

2026:PHHC:088489



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-7478-2023 (O&M)

Surender Puri and another
.....Petitioners
versus
State of Haryana and others
.....Respondents

1.	Date when judgment was reserved	12.05.2026
2.	Date of pronouncement of judgment	01.07.2026
3.	Date of uploading the judgment	01.07.2026
4.	Whether operative part or full judgment is pronounced	Full
5.	Delay, if any, in pronouncing of full judgment and reasons thereof	Not Applicable

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: - Mr. Rajat Mor, Advocate with
Mr. Vishesh Dhaka, Advocate
for the petitioners.

Mr. Piyush Khanna, Addl. AG, Haryana
for the respondent No.1.

Mr. Jagbir Malik, Advocate
for respondent No.3.

HARPREET SINGH BRAR, J.

1. The petitioners, by way of the present writ petition under Articles 226/227 of the Constitution of India, pray for issuance of a writ in the nature of certiorari for quashing the impugned final result dated 22.03.2022 (Annexure P-4) for the post of Assistant advertised vide Advertisement No.14/2019,

Category No.11, by the Haryana Staff Selection Commission for appointment in the Haryana State Industrial and Infrastructure Development Corporation. A further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to re-check and re-verify the documents of all selected candidates with regard to their relevant experience and to place on record the material on the basis of which the expressions Relevant Experience and Corporate Environment were interpreted while making the recruitment.

2. The factual matrix, as culled out from the pleadings, is that respondent No.2 issued Advertisement No.14/2019 dated 26.08.2019 inviting online applications for different posts in different departments. Under Category No.11, 28 posts of Assistant in HSIIDC were advertised. The essential qualification prescribed for the post was Graduate, at least 2nd Division, possessing relevant experience of at least 5 years in a Corporate Environment, along with Hindi/Sanskrit as one of the subjects in Matriculation or higher.

3. It emerges from the record that the petitioners applied for the post in question in their respective categories and appeared in the written examination. The result of the written examination was declared on 11.01.2022 and the roll numbers of the petitioners found place amongst the candidates called for scrutiny of documents. Both the petitioners appeared for scrutiny of documents on 27.01.2022. Thereafter, the impugned final result (Annexure P-4) came to be declared on 22.03.2022.

4. After the result, the petitioners raised objections to the requirement of five years' corporate environment. They pointed out that the term corporate environment was not defined in the advertisement and contended that in the absence of any clarity, the condition was arbitrary. They filed applications under the Right to Information Act, 2005 on 23.05.2022 (Annexure P-5) seeking

details of how the eligibility criteria were applied. In response, HSIIDC informed them on 16.06.2022 (Annexure P-6) that the relevant experience was considered by the recruitment agency, namely HSSC, as per the prescribed qualification and experience in the advertisement and that no such definition was available in the Recruitment and Promotion Policy of HSIIDC.

5. The petitioners also rely upon the order dated 13.01.2023 (Annexure P-11) passed by the Learned State Chief Information Commissioner in RTI appellate proceedings, wherein the reply furnished by the SPIO on point No.1 of the RTI application was found to be unsatisfactory and the SPIO was directed to consult the Company Secretary/CA of HSIIDC and furnish a reply defining what Corporate Environment means. It is submitted that even after the declaration of the result, the department and the recruiting agency were unsure about the meaning of the said expression.

6. Learned counsel for the petitioners has *inter alia* submitted that the impugned selection suffers from arbitrariness as the expressions Relevant Experience and Corporate Environment were not defined either in the advertisement, service bye-laws, service rules or Recruitment and Promotion Policy of HSIIDC. It was argued that in the absence of a defined standard, the said condition could not have been uniformly applied to all candidates.

7. Learned counsel has further submitted that the internal correspondence between HSSC and HSIIDC itself shows that the authorities were uncertain as to whether experience on posts such as Senior Secretariat Assistant in Central Government, Lower Division Clerk, Clerk, Junior Assistant and Data Admin Support L-3 could be treated as experience in a Corporate Environment for the post of Assistant and this subsequent clarification shows

that the selection was completed first and the meaning of the eligibility condition was searched later.

8. *Per contra*, learned counsel appearing for respondent No.3 submitted that the writ petition is not maintainable at the instance of candidates who participated in the entire selection process and challenged the result only after remaining unsuccessful. It was further submitted that the eligibility condition was clearly mentioned in the advertisement and the petitioners applied with full knowledge of the same. Having taken a chance in the process, they cannot now be permitted to question the recruitment after declaration of the result.

