter of examining the veracity of the documents submitted by the petitioner.”*

(emphasis added)

19. A perusal of the said affidavit makes it clear that the Commission has embarked upon verification of credentials of the petitioner in a self-anointed capacity. Tritely, the role of the Commission is limited to conducting examination, in terms of the requisition sent by the appointing authority, and declare results thereof. Moreover, the selection does not *ipso facto* confer a right to appointment as the same is subject to the verification of credentials, antecedents and experience of the candidate by the employer which is adjudicatory and executive in nature. Further still, the Commission has not been able to cite any constitutional or statutory provisions that would enable it to travel



beyond its recommendatory role and usurp the adjudicatory role of the Employer by deciding upon suitability of candidates. On the other hand, the stand taken by the Employer is based upon the instructions dated 05.02.2024 (Annexure R-1/1) issued by the Chief Secretary to the Government of Haryana which specifically provides that the candidates recommended by the Commission would be given provisional appointment and the verification of their antecedents and experience shall be conducted by the Employer within 02 months of such appointment. Contrary to these instructions (Annexure R-1/1), the Commission has embarked on an inquiry with respect to the credentials of the candidates and fixed an arbitrary deadline for completion of scrutiny of documents.

20. Furthermore, on 09.07.2025, the following order was passed by a Coordinate bench:

“xxx xxx xxx

In the meantime, the respondents are hereby directed to verify genuineness of salary slip and other documents submitted by the petitioner in support of his work experience.

Mr. Raman Sharma, learned Addl. A.G., Haryana assures the Court that the State authorities would do the necessary exercise.”

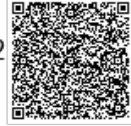
In compliance thereof, a committee was constituted by the Employer. A perusal of the minutes of the committee meeting dated 23.10.2025 indicates that the petitioner had in fact worked with M/s Atcon Engineers during the period mentioned in the experience certificate submitted by him. It was further recommended that the



petitioner be considered employed with M/s Atcon Engineers as the documents submitted by him in this regard were found to be correct and genuine.

21. The Commission is a creature of Article 320 of the Constitution of India, which bestows upon it the power to conduct examinations and be consulted on recruitment related matters. However, the final authority to appoint a candidate vests in the appointing authority. A three-Judge Bench of the Hon'ble Supreme Court in ***Jatinder Kumar vs. State of Punjab (1985) 1 SCC 122*** has held that the recommendations made by bodies like Public Service Commissions are recommendatory in nature and it is upon the appointing authority shall be the final arbiter of the eligibility of the selected candidates. Speaking through Justice R.B. Misra, the following was opined:

*“12. The establishment of an independent body like Public Service Commission is to ensure selection of best available persons for appointment in a post to avoid arbitrariness and nepotism in the matter of appointment. It is constituted by persons of high ability, varied experience and of undisputed integrity and further assisted by experts on the subject. It is true that they are appointed by Government but once they are appointed their independence is secured by various provisions of the Constitution. Whenever the Government is required to make an appointment to a higher public office it is required to consult the Public Service Commission. The selection has to be made by the Commission and the Government has to fill up the posts by appointing those selected and recommended by the Commission adhering to the order of merit in the list of candidates sent by the Public Service Commission. **The selection by the Commission, however, is only a recommendation of the Commission and the final authority for appointment is the Government.** The*



*Government may accept the recommendation or may decline to accept the same. But if it chooses not to accept the recommendation of the Commission the Constitution enjoins the Government to place on the table of the Legislative Assembly its reasons and report for doing so. Thus, the Government is made answerable to the House for any departure vide Article 323 of the Constitution. This, however, does not clothe the appellants with any such right. They cannot claim as of right that the Government must accept the recommendation of the Commission. **If, however, the vacancy is to be filled up, the Government has to make appointment strictly adhering to the order of merit as recommended by the Public Service Commission. It cannot disturb the order of merit according to its own sweet will except for other good reasons viz. bad conduct or character.** The Government also cannot appoint a person whose name does not appear in the list. But it is open to the Government to decide how many appointments will be made. The process for selection and selection for the purpose of recruitment against anticipated vacancies does not create a right to be appointed to the post which can be enforced by a mandamus.”*

