

2026:PHHC:070702



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-24324-2025

RAVINDER

...PETITIONER

VERSUS

STATE OF HARYANA AND ORS.

....RESPONDENTS

1.	The date when the judgment is reserved	06.03.2026
2.	The date when the judgment is pronounced	06.05.2026
3.	The date when the judgment is uploaded	07.05.2026
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. Rajat Mor, Advocate for the petitioner

Mr. Rahul Dev Singh, Addl. A.G., Haryana

SANDEEP MOUDGIL, J

Prayer

1. This Civil Writ Petition under Article 226/227 of the Constitution of India has been filed praying for the issuance of an appropriate writ, order or direction especially in the nature of Certiorari quashing the impugned order dated 24.07.2025 (P-23) issued by Respondents whereby the appointment of the Petitioners to the post in question has been illegally and arbitrarily cancelled.

Brief Facts

2. The facts of the case are that the petitioner applied under the BCB category pursuant to CET-2022 and appeared in the examination conducted on 05.11.2022 and 06.11.2022. Respondent Commission issued Advt. No. 3/2023 dated 07.03.2023, advertising various Group-C and Group-D posts along with qualifications in Appendix-B (later amended on 20.03.2023). The petitioner, being eligible, applied for multiple posts including Fire Operator-cum-Driver (Cat. No. 243, Group No. 30). The petitioner qualified the Physical Measurement Test held on 03.08.2023; gave post preference, placing the post in question at Preference No. 1 and appeared in the written examination held on 30.12.2023.

3. The petitioner was declared successful in the final result and was issued an appointment letter dated 15.03.2024, pursuant to which he joined and discharged duties satisfactorily.

4. Subsequently, the Commission issued public notices dated 04.03.2024 and 11.03.2024, introducing lists of recognized/unrecognized institutions after declaration of result. The petitioner's institute, i.e., National Institute of Fire and Safety Engineering, Nagpur, was categorized as unrecognized, leading to issuance of a show cause notice dated 11.06.2024. Despite submission of a detailed reply asserting recognition by the Government of Maharashtra, the respondents passed impugned termination order dated 24.07.2025, holding the petitioner ineligible. The petitioner had already rendered more than one year of service before termination.

Contentions
On behalf of petitioner

5. Learned counsel for the petitioner urged that the criteria regarding recognition of institutions cannot be altered after completion of the selection process and declaration of results. It is his submission that the advertisement only required diploma from an institution recognized by the Government/ Government of India and the petitioner's diploma is from an institute recognized by the Government of Maharashtra, thus fulfilling the prescribed condition. He further submits that the impugned lists dated 04.03.2024 and 11.03.2024 were issued midway/after selection, rendering the action arbitrary and violative of Articles 14 and 16 of the Constitution.

6. He has placed reliance on various judgments i.e. CWP No. 17558 of 1999; CWP No. 12161 & 12187 of 2006; CWP No. 12589 of 2013; CWP No. 884 of 2023 decided on 17.08.2023 stating that diplomas recognized by any State Government or Central Government are valid in view of instructions dated 18.03.1975.

7. He has argued that respondents failed to consider these binding principles, moreover, the petitioner, having successfully cleared all stages and being appointed, had a legitimate expectation of continuity in service. He has further argued that the petitioner cannot be penalized for any alleged deficiency in recognition when no such list existed at the time of advertisement.

8. He has vehemently argued that termination at this stage causes the petitioner severe financial hardship, loss of livelihood, irreparable prejudice to future employment prospects, therefore, the termination order

dated 24.07.2025 is illegal, arbitrary, and liable to be set aside.

On behalf of respondent

9. Learned State counsel submits that the present writ petition is wholly misconceived and devoid of merit, as the petitioner admittedly did not possess the essential qualification prescribed under the Haryana Fire (Group-C) Service Rules, 2016 and Advertisement No. 3/2023 on the cut-off date. It is contended that the requirement of having passed a basic fire-fighting course from an institution recognized by the Government or Government of India necessarily implies recognition by the Government of Haryana or the Union of India, and not by any other State Government. Since the petitioner obtained his diploma from an institute which does not fall within the list of recognized institutions finalized by the Commission, he was rightly held ineligible.

