

2026:PHHC:039731



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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-9981-2024
DECIDED ON:20.02.2026

SWATI MEHRA AND OTHERS

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

CWP-36827-2025

ROHIT AND ANOTHER

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND OTHERS

.....RESPONDENT(S)

CORAM: HON’BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Ram Lal Gupta, Advocate and
Mr. Keshav Gupta, Advocate
for the petitioner(s) in CWP-9981-2024

Mr. Vikas Chathrath, Sr. Advocate with
Ms. Rishita, Ms. Tanya, Advocates
for the petitioner(s) in CWP-36827-2025

Dr. Malvika Singh, DAG Haryana

Ms. Neha Awasthi, Senior Standing counsel
Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate
for respondents/HPSC in CWP-9981-2024

Ms. Richa Tayal, Advocate for
Mr. Harpriya Khemeka, Advocate
for respondents/HPSC in CWP-36827-2025

Ms. Aiman J. Chishti, Advocate for
respondents no.4 to 8 in CWP No.9981-2024 and
respondents No.3 to 4 in CWP-36827-2025

SANDEEP MOUDGIL, J

Vide this common order, this Court intends to dispose off both the above-said petitions, as common question of law is involved therein. Just to avoid repetition, the facts are being taken from CWP-9981-2024.

Prayer

1. The jurisdiction of this Court has been invoked under Article 226 of the Constitution of India seeking a writ in the nature of Certiorari or any other writ, order or direction for quashing the order dated 26.4.2024 (Annexure P-13) and the selection process for the posts of Deputy Director of Agriculture and Equivalent (Administrative Cadre) (Group A) in Agriculture & Farmers Welfare Department Haryana especially the result of the screening test dated 06.10.2023 (Annexure P-6) and the main exam dated 5.12.2023 (Annexure P-7) and the interview dated 27.04.2024 (Annexure P-14) allow the petitioners to participate in the selection process and direct the respondents to take the main exam and interview for the post of Deputy Director of Agriculture and Equivalent (Administrative Cadre) (Group A) in Agriculture & Farmers Welfare Department Haryana again after excluding the ineligible candidates prior to the test as has been done by the Haryana Public Service Commission itself in other cases and as required under the advertisement and also issue any other appropriate order or directions as this Court deems fit.

Brief Facts

The petitioners are challenging the selection process initiated pursuant to the advertisement dated 18.02.2023 issued by the respondents for recruitment to the posts of Deputy Director of Agriculture and Equivalent (Administrative Cadre) (Group A) in the Agriculture & Farmers Welfare Department, Haryana. The petitioners submit that the advertisement prescribed, inter alia, five years' practical experience in Agricultural Research or Extension after acquiring the minimum essential qualification. Being fully eligible, the petitioners applied for the said posts within the prescribed time.

Contentions on behalf of the petitioner(s)

Learned counsel for the petitioners submits that the advertisement prescribed eligibility conditions, including submission of experience certificates and possession of the requisite qualifications as on the closing date of applications. However, the advertisement contained contradictory clauses inasmuch as one clause suggested that eligibility would be scrutinized at the stage of interview, while another provided that candidates not fulfilling the prescribed qualifications on the closing date would not be allowed to participate in the recruitment process.

It is contended that despite this requirement, several ineligible candidates were permitted by the respondent Commission to participate in the screening test and subsequent stages. The petitioners appeared in the screening test held on 03.09.2023 but secured marks slightly below the cut-off and were placed immediately below the last selected candidates in their respective categories. According to the petitioners, their non-selection resulted from the participation of ineligible candidates who ought to have been excluded at the outset.

Learned counsel further submits that after the main written examination, 22 candidates were initially declared qualified; however, upon

scrutiny of documents, 10 candidates were found ineligible, leaving only 12 candidates eligible for interview. This, it is argued, demonstrates that a significant number of ineligible candidates had been allowed to participate in earlier stages, thereby prejudicing the petitioners.

It is further contended that in a similar recruitment process for the post of Deputy Director Horticulture, the Commission had scrutinized eligibility at the initial stage and rejected ineligible candidates prior to the examination, which shows inconsistency and arbitrariness in the present selection process. The petitioners had earlier approached this Court and, pursuant to the liberty granted, submitted a representation raising these issues, but the same was rejected by the Commission through the impugned order dated 26.04.2024 without proper consideration.

On these grounds, learned counsel submits that permitting ineligible candidates to participate has vitiated the entire selection process, rendering it arbitrary and contrary to the terms of the advertisement, and therefore the impugned order and selection process deserve to be quashed.

