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

**LPA-1036-2026 (O&M)
Date of decision: 17.04.2026**

SWATI MEHRA AND ORS

....Appellants

Versus

STATE OF HARYANA AND ORS

...Respondents

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

Present: Mr. Keshav Gupta, Advocate
for the appellants.

Mr. Kanwal Goyal, Advocate
for respondent No.3/Commission.

Mr. R.K. Malik, Senior Advocate with
Mr. Ankur Sheoran, Advocate
for respondent No.4/caveator.

Mr. Sarthak Gupta, Advocate
for respondent No.6.

Mr. Pankaj Middha, Addl. Advocate General, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of a judgment and order of the learned Single Judge dated 20.02.2026, whereby the petition filed by the appellants challenging the selection proceedings was dismissed.

2. It transpires that the respondent-Commission has advertised various posts including the post of Deputy Director of Agriculture and equivalent (Administrative Cadre) (Group-A) in Agriculture and Farmers Welfare



Department, Haryana. The advertisement, pursuant to which the recruitment has been initiated, is contained in Annexure P-1. Two clauses which have been relied upon by the appellants to assail the selection proceedings are required to be noticed at the outset. Clause 1 of the instructions provides as under:-

“1 The eligibility of a candidate with reference to the documents submitted by him/her is assessed only after the candidate has qualified for the interview.”

3. There is another clause in the advertisement, i.e. clause 16(vii), which reads as under:-

*“(vii) The application of the candidates, who do not fulfill the qualification/eligibility conditions on the **Closing Date**, shall not be accepted by the online application system.”*

4. Learned counsel for the appellants contends that the aforesaid two clauses are self-contradictory, inasmuch as the stipulation in clause 16(vii) mandates that the candidates who do not fulfill the qualification/eligibility conditions on the closing date, are not required to be allowed to participate in the recruitment exercise. It is therefore contended that the Commission proceeded in an erroneous manner in allowing certain candidates to take part in the screening test, even though they were ineligible. According to the appellants, large number of candidates who had qualified the screening test were ultimately declared ineligible at the time of being called for interview, which shows that clause 16(vii) was not correctly applied. It is then stated that this error in holding of recruitment has materially affected the candidates, inasmuch as those persons (including the appellants) who were otherwise eligible were pruned out as ineligible persons with higher merit were allowed to participate in the previous stages of recruitment. It is also submitted that a different system has been followed by the Commission in other recruitment which shows that the



procedure followed by the Commission is not uniform and consistent.

5. The appellants' contention has not found favour with the learned Single Judge, who having examined the contentions placed reliance upon the judgment of the Supreme Court in ***Tajvir Singh Sodhi vs. State of J&K, 2023 (17) SCC 147***, to reject the claim of the appellants. The observations made by the learned Single Judge, in this regard, read as under:-

“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.”



6. The appeal is opposed by the learned counsels for the respondents, who submit that the online software prepared by the Commission evaluates the application on certain parameters including the age and qualification etc. in such a way that if a person is overage/underage or is not able to specify the required qualification, his application form itself will not be accepted. However, the correctness of the assertions made in the online application form is not scrutinized at that stage, since large number of candidates apply and in terms of clause 1, it is at the subsequent stage before the interview that the documents submitted by the candidates are scrutinized to finally determine the eligibility of the candidate.

7. We have heard counsel for the parties and perused the material available on record. The contention advanced on behalf of the appellants hinges on the plea that clause 1 and clause 16(vii) of the advertisement are self-contradictory. This plea is not found to have any substance. The reason is not far to see. Clause 16(vii) indicates that application of the candidates who do not fulfill the qualification/eligibility conditions on the closing date is not accepted by the online application system. The scrutiny at the initial stage is therefore restricted to the various clauses of the application form which alone are tested by the online software at that stage. However, clause 1 refers to a distinct exigency, i.e. the eligibility of a candidate with reference to document submitted by him for his eligibility. In our opinion, clause 16(vii) and clause 1 operate in distinct fields, inasmuch as clause 16(vii) merely refers to the clauses in the application form and its satisfactory fulfillment by the candidate as per the online application. Whether those contents are correct or not, would be an aspect to be examined at a later stage. This is the usual practice followed by most of the



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Commissions, inasmuch as in the current day scenario, candidates in thousands and lacs apply for a particular post, and therefore it is not feasible/practicable to scrutinize all applications at the initial stage itself. Particular examination of the eligibility of the candidate in such circumstances takes place at an advanced stage of recruitment. It is possible that some of those candidates whose online applications have been accepted may not be possessing the requisite eligibility. That would not mean that the recruitment itself becomes bad for such reasons. It is otherwise not the case of the appellants that any of the candidate ultimately selected for appointment either lacks the eligibility or the appellants have higher merit than them.

8. In that view of the matter, we find no substance in the grievance raised by the appellants. The appeal fails and is accordingly dismissed.

9. Pending applications, if any, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

APRIL 17, 2026

mohit goyal

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