

2026:PHHC:084846



121 & 291

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

**CWP-15839-2026
DECIDED ON:27.05.2026**

HARDEEP SINGH SON OF SEWA SINGH

.....PETITIONER(S)

VERSUS

**STATE OF HARYANA
THROUGH ITS CHIEF SECRETARY,
GOVERNMENT OF HARYANA**

.....RESPONDENT(S)

CWP-15840-2026

ASHISH BENIWAL

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT(S)

CWP-16231-2026

VIKAS DESWAL

.....PETITIONER(S)

VERSUS

STATE OF HARYANA AND ANOTHER

.....RESPONDENT(S)

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Mohan Singla, Advocate with
Mr. Manjit Singh Gahlawat, Advocate and
Mr. Yashpal Kumar, Advocate
for the petitioner(s) in CWP-15839-2026

Mr. Sumit Sangwan, Advocate
for the petitioner(s) in CWP-15840-2026

Mr. Sarthak Gupta, Advocate
for the petitioner(s) in CWP-16231-2026

Mr. Deepak Balyan, Addl. AG. Haryana

Mr. Kanwal Goyal, Advocate and
Ms. Sheena Dahiya, Advocate
for respondents/HPSC

SANDEEP MOUDGIL, J (ORAL)

By way of this order, this Court shall dispose of all the above-said petitions, as a common question of law is involved herein. To avoid repetition, the facts are being taken from CWP-15839-2026 titled as “*Hardeep Singh son of Sewa Singh vs. State of Haryana through its Chief Secretary, Government of Haryana*”.

Prayer

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of Certiorari for quashing the impugned Final Answer Key dated 02.05.2026 (Annexure P-9) and the impugned Result dated 04.05.2026 (Annexure P-11) pertaining to the Preliminary Examination for the posts of HCS (Executive Branch) & Other Allied Services Examination-2026 issued pursuant to Advertisement No. 22/2026 (Annexure P-1). A further prayer has been made for issuance of directions to the respondents to consider and decide the objections submitted by the petitioner regarding 8 disputed questions along with the authentic sources of correct answers placed on the official website of Respondent No. 2-HPSC and thereafter revise/re-evaluate the result of the petitioner by correcting the disputed answer key. Consequential directions have also been sought for

considering the candidature of the petitioner under the Ex-Serviceman Category for the Main Examination scheduled from 27.06.2026 to 29.06.2026, on the ground that the petitioner is more meritorious than several candidates who have already been called for the said examination. The petitioner has also prayed for a direction to the respondents to provisionally permit him to appear in the aforesaid Main Examination during the pendency of the present writ petition.

Facts

2. The respondent-Haryana Public Service Commission issued Advertisement No. 22/2026 dated 30.01.2026 (Annexure P-1) for recruitment to the posts of HCS (Executive Branch) and Other Allied Services Examination-2026, wherein certain posts were reserved under the Ex-Serviceman Category. The petitioner, being eligible and belonging to the said category, applied for the said post and submitted the online application form (Annexure P-3). The petitioner thereafter appeared in the Preliminary Examination conducted on 26.04.2026 vide Admit Card (Annexure P-4).

3. After the examination, the provisional answer key dated 28.04.2026 (Annexure P-6) was uploaded by the respondent-Commission inviting objections from the candidates. Upon comparison of his OMR Sheet (Annexure P-7) with the provisional answer key, the petitioner found that several answers reflected therein were incorrect and contrary to standard academic sources. Accordingly, the petitioner submitted objections dated 03.05.2026 (Annexure P-8) in respect of 8 disputed questions along with supporting material and authentic references within the prescribed period.

4. Thereafter, the respondent-Commission uploaded the revised/final answer key dated 02.05.2026 (Annexure P-9) and also published the marks obtained by the candidates (Annexure P-10). Subsequently, the result dated

04.05.2026 (Annexure P-11) was declared, whereby the petitioner secured 35.25 marks and was not shortlisted for the Main Examination scheduled from 27.06.2026 to 29.06.2026 under the Ex-Serviceman Category. Aggrieved thereof, the petitioner submitted a representation dated 05.05.2026 (Annexure P-12), however, no action was taken thereupon. Consequently, the petitioner has approached this Court by way of the present writ petition seeking quashing of the final answer key and the result along with consequential directions for consideration of his candidature for the Main Examination.

Contentions

on behalf of learned counsel for the petitioner(s)

5. Learned counsel for the petitioner contends that the respondent-Commission failed to properly consider the objections submitted by the petitioner vide Annexure P-8 in respect of the 8 disputed questions despite the objections being supported by authentic and standard academic sources, including Government publications, NCERT books and other recognized references. It is argued that the final answer key dated 02.05.2026 (Annexure P-9) has been finalized mechanically and arbitrarily without due application of mind.

6. It is further contended that had the objections raised by the petitioner been correctly considered, the petitioner would have secured higher marks and would have qualified for the Main Examination. Learned counsel submits that candidates securing marks lower than the petitioner have already been shortlisted under the Ex-Serviceman Category, as reflected from Annexure P-10 and the result dated 04.05.2026 (Annexure P-11), thereby rendering the action of the respondents discriminatory and violative of Articles 14 and 16 of the Constitution of India.

