



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

115

CWP-11266-2026

Date of Decision : 16.04.2026

Sanjeev Kumar

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present : Mr. Vishal Mittal, Advocate for the petitioner.

NAMIT KUMAR, J. (ORAL)

1. The petitioner has filed the instant petition under Article 226 of the Constitution of India, seeking issuance of a writ of certiorari for quashing the impugned speaking order dated 01.01.2026 (Annexure P-12) passed by the Director, Education Recruitment Directorate, Department of School Education, Punjab, whereby the representation dated 28.11.2025 submitted by the petitioner has been rejected. Further, seeking issuance of a writ of mandamus, directing the respondents to permit the petitioner to appear before the Scrutiny Committee to consider his candidature under EWS Category for the post of Master Cadre (English).

2. Brief facts of the case, as have been stated in the petition, are that the respondents issued an Advertisement dated 06.04.2021 (Annexure P-1) inviting online applications for 899 posts under the Master Cadre (English-Border Area). Being fully eligible, the petitioner submitted his online application form on 10.05.2021 (Annexure P-2) for the abovesaid post under EWS Category and subsequently, appeared in

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written examination. The result of the written examination was declared in the year 2021, wherein the petitioner secured 124 marks and was placed within the merit list of the EWS Category. Thereafter, the respondent-department, vide Public Notice dated 29.07.2025 (Annexure P-8), called the EWS Category candidates securing 125-121 marks for counseling/document verification on 04.08.2025. The respondent-department, vide second Public Notice dated 06.08.2025 (Annexure P-9), granted one more opportunity to the candidates with pending or incomplete documents to appear on 11.08.2025 for scrutiny. After that, vide Public Notice dated 24.11.2025 (Annexure P-10), candidates belonging to the EWS category, securing 120-114 marks, were called for counselling/document verification on 28.11.2025. It has further been pleaded that on account of sudden medical complications, the petitioner was examined at Medicare Hospital, Sri Muktsar Sahib, where he was advised complete bed rest from 02.08.2025 to 15.08.2025, with strict prohibition on travel or any physical exertion. Consequently, the petitioner could not appear before the respondent-department for verification of his documents on 04.08.2025 and 11.08.2025. Thereafter, the petitioner submitted a representation dated 28.11.2025 (Annexure P-6) to the respondent-department requesting to call him to attend the scrutiny process under EWS category for the post of Master Cadre (English) but to no avail. Thereafter, the petitioner approached this Court by filing CWP-37115-2025 (Sanjeev Kumar Vs. State of Punjab and others) seeking issuance of directions to the respondents to permit the petitioner to appear before the Scrutiny Committee under the EWS category for the post of Master Cadre (English). The said petition was

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disposed of by this Court, vide order dated 12.12.2025 with a direction to the respondents to consider and decide the representation dated 28.11.2025, submitted by the petitioner, within a period of 01 month from the date of receipt of certified copy of the order. Pursuant to the said order, the respondent-department has passed the impugned order dated 01.01.2026 (Annexure P-12), rejecting the claim of the petitioner. Hence, the instant petition.

3. Learned counsel for the petitioner submits that due to sudden medical complications, the petitioner could not appear before the Scrutiny Committee for verification of his documents on 04.08.2025 and 11.08.2025 and the respondents, vide impugned order dated 01.01.2026, has failed to consider the genuine medical emergency of the petitioner supported by Medical Certificate (Annexure P-7). He further submits that the petitioner, being higher in merit (124 marks) has been excluded, whereas candidates who are lower in merit (120-114 marks) were considered for appointment to the post of Master Cadre (English), and therefore, the action of the respondents in not considering the candidature of the petitioner, who is higher in merit, is illegal, arbitrary and discriminatory.

4. I have heard learned counsel for the petitioner and perused the relevant documents.

5. Admittedly, pursuant to the Advertisement dated 06.04.2021, the petitioner submitted his online application form on 10.05.2021 under EWS Category for the post of Master Cadre (English). Subsequently, the petitioner appeared in the written examination and upon securing 124 marks, he was placed in the merit



list of the EWS category. Thereafter, the respondent-department, vide Public Notice dated 29.07.2025, called EWS Category candidates securing 125-121 marks for counseling/document verification on 04.08.2025 and vide second Public Notice dated 06.08.2025, granted one more opportunity to the candidates with pending or incomplete documents to appear on 11.08.2025 for scrutiny. However, the petitioner did not appear before the Scrutiny Committee on the abovesaid dates and resultantly, the Scrutiny Committee excluded the petitioner and proceeded to consider the candidates next in merit list.

6. While dealing with the similar issue, the Hon'ble Supreme Court in ***Civil Appeal No.4150 of 2026 titled as 'Commissioner, Delhi Police and another Vs. Uttam Kumar'*** decided on 02.04.2026 : 2026 INSC 314, has held as under: -

“3. Public employment is scarce. The youth of the country eagerly await such employment opportunities, as and when the same are thrown open, with fervent hopes for a brighter future. Here, we have a case where the respondent, despite having qualified in the first tier of the selection process for appointment as a Constable in the police force, has simply frittered away a golden opportunity by staying away from participating in the next tier of selection, i.e., the Physical Endurance and Measurement Test (PE&MT) citing ill health (suffering from cold, cough, fever, headache, body pain, and dizziness). Respondent should have been made to pay the price for his tardy and lethargic conduct; however, the successful invocation of jurisdiction by the Central Administrative Tribunal, Principal Bench, New Delhi in directing the appellants to allow the respondent to take the PE&MT with the next batch of job aspirants, followed by



refusal of the High Court of Delhi to interfere resulting in approval of the Tribunal's aforesaid direction, has triggered this appeal.

