



CWP-17635-2017 (O&M) & CWP-22291-2017

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

209 (2 cases)

CWP-17635-2017 (O&M)

Date of Decision: 30.01.2026

Umesh Kumar and others

...Petitioners

Versus

Haryana Staff Selection Commission and another

...Respondents

And

CWP-22291-2017

Karambir and others

...Petitioners

Versus

Haryana Staff Selection Commission and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Anurag Goyal, Senior Advocate with
Ms. Sangita Dhanda, Advocate,
Mr. Amit Rao, Advocate
Mr. Nikhil Lathar, Advocate and
Mr. Siddharth Sharma, Advocate for the petitioners
(in CWP-17635-2017)

None for petitioners (in CWP-22291-2017)

Mr. Ravi Partap Singh, Deputy Advocate General, Haryana

JAGMOHAN BANSAL, J. (Oral)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP No.17635 of 2017*.

2. The petitioners through instant petition under Article 226 of the Constitution of India are seeking setting aside of result dated 23.06.2017



(Annexure P-15) whereby they have not been selected despite orders passed by Division Bench of this Court in different appeals.

3. The petitioners, pursuant to Advertisement No.8 of 2015 dated 19.07.2015, applied for the post of Constable. As per advertisement, selection process comprised four stages i.e. Physical Screening Test, Knowledge Test, Physical Measurement Test and Interview-cum-Personality Test. Each step carried marks and was followed by next step. The petitioners appeared in the Physical Screening Test from 15.06.2016 to 23.07.2016. The respondent declared result of Physical Screening Test wherein name of petitioners did not figure. They preferred various writ petitions before this Court alleging that they have actually qualified Physical Screening Test, however, have wrongly been declared unsuccessful. Learned Single Judge vide judgment dated 27.08.2016 dismissed all the writ petitions. The petitioners preferred various Intra Court Appeals. The matter finally came up for consideration before Division Bench of this Court on 08.05.2017 which disposed of all the appeals with following observations:

“(2) Notice of motion was issued and learned counsel for parties heard. During the course of hearing learned Advocate General, Haryana states that the authorities have re-considered the whole matter as a ‘special case’ and it has been decided to treat the appellants to have qualified the physical test. Consequently, it has been decided to hold written examination for them on 08.06.2017 and subject to their performance/merit position in the written test, they shall be considered for the advertised posts.

(3) In this view of the matter, the order(s) passed by learned Single Judge is/are set aside and the appeal(s) are disposed of as having become infructuous.



(4) It is clarified that the above-stated the concession is limited only in respect of the candidates who have approached this Court till date.”

4. Pursuant to aforesaid order, the respondent conducted Knowledge Test of petitioners on 08.06.2017. The respondent issued notice dated 26.05.2017 stipulating that standard of test would be 10+2 examination of Board of School Education, Haryana. It would comprise questions on General Studies, Agriculture, Animal Husbandry, Reasoning, Current Affairs, Numerical Ability, General Science, Aptitude, relevant field, Trade etc. The petitioners appeared in the Knowledge Test. The respondent vide notice dated 16.06.2017 called all the candidates who were subjected to Knowledge Test held on 08.06.2017 for Physical Measurement Test on 19.06.2017 and Interview-cum-Personality Test on 20.06.2017. The petitioners participated in the Physical Measurement Test as well as Interview-cum-Personality Test. The respondent finally declared result of all the candidates. Name of petitioners did not figure in the final result.

5. Learned Senior counsel representing the petitioners submits that respondent intentionally set questions of graduation level in the Knowledge Test whereas stipulated standard was of 10+2. Intention of respondent was to award minimum marks to the petitioners which is evident from the fact that they were granted qualifying marks in Physical Screening Test and minimum marks in Interview-cum-Personality Test. The respondent by notice dated 16.06.2017 fixed 19.06.2017 as date of Physical Measurement Test and 20.06.2017 as date of Interview-cum-Personality Test. This showed hurriedness of the respondent to weed out petitioners. All the candidates who were before the Appellate Court were ultimately declared unsuccessful whereas 8 candidates who were not before the Appellate Court were



permitted to participate in Knowledge Test held on 08.06.2017 and declared successful.