7. Counsel further submits that as per Clause 17(xvii) of Advertisement No. 22/2026 (Annexure P-1), the benefit of reservation for Ex-Servicemen is to be granted at the stage of final selection and not at the stage of Preliminary or Main Examination. Despite the aforesaid stipulation, the candidature of the petitioner has allegedly been ignored illegally by the respondent-Commission.

8. It is also argued that the petitioner submitted representation dated 05.05.2026 (Annexure P-12) requesting reconsideration of his objections and candidature, however, no action has been taken thereupon by the respondents. On the aforesaid premises, prayer has been made for quashing of the impugned final answer key and result and for issuance of directions to permit the petitioner to provisionally appear in the Main Examination pending adjudication of the present writ petition.

On behalf of respondents

9. Reply on behalf of respondent/State of Haryana is not required at this stage as the respondents/HPSC is the contesting respondent.

10. Joint reply of Mukesh Ahuja, Secretary, Haryana Public Service Commission filed today in Court filed in connected writ petition bearing CWP-15972-2026 is taken on record.

11. Mr. Kanwal Goyal, Advocate appearing for HPSC informs the Court that the writ petitions can be disposed off in terms of the judgment passed in LPA - 1217-2025 decided on 19.08.2025 titled as ***Haryana Staff Selection Commission vs. Deepak & Ors.***

12. Learned counsel for the petitioner(s) also corroborated the submissions made by learned counsel for respondents/HPSC and is satisfied in case all the petitions are disposed off in terms of above-said LPA-1217-2025.

13. In LPA-1217-2025, the Division Bench of this Court vide its order dated 19.08.2025 has held as under:-

“10. The short issue that requires consideration is that at what stage the preference list, as specified under the instructions dated 09.04.2022, is to be applied?

*11. A bare perusal of Clause 2 (E) of the said instructions, makes it abundantly clear that the priority list, as contained under sub-clause (i) to (iv), is for the purposes of preparation of ‘final list’ of selection/appointment of ex-servicemen or their family members against the posts reserved for exservicemen. A reading of Clause (H) would further make it clear that the benefit of reservation against the posts reserved for ex-servicemen have been made admissible at the time of final selection list only and not at the time of preliminary test, main test or interview. A harmonious reading of the aforesaid clauses, would thus show that the intent is that such reservation and priority list cannot be made operational at the stage of short-listing of candidates. No other interpretation can be assigned once there is no ambiguity in language of the clauses in question. It is also to be considered that the appellant is an independent constitutional body, who has to discharge its functions as a recruiting agency, strictly in accordance with the instructions notified by the State Government and cannot follow a different course, even if the intent is for any laudable purpose. It is open to the State Government to amend its instructions governing the preferential order in which the benefit of reservation is to be accorded, within the various categories of ex-servicemen and their dependents. However, till such amendment is carried out, the Appellant-Commission would be bound to strictly follow the instructions and the conditions of the advertisement. The judgments in ‘**Dilwan Singh**’ and ‘**Rajesh Kumar Tahlan’s**’, case(s) **supra**, are clearly distinguishable and would not come to the aid of the appellant, as the provisions of the relevant clauses of the instructions dated 09.03.2022, were never under consideration in the said cases. Learned counsel for the appellant has failed to show that*

the interpretation of clauses identical/similar to clauses E & H, was the subject matter in either of these cases.

Law is well settled that the advertisement and its conditions are the magna carta for the purpose of selection and the recruitment agency cannot deviate therefrom. It was inter alia observed by the Hon'ble Supreme Court of India in 'Sureshkumar Lalitkumar Patel & Ors V. State of Gujarat & Ors', 2023 SCC Online SC 167 that "An advertisement, made pursuant to a notification, binds the parties. It has got all the trappings of a statutory prescription, unless it becomes contrary to either a rule or an Act. A change, if any, can only be brought forth by way of an amendment and nothing else"

Subsequently, a Constitution Bench of the Supreme Court of India in the case of 'Tej Parkash Pathak Vs. Rajasthan High Court', (2025) 2 SCC 1 was, inter-alia pleased to hold that:

"23. The doctrine proscribing change of rules midway through the game, or after the game is played, is predicated on the rule against arbitrariness enshrined in Article 14 of the Constitution. Article 16 is only an instance of the application of the concept of equality enshrined in Article 14. In other words Article 14 is the genus while Article 16 is a species. Article 16 gives effect to the concept of equality in all matters relating to public employment. These two articles strike at arbitrariness in State action and ensure fairness and equality of treatment".

...XXXX...

65.2 Eligibility criteria for being placed in the select list, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit. Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;

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65.5 Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However, where the rules are non-existent, or silent, administrative instructions may fill in the gap.

14. In the light of above, the above-said petitions are disposed off, in terms of judgment dated 19.08.2025 passed in LPA-1217-2025.

15. Ordered accordingly.

16. Pending application(s), if any shall disposed off, accordingly.

27.05.2026

Meenu

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned :Yes/No

Whether reportable :Yes/No