



254 (7 cases)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1. **LPA-3171-2025 (O&M)**
Date of Decision: 23rd April, 2026

HARYANA PUBLIC SERVICE COMMISSIONAppellant(s)
V/s.
LAKHAN SINGH AND OTHERSRespondent(s)

2. **LPA-114-2026 (O&M)**
HARYANA PUBLIC SERVICE COMMISSIONAppellant(s)
V/s.
NAVENDERRespondent(s)

3. **LPA-32-2026 (O&M)**
HARYANA PUBLIC SERVICE COMMISSIONAppellant(s)
V/s.
BHUSHAN AND OTHERSRespondent(s)

4. **LPA-126-2026 (O&M)**
HARYANA PUBLIC SERVICE COMMISSIONAppellant(s)
V/s.
AMAN DALAL AND OTHERSRespondent(s)

5. **LPA-127-2026 (O&M)**
HARYANA PUBLIC SERVICE COMMISSIONAppellant(s)
V/s.
MUSKAN AND OTHERSRespondent(s)

6. **LPA-128-2026 (O&M)**
HARYANA PUBLIC SERVICE COMMISSIONAppellant(s)
V/s.
HARSHVARDHAN SINGH MALIK AND OTHERSRespondent(s)

7. **LPA-205-2026 (O&M)**
HARYANA PUBLIC SERVICE COMMISSIONAppellant(s)
V/s.
ANANT HOODA AND OTHERSRespondent(s)

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

Present Mr. Pravindra Singh Chauhan, Advocate General, Haryana
assisted by Mr. Sanjeev Kaushik, Addl. A.G., Haryana,
Mr. Divyanshu Kaushik, Advocate,
Mr. Abhinav Kaushik, Advocate and
Ms. Manreet Kaur, Advocate for the State of Haryana.
Mr. Kanwal Goyal, Advocate,

Ms. Sheena Dahiya, Advocate and
Mr. Komal Klana, Advocate, for the appellant(s)-HPSC.

Mr. Ajit Singh Lamba, Advocate,
Mr. Vivek Sheoran, Advocate,
Ms. Annie, Advocate, and Mr. Raktabh, Advocate
for the respondent(s) in LPA-3171-2025.

Ms. Aditi Sharma, Advocate
for the respondent(s) in LPA-205-2026.

Mr. Rohit Kumar Arora, Advocate, and
Ms. Yashika Walia, Advocate
for the respondent(s) in LPA-127-2026.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This order shall dispose of seven connected LPAs as the issue involved in these is identical.
2. These Appeals are by the Haryana Public Service Commission (hereinafter referred to as “the Commission”), challenging the judgment of the learned Single Bench whereby the process of recruitment for the post of Assistant District Attorney has been interfered with, primarily on the ground that the process of recruitment is wholly irrational.
3. The recruitment has been initiated pursuant to advertisement No. 18 of 2025 dated 08.08.2025, consisting of three phases/tiers. The scheme/pattern of examination contains the Screening Test, followed by the Subject Knowledge Test, and the Interview thereafter. The scheme of examination is contained in a separate notification issued on the same day as the advertisement. The same is reproduced hereinafter:-

“ANNOUNCEMENT

It is hereby announced for the information of the candidates who have applied for the posts of Assistant District Attorney (Group-B) in

Prosecution Department, Haryana in response to Advertisement No. 18/2025 that the Scheme/Pattern of Exam is as under:-

Scheme/Pattern of Exam:

1. Screening Test

- a) Total MCQs: 100*
- b) Total Marks: 100*
- c) Time duration of the exam: 02 hours*
- d) All questions carry equal marks.*
- e) Each question will have five options. The fifth option will be meant for a situation where a candidate intends to leave the question un-attempted.*
- f) One-fourth mark will be deducted for each wrong answer.*
- g) In case, a candidate neither attempts a question nor darkens the fifth option/bubble, then One-fourth mark will be deducted for each such question.*
- h) The question paper will be in English and Hindