

2026:PHHC:075305



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

239 (4 cases)

Date of decision:12.05.2026

1.

CWP-7400-2024

Kuldeep and others

.....Petitioners

VERSUS

State of Haryana and others

.....Respondents

2.

CWP-11806-2024

Sombir and others

.....Petitioners

VERSUS

State of Haryana and others

.....Respondents

3.

CWP-14340-2024

Sunil and others

.....Petitioners

VERSUS

State of Haryana and others

.....Respondents

2026:PHHC:075305



4.

CWP-327-2025

Rajesh Kumar and others

.....Petitioners

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Sunil Nehra, Sr. Advocate with Mr. Arjun Dosanj, Advocate for the petitioners in CWP-7400-2024.

Mr. Navnit Sharma, Advocate for Mr. R.S. Dhull, Advocate for the petitioners in CWP-11806 & 14340 of 2024 and CWP-327-2025.

Mr. Priyavrat Parashar, AAG, Haryana.

HARPREET SINGH BRAR, J. (Oral)

1. With the consent of learned counsel for the parties, the aforesaid writ petitions are being taken up together for adjudication, as they arise out of a common set of facts and involve identical questions of law. However, for the sake of brevity and convenience, the facts are being extracted from **CWP-7400-2024**.

2. The present writ petition(s) has/have been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing public notice dated 04.03.2024 (Annexure P-7), updated result dated 11.03.2024 (Annexure P-14) pertaining to the post of

2026:PHHC:075305



Fire Operator-cum-Driver, to the extent the names/roll numbers of the petitioners have not been included in the list of successful candidates, and public notice dated 11.03.2024 (Annexure P-17), being illegal, arbitrary and contrary to Advertisement No.3/2023 dated 07.03.2023 (Annexure P-2) and amended Appendix 'B' dated 20.03.2023 (Annexure P-3). Further, a writ in the nature of *mandamus* has been sought directing the respondents to declare the petitioners eligible for the post of Fire Operator-cum-Driver and to issue appointment letters to them along with all consequential benefits. During the pendency of the present petitions, a further prayer has also been made for keeping five posts reserved for the petitioners in their respective categories.

3. Learned Senior Counsel for the petitioner(s), at the very outset, submits that the public notices challenged in the present writ petitions had also been assailed by identically situated candidates, who had participated in the same selection process initiated pursuant to Advertisement No.3/2023 dated 07.03.2023, by way of filing ***CWP-24324-2025*** titled as ***Ravinder Versus State of Haryana and others***, decided on 06.05.2026. It is submitted that the Coordinate Bench of this Court, after considering the legality and effect of the impugned public notices dated 04.03.2024 and 11.03.2024, allowed the said writ petition and granted relief to the petitioner therein.

4. On the other hand, learned State Counsel submits that the case of the present petitioners is distinguishable from the case of ***Ravinder (supra)*** and contends that since the order dated 24.07.2025 was set aside in



the said case on its own peculiar facts, the petitioners herein are not entitled to the grant of similar relief.

5. I have heard learned counsel for the parties and have gone through the paper-book as well as the pleadings on record with their able assistance. It transpires that the petitioners had participated in the selection process initiated vide Advertisement No.03/2023 dated 07.03.2023 (Annexure P-2). Thereafter, public notices dated 04.03.2024 (Annexure P-7) and 11.03.2024 (Annexure P-17) came to be issued whereby a list of recognized institutions/final list of valid institutions was introduced after culmination of the selection process and declaration of the result.