4. *The reason which weighed with the Tribunal and the High Court is that the respondent had submitted at least 3 (three) representations seeking rescheduling of the date for his PE&MT, which went unheeded.*

5. *The advertisement dated 1st September, 2023 pursuant to which the respondent applied for consideration of his candidature, in no uncertain terms, stipulated that the schedule for the PE&MT is final and cannot be altered under any circumstances. We are informed that a little less than a lakh of job aspirants had registered themselves for participation in the selection process; however, it was the respondent alone who sought for rescheduling of the date for the PE&MT.*

6. *The record reveals that the respondent was scheduled to appear for the PE&MT on 14th January, 2024. He sought to submit three representations dated 13th, 14th and 25th January, 2024. Prayer in the first two representations was common: either the respondent be advised to take the PE&MT on the reserve day or 15 (fifteen) days' time may be given to him to recover. Admittedly, the first representation "was not accepted by the concerned officer". It was, therefore, not looked into. Insofar as the second and the third representations are concerned, we find absence of any statement in the original application that the same were received by the office of the respective addressees. Our query as to who submitted the said representations went unanswered. There being no endorsement acknowledging receipt of the said representations, it makes the claim of the respondent that his representations were not considered doubtful.*



7. *Be that as it may, assuming that the representations were received and did deserve a look, there is a clear statement in the third representation (dated 25th January, 2024) that "on the morning of 13th January, 2024 the applicant reported to the Delhi Police Recruitment 2023 for the Posts of Constable/Executive Male ...". By his own admission, the respondent was able to move around on 13th January, 2024 but unable to move on 14th January, 2024. Such being the position, at least, an effort should have been made by the respondent to remain physically present on the scheduled date of the PE&MT. He, however, abstained and was, in our opinion, rightly marked "ABSENT".*

8. *Even otherwise, notwithstanding that the representations were not answered, bearing in mind the clear stipulation in the advertisement, noted above, the request of the respondent could not have been favourably considered unless, of course, an exceptional case for its acceptance were set up. Nature of the respondent's ill health on the date he was scheduled to appear for the PE&MT (14th January, 2024) was not such so as to deserve an exceptional treatment. We, thus, see no reason to hold that the omission, neglect or failure of the appellants to even respond to the respondent's representations, assuming that they were received, conferred on him the enforceable right to seek a rescheduling of the examination date. Most certainly, non-communication of any decision on any of the representations, on facts and in the circumstances, did not clothe the Tribunal to make the order it did while disposing of the original application, throwing the process asunder.*

9. *The stakes are high, when it comes to public employment and opportunities like these can be life changing for young people. When chances are rare, one needs to grab them with both hands. The ailment from*



which the respondent was suffering was not such that he was even unable to move, and the minimum that one could expect of him was to report for the PE&MT, cite his inability to take the same and to request rescheduling to enable him participate. This could have, at least, given an opportunity to the appellants or the authorities in charge of holding the examination to decide whether or not the respondent was in genuine need for an accommodation. Not showing up and expecting a second chance, clearly demonstrates a lack of drive and initiative on the part of the respondent.

10. Given that the respondent aspired to join the police force as a Constable, his conduct leaves a lot to be desired.

11. We are also not persuaded to accept the argument that since the respondent belongs to the backward community, the Tribunal and the High Court were right in exercising discretion in his favour and against the appellants. Merely because one belongs to the backward community cannot be the decisive factor for tilting the scales. The boundaries for exercise of discretion are well carved out beyond which the adjudicatory fora ought not to trench. Grace, charity or compassion ought to stay at a distance in matters of public employment, if a fair level playing field is to be secured.

12. There is, thus, no other option before us but to set aside the judgment and order of the Tribunal dated 7th July, 2025, since upheld by the High Court vide the judgment and order dated 3rd September 2025 under challenge. It is ordered accordingly.

13. The appeal stands allowed.”

7. It is a settled proposition of law that the conditions governing a selection process, including those introduced through duly

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notified public notices, are binding on all candidates and are required to be strictly adhered to. In the present case, the respondent-department, vide Public Notice dated 29.07.2025, called the candidates belonging to the EWS category for verification of their documents on 04.08.2025, however, the petitioner did not appear before the respondent-department on the said date. Thereafter, the respondent-department issued another Public Notice dated 06.08.2025, granting one more opportunity to the candidates to appear for document verification on 11.08.2025, but on the said date as well, the petitioner did not appear for scrutiny and as such, he failed to comply with the mandatory requirement. Merely qualifying the preliminary examination does not confer any vested right upon a candidate to participate in main examination/verification of documents, particularly in absence of compliance with the prescribed procedural conditions.

8. Moreover, in the medical certificate annexed as Annexure P-7, there is no mention of the specific ailment from which the petitioner was suffering. Further, the petitioner was advised bed rest from 02.08.2025 to 15.08.2025, whereas he has informed the respondent-department regarding his illness only vide representation dated 28.11.2025 i.e. after a period of more than two months after scrutiny of the documents. Therefore, in such circumstances, the action of respondents, rejecting the claim of the petitioner to appear before the Scrutiny Committee, cannot be termed as arbitrary, or violative of any statutory or constitutional provision.

9. Keeping in view the above referred facts of the case and settled proposition of law, this Court finds no merit in the claim of the



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petitioner. Consequently, the instant petition is hereby dismissed, with
no order as to costs

16.04.2026

Kothiyal

(NAMIT KUMAR)
JUDGE

Whether Speaking/reasoned
Whether Reportable

Yes/No
Yes/No