9. Learned counsel for respondent No.3 has further submitted that the post of Assistant is in the Personnel and Administrative Cadre, though the services of Assistants are utilized in different divisions of the Corporation. It was argued that the expression Corporate Environment has to be understood in a practical and functional sense. The Corporation has explained that experience in Government, semi-Government, PSU, statutory bodies, Government undertakings, public enterprises, private/public limited companies, MNCs or similar organizations on relevant clerical or administrative posts could be considered for the post of Assistant.

10. Learned counsel appearing for HSSC has argued that the Commission acted as the recruiting agency and carried out the selection as per the requisition, advertisement and clarification supplied by the indenting department. It was submitted that the Commission could not frame service conditions on its own and was required to proceed as per the material supplied by HSIIDC. It is further contended that the selected candidates were found eligible on the basis of documents produced by them and no mala fide or

favouritism has been established against any member of the Commission or any officer connected with the selection process.

OBSERVATION AND ANALYSIS

11. I have heard learned counsel for the parties and examined the record with their able assistance.

11.1. The short issue which arises for consideration is whether the impugned final result dated 22.03.2022 (Annexure P-4) for the post of Assistant in HSIIDC is liable to be interfered with on the ground that the expressions Relevant Experience and Corporate Environment were not separately defined in the service rules or recruitment policy and that the selected candidates, according to the petitioners, did not possess the requisite experience.

12. A perusal of the record leaves no manner of doubt that the expression “relevant experience of at least 5 years in a Corporate Environment” formed part of the advertisement itself. The petitioners applied pursuant to the advertisement, appeared in the written examination, qualified for scrutiny of documents and participated in the recruitment process without raising any challenge to the eligibility clause at the relevant stage. The said condition was, therefore, known to all candidates, including the petitioners, before they entered the selection process.

13. This Court is of the considered view that the legal position in this regard is no longer *res integra*. A two-Judge Bench of the Hon’ble Supreme Court in *Mohit Kumar v. State of Uttar Pradesh, 2025 SCC OnLine SC 1125*, while dealing with the effect of participation in a recruitment process and compliance with the recruitment notification, has observed as under:

“19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article

14. Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority.”

14. Reliance may also be placed upon the judgment rendered by the Division Bench of this Court in ***Bhupinder Kumar Sharma v. State of Punjab and others***, 2020 SCC OnLine P&H 2262, by Division Bench of this Court considered the preliminary objection that a candidate who participated in the selection process could not thereafter turn around and challenge the rules governing the selection. The relevant observations read as under:

*“16. In the reply filed on behalf of the Respondent Nos. 1, 2 and 3, certain preliminary objections have been raised. Of these, the Court proposes to first deal with the objection that the Petitioner after having participated in the selection process cannot turn around and challenge the validity of the PCP Rules. In support of this proposition, reliance is placed upon the decisions in ***Madras Institute of Development Studies v. Dr K. Sivasubramaniyan***, (2016) 1 SCC 454: AIR 2015 SC 3643, ***Om Prakash Shukla v. Akhilesh Kumar Shukla***, 1986 Supp SCC 285 : AIR 1986 SC 1043 and ***Manish Kumar Shahi v. State of Bihar***, (2010) 12 SCC 576.*

18. This Court is unable to accept the plea of the Petitioner that he did not participate in the selection process. It is not disputed that he

*submitted his application for the post of President, DCDRC, pursuant to the notice issued by Respondent No. 2. The said application was forwarded by the Department of Home Affairs and Justice, Punjab Government to Respondent No. 2 only on 29th January 2019 and received by the latter on 6th February 2019. The Petitioner did not, at the time of submitting his application, record that he was doing so under protest. It is only when his name did not figure in the list of selected candidates that he decided to challenge Rule 5(7)(b) and (c) of the PCP Rules, 2018. The settled legal position is that having participated in a selection process, governed by a set of rules, the rejected candidate cannot challenge the validity of the rules. This was explained in detail by the Supreme Court in Madras Institute of **Development Studies v. Dr. K. Sivasubramaniyan (supra)** as under:*

“20. The question as to whether a person who consciously takes part in the process of selection can turn around and question the method of selection is no longer res integra.