5.1 The attempt made by the learned State counsel to distinguish the case of the present petitioners from that of *Ravinder (supra)* deserves to be rejected. The Coordinate Bench in *Ravinder (supra)*, while relying upon the judgments of the Hon'ble Supreme Court in *K. Manjusree Versus State of Andhra Pradesh, (2008) 3 SCC 512* and the Constitution Bench judgment in *Tej Prakash Pathak Versus Rajasthan High Court, (2013) 4 SCC 540*, categorically held that the action of the respondents in issuing public notices dated 04.03.2024 and 11.03.2024, whereby a list of recognized/unrecognized institutions was introduced after declaration of the result, amounted to altering the eligibility criteria midstream. It was further held that the action of the respondents in declaring the petitioner therein ineligible on the basis of criteria introduced after completion of the selection process was arbitrary, unreasonable and violative of Articles 14 and 16 of



the Constitution of India. The relevant extract of judgment passed in ***Ravinder (supra)*** be reads as under:-

“13. The controversy in the present petition lies in a narrow compass whether the respondents were justified in cancelling the appointment of the petitioner on the ground that the diploma possessed by him was from an institute subsequently declared “unrecognized,” despite the fact that such condition was neither expressly stipulated nor clarified at the time of advertisement or during the selection process.

14. It is an admitted position on record that the petitioner applied pursuant to Advertisement No. 3/2023, successfully cleared all stages of selection including the Physical Measurement Test and written examination, was declared successful in the final result, and was thereafter issued an appointment letter dated 15.03.2024. The petitioner joined service and discharged his duties for more than one year before the impugned order of termination dated 24.07.2025 came to be passed.

15. A perusal of the advertisement reveals that the essential qualification required was a diploma/course from an institution “recognized by Government/Government of India.” The said stipulation, on its plain reading, does not restrict recognition to any particular State Government, much less the Government of Haryana alone. In the absence of any explicit restriction, the expression “Government” has to be construed in a broader sense so as to include any State Government, local authority or any of its instrumentalities and not restricted to Government of Haryana.



16. *The action of the respondents in issuing public notices dated 04.03.2024 and 11.03.2024, whereby a list of recognized/unrecognized institutions was introduced after the declaration of results, amounts to altering the eligibility criteria midstream. It is a settled principle of law that the rules of the game cannot be changed after the game has begun.*

17. *In this regard, reliance is placed on the judgment of the Supreme Court in Maharashtra State Road Transport Corporation v. Rajendra Bhimrao Mandve, 2001(10) SCC 51, wherein it was observed that 'the rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced.'*

18. *In 'K. Manjusree vs. State of Andhra Pradesh, (2008) 3 SCC 512', wherein the Apex court held that selection criteria cannot be altered after the selection process has commenced, while observing that:*

We have referred to the proper interpretation of the earlier resolutions dated 24.7.2001 and 21.2.2002 and held that what was adopted on 30.11.2004 was only minimum marks for written examination and not for the interviews. Therefore, introduction of the requirement of minimum marks for interview, after the entire selection process (consisting of written examination and interview) was completed, would amount to changing the rules of the game after the game was played which is clearly impermissible.

19. *Similarly, in 'Tej Prakash Pathak vs. Rajasthan High Court, (2013) 4 SCC 540', the Supreme Court reiterated that any change in criteria after initiation of the selection process*



would be arbitrary and violative of Articles 14 and 16 of the Constitution. It was observed that:

11. In the context of the employment covered by the regime of Article 309, the 'law' - the recruitment rules in theory could be either prospective or retrospective subject of course to the rule of non- arbitrariness. However, in the context of employment under the instrumentalities of the State which is normally regulated by subordinate legislation, such rules cannot be made retrospectively unless specifically authorised by some constitutionally valid statute.

12. Under the Scheme of our Constitution an absolute and non-negotiable prohibition against retrospective law making is made only with reference to the creation of crimes. Any other legal right or obligation could be created, altered, extinguished retrospectively by the sovereign law making bodies. However such drastic power is required to be exercised in a manner that it does not conflict with any other constitutionally guaranteed rights, such as, Articles 14 and 16 etc. Changing the 'rules of game' either midstream or after the game is played is an aspect of retrospective law making power.

13. Those various cases deal with situations where the State sought to alter 1) the eligibility criteria of the candidates seeking employment or 2) the method and manner of making the selection of the suitable candidates. The latter could be termed as the procedure adopted for the selection, such as, prescribing minimum cut off marks to be secured by the candidates either in the written examination or viva-voce as was done in the case of Manjusree (*supra*) or the present case or calling upon the candidates to undergo some test relevant to the nature of the employment [such as driving test as was the



case in Maharashtra State Road Transport Corporation (supra)].