(emphasis added)

22. As such, mere selection is not equivalent to appointment. Appointment falls under the exclusive domain of the employer and cannot be usurped by the Commission by taking upon the role of a super-employer. The ultimate appointment of a candidate post-selection is dependent upon multiple factors such as the applicable service rules and government instructions. Moreover, verification of documents and assessment of eligibility of the candidates often pose fact-intensive questions pertaining to equivalence, authenticity of certificates, suitability of the candidate etc., which can only be answered by the employer. Any intervention in this regard by a selecting body like the



Commission, unless expressly empowered by a statute, would be *ultra vires*. The proceedings conducted by the Commission are only competition-related and any executive functions must only be discharged by the employer.

23. On that note, the conduct of the Commission in depriving the petitioner of an opportunity of public employment by exceeding its mandate and disturbing administrative hierarchy is unbecoming of a constitutionally established authority. As admitted in the affidavit (*supra*), the Commission does not generally engage in document verification. However, no reason has been provided by the Commission as to why an exception has been carved out for recruitment to the post of Manager (Utility) with the Employer. Such unjustified excesses may lead to the inference that additional and unwarranted intervention is being exercised with the intent or effect of favouring certain candidates over others. Such manifest arbitrariness in the recruitment process to public employment, an opportunity treated as sacrosanct and aspirational by many, strikes at the very heart of the principles of equality and fairness, as enshrined under Articles 14 and 16 of the Constitution. Thus, the Commission ought to have exercised a higher degree of care in order to ensure that its credibility is maintained, especially since negligence herein would not only cause a loss of livelihood to a deserving candidate but also erode public faith in the institution.



24. It is settled law that an authority must act within the confines of the purpose of its creation. Any action that breaches this threshold would be an overreach that invites judicial correction. In that vein, it is entirely the prerogative of the appointing authority, in this case-the Employer, to ensure that the petitioner, being a selected candidate, has requisite proof of credentials, antecedents and experience to be duly appointed. As a matter of fact, the short reply submitted on behalf of the Employer categorically states that the Employer shall get the documents verified upon receiving the list of candidates recommended by the Commission. The relevant part of the same reads as follows:

“3. That the answering respondent respectfully submits that the complete process of recruitment and selection has been undertaken by the respondent No.2 and the answering respondent has no role in finalization of the selection. The answering respondent had only sent the requisition for the posts of Manager (Utility) prescribing the qualifications strictly in accordance with the HSIIDC Employees Bye Laws which were advertised by respondent No.2 vide advertisement dated 21.07.2018. The selection is to be completed by the respondent no.2 and only after recommendation of the names of selected candidates, the appointment process to the recommended candidates is to be undertaken by the answering respondent.

4. That the answering respondent further submits that on receipt of recommendation from HPSC for appointment of the recommended candidates, their documents of qualification, eligibility and experience etc. are got verified from the concerned authority/institute by the answering respondent.

5. That the respondent No.2/HPSC has sent the recommendation list vide letter dated 20.09.2023 which was received on 01.01.2024 recommending therein the



appointment of five candidates. After receipt of recommendation list from the respondent no.2/HPSC, as per the instructions dated 05.02.2024 received from the Chief Secretary, Haryana, appointment letters on provisional basis were issued to the recommended candidates on 09.02.2024. It is further submitted here that out of five candidates, three candidates at serial no.3-5 in the merit list have joined their duties. The candidate at serial no.1 has requested to grant extension in joining period whereas the candidate at serial no.2 has not appeared for document verification. Copy of the instructions dated 05.02.2024 of the Chief Secretary, Haryana is annexed herewith as Annexure R-1/1.

6. That after appointment, the verification of their character, antecedents as well as all of documents, qualification, experience etc. was done by the answering respondent which is almost complete done except candidate at serial no.3 in the merit list whose verification is in process.