6. *Per contra*, learned State counsel submits that petitioners were awarded marks as per their performance. There was no *mala fide* action on the part of respondents. Interference by this Court at this stage is not warranted.

7. Heard the arguments and perused the record.

8. From the perusal of record, it is evident that petitioners, at the first instance, participated in Physical Screening Test held on 15.06.2016 to 23.07.2016. They were declared unsuccessful and accordingly not permitted to participate in Knowledge Test. They preferred writ petitions before this Court which were dismissed. They preferred Intra Court Appeals claiming that Physical Screening Test was videographed and scrutiny of videography would reveal that they had duly qualified Physical Screening Test. A Division Bench of this Court intervened and respondent-State made a statement to the effect that petitioners would be permitted to participate in the Knowledge Test to be held on 08.06.2017. The petitioners participated in the Knowledge Test held on 08.06.2017. They claim that as per public notices, questions could be of 10+2 standard whereas respondent asked questions of graduation level.

This Court cannot return findings with respect to standard of questions. It was prerogative of the Recruitment Board to set question paper. This Court has no mechanism to determine whether questions were of 10+2 standard or graduation level.



9. The petitioners are further claiming that they were awarded qualifying marks in Physical Screening Test whereas marks ought to have been awarded according to their performance. Maximum marks of Physical Screening Test were '15' and qualifying marks '10'. The Recruitment Board in its meeting held on 16.06.2017 unanimously decided to grant 10 marks to all the candidates who were petitioners or appellants before this Court in different petitions/appeals. The respondent made a statement before this Court that appellants shall be treated to have qualified the Physical Screening Test. The marks were not awarded as per their performance. They were awarded 10 marks i.e. qualifying marks. The respondent complied with its statement made before Division Bench and at this stage, said statement cannot be tinkered with.

10. The petitioners are also claiming that they were awarded minimum marks in Interview-cum-Personality Test and Physical Measurement Test. The marks were awarded by Recruitment Board. This Court has no mechanism or yardstick to determine veracity of marks awarded by Recruitment Board. It was within the realm of the Recruitment Board. This Court can interfere if there is evidence of *mala fide*, misuse of power or abuse of process. In the absence of evidence of *mala fide* or arbitrariness, this Court cannot examine authenticity/validity of marks awarded in Interview-cum-Personality Test or Physical Measurement Test.

11. There is another aspect of the matter. The selection process commenced in 2015 and completed in 2017. A period of more than 8 years from the date of completion of selection process has passed away. The post of Constable is a public post to which a lot of responsibilities are attached.

Physical and mental fitness is of paramount consideration in Police Force.



The petitioners cannot be expected of having fitness as postulated for Constable at the time of initial selection.

12. In the wake of above discussion and findings, this Court is of the considered opinion that present petitions deserve to be dismissed and accordingly dismissed.

13. Pending application(s), if any, shall stand disposed of.

14. Before parting with the judgment, it is apt to mention that petitioners have pointed out that there are 8 candidates who filed *CWP No.21480 of 2016* and *CWP No.21481 of 2016* before this Court seeking declaration of result of their Knowledge Test. The prayer made by them before this Court discloses that they before filing petition had already participated in the Knowledge Test. The writ petitions were disposed of with a direction to respondents to consider their candidature in the General Category. There was no direction to permit them to again participate in Knowledge Test which was specially held for appellants in LPA(s). All the petitioners/appellants were finally rejected and only aforesaid 8 candidates were selected. This shows undue favour in favour of aforesaid candidates.

The aforesaid 8 candidates are un-represented, thus, no adverse order can be passed against them, however, this Court finds it appropriate to direct Director General of Police, Haryana as well as Chairman, Haryana Staff Selection Commission to look into the matter and take an appropriate action.

(JAGMOHAN BANSAL)
JUDGE

30.01.2026
Mohit Kumar

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