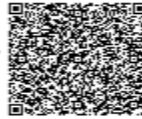


2026:PHHC:066448



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

**CWP-18483-2018  
DECIDED ON: 24.03.2026**

**MANGLA RAM**

**.....PETITIONER**

**VERSUS**

**STAFF SELECTION COMMISSION AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.**

Present: Mr. Ranjit Singh Kalra, Advocate  
for the petitioner.

Mr. Shivoy Dhir, Sr. Panel Counsel  
for respondents No.1 to 4.

Ms. Mayuri Lakhanpal, DAG, Haryana  
for respondent No.5.

\*\*\*

**SANDEEP MOUDGIL, J**

**Prayer**

1. The jurisdiction of this Court under Article 226 of the Constitution of India has been invoked by the petitioner for issuance of a writ in the nature of *Mandamus* directing the respondents to consider and appoint him, to the post of Constable (GD) in CRPF or any other force in accordance with his merit and preferences. Further prayer has been to issue a writ in the nature of *Certiorari* for quashing the impugned communication/order dated 17.01.2018 (Annexure P-9) whereby the candidature of the petitioner has been rejected and also to grant him all consequential benefits, including seniority, arrears of pay and allowances along with interest @ 18% per annum from the date it became due till its actual realization.

**Brief Facts**

2. The facts as enumerated in the present petition are that the petitioner applied for recruitment to the post of Constable (GD) pursuant to an advertisement issued by the Staff Selection Commission in the year 2015. The petitioner fulfilled all eligibility conditions and applied under the OBC category. The selection process comprised a Physical Efficiency Test, Written Examination and Medical Examination.

3. The petitioner successfully cleared the physical tests and was permitted to appear in the written examination, which he also qualified. Thereafter, he was called for medical examination and was declared medically fit by the competent authority. Despite successfully clearing all stages of the selection process, the petitioner was not issued any appointment letter.

4. Upon seeking information through RTI, no substantive information was provided by the respondents. Subsequently, vide communication dated 17.01.2018, the petitioner was declared not qualified on the ground that his caste “Nayak” does not fall within the Central OBC list for the State of Punjab. The said rejection was made despite the petitioner having been earlier selected and declared successful, and without affording him any opportunity of hearing. Hence, the present petition.

**Contentions****On behalf of the petitioner**

5. It is contended by learned counsel for the petitioner that the action of the respondents is arbitrary, unreasonable and unsustainable in law, as the petitioner, despite having been declared successful at every stage of the selection process, has been denied appointment without any justifiable cause, reflecting clear non-application of mind. Learned counsel has submitted that the impugned

action is in violation of the principles of natural justice, as no notice or opportunity of hearing was afforded to the petitioner and no reasoned or speaking order has been passed.

6. It is further argued that the respondents have taken an impermissible U-turn, having allowed the petitioner to participate in the entire selection process, declared him successful and selected, and thereafter rejecting his candidature on grounds already within their knowledge. It is further contended that the rejection on the basis of caste is wholly unjustified, as the petitioner applied under the OBC category from the outset and his candidature was duly accepted throughout; moreover, “Nayak/Naik” are synonymous and recognized, and such benefit could not have been denied at a later stage.

**On behalf of respondents No.1 to 4**

7. Learned counsel for respondents No. 1 to 4 has contended that the petitioner was initially found medically unfit during the Detailed Medical Examination conducted on 16.05.2016 on account of Varicocele (L) and defective distant vision (RE 6/9), and a copy of the said medical report has been placed on record as Annexure R-1. It is, however, submitted that upon the petitioner’s request, a Review Medical Examination was conducted on 19.09.2016 and 03.10.2016, wherein he was declared fit, and the reports thereof have been annexed as Annexure R-2 (colly).

8. Learned counsel further argues that the petitioner had applied under the OBC category claiming the caste “NAYAK”, which is not recognized as a backward class in the State of Punjab as per the Central List of OBCs published in Swamy’s Compilation on Reservations and Concessions. It is submitted that as per the checklist prepared during scrutiny of the petitioner’s dossier, he did not belong

to a sub-caste recognized as OBC under the applicable central list, and consequently, he was declared “not qualified” on 18.02.2017.

9. It is also contended that the petitioner was duly informed vide letter dated 17.01.2018 issued by DIG, Group Centre, CRPF, Bantalab, Jammu (Annexure P-9), that as per the revised result of provisionally selected candidates declared by the Staff Selection Commission vide letter dated 04.12.2017 (Annexure R-5), he had been declared “not qualified” since he was selected under the OBC category on the basis of “NAYAK” caste, which is not recognized as a backward class in Punjab as per the Central List of OBCs.