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19. No doubt it is a salutary principle not to permit the State or its instrumentalities to tinker with the 'rules of the game' insofar as the prescription of eligibility criteria is concerned as was done in the case of C. Channabasavaiah v. State of Mysore [AIR 1965 Supreme Court 1293] etc. in order to avoid manipulation of the recruitment process and its results. Whether such a principle should be applied in the context of the 'rules of the game' stipulating the procedure for selection more particularly when the change sought is to impose a more rigorous scrutiny for selection requires an authoritative pronouncement of a larger Bench of this Court. We, therefore, order that the matter be placed before the Hon'ble Chief Justice of India for appropriate orders in this regard.

20. Further, the contention of the respondents that recognition must necessarily be by the Government of Haryana is not borne out from the terms of the advertisement. The petitioner has placed on record that the institute from which he obtained his diploma is recognized by the Government of Maharashtra. In the absence of any restriction in the advertisement, such qualification cannot be disregarded. Otherwise also, the qualifications recognized by any State Government are to be treated as valid, particularly in the absence of a contrary stipulation or specifically excluded.

21. Moreover, the petitioner had not only been selected but had also been appointed and allowed to serve. At that stage, he had acquired a legitimate expectation that his service would



not be terminated except in accordance with law. The doctrine of legitimate expectation, as explained by the Supreme Court in 'Navjyoti Co-op. Group Housing Society vs. Union of India, (1992) 4 SCC 477', squarely applies in the present case.

22. The reliance placed by the respondents on the provisional nature of the appointment does not come to their aid. While it is true that an appointment may be subject to verification, such verification must be in consonance with the conditions as they existed at the time of advertisement. It cannot be used as a tool to introduce new disqualifications retrospectively.

23. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 24.07.2025 (Annexure P-23) cannot be sustained in the eyes of law and the same is hereby quashed.. The action of the respondents in declaring the petitioner ineligible on the basis of criteria introduced after the completion of the selection process is arbitrary, unreasonable, and violative of Articles 14 and 16 of the Constitution of India.

6. In view of the law laid down by the Coordinate Bench in ***Ravinder (supra)***, which squarely covers the controversy involved in the present writ petitions, all the four present writ petitions deserve to be disposed of. Consequently, the impugned public notices dated 04.03.2024 and 11.03.2024, to the extent they adversely affect the candidature of the present petitioners by introducing additional conditions after commencement of the selection process, cannot be sustained in the eyes of law. The respondents are directed to consider the claim of the petitioners strictly on the basis of

2026.PHHC.075305



the eligibility conditions and criteria as originally prescribed in Advertisement No.03/2023 dated 07.03.2023, in the light of the judgment rendered in *Ravinder (supra)*, within a period of six weeks from the date of receipt of a certified copy of this order.

7. Since it has been specifically pleaded by the petitioners that posts in the respective categories are still lying vacant, it is directed that while considering the claim of the petitioners, the appointments already made pursuant to the selection process shall not be disturbed. The respondent-Commission shall take a final decision and forward its recommendations, if any, to respondent No.2/employer within a period of two weeks thereafter.

8 It is, however, clarified that in the event of the petitioners being found entitled to appointment, they shall be entitled to notional benefits strictly in accordance with their merit position and seniority from the date persons lower in merit came to be appointed. However, the petitioners shall not be entitled to any arrears of salary for the period they had not actually worked, and shall be entitled to monetary benefits only from the date of their actual joining pursuant to the present order.

9. Needless to observe that the exercise directed hereinabove shall be completed expeditiously and preferably within the time stipulated by this Court.

2026:PHHC:075305



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

11. Photocopy of this order be placed on the file of connected cases.

(HARPREET SINGH BRAR)
JUDGE

12.05.2026

Puneet Chawla

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No