*21. In **Dr. G. Sarana v. University of Lucknow, (1976) 3 SCC 585**, a similar question came for consideration before a three Judges Bench of this Court where the fact was that the petitioner had applied to the post of Professor of Anthropology in the University of Lucknow. After having appeared before the Selection Committee but on his failure to get appointed, the petitioner rushed to the High Court pleading bias against him of the three experts in the Selection Committee consisting of five members. He also alleged doubt in the constitution of the Committee. Rejecting the contention, the Court held:*

“15. We do not, however, consider it necessary in the present case to go into the question of the reasonableness of bias or real likelihood of bias as despite the fact that the appellant knew all the relevant facts, he did not before appearing for the interview or at the time of the interview raise even his little finger against the constitution of the Selection Committee. He seems to have voluntarily appeared before the committee and taken a chance of having a favourable recommendation from it. Having done so, it is not now open to him to turn round and question the constitution of the committee. This view gains strength from a decision of this Court in Manak Lal's case where in more or less similar circumstances, it was held that the failure of the appellant to take the identical plea at the earlier stage of the proceedings created an effective bar of waiver against him. The following observations made therein are worth quoting: “It seems clear that the appellant wanted to take a chance to secure a favourable report from the tribunal which was constituted and when he found that he was confronted with an unfavourable report, he adopted the device of raising the present technical point.”

*22. In **Madan Lal v. State of J&K, (1995) 3 SCC 486**, similar view has been reiterated by the Bench which held that:*

“9. Before dealing with this contention, we must keep in view the salient fact that the petitioners as well as the contesting successful candidates being respondents concerned herein, were all found eligible in the light of marks obtained in the written test,

to be eligible to be called for oral interview. Up to this stage there is no dispute between the parties. The petitioners also appeared at the oral interview conducted by the Members concerned of the Commission who interviewed the petitioners as well as the contesting respondents concerned. Thus, the petitioners took a chance to get themselves selected at the said oral interview. Only because they did not find themselves to have emerged successful as a result of their combined performance both at written test and oral interview, they have filed this petition. It is now well settled that if a candidate takes a calculated chance and appears at the interview, then, only because the result of the interview is not palatable to him, he cannot turn round and subsequently contend that the process of interview was unfair or the Selection Committee was not properly constituted. In the case of *Om Prakash Shukla v. Akhilesh Kumar Shukla*, 1986 Supp SCC 285 : AIR 1986 SC 1043 it has been clearly laid down by a Bench of three learned Judges of this Court that when the petitioner appeared at the examination without protest and when he found that he would not succeed in examination he filed a petition challenging the said examination, the High Court should not have granted any relief to such a petitioner.

(..emphasis supplied)

23. In *Manish Kumar Shahi v. State of Bihar*, (2010) 12 SCC 576, this Court reiterated the principle laid down in the earlier judgments and observed:

“We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the petitioner's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The petitioner invoked jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition.”

24. In the case of *Ramesh Chandra Shah v. Anil Joshi*, (2013) 11 SCC 309, recently a Bench of this Court following the earlier decisions held as under: “In view of the propositions laid down in the above noted judgments, it must be held that by having taken part in the process of selection with full knowledge that the recruitment was being made under the General Rules, the respondents had waived their right to question the advertisement or the methodology adopted by the Board for making selection and the learned Single Judge and the Division Bench of the High Court committed grave error by entertaining the grievance made by the respondents.”

(emphasis supplied)

15. Furthermore, the Division Bench of this Court in *Rachna Kumari v. State of Haryana, CWP No.9665 of 2013(O&M)*, held that candidates who had participated in the process and failed to make the cut could not thereafter turn around and say that the criteria was not justified. The Court has further observed that the principle was settled beyond doubt that candidates are estopped from challenging the criteria once they have taken part and have not been selected.

16. In the facts of the present case, the petitioners are not candidates who objected to the experience clause before applying, before appearing in the examination or before participating in scrutiny of documents. Their challenge was raised only after the impugned final result was declared. In such circumstances, the challenge to the selection process, in substance, suffers from the principle of acquiescence and estoppel, unless the petitioners are able to demonstrate a clear illegality, violation of statutory rules, mala fide exercise of power or breach of Articles 14 and 16 of the Constitution.

17. Applying the aforesaid principle, if the petitioners were of the view that the expression Corporate Environment was vague or incapable of uniform application, they were required to raise such objection at the appropriate stage. They could not wait for the result, participate in the process and thereafter challenge the selection on the ground that the expression required further elaboration or separate definition.