7. That the answering respondent respectfully submits that the impugned orders dated 23.09.2022 and 04.01.2023 have been passed by the respondent no.2 and the answering respondent has no role in the same.”

(emphasis added)

25. Further still, the instructions dated 05.02.2024 (Annexure R-1/1) by the Chief Secretary to Government of Haryana makes it clear that the candidates recommended by the Commission shall be appointed on provisional basis “*without prior verification of their character, antecedent as well as of all documents deemed necessary for appointment.*” It has been further directed that such verification shall be completed within 02 months of the provisional appointment. Thus, it appears that the Commission had whimsically engaged in the process of scrutiny of documents, exceeding the scope of its duties and thereby,



undermining the autonomy of the appointing authority-Employer. A two-Judge bench of the Hon'ble Supreme Court in ***Durgacharan Misra vs. State of Orissa 1987 AIR SC 2267*** had categorically held that additional requirements cannot be prescribed beyond the applicable Rules with respect to suitability. Speaking through Justice Jagannatha Shetty, the following was observed:

*“14. The Rules have been framed under the proviso to Article 309 read with the Article 234 of the Constitution. Article 234 requires that the appointment of persons other than District Judge to the Judicial Service of State shall be made by the Governor of the State. It shall be in accordance with the rules made by the Governor in that behalf after consultation with the State Service Commission and with the State High Court. The Rules in question have been made after consultation with the Commission and the State High Court. **The Commission which has been constituted under the Rules must, therefore faithfully follow the Rules. It must select candidates in accordance with the Rules. It cannot prescribe additional requirements for selection either as to eligibility or as to suitability.** The decision of the Commission to prescribe the minimum marks to be secured at the viva-voce test would, therefore, be illegal and without authority.”*

(emphasis added)

CONCLUSION

26. In view of the above discussion, this Court comes to the irresistible conclusion that the Commission is a constitutional authority with a limited mandate and its core function is to complete the selection process i.e., conduct examination, declare results and make recommendations. The Commission cannot act as an adjudicatory authority on disputed questions of eligibility or experience by engaging



in scrutiny and verification of experience certificate of the petitioner. If such a practice is allowed to continue unchecked, it will enable less meritorious candidates to steal a march over those who are higher in merit and deserve a fair consideration. Therefore the question framed above is answered in the negative and it is clarified that unless empowered by a statutory framework, a Public Service Commission cannot embark upon character verification, antecedent inquiry, confirmation of credentials or adjudication of document validity, while discharging its constitutional or statutory duty of selection and recommendation and that the same remains within exclusive authority of the appointing authority/employer.

27. As recorded in order dated 09.02.2024, the sealed cover containing the result of the petitioner was opened and it was found that he had secured higher marks than the last selected candidate. Additionally, his experience certificate with M/s Atcon Engineers was found to be genuine by the committee constituted by the Employer. Therefore, there exists no reason to deny the petitioner the fruits of his labour and allow him to join service at the post of Manager (Utility) with the Employer, especially when only 03 persons have joined against the 07 advertised posts.

28. Accordingly, the present petition is disposed of with the following directions:

(i) Respondent No.1 is directed to consider the case of the petitioner for appointment to the post of Manager (Utility) in pursuance of advertisement (Annexure P-1)



and pass appropriate orders in view of the fact that he has secured more marks than the last selected candidate and fulfils the eligibility criterion of 02 years of experience after graduation.

(ii) Needless to say, upon favourable consideration, the petitioner shall be entitled to deemed date of appointment as well as all consequential benefits at par with his batchmates selected in pursuance of advertisement (Annexure P-1), who were issued appointment letters on 09.02.2024. However, he shall only be entitled to pay from the date he actually joins service.

(iii) A copy of this order be sent to the Chief Secretary to the Government of Haryana for information, in order to ensure that such instances are not repeated and the institutional discipline is maintained in the future.

29. The necessary exercise shall be completed within a period of 06 weeks from the date of receipt of a certified copy of this order.

30. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.01.2026
yakub

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