On behalf of respondent/HPSC

Learned counsel appearing on behalf of the respondent—Haryana Public Service Commission submits that the present writ petition is wholly misconceived and liable to be dismissed. It is contended that the Commission had issued Advertisement No. 13/2023 for eight posts of Deputy Director of Agriculture and Equivalent (Administrative Cadre) (Group-A) pursuant to the requisition received from the State Government and the entire selection process has been conducted strictly in accordance with the terms and conditions of the advertisement as well as the scheme of examination announced by the Commission. The selection process comprised three stages, namely, Screening

Test, Subject Knowledge Test and Interview. It is submitted that the petitioners participated in the recruitment process with full knowledge of the procedure but were unsuccessful at the screening stage itself and, therefore, cannot now be permitted to challenge the selection process after having taken a chance in the same. Learned counsel further submits that the advertisement itself clearly stipulated that the candidature of applicants would remain provisional and that the eligibility of candidates would be assessed after they qualified for the interview; consequently, the scrutiny of documents and determination of eligibility at a later stage cannot be said to be contrary to the advertisement or prejudicial to the petitioners. It is also argued that the petition suffers from non-joinder of necessary parties inasmuch as the candidates who have qualified the subsequent stages of the selection process and are likely to be affected by any adverse order have not been impleaded. Reliance is placed upon various judgments of the Hon'ble Supreme Court to contend that a candidate who participates in a selection process without protest and is unsuccessful cannot subsequently challenge the same. It is lastly submitted that the petitioners cannot draw any comparison with recruitment carried out under a different advertisement for another post, as the number of posts, applications received and the selection criteria may vary. On these grounds, learned counsel submits that the writ petition deserves to be dismissed being devoid of merit.

Heard learned counsel for the respective parties.

Analysis

Upon hearing learned counsel for the parties and perusing the record, this Court finds that the selection process in question was initiated pursuant to Advertisement No. 13/2023 dated 18.02.2023 issued by the respondent-Haryana Public Service Commission for recruitment to the posts of Deputy Director of

Agriculture and Equivalent (Administrative Cadre) (Group-A). The advertisement itself clearly stipulated that candidates applying for the post must ensure that they fulfill all eligibility conditions and that their admission to the recruitment process would remain purely provisional, subject to verification of eligibility. It was further specifically provided that mere issuance of an e-admit card would not imply final acceptance of candidature and that the eligibility of candidates with reference to the documents submitted by them would be assessed after they qualified for the interview. The scheme and pattern of examination were also subsequently notified, providing that the selection process would consist of a Screening Test, Subject Knowledge Test and Interview.

The record reveals that the screening test was conducted on 03.09.2023 and the result thereof was declared on 06.10.2023. The petitioners had participated in the screening test but admittedly failed to secure the requisite marks and were thus not declared qualified for the next stage of the selection process. Thereafter, the Commission conducted the Subject Knowledge Test and subsequently undertook the scrutiny of eligibility and verification of documents of the candidates who had qualified for the interview stage. During such scrutiny, certain candidates were found ineligible and were consequently not called for interview. The action of the Commission in scrutinizing the eligibility of candidates at that stage is in consonance with the terms and conditions of the advertisement, which clearly provided that the candidature of applicants would remain provisional and that eligibility would be assessed after the candidates qualified for the interview.

The principal grievance raised by the petitioners is that some candidates who were later found ineligible had been permitted to participate in the earlier stages of the selection process and that such candidates ought to have been

excluded at the threshold itself. However, this contention cannot be accepted in view of the explicit terms of the advertisement which permitted provisional participation in the recruitment process and contemplated verification of eligibility at a later stage. The Commission has, therefore, acted strictly in accordance with the conditions governing the recruitment.

It is also significant that the petitioners participated in the recruitment process with full knowledge of the terms and conditions of the advertisement and the procedure adopted by the Commission. They did not raise any objection at the relevant stage and only after remaining unsuccessful in the screening test have they approached this Court seeking to challenge the selection process and to secure an opportunity to participate again in the subsequent stages. It is well settled that a candidate who takes part in a selection process without protest and thereafter remains unsuccessful cannot be permitted to turn around and challenge the same merely because the outcome is not favourable.

Reliance may be placed on “***Tajvir Singh Sodhi vs State of J&K***”, **2023 (17) SCC 147**, wherein the Apex court held that,

“13. The next aspect of the matter which requires consideration is the contention of the writ petitioners to the effect that the entire selection process was vitiated as the eligibility criteria enshrined in the Advertisement Notice dated 5th May, 2008 was recast vide a corrigendum dated 12th June, 2009, without any justifiable reason. In order to consider this contention, regard may be had to the following case law:

i) In Manish Kumar Shahi v. State of Bihar, (2010) 12 SCC 576, this Court authoritatively declared that having participated in a selection process without any protest, it would not be open to an unsuccessful candidate to challenge the selection criteria subsequently.