18. The allegations of favoritism and pick-and-choose have also not been substantiated in the manner required by law. No specific mala fide has been pleaded against any identified member of HSSC, officer of HSIIDC or member of the selection process. General allegations that certain candidates were

favoured, adjusted or selected without eligibility cannot, without supporting material, form the basis for quashing an entire selection.

19. In ***Rachna Kumari (supra)***, the Division Bench specifically and made the observation in this regard:

“11. Another aspect which is to be taken into consideration is that a perusal of the writ petition would go on to show that there was no specific averment of mala-fide levelled against the members of the Selection Committee at any point of time for the Court to come to the conclusion that the selection was on the basis of a process to give benefit to a certain set of persons and law is settled on the said issue. Reliance can be placed upon the observations made in Chandra Prakash Singh & others v. Chairman, Pruvanchal Gramin Bank, (2008) 12 SCC 292, wherein it was held that mere general statement would not be sufficient indication of ill will and bias and mala-fides is to be shown for determining the administrative action unsustainable. Relevant portion of the judgement reads as under:

25. In State of Punjab v. V.K. Khanna, this Court held that the concept of fairness in administrative action has been the subject-matter of considerable judicial debate but there is total unanimity on the basic element of the concept to the effect that the same is dependent upon the facts and circumstances of each matter pending scrutiny before the Court and no strait-jacket formula can be evolved therefore. Further it is stated that as a matter of fact, fairness is synonymous with reasonableness and on the issue of ascertainment of meaning of reasonableness, common English parlance referred to as what is in contemplation of an ordinary man of prudence similarly placed - it is the appreciation of this common man's perception in its proper perspective which would prompt the Court to determine the situation as to whether the same is otherwise reasonable or not. Similarly, the existence of mala fide intent or biased attitude cannot be put on a strait-jacket formula but depends

upon facts and circumstances of each case. Further, it is said that whereas fairness is synonymous with reasonableness - bias stands included within the attributes and broader purview of the word "malice" which in common acceptance means and implies "spite" or "ill will". Mere general statements will not be sufficient for the purposes of indication of ill will. There must be cogent evidence available on record to come to the conclusion as to whether, in fact, there was a bias or a mala fide move which resulted in the miscarriage of justice. It is also held that the test of bias is as to whether there is a mere apprehension of bias or there is a real danger of bias and it is on this score that the surrounding circumstances must and ought to be collated and necessary conclusion drawn therefrom. In the event, however, the conclusion is otherwise that there exists a real danger of bias, administrative action cannot be sustained. If on the other hand allegations pertain to rather fanciful apprehension in administrative action, question of declaring them to be unsustainable on the basis therefor, would not arise."

20. The aforesaid principle applies squarely to the present case. The petitioners seek a direction for re-verification of the experience documents of all selected candidates. Such a direction, in the absence of a clear candidate-wise demonstration of ineligibility or specific mala fide, would amount to reopening the entire selection on a roving enquiry.

21. It is also relevant that the petitioners have not shown that the selected candidates were considered eligible in violation of any statutory rule which expressly excluded their experience. In the absence of a statutory definition, the employer's functional interpretation of the expression Corporate Environment cannot be displaced merely because another interpretation is possible. The employer and the indenting department are ordinarily the best

judges of the requirements of the post, unless their view is shown to be perverse, arbitrary, mala fide or contrary to the statutory rules.

22. The petitioners participated in the process with full knowledge of the eligibility clause, raised the challenge only after declaration of the result and have not established any specific mala fide, statutory violation or candidate-wise illegality sufficient to unsettle the selection. The respondent Commission acted as recruiting agency and sought clarification from the indenting department. HSIIDC has explained the practical understanding of the expressions used in the advertisement. The Court cannot substitute its own opinion on equivalence or relevance of experience unless the view taken by the respondents is shown to be perverse or wholly arbitrary.

CONCLUSION

23. In view of the above discussion, the present writ petition is dismissed. The impugned final result dated 22.03.2022 (Annexure P-4) for the post of Assistant advertised vide Advertisement No.14/2019, Category No.11, does not call for interference in exercise of writ jurisdiction of this Court.

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

(HARPREET SINGH BRAR)
JUDGE

01.07.2026
yakub

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No