

2026:PHHC:084951



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-27946-2019

SANDEEP

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

....RESPONDENTS

CWP-23054-2021

JITENDER KUMAR AND ANR

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

....RESPONDENTS

CWP-33671-2019

JAGBIR SINGH

...PETITIONER(S)

VERSUS

STATE OF HARYANA AND ORS.

....RESPONDENTS

1.	The date when the judgment is reserved	22.04.2026
2.	The date when the judgment is pronounced	29.05.2026
3.	The date when the judgment is uploaded	29.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any of the pronouncement of full judgment and reason thereof.	Not applicable

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Sunil K. Nehra, Sr. Advocate with
Mr. Viren Nehra, Advocate and
Mr. Rahil Mahajan, Advocate
for the petitioner(s) in CWP-27946-2019
Mr. Jasbir Mor, Advocate for the
petitioner in CWP-23054-2021 and CWP-33761-2019

Mr. Rahul Dev Singh, Addl. AG. Haryana

SANDEEP MOUDGIL, J

Prayer

1. The jurisdiction of this Court has been invoked under Articles 226/227 of the Constitution of India seeking quashing of the impugned result dated 05.06.2019 to the extent that the petitioners were denied selection to the post of Multipurpose Health Worker (MPHW), despite being entitled to the grant of 14 marks towards experience gained on the post of Senior Treatment Supervisor (STS) under the National Health Mission, along with a further direction to the respondents to award the aforesaid experience marks by granting parity with similarly situated candidates and, consequently, to consider and appoint the petitioners against Advertisement No. 1/2015 dated 19.06.2015 with all consequential benefits.

The Conspectus Of Facts

2. The present writ petition arises out of the selection process initiated by the Haryana Staff Selection Commission pursuant to Advertisement No. 1 of 2015, whereby applications were invited for recruitment to the posts of Multi Purpose Health Worker (Male) in the Health Services Department,

Haryana. The petitioners, claiming themselves to be duly qualified for the said post and possessing experience under schemes implemented through the National Health Mission, applied under their respective categories and participated in the entire selection process.

3. During the course of the recruitment process, the Commission issued a corrigendum revising the criteria for selection and, inter alia, providing for award of experience marks to the extent of 8%, i.e. 1% for each completed year of service rendered in the concerned category under the specified projects.

4. The petitioners appeared in the written examination as well as the interview conducted by the Commission; however, their names did not figure in the final result declared on 05.06.2019. Thereafter, upon seeking information under the Right to Information Act, the petitioners were informed that the benefit of experience marks had been extended only to candidates who had worked specifically on the post of MPHWS (Male) under the concerned schemes. Aggrieved thereby, the petitioners contend that the refusal to count their experience is arbitrary and discriminatory, particularly when, according to them, the nature of duties discharged by them under the National Health Mission was substantially akin to those attached to the post in question.

5. It is the case of petitioners that if the experience marks had been granted in terms of the prescribed criteria, their aggregate merit would have brought them within the zone of selection in their respective categories. On these premises, the petitioners seek appropriate directions for grant of

experience marks and consequential consideration for appointment to the post of Multi Purpose Health Worker (Male).

6. Hence, this petition.

Contentions
On behalf of Petitioners

7. Learned counsel appearing on behalf of the petitioners contends that the petitioners were fully eligible and duly qualified for appointment to the posts of Multi Purpose Health Worker (Male) pursuant to Advertisement No. 1 of 2015 and had participated in every stage of the selection process, including the written examination and interview. It is submitted that the petitioners possessed not only the prescribed educational qualifications but also substantial experience under various health programmes implemented through the National Health Mission.

8. It is argued that the Commission itself, by way of corrigendum, had incorporated a specific component in the selection criteria for award of marks towards experience, providing two marks for each completed year of service in the concerned category/project, subject to the prescribed limit. According to learned counsel, despite the petitioners having rendered long years of service under the health schemes of the State and despite their experience certificates having been produced before the interview committee, the respondents failed to award any marks on account of such experience.

