



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

LPA-764-2026 (O&M)
Date of Decision:19.03.2026

STATE OF HARYANA AND OTHERS

...APPELLANT(S)

VERSUS

VIKASH AND OTHERS

....RESPONDENT(S)

**CORAM:- HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Rajesh Gaur, Addl., AG, Haryana
for the applicants-appellants.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-1914-LPA-2026 (delay in filing appeal)

1. This application under Section 5 of the Limitation Act has been filed on behalf of the applicants-appellants seeking condonation of delay of 109 days in filing the present appeal.

2. For the reasons mentioned in the application, the same is allowed and delay of 109 days in filing the instant appeal stands condoned.

CM-1912-LPA-2026 (delay in re-filing appeal)

3. This application under Section 151 CPC has been filed on behalf of the applicants-appellants seeking condonation of delay of 09 days in re-filing the present appeal.

4. For the reasons mentioned in the application, the same is allowed and delay of 09 days in re-filing the instant appeal stands condoned.

Main Case (O&M)

5. This appeal has been filed by the State challenging the order of the learned Single Judge dated 12.09.2025 passed in CWP No.3409 of 2021.

6. Relying upon an earlier judgment of the Division Bench of this Court in **State of Haryana vs. Anju Bala, LPA No.26 of 2021**, the claim of the respondents/petitioners has been allowed by the learned Single Judge by observing as under:-

“3. This Court vide order dated 01.08.2025 passed in bunch of petitions including CWP-25047-2021 titled as ‘Sanoj Kumar and Others Versus State of Haryana and Others’ has declined benefit of Anju Bala to those petitioners who approached this Court after adjudication of LPA of Anju Bala. The petitioners herein approached this Court prior to adjudication of aforesaid LPA. The relevant extracts of order dated 15.11.2021 passed in Anju Bala (Supra) read as:

“9. Thus, from the above sequence of events it would be clear that the criteria as such for the additional marks which were to be given for the general test as per the amended rule and which can go up to 10 marks was denied to the disadvantage of the petitioners. If this benefit was not to be granted, the criteria should have been fixed at the time when the process as such was initiated on 28.05.2018. Therefore, for the reasons above, this Court is of the opinion that the writ petitioners were justified for agitating their claim.

10. Counsel for the State has, however, contended that the said benefit as such be restricted only to the writ petitioners as it would open a Pandora's Box regarding similarly situated persons who had chosen not to approach this Court, though a period of 2 years

has gone by.

11. Keeping in view the above, the present appeals are disposed of by holding that the benefit as such would apply to the writ petitioners only who were successful as such and had agitated for their claim at the initial point of time and had not been fence sitters as has been held in 'State of Uttar Pradesh & others Vs. Arvind Kumar Srivastava & others' 2015 (1) SCC 347. The instructions which were issued, however, cannot be faulted with since they are to fill in the gaps in the statutory rules. They only laid down as to which of the tests could be recognized for the purpose of granting benefits as per the statutory rules and the said instructions would thus only operate from the date they were issued.

12. Accordingly, the present appeals are partly allowed and the order of the learned Single Judge is modified to the above extent that the writ petitioners be given the benefit of the computer/training test.”

4. The case of petitioners on merit is squarely covered by judgment of this Court in Anju Bala (Supra). The rider created by Division Bench of this Court while adjudicating LPA is not attracted to instant case because writ petition was pending on the day of adjudication of LPA.

*5. In the wake of aforesaid facts, the instant petition deserves to be allowed and accordingly **allowed** in terms of order dated 15.11.2021 passed by a Division Bench of this Court in ‘State of Haryana Vs. Anju Bala’, LPA No.26 of 2021 (O&M).”*

7. Although the judgment of the learned Single Judge is assailed, it remains undisputed that the Division Bench judgment of this Court in **Anju Bala (supra)** has attained finality and has been given effect to. The only ground on which the State proposes to challenge the

judgment of the learned Single Judge is that the Division Bench in **Anju Bala (supra)** had observed that any fresh claim instituted thereafter would not be entertained and that the benefit would be restricted to the appellants therein. It is undisputed that on the date when the Division Bench judgment was delivered, the writ petition filed by the respondents herein was pending. Merely because their writ petition was not decided on that day would not mean that the respondents could be treated as fence-sitters so as to deny them the benefit of the judgment in **Anju Bala (supra)**.

8. We are in respectful agreement with the view taken by the learned Single Judge in allowing the writ petition.

9. In that view of the matter, the instant appeal fails and is accordingly **dismissed**.

10. All pending miscellaneous application(s), if any, also stand disposed of.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

MARCH 19, 2026
Rahul Joshi

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|------------------------------|--------|
| 1. Whether Speaking/reasoned | Yes/No |
| 2. Whether Reportable | Yes/No |