



**115+ 255 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**RA-CW-383-2025 (O&M) &
RA-CW-401-2025 (O&M) in/and
CWP-16904-2021 (O&M)
Date of decision: 07.04.2026
...Applicant(s)**

NEERAJ

Vs.

STATE OF HARYANA AND ANOTHER

...Respondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Sanjeev Kaushik, Addl. A.G. Haryana
for the review-applicants in RA-CW No. 383 of 2025 and
RA-CW-401-2025.

Mr. Rahul Makkar, Advocate
Mr. Sarthak Gupta, Advocate
for the non-applicant/petitioner.

ASHWANI KUMAR MISHRA, J. (Oral)

**CM-12743-CWP-2025 in RA-CW-383-2025 &
CM-13327-CWP-2025 in RA-CW-401-2025**

These are applications seeking condonation of delay in filing the
review application(s).

For the reasons stated in the application(s), the same are allowed
and delay in filing the review application(s) is condoned.

Main case

1. These applications for review are filed by the State seeking review
of the judgment dated 22.05.2025, primarily on the ground that the selection
process was initiated in the year of 2019 and was concluded in the year 2021



and subsequent thereto selected candidates had joined the respective departments in the year 2021 itself, but neither they were impleaded as a party in the writ petitions nor were they heard and therefore, the judgment dated 22.05.2025 is liable to be reviewed.

2. We have heard learned counsel for the parties and perused the material placed on record.

3. By the judgment under review, 13 writ petitions filed between the year 2021-24 have been allowed. The operative portion of the judgment is contained in paragraphs 36 and 37, which reads as under:-

"36. We, therefore, find that notification dated 11.06.2019 to be in violation of Articles of 14, 15 and 16 of the Constitution of India and the same is accordingly declared ultra vires and liable to be quashed and set aside.

37. Since, we have set aside the criteria of adding up to 10 bonus marks on the basis of socio-economic criteria and experience, we issue following directions:-

A. The State would be required to publish a revised result and on the basis of the revised result, the candidates who are found to be meritorious, would be entitled to be considered for appointment for the concerned posts which were advertised in the year 2019.

B. Those candidates, who have already been appointed, if they fall in the said merit would continue to perform their duties.

C. Those appointees, who are going to be ousted on account of the revised merit list, shall be allowed to continue against future posts and in this regard, the State Government may conduct an exercise of finding out vacancies for them. If no vacancies are available, they will



be allowed to continue on ad hoc basis till vacancies are made available. Their appointments would be treated from the date the vacancies are so made available and would have no claim on the posts which were advertised vide advertisement in 2019. The power is being exercised to save such appointments as there was no fault of such persons, who have already appointed and have been working for years now.

D. The candidates, who are placed in the revised merit, will be treated as senior to those whose appointments have been saved although not falling in the merit.

E. The new incumbents, who would be selected on account of the revised merit list, would be entitled to claim their appointments from the date the similarly situated other candidates were appointed with all consequential benefits of seniority and pay parity. However, their salary would be fixed notionally from the date others were appointed till the date they join the post.

*F. The exercise shall be conducted within the period of **three months.**"*

4. In order to appreciate the controversy raised, it would be appropriate to note that the State of Haryana came out with the policy dated 11.06.2019 providing for 10 marks under different heads specified as socio-economic criteria. Pursuant to this policy, various advertisements were issued in the year 2019 itself initiating the process of appointment. The process included appointment on different posts including the post of Junior System Engineer. The recruitment proceedings were not only initiated in the year 2019 but it concluded with publication of final result on 22.04.2021. It would be worthwhile to emphasize that till the publication of the result on 22.04.2021,



no writ petition was filed either challenging the policy providing for socio-economic criteria notified on 11.06.2019 nor any of the advertisements, wherein the policy dated 11.06.2019 was given effect to, was assailed.