9. Learned counsel submits that the action of the respondents in restricting the benefit of experience only to candidates who had worked specifically on the post of MPHWP (Male) is wholly arbitrary and contrary to the spirit of the selection criteria. It is contended that the petitioners had

worked under the National Health Mission on posts involving duties and responsibilities substantially similar to, and in some respects higher than, those attached to the post of MPHWH (Male). Therefore, denial of experience marks merely on nomenclature amounts to an artificial and discriminatory classification offending Articles 14 and 16 of the Constitution of India.

10. It is further argued that the respondents have adopted inconsistent standards in the matter of grant of experience marks. In this regard, reliance is placed upon the case of one Mungheri Lal, who was granted the benefit of experience acquired on another post under the National Health Mission while being considered for appointment to a different cadre. Learned counsel submits that once such benefit has been extended in another recruitment process, denial of similar treatment to the petitioners is manifestly discriminatory and unsustainable in law.

11. Learned counsel further contends that the petitioners secured marks in the written examination and interview which placed them close to the selected candidates in their respective categories, and had the experience marks been added in accordance with the prescribed criteria, they would have fallen well within the zone of selection. It is thus prayed that the impugned action of the respondents in denying experience marks be set aside and the petitioners be granted consequential consideration for appointment against the available vacancies.

On behalf of Respondents

12. Per contra, learned counsel appearing for the respondents submits that the selection process in question was conducted strictly in accordance with the terms and conditions contained in Advertisement No. 1 of 2015 and

the subsequent notice dated 22.12.2016 prescribing the selection criteria. It is contended that the petitioners, having participated in the entire process with full knowledge of the governing conditions, are estopped from challenging the same after having remained unsuccessful in the selection.

13. It is argued that the principal grievance of the petitioners pertains to non-award of experience marks, though such claim is wholly misconceived and contrary to the express stipulations governing the recruitment. Learned counsel submits that the selection criteria specifically provided that marks for experience were admissible only for service rendered “in the same capacity” under any RCH/NRHM/NHM project or Health Department of the State or Central Government. According to the respondents, the expression “same capacity” was consciously incorporated in the criteria and necessarily required that the candidate must have worked on the same post, namely MPHWS (Male), in order to claim benefit of experience marks.

13. Learned counsel contends that the experience certificates relied upon by the petitioners themselves demonstrate that petitioner No.1 had worked as Senior Treatment Supervisor and DR-TB/HIV Coordinator, whereas petitioner No.2 had worked as TBHV and Para Medical Worker under the concerned schemes. Since neither of them had worked on the post of MPHWS (Male), their experience could not be treated as service rendered in the “same capacity” within the meaning of the selection criteria. It is, therefore, submitted that the Commission rightly declined to award any experience marks to the petitioners and no arbitrariness or illegality can be attributed to the impugned result.

14. Learned counsel further contends that the writ petition suffers from

non-joinder of necessary parties, inasmuch as the selected candidates, whose appointments would necessarily be affected in the event of any relief being granted to the petitioners, have not been impleaded before this Court. On this ground also, it is submitted that the present writ petition is liable to be dismissed.

15. Learned counsel appearing for the Health Department further submits that the role of the department was confined to issuance of requisition and furnishing administrative clarifications sought by the Commission from time to time. It is contended that matters relating to scrutiny of applications, determination of eligibility, allocation of marks and preparation of merit fall exclusively within the domain of the recruiting agency. It is nevertheless submitted that, upon queries raised by the Commission, the department clarified that the work profile of Senior Treatment Supervisors and Para Medical Workers under NHM bore certain similarities to the duties discharged by MPHWS (Male), though such posts remained contractual and governed by separate service bye-laws, whereas MPHWS (Male) formed part of the regular cadre. Learned counsel submits that such subsequent clarifications cannot alter the original terms of recruitment or confer any vested right upon the petitioners to seek modification of the concluded selection process.

16. Arguments were heard and the judgement was kept reserved on 22.04.2026.

Analysis

17. This Court finds that the controversy in the present writ petition lies in a narrow compass. The petitioners do not dispute the marks awarded to them in the written examination or interview. Their grievance is confined to

denial of marks towards experience, despite the fact that they had rendered service under the National Health Mission on the posts of Senior Treatment Supervisor/Para Medical Worker and had duly produced the requisite experience certificates before the Commission.

