



CWP-7441-2019

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

CWP-7441-2019

Date of Decision: 13.02.2026

RAJ KUMAR AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL.

Present:- Mr. Vishal Nehra, Advocate for petitioners

Mr. Akshit Pathania, AAG, Haryana

Mr. Anurag Goyal, Senior Advocate with

Mr. Sunil Kumar Dhanda, Advocate and

Mr. Nikhil Lather, Advocate

For respondent Nos. 7 to 11

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking setting aside of order dated 17.05.2018 whereby their juniors have been treated seniors as Head Constables in Haryana Armed Police.

2. The respondent as per Rule 13.7 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (for short 'PPR') in 2014 conducted B-1 test of eligible Constables for promotion to the post of Head Constables. 150 Constables had to be deputed for Lower School Course (for short 'LSC') which is a promotional course. The State Government issued notification dated 15.05.2015 whereby 20% seats were ordered to be allocated to Scheduled Caste Constables. The said notification came to be challenged before this Court in

CWP-11073-2015. This Court by interim orders stayed implementation of said



CWP-7441-2019

notification. The respondent again conducted B-1 test of 2015 Batch. In the said Batch, 150 Constables had to be selected for LSC. The private respondents participated in B-1 test of 2014. Their name figured beyond Serial No.120. The respondent as per its notification dated 15.05.2015 deputed 120 Constables from 2014 for LSC. 30 seats were retained. On account of interim order passed by this Court, the respondent sought opinion of office of Advocate General which opined that candidates beyond Serial No.120 may be deputed for LSC as there is stay on implementation of notification dated 15.05.2015. Few of the private respondents despite being passed in B-1 test of 2014, participated in B-1 test of 2015 Batch. In view of interim orders of this Court passed in **CWP-11073-2015** as well as opinion of office of Advocate General, the respondent reconsidered status of private respondents *vis-a-vis* 30 meritorious candidates of 2014. The respondent deputed them for LSC against 2014 Batch.

3. The petitioners are claiming that they participated in B-1 test of 2014 or 2015 Batch. There are three petitioners. Two had participated in the Batch of 2015 and one had participated in 2014 Batch. The private respondents were permitted to undergo LSC subsequent to completion of LSC by them. As they completed LSC prior to private respondents, they should be treated senior whereas respondent has arbitrarily made them senior.

4. *Per contra*, learned State counsel as well as private respondents submit that 30 seats were withheld in the Batch of 2014 because of reservation policy. This Hon'ble Court stayed notification of reservation and as per opinion of office of Advocate General, the candidates as per their merit ignoring reservation were reconsidered and deputed for LSC. They were deemed to be



CWP-7441-2019

part of LSC of 2014 Batch even though they completed LSC subsequently i.e. along with 2015 Batch or Special Batch 63.

5. Heard the arguments and perused the record.

6. From the perusal of record, it comes out that petitioners as well as private respondents belong to Haryana Armed Police Cadre. They participated in B-1 test of 2014 Batch. The State Government by way of notification dated 15.05.2015 made reservation policy with respect to promotion of SC employees. As per said notification, 20% seats were earmarked for SC candidates. The respondent to implement reservation policy deputed 120 candidates for LSC against 150 seats of 2014 Batch. The private respondents though figured in the merit list, however, were not deputed on account of reservation policy. Many employees approached this Court which stayed aforesaid notification. The respondent on account of interim orders of this Court formed an opinion that Constables should be deputed for LSC as per their merit, ignoring notification of reservation. By that time, LSC of 2014 Batch had already completed, thus, left over Constables of 2014 Batch could not be made part of 2014 Batch. To resolve the issue of seniority, the respondent decided to protect seniority of 2014 Batch successful candidates. They were made part of 2015 Batch LSC or Special Batch 63, however, were considered as part of 2014 Batch LSC.

7. The petitioners are claiming that they were senior to private respondents, however, respondent has wrongly made private respondents senior to them.

8. As per Rule 13.7 of PPR seniority is maintained. Seniority of Head Constables is determined as per marks obtained in LSC. The private respondent



CWP-7441-2019

were part of 2014 Batch, however, could not be deputed for LSC on account of implementation of reservation policy. On account of interim orders of this Court, the reservation policy was ignored and petitioners were considered as per their merit. They could not be deputed for LSC in 2014 Batch because of its completion. They were accommodated in 2015 Batch or Special Batch 63. Their marks were redetermined considering marks obtained by Constables who participated in LSC of 2014 Batch. At the cost of the repetition, it is reiterated that seniority of Head Constables is determined on the basis of date of entry in List C. Entry in List C is made on the basis of performance in LSC. In the 61 Batch (2014), the maximum marks in LSC were 1500 whereas maximum marks in 62 Batch (2015) were 1225. The respondent decided to apply formula of average and redetermined marks of Constables who appeared in 2015 Batch though were eligible for LSC of 2014 Batch. On account of application of said formula, the private respondents became senior to petitioners. There is no challenge to formula applied by respondent. The petitioners could be senior had they scored higher marks in LSC of 2014 Batch *vis-a-vis* recalculated marks of private respondents applying aforesaid formula. If after applying aforesaid formula of averaging, the private respondents score more marks than petitioner No.2, the private respondents are bound to be treated senior to him. The petitioner Nos.1 and 3 were part of 2015 Batch, thus, they cannot claim parity with private respondents who were deemed to be considered as part of 2014 Batch. It was irrelevant that private respondents completed LSC in 2015 or subsequently.

9. In the wake of above discussion, it is evident that petitioner Nos.1 & 3 were not part of 2014 Batch, thus, they are wrongly disputing seniority of



CWP-7441-2019

private respondents. The petitioner No.2 ought to be senior if he had secured marks more than private respondents after application of formula. The petitioner No.2 may compare his position with private respondents and point out to official respondents.

10. Disposed of.

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

(JAGMOHAN BANSAL)
JUDGE

13.02.2026
SDK

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