5. It transpires that the first writ petition which came to be filed before this Court was the case of '**Monika Raman vs. State of Haryana and others**', CWP-10323-2021. In this petition, State of Haryana was respondent No.1 while the Haryana Staff Selection Commission was impleaded as respondent No.2 and Dakshin Haryana Bijli Vitran Nigam (DHBVN), Panchkula was impleaded as respondent No.3. In the writ petition, following prayers were made:-

"Civil Writ Petition under Articles 226/227 of the Constitution of India for the issuance of a writ, order or direction especially in the nature of Certiorari for quashing the impugned action of the notification dated 11.06.2019 (P-10) to the extent vide which the meritorious candidates have not been selected due to benefit of marks socio economic criteria under the abovesaid notification dated 11.06.2019 (P-10) and also for quashing the impugned result dated 22.04.2021 (P-9) for the post of JSE of DHBVN, Haryana, against abovesaid advertisement No. 11/2019 Category No. 1 dated 05.07.2019 (P-1).

And/Or

Issuance of a Writ in the nature of Mandamus for directing the Respondents to consider the petitioner for the appointment of JSE of DHBVN, Haryana, under the advertisement No. 11/2019 in the Category No. 1 being a meritorious candidate, in the interest of justice.

And/Or

To restrain the Respondents for issuing appointment letters against the post of JSE under the Advertisement No. 11/2019 Category No. 1 dated 05.07.2019 (P-1) and selection/result dated 22.04.2021 (P-9), may kindly be stayed during the pendency of the present Civil Writ Petition, in the interest of justice.

And/or

To issue any other writ, order or direction which this Hon'ble High Court may deem fit and proper in the peculiar facts and circumstances of the case."



6. After the writ petition was filed in the case of ***Monika Raman (supra)*** the next petition, which was the lead case in the judgment under review came to be filed in CWP-16904-2021, titled as '***Neeraj vs. State of Haryana and another***'. In the writ petition of ***Neeraj (supra)*** also, none of the selected candidate were impleaded as a party. In paragraph 8 of the writ petition, the petitioner admitted that the final result pursuant to the advertisement was published on 22.04.2021. In the writ petition of ***Neeraj (supra)*** also, the prayer made was similar, that is to challenge the notification promulgating the socio-economic criteria dated 11.06.2019 as also the result published on 22.04.2021 pursuant to advertisement dated 05.07.2019. In the writ petition of ***Neeraj (supra)*** also, none of the selected candidates were arrayed as a party.

7. The Division Bench vide judgment under challenge has relied upon the judgment of this Court in CWP-1563-2024, titled as '***Sukriti Malik vs. State of Haryana and others***' to hold that award of socio-economic criteria marks was legally impermissible. The primary challenge to the judgment under review is that the declaration of law in ***Sukriti Malik (supra)*** could only have been prospective and could not have been made applicable to cases where the recruitments have already been made, particularly, when the selected persons were not even impleaded as a party respondents.

8. On behalf of the respondents-petitioners, it is submitted that the policy contained in the socio-economic criteria introduced vide policy notified on 11.06.2019 since was challenged, all consequential action was liable to fail



once the Court in ***Sukriti Malik*** (*supra*) held the socio-economic criteria to be impermissible. It is also submitted that the Court was aware of the fact that persons who have been selected were not before the Court. Our attention has been invited to various paragraphs from the judgment under review.

9. We have heard learned counsel for the parties and perused the judgment under review.

10. Up to paragraph 14, the Division Bench took note of various contentions advanced before it. In paragraph 16, the Court referred to the judgment of Hon'ble Supreme Court in '***Manish Kumar Shahi vs. State of Bihar and others***', 2010 (12) SCC 576, wherein it was held that once the candidate had participated in the selection process and remained unsuccessful, he/she could not turn-around and challenge the selection criteria subsequently. To similar effect are the propositions laid down in Judgments of Hon'ble Supreme Court in '***Ramesh Chandra Shah & Ors vs. Anil Joshi & Ors***', 2013 (11) SCC 309; '***Ashok Kumar Sharma & Ors. Vs. The State Of Bihar & Ors.***', 2017 (4) SCC 357, which have been referred to in para 17 and 18 of the judgment. The legal proposition having been noticed, the Court proceeded to reject such plea by observing as under in para 19:-

"19. The law in this regard is well settled and no further judgments are required to be noticed. However, as we have already noticed, the selections and appointment made in the advertisement are subject to the decision of the Writ Petition (CWP-16904-2021), therefore, the aforesaid principle of estoppel would have no application and we, therefore, would not accept the contention of the State to dismissed these Writ Petitions on the ground that the petitioners have participated in the selection process, since their participation is subject to the final outcome. Moreover, if the process adopted by the State does not fall within



four corners of the ethos of the Constitution and equality clause, on technical grounds, the Writ Petitions cannot be dismissed."

