

2026:PHHC:020157



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

260

CWP-10558-2024 (O&M)

Date of decision: February 10, 2026

MOHAN LAL AND OTHERS

...Petitioners

Versus

STATE OF HARYANA AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. Karan Bhardwaj, Advocate,
Mr. Pardeep Kumar, Advocate and
Mr. Ishan, Advocate
for the petitioners.

Ms. Rajni Gupta, Additional Advocate General, Haryana.

Mr. Parminder Singh, Advocate for
Mr. Harmanjot Singh Gill, Advocate
for respondent no.3-University.

Mr. R.K. Malik, Senior Advocate with
Mr. Samrat Malik, Advocate and
Mr. Anshul Labana, Advocate
for private respondents no.4 to 8,
10 to 14, 16 to 19, 21 to 25, 27 and 28.

TRIBHUVAN DAHIYA, J. (ORAL)

The petition has been filed *inter alia* seeking a writ of *certiorari* setting aside the 'Gradation inter-se seniority list of Clerks who joined on and after 01.01.2019 against advertisement no.UHSR/07/2018 as it stood on 16.04.2024', Annexure P-7, whereby the seniority has been assigned by taking into account five marks awarded to them under socio-economic criteria.

2. Learned counsel for the petitioners contended that the petitioners were also appointed as Clerks pursuant to the same selection as

the private respondents who belonged to EWS category, and were given five marks for socio-economic criteria at the time of selection. While framing the impugned seniority list, those marks have been taken into consideration which is against the law laid down by the Division Bench in CWP-1563-2024 titled *Sukriti Malik v. State of Haryana and others*, declaring the 'socio-economic criteria' illegal and violative of Article 14 of the Constitution.

3. *Per contra*, learned senior counsel for the private respondents contended that selections under the advertisement aforementioned, issued in July, 2018, were made in 2018-19. The petitioners as well the private respondents were selected on the basis of criteria – written exam- 90 marks, socio-economic criteria- 10 marks. Pursuant thereto, all of them joined the University as Clerks. The final seniority list has been prepared in the order of merit determined by the selection committee after deciding objections/representations from the concerned employees. These facts have been mentioned by the University in paragraphs no.5 and 6 of the written statement filed on its behalf:

5. That the petitioners applied for the post of clerk and got selected as per merit list. It is submitted that a tentative seniority list was circulated on 10.01.2024 vide letter No. 1ME-II/2024/346-440 amongst all the concerned Clerks including the petitioners with the direction to send their request with proof, if any discrepancy is found in the tentative seniority list, within a period of 15 days. 9 PUCs (21 representations) were received in stipulated period from various officials including the petitioners with the objection/objections. A committee was constituted to

look into the representations/objections/complaints of Clerks and to suggest specific modification/correction in the tentative seniority list. The committee had heard all the representations/objections submitted by the officials and also the representations of Sh. Deepak Kharb, Clerk (petitioner) in which he has requested to grant permission of 5 days i.e. 18.03.2024 to 22.03.2024 so that he can able to provide some evidence relating not to count socio-economic marks for making seniority list was accepted by the committee. However, no documents/evidence were provided by him even after telephonic intimation to provide the same.

6. That the final seniority list has been prepared in order of merit in which they are selected for appointment on the recommendations of the establishment committee irrespective of the dates of joining the duties. ..

The reply also mentions that all the officials who were given socio-economic criteria marks, their cases were got verified from the local district authorities and whosoever was wrongly given the marks, their services were terminated.

4. Considering the submissions, this Court finds that the contention by learned counsel for the petitioners is devoid of merit. The impugned seniority list of Clerks has been prepared in the order of merit as determined by the selection/establishment committee after considering the objections raised by the concerned employees. The selection was made on the basis of marks of socio-economic criteria as well as experience, and those marks cannot be excluded from the marks awarded to the candidates. Therefore, in case the seniority list has been drawn as per merit positions of the candidates/Clerks which were decided based upon the criteria that

included socio-economic marks, no exception can be taken to it. Besides, the judgment in *Sukriti Malik* case (*supra*) invalidating the socio-economic criteria was passed by this Court on 31.05.2024, and would have prospective application only. Since the selection in question had been concluded prior to passing of the judgment, it cannot have any bearing on the appointments made on that basis, or the consequent service benefits.

5. Accordingly, finding no merit in the petition, it stands dismissed.
6. Pending application(s), if any, shall also stand disposed of.

February 10, 2026
Jaspreet Kaur

(TRIBHUVAN DAHIYA)
JUDGE
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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*