10. It is further argued that the appointment offered to the petitioner was purely provisional and subject to verification of eligibility conditions, and upon scrutiny, when it was found that the petitioner lacked the requisite qualification, the respondents were fully justified in withdrawing the appointment after affording due opportunity of hearing and considering his reply. Reliance is placed upon the terms of the advertisement, particularly clauses relating to rejection of candidature and cancellation even after appointment, to contend that no vested right accrues in favour of a candidate who is ineligible.

11. Learned State Counsel further contends that the issue is no longer *res integra*, as a similarly situated matter has already been dismissed by this Court in ***CWP No. 26881 of 2025*** titled as '***Deepak Malik vs. State of***

Haryana and others’, and the present case is squarely covered by the said judgment. Reliance is also placed upon the judgments of the Supreme Court in ‘*Ravinder Sharma vs. State of Punjab*’ and ‘*State of Gujarat vs. Arvind Kumar Tiwari*’ to argue that eligibility must be possessed on the last date of application and that any appointment made in violation of statutory rules is *void ab initio* and cannot be protected on equitable grounds.

12. It is thus submitted that since the petitioner lacked the essential qualification, his candidature was rightly cancelled, the provisional appointment letter was validly withdrawn, and no interference is warranted under Article 226 of the Constitution of India.

Analysis

13. The controversy in the present petition lies in a narrow compass whether the respondents were justified in cancelling the appointment of the petitioner on the ground that the diploma possessed by him was from an institute subsequently declared “unrecognized,” despite the fact that such condition was neither expressly stipulated nor clarified at the time of advertisement or during the selection process.

14. It is an admitted position on record that the petitioner applied pursuant to Advertisement No. 3/2023, successfully cleared all stages of selection including the Physical Measurement Test and written examination, was declared successful in the final result, and was thereafter issued an appointment letter dated 15.03.2024. The petitioner joined service and discharged his duties for more than one year before the impugned order of termination dated 24.07.2025 came to be passed.

15. A perusal of the advertisement reveals that the essential qualification required was a diploma/course from an institution “recognized by Government/Government of India.” The said stipulation, on its plain reading, does not restrict recognition to any particular State Government, much less the Government of Haryana alone. In the absence of any explicit restriction, the expression “Government” has to be construed in a broader sense so as to include any State Government, local authority or any of its instrumentalities and not restricted to Government of Haryana.

16. The action of the respondents in issuing public notices dated 04.03.2024 and 11.03.2024, whereby a list of recognized/unrecognized institutions was introduced after the declaration of results, amounts to altering the eligibility criteria midstream. It is a settled principle of law that the rules of the game cannot be changed after the game has begun.

17. In this regard, reliance is placed on the judgment of the Supreme Court in **Maharashtra State Road Transport Corporation v. Rajendra Bhimrao Mandve, 2001(10) SCC 51**, wherein it was observed that *'the rules of the game, meaning thereby, that the criteria for selection cannot be altered by the authorities concerned in the middle or after the process of selection has commenced.'*

18. In '***K. Manjusree vs. State of Andhra Pradesh, (2008) 3 SCC 512***', wherein the Apex court held that selection criteria cannot be altered after the selection process has commenced, while observing that:

We have referred to the proper interpretation of the earlier resolutions dated 24.7.2001 and 21.2.2002 and held that what was adopted on 30.11.2004 was only minimum marks for written examination and not for the interviews. Therefore, introduction of the requirement of minimum marks for interview, after the entire selection process (consisting of written examination and interview)

was completed, would amount to changing the rules of the game after the game was played which is clearly impermissible.