11. Perusal of para 19 would indicate that the Division Bench was of the view that since the selections and appointments were subject to the decision of the writ petition (CWP-16904-2021), therefore, the principle of estoppel or non-impleadment of selected candidates would not be applicable.

12. With the utmost respect, we find that this Court erred in not noticing the correct facts of the case, inasmuch as, the selections were already made much prior to the filing of the writ petition. It was not a case where the advertisement was challenged, and any selection was conducted during the pendency of the writ petition. There was also no stipulation in any pending writ petition that the appointments would remain subject to the outcome of the writ petition. Such order came to be passed for the first time on 01.09.2021 in CWP-16904-2021.

13. From the pleadings made in the earliest two petitions filed in the year 2021, it is apparent that the selection process pursuant to the advertisement dated 05.07.2019 had already crystallized with publication of final result and therefore, important rights had crystallized in favour of those who were declared successful in the recruitment. Till the date of publication of final result i.e 22.04.2021, no writ petition was filed questioning the policy of socio-economic criteria marks or the consequential advertisements. Once that be the position, we are of the view that the petition could not have proceeded without impleading the selected candidates.

14. Way back in the year 1984, the Hon'ble Supreme Court in the

Case of '**Prabodh Verma vs. State of Uttar Pradesh**', (1984) 4 SCC 251, has



categorically held that in matters of recruitment, no petition could have been entertained without impleading the selected candidates or some of them in representative capacity. The principle laid down in ***Prabodh Verma (supra)***, has been consistently followed. Reference can be made also to the case of judgment of the Hon'ble Supreme Court in ***'Girjesh Shrivastava and others vs. State of M.P. and others'***, (2010) 10 SCC 707.

15. Our attention has also been invited to the judgment delivered by the same Bench in the case of ***'Manjeet vs. State of Haryana'***, CWP-9722-2025. In the case of ***Manjeet (supra)***, the judgment in ***Sukriti Malik (supra)*** was relied upon to challenge the advertisement issued in the year 2018 as also the selections made thereunder. The Division Bench which rendered the judgment under review observed as under in paragraphs 6 to 8:-

"6. Thus, the earlier 'socio economic criteria' which was introduced in 2018 has not been discussed in our judgment and would, therefore, only have a prospective effect w.e.f. the date, the notification dated 05.05.2022 has come into operation. The judgment passed by this Court, of which one of us was an author, nowhere intended to disturb the earlier selections, which have been made. So far as the seniority is concerned, it is settled law that seniority has to be prepared inter se of selected candidates on the basis of their merit obtained in the selection process. The petitioner admittedly did not challenge the 'socio economic criteria' introduced in the advertisement 04/2018 and his placement in the merit list is in accordance with the criteria as was adopted in the advertisement.

7. Once, he has been selected and placed at a particular position in the merit, his seniority would also be



assigned accordingly. There is no reason, therefore, to disturb his seniority to give him any advantage merely because subsequently we have quashed the ‘socio economic criteria’ introduced by the Government of Haryana.

8. The writ petition is wholly misconceived and is accordingly dismissed. "

16. From the materials placed on record, we find substance in the contention advanced on behalf of the review applicants that the judgment under review was delivered under a misconception of facts with regard to selections having been made during the pendency of the writ petition. We have already noticed that the writ petitions were in fact filed after the selections were already made. The result declared on 22.04.2021 was assailed without impleading any of the selected candidates. The mere fact that a subsequent order was passed on 01.09.2021, would not be of any help to the cause of the petitioners.

17. In that view of the matter, we allow the review applications and thereby recall the judgment and order dated 22.05.2025 passed in CWP-16904-2021 and the same is restored to its original number. Registry is directed to list CWP-16904-2021 on 14.07.2026 for arguments.

18. All pending application(s) filed in these reviews, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

07.04.2026

neeraj

Whether speaking/reasoned :
Whether Reportable :

Yes	No
Yes	No