

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2026:PHHC:024303-DB



LPA-1388-2025 (O&M)
Date of Decision: 16.02.2026

Haryana Staff Selection Commission & Anr. ...Appellants

Vs.

Parveen Kumar & Anr. ...Respondents

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

Present: Mr. Nitin Kaushal, Addl. AG, Haryana for the appellants.

Mr. Shrey Goel, Advocate for respondent No.1.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of the judgment of the learned Single Judge dated 07.11.2024, wherein a direction has been issued by the learned Single Judge to award three marks to respondent No.1 – writ petitioner falling in the socio economic criteria.

2, The judgment of the learned Single Judge is assailed on the ground that the notification which contemplated award of such marks i.e. notification dated 11.06.2019, has already been quashed by the Division Bench of this Court in **Neeraj vs. State of Haryana and others**, CWP-16904-2021, decided on 22.05.2025 and other connected cases, as such, the direction to implement the notification cannot be sustained.

3. Undisputed facts of the case are that the Haryana Staff Selection Commission invited applications for appointment to the post of Lower Division Clerk. The respondent No.1 obtained '59' marks and was placed in

the category of SC candidates. The cut off contemplated for the concerned category was '60' marks. Since the respondent No.1 was found falling short by one mark, as such, he was not selected. Aggrieved by such decision and the select list published in this regard, the respondent No.1 approached this Court by filing the writ petition. Before the writ Court, it was contended that the respondent No.1 is entitled to award of '3' marks towards experience in the socio economic criteria section. Learned Single Judge has found substance in such contention and ultimately issued following directions:

“12. In view of the aforesaid facts and circumstances, the present petition is allowed. The respondent-Commission is directed to consider the case of the petitioner after granting marks of experience based upon his experience certificate and after doing the same to consider his case for recommendation to the concerned recruitment authority within a period of three months from today.

13. In case the name of the petitioner after due consideration by the Commission and after granting the aforesaid 3 marks is recommended to the concerned authority for appointment, then the concerned authority who is to appoint shall consider appointing the petitioner in accordance with law. In the event of the non-availability of any vacant post of LDC against the SC Category, the concerned department i.e respondent No.3 shall create a supernumerary post in this regard and appoint the petitioner in accordance with law and he will be entitled for all consequential benefits including seniority etc. from the date when similarly situated candidates were appointed according to the merit of the petitioner. However, the petitioner shall not be entitled for any monetary benefit pertaining to salary till the time he joins.”

4. Learned State counsel has invited our attention to the Division Bench judgment of this Court in Neeraj case (supra) wherein the notification

contemplating award of marks under socio economic criteria dated 11.06.2019, fell for consideration. The notification issued in this regard has been reproduced in Neeraj case (supra) and is extracted hereinafter:-

*“HARYANA GOVERNMENT
GENERAL ADMINISTRATION DEPARTMENT
(GENERALSERVICES)
Notification
The 11th June, 2019*

No. G.S.R. 25/Const./Art.309/2019.- In exercise of the powers conferred by the provide to article 309 of the Constitution of India, the Governor of Haryana hereby makes the following amendment in the Haryana Government, General Administration Department (General Services), Notification No. 523-3GS-70/2068, dated the 28th January, 1970, namely:

AMENDMENT

In the Haryana Government, General Administration Department, General Services, Notification No.523-3GS-70/2068, dated the 28th January, 1970, in para 6, for clause (d), the following clauses shall be substituted, namely

"(d) (i) The selection and recommendation of the names of the candidates belonging to Group B posts viz. Teacher, Educational supervisor, Teacher Educator in School Education Department and Group C posts in all departments shall be done on the basis of written exam, socio-economic criteria and experience.

(ii) The Commission shall be at liberty to set the number of questions, marks per question and duration of written examination. The scheme of marks in respect of selection to the post shall comprise of total 100 marks, as detailed below, namely:-

<i>Sr.No.</i>	<i>Subject</i>	<i>Marks</i>
<i>1</i>	<i>Written exam</i>	<i>90</i>
<i>2</i>	<i>Soci-economic criteria and experience</i>	<i>10</i>

(iii) The 90 marks for written exam shall be divided into two parts comprising

(a) 75% weightage for General Awareness, Reasoning, Maths, Science, Computer, English, Hindi and concerned or relevant subject, as applicable;

(b) 25% weightage for History, Current Affairs, Literature, Geography, Civics, Environment, Culture etc. of Haryana.