ii) In Ramesh Chandra Shah v. Anil Joshi, (2013) 11 SCC 309, an advertisement was issued inviting applications for appointment for the post of physiotherapist. Candidates who failed to clear the written test presented a writ petition and prayed for quashing the advertisement and the process of

selection. They pleaded that the advertisement and the test were ultra vires the provisions of the Uttar Pradesh Medical Health and Family Welfare Department Physiotherapist and Occupational Therapist Service Rules, 1998. After referring to a catena of judgments on the principle of waiver and estoppel, this Court did not entertain the challenge for the reason that the same would not be maintainable after participation in the selection process. The pertinent observations of this Court are as under:

"24. 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."

iii) Similarly, in Ashok Kumar v. State of Bihar, (2017) 4 SCC 357, a process was initiated for promotion to Class-III posts from amongst Class-IV employees of a civil court. In the said case, the selection was to be made on the basis of a written test and interview, for which 85% and 15% marks were earmarked respectively as per norms. Out of 27 (twenty-seven) candidates who appeared in the written examination, 14 (fourteen) qualified. They were interviewed. The committee selected candidates on the basis of merit and prepared a list. The High Court declined to approve the Select List on the ground that the ratio of full marks for the written examination and the interview ought to have been 90:10 and 45 ought to be the qualifying marks in the written examination. A fresh process followed comprising of a written examination (full marks - 90 and qualifying marks - 45) and an interview (carrying 10 marks). On the basis of the performance of the candidates, results were declared and 6 (six) persons were appointed on Class-III posts. It was thereafter that the appellants along with 4 (four) other unsuccessful candidates filed a writ petition before the High Court challenging the order of the High Court on the administrative side declining to approve the initial Select List. The primary ground was that the appointment process was vitiated, since under the relevant rules, the written test was required to carry 85 marks and the interview 15 marks. This Court dismissed the appeals on the grounds that the appellants

were clearly put on notice when the fresh selection process took place that the written examination would carry 90 marks and the interview 10 marks. The Court was of the view that the appellants having participated in the selection process without objection and subsequently found to be not successful, a challenge to the process at their instance was precluded. The relevant observations are as under:

"13. The law on the subject has been crystalized in several decisions of this Court. In *Chandra Prakash Tiwari v. Shakuntala Shukla*, this Court laid down the principle that when a candidate appears at an examination without objection and is subsequently found to be not successful, a challenge to the process is precluded. The question of entertaining a petition challenging an examination would not arise where a candidate has appeared and participated. He or she cannot subsequently turn around and contend that the process was unfair or that there was a lacuna therein, merely because the result is not palatable. In *Union of India v. S. Vinodh Kumar* (2007) 8 SCC 100, this Court held that: "18. It is also well settled that those candidates who had taken part in the selection process knowing fully well the procedure laid down therein were not entitled to question the same (See also *Munindra Kumar v. Rajiv Govil* (1991) 3 SCC 368 and *Rashmi Mishra v. M.P. Public Service Commission* (2006) 12 SCC 724)".

13.1. It is therefore trite that candidates, having taken part in the selection process without any demur or protest, cannot challenge the same after having been declared unsuccessful. The candidates cannot approbate and reprobate at the same time. In other words, simply because the result of the selection process is not palatable to a candidate, he cannot allege that the process of interview was unfair or that there was some lacuna in the process. Therefore, we find that the writ petitioners in these cases, could not have questioned before a Court of law, the rationale behind recasting the selection criteria, as they willingly took part in the selection process even after the criteria had been so recast. Their candidature was not withdrawn in light of the amended criteria. A challenge was thrown against the same only after they had been declared unsuccessful in the selection process, at which stage, the challenge ought not to have been entertained in light of the principle of waiver and acquiescence."

Further, the petitioners had earlier approached this Court by filing

CWP No. 8815 of 2024, which was disposed of with liberty to them to submit a

representation before the competent authority. Pursuant thereto, the petitioners submitted representations which were duly considered by the Commission and rejected by passing a reasoned order. The Court finds no illegality or arbitrariness in the decision so taken.

Another significant aspect is that the petitioners were eliminated at the very first stage of the selection process and had not even qualified for the Subject Knowledge Test. In such circumstances, they cannot claim any enforceable right to challenge the subsequent stages of the recruitment process or seek a direction for re-conducting the examination. Acceptance of such a prayer would not only be contrary to the settled principles governing recruitment but would also seriously prejudice the rights of those candidates who have successfully cleared the subsequent stages of the selection process.

Conclusion

In view of the aforesaid discussion, this Court is of the considered opinion that the petitioners have failed to make out any case warranting interference in exercise of writ jurisdiction. The selection process has been conducted in accordance with the terms of the advertisement and no illegality or arbitrariness has been demonstrated. Consequently, the writ petitions are devoid of merit and are accordingly dismissed.

20.02.2026
Sham

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*