10. Learned counsel for respondents No.1 to 4 further submits that as per the terms and conditions contained in the recruitment notice dated 24.01.2015, the decision of the Staff Selection Commission in matters relating to eligibility, acceptance or rejection of applications is final, and therefore, the rejection of the petitioner’s candidature is in accordance with the applicable rules and does not call for any interference by this Court.

**On behalf of respondent No.5**

11. Learned counsel for respondent No.5 has submitted that the grievance raised by the petitioner pertains entirely to the actions of respondents No.1 to 4 being competent authorities, particularly when the petitioner was specifically challenged the communication dated 17.01.2018 (Annexure P-9) issued by respondent No.1 to 4. Learned counsel further submits that no cause of action has been raised against respondent No.5 in the present petition. Hence, respondent No.5 has no direct or indirect role in the redressal of the grievance raised by the petitioner.

**Analysis**

12            This Court has considered the submissions advanced by learned counsel for the parties and perused the material placed on record. The stand of the respondents is founded on two grounds, namely, the initial medical unfitness of the petitioner and his alleged ineligibility under the OBC category on account of the caste “Nayak” not being included in the Central List for the State of Punjab.

13.            Insofar as the medical aspect is concerned, it is not in dispute that though the petitioner was initially declared unfit during the Detailed Medical Examination conducted on 16.05.2016, however, upon review, the petitioner was subjected to Review Medical Examination on 19.09.2016 and 03.10.2016, wherein he was declared fit. Once the competent Review Medical Board has declared the petitioner fit, the earlier finding of unfitness cannot be sustained or relied upon to deny appointment. Accordingly, the medical ground does not survive for consideration.

14.            The principal ground on which the candidature of the petitioner has ultimately been rejected is that he does not belong to a caste recognized as OBC in the Central List for the State of Punjab. The respondents have relied upon Swamy’s Compilation and internal scrutiny of the petitioner’s dossier to contend that “Nayak” caste is not included in the said list. It is also their case that the petitioner was declared “not qualified” pursuant to the revised result dated 04.12.2017.

15.            However, it is an admitted position that the petitioner had applied under the OBC category from the inception and had disclosed his caste as “Nayak”. His candidature was scrutinized at the initial stage and he was permitted to participate in the entire selection process. He successfully cleared the Physical Test, Written Examination, and was even declared medically fit. The respondents,

having accepted his candidature at all relevant stages, cannot be permitted to turn around at a later stage and reject the same on a ground which was within their knowledge from the very beginning.

16. The action of the respondents in rejecting the candidature of the petitioner at such a belated stage, without affording any opportunity of hearing, is also in violation of the principles of natural justice. No material has been placed on record to show that the petitioner was ever put to notice regarding the alleged discrepancy in his caste status or that he was given an opportunity to clarify the same before the adverse decision was taken.

17. Further, the question as to whether “Nayak” and “Naik” are synonymous or represent the same caste category has not been examined by the respondents in a proper manner. A mechanical reliance on nomenclature without due consideration of its equivalence or recognition in practice renders the decision of the respondents arbitrary.

18. Another contention of the respondents that the decision of the Commission is final in terms of the recruitment notice cannot be accepted in an absolute sense. Such a clause does not preclude judicial review, particularly where the decision suffers from arbitrariness, lack of due process, or violation of constitutional guarantees under Articles 14 and 16 of the Constitution of India.

### **Conclusion**

19. Accordingly, in view of the foregoing discussion, this Court is of the considered opinion that the impugned action of the respondents in rejecting the candidature of the petitioner is arbitrary, illegal and violative of the principles of natural justice as well as Articles 14 and 16 of the Constitution of India. The rejection, having been made at a belated stage on a ground which was within the

knowledge of the respondents from the inception, and without affording any opportunity of hearing to the petitioner, cannot be sustained in law.

20. Consequently, the present writ petition is allowed. The impugned communication/order dated 17.01.2018 (Annexure P-9) is hereby quashed. The respondents are directed to consider the case of the petitioner for appointment to the post of Constable (GD) in accordance with his merit and preferences, subject to his otherwise fulfilling all eligibility conditions. The petitioner shall also be entitled to all consequential benefits, including seniority and notional fixation of pay from the date similarly situated candidates were appointed; however, the question of arrears shall be governed in accordance with law.

21. The aforesaid exercise shall be carried out by the respondents within a period of six weeks from the date of receipt of a certified copy of this order.

22. Pending applications, if any, stand disposed off.

24.03.2026

*sham*

(SANDEEP MOUDGIL)  
JUDGE

*Whether speaking/reasoned* : Yes/No

*Whether reportable* : Yes/No