19. Similarly, in ‘**Tej Prakash Pathak vs. Rajasthan High Court, (2013) 4 SCC 540**’, the Supreme Court reiterated that any change in criteria after initiation of the selection process would be arbitrary and violative of Articles 14 and 16 of the Constitution. It was observed that:

11. In the context of the employment covered by the regime of Article 309, the 'law' - the recruitment rules in theory could be either prospective or retrospective subject of course to the rule of non- arbitrariness. However, in the context of employment under the instrumentalities of the State which is normally regulated by subordinate legislation, such rules cannot be made retrospectively unless specifically authorised by some constitutionally valid statute.

12. Under the Scheme of our Constitution an absolute and non-negotiable prohibition against retrospective law making is made only with reference to the creation of crimes. Any other legal right or obligation could be created, altered, extinguished retrospectively by the sovereign law making bodies. However such drastic power is required to be exercised in a manner that it does not conflict with any other constitutionally guaranteed rights, such as, Articles 14 and 16 etc. Changing the 'rules of game' either midstream or after the game is played is an aspect of retrospective law making power.

13. Those various cases³ deal with situations where the State sought to alter 1) the eligibility criteria of the candidates seeking employment or 2) the method and manner of making the selection of the suitable candidates. The latter could be termed as the procedure adopted for the selection, such as, prescribing minimum cut off marks to be secured by the candidates either in the written examination or viva-voce as was done in the case of Manjusree (supra) or the present case or calling upon the candidates to undergo some test relevant to the nature of the employment [such as driving test as was the case in Maharashtra State Road Transport Corporation (supra)].

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19. No doubt it is a salutary principle not to permit the State or its instrumentalities to tinker with the 'rules of the game' insofar as the prescription of eligibility criteria is concerned as was done in the case of C. Channabasavaiah v. State of Mysore [AIR 1965 Supreme Court 1293] etc. in order to avoid manipulation of the recruitment

process and its results. Whether such a principle should be applied in the context of the 'rules of the game' stipulating the procedure for selection more particularly when the change sought is to impose a more rigorous scrutiny for selection requires an authoritative pronouncement of a larger Bench of this Court. We, therefore, order that the matter be placed before the Hon'ble Chief Justice of India for appropriate orders in this regard.

20. Further, the contention of the respondents that recognition must necessarily be by the Government of Haryana is not borne out from the terms of the advertisement. The petitioner has placed on record that the institute from which he obtained his diploma is recognized by the Government of Maharashtra. In the absence of any restriction in the advertisement, such qualification cannot be disregarded. Otherwise also, the qualifications recognized by any State Government are to be treated as valid, particularly in the absence of a contrary stipulation or specifically excluded.

21. Moreover, the petitioner had not only been selected but had also been appointed and allowed to serve. At that stage, he had acquired a legitimate expectation that his service would not be terminated except in accordance with law. The doctrine of legitimate expectation, as explained by the Supreme Court in '**Navjyoti Co-op. Group Housing Society vs. Union of India, (1992) 4 SCC 477**', squarely applies in the present case.

22. The reliance placed by the respondents on the provisional nature of the appointment does not come to their aid. While it is true that an appointment may be subject to verification, such verification must be in consonance with the conditions as they existed at the time of advertisement. It cannot be used as a tool to introduce new disqualifications retrospectively.

Conclusion

23. In view of the foregoing discussion, this Court is of the considered opinion that the impugned order dated 24.07.2025 (Annexure P-23) cannot be sustained in the eyes of law and the same is hereby quashed.. The action of the respondents in declaring the petitioner ineligible on the basis of criteria introduced after the completion of the selection process is arbitrary, unreasonable, and violative of Articles 14 and 16 of the Constitution of India
24. Accordingly, the present writ petition is allowed. The respondents are directed to reinstate the petitioner in service forthwith to the post applied for by the petitioner, with continuity of service and all consequential benefits, in accordance with law.
25. Pending applications, if any, shall also stand disposed of.

(SANDEEP MOUDGIL)
JUDGE

06.05.2026
Meenu

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