18. The foundation of the respondent's defence rests upon the expression "same capacity" occurring in the selection criteria dated 22.12.2016, on the basis whereof it is sought to be contended that only those candidates who had worked specifically on the post of MPHWS (Male) were entitled to grant of experience marks. However, the stand of the respondents does not withstand scrutiny when tested on the touchstone of fairness and equality embodied under Articles 14 and 16 of the Constitution of India.

19. It is not disputed before this Court that in connected matters arising out of the same selection process, namely CWP-23054-2021 and other connected cases, candidates possessing experience on the post of Senior Treatment Supervisor under NHM were granted the benefit of experience marks by the respondents themselves. The petitioners have thus been subjected to a treatment different from similarly situated candidates who possessed identical nature of experience certificates. Once the respondents themselves have treated experience acquired as Senior Treatment Supervisor to be valid for grant of experience marks in respect of other candidates participating in the same recruitment process, there exists no rational basis to deny identical treatment to the present petitioners.

20. That apart, even the official stand taken by the Health Department in its replies fortifies the case of the petitioners. In the clarification dated

12.08.2024, the department specifically stated that the experience gained as Senior Treatment Supervisor under NHM ought to be considered for the post of MPHWS (Male). The subsequent clarifications dated 29.11.2024 and 31.01.2025 further acknowledge that the work profile and duties attached to the posts of STS and Para Medical Worker are substantially similar to those discharged by MPHWS (Male), particularly in relation to primary healthcare services at the community level. The department has gone to the extent of clarifying that prior to creation of such contractual posts, the very services rendered by STS and PMW formed part of the duties of MPHWS (Male). Once the respondents themselves admit similarity in duties and functions, insistence upon rigid nomenclature loses all significance.

21. This Court also cannot lose sight of the fact that the respondents themselves have granted experience marks to candidates possessing experience on posts other than the exact advertised post. The petitioners have specifically referred to the case of one Mungheri Lal, who was granted benefit of experience acquired as Emergency Medical Technician (EMT) while being considered for appointment to the post of Staff Nurse. The action of the respondents, therefore, reveals inconsistency in application of the criteria and selective invocation of the expression “same capacity”. Such an approach cannot receive judicial approval.

22. This court also cannot overlook the fact, as averred by the petitioner in para 3 of the replication filed by him dated 14.02.2024 wherein similar situated candidates have been granted the experience marks for STS. Thus the respondents having themselves treated similarly placed STS candidates as

eligible for experience marks in connected matters, cannot now turn around and deny identical consideration to the petitioners.

23. The record also reveals that the qualifications for the post of STS is higher than that of MPHWM and the duties and responsibilities of both posts are identical as can be seen from letter issued by Government of India, Ministry of Health and Family Welfare dated 07.06.2021 (Annexure P-32).

24. The plea of the respondents that the posts of STS/PMW were contractual whereas MPHWM (Male) formed part of the regular cadre is equally misconceived. The selection criteria did not confine experience only to regular service. On the contrary, it expressly contemplated experience acquired under RCH/NRHM/NHM projects. The decisive consideration, therefore, was the nature of duties and functional similarity rather than the mode of appointment.

Conclusion

25. This Court is, therefore, of the considered opinion that denial of experience marks to the petitioners, despite grant of similar benefit to identically situated candidates and despite categorical clarification by the Health Department regarding similarity of duties, is arbitrary, discriminatory and violative of Articles 14 and 16 of the Constitution of India.

26. The impugned result dated 05.06.2019 (Annexure P-19) to the limited extent of non-consideration of the petitioners for grant of experience marks, is hereby set aside.

27. The respondents are directed to award experience marks to the petitioners in accordance with the applicable criteria by taking into consideration the experience acquired by them as Senior Treatment

Supervisor/Para Medical Worker under NHM and thereafter rework their merit position. In the event the petitioners fall within the zone of selection upon such recalculation, consequential benefits including appointment shall follow. The aforesaid exercise be completed within a period of two months from the date of receipt of a certified copy of this order.

28. Consequently, the present writ petition is allowed.

29. Pending applications, if any, stand disposed of.

29.05.2026

Meenu

(SANDEEP MOUDGIL)
JUDGE

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