(iv) The 10 marks for socio-economic criteria and experience shall be allocated as follows,-

(a) if neither the applicant nor any person from among the applicant's family viz father, mother, spouse, brothers and sons is, was or has been a regular employee in any Department Board Corporation/ Company/ Statutory Body Commission/ Authority of Government of Haryana or any other State Government or the Government of India;

(05 marks)

(b) if the applicant is,-

(i) a Widow; or

(ii) the first or the second child and his father had died before attaining the age of forty two years; or

(iii) the first or the second child and his father had died before the applicant had attained the age of fifteen years,

(05 marks)

(c) if the applicant belongs to such a denotified tribe (Vimukt Jatis and Tapriwas Jatis) or Nomadic tribe of the State of Haryana which is neither a Scheduled Caste nor a Backward Class:

(05 marks)

(d) Experience: One-half (=0.5) mark for each year or part thereof exceeding six months of experience, out of a maximum of sixteen years, on the same or a higher post in any Department/Board Corporation/ Company/ Statutory Body/Commission/Authority of Government of Haryana. No marks shall be awarded for any period less than six months.

(maximum 8 marks)

Note: No applicant shall be given more than a total of 10 marks for socio-economic criteria and experience under any circumstances."

*D. S. DHESI,
Chief Secretary to Government, Haryana."*

5. A perusal of the notification dated 11.06.2019, would go to show that the selection process was structured out of a total of 100 marks, out

of which '90' marks were earmarked for written examination and remaining '10' marks were allocated towards *socio economic criteria* and experience. The notification further clarifies that the composition of '10' marks towards socio economic criteria were to be awarded under specified heads, namely '5' marks to a candidate whose none of the family members has been in employment of any Department, Board, Corporation, Company, Statutory Body, Commission, Authority of Government of Haryana or any other State Government or Government of India; '5' marks towards the status of the applicant as being a widow or as first or second child by attaining the age of '42' years' '5' marks to a candidate belonging to de-notified tribe and '8' marks towards experience.

6. The note appended to the notification, however, specify that the maximum marks permissible in all the above categories cannot exceed '10'. The total marks in the aforesaid categories works out to '23'. The Division Bench in Neeraj case (supra) ultimately quashed the notification dated 11.06.2019 by observing as under:-

“We, therefore, find the notification dated 11.06.2019, to be in violation of Articles 14, 15 and 16 of the Constitution of India and the same is accordingly declared ultra vires and liable to be quashed and set aside.

7. Once notification dated 11.06.2019, has been quashed, it would be difficult for us to sustain the judgment of the learned Single Judge, wherein, the writ Court has issued a direction to implement the said notification insofar as it contemplated grant of marks towards experience. The respondent's plea that only socio economic criteria marks were quashed and not the marks contemplated for experience, cannot be countenanced, because once the notification itself has been set aside, it would not be

appropriate to segregate its individual components and give effect to one part in isolation while disregarding the rest. The scheme, therefore, cannot be partially sustained so as to retain the benefit of experience marks independently of the notification as a whole.

8. We may further clarify that the Division Bench of this Court has issued following directions in the judgment of Neeraj (supra):-

“37. Since, we have set aside the criteria of adding upto 10 bonus marks on the basis of socio economic criteria and experience, we issue following directions:-

A. The State would be required to publish a revised result and on the basis of the revised result, the candidates who are found to be meritorious, would be entitled to be considered for appointment for the concerned posts which were advertised in the year 2019.

B. Those candidates, who have already been appointed, if they fall in the said merit would continue to perform their duties.

C. Those appointees, who are going to be ousted on account of the revised merit list, shall be allowed to continue against future posts and in this regard, the State Government may conduct an exercise of finding out vacancies for them. If no vacancies are available, they will be allowed to continue on ad hoc basis till vacancies are made available. Their appointments would be treated from the date the vacancies are so made available and would have no claim on the posts which were advertised vide advertisement in 2019. The power is being exercised to save such appointments as there was no fault of such persons, who have already appointed and have been working for years now.

D. The candidates, who are placed in the revised merit, will be treated as senior to those whose appointments have been saved although not falling in the merit.

E. The new incumbents, who would be selected on account of the revised merit list, would be entitled to claim their appointments from the date the similarly situated other candidates were

appointed with all consequential benefits of seniority and pay parity. However, their salary would be fixed notionally from the date others were appointed till the date they join the post.

F. The exercise shall be conducted within the period of three months.”

9. The argument of the respondent’s counsel that the writ petitioner be treated to have been appointed as the direction of the Writ Court was to be implemented within three months, is noticed only to be rejected inasmuch as the direction issued by the Division Bench in Neeraj case (supra) cannot be stretched to someone like the respondent who has not been appointed.

10. It is, however, clarified that if in the revised list any benefit accrues to the respondent as per the judgment of Neeraj (supra), such benefit would continue to be available to him. However, no separate marks towards experience in terms of notification dated 11.06.2019, can be extended to him. The judgment of the learned Single Judge impugned in this appeal accordingly stands modified.

11. All pending misc. application(s), if any, also stand disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

16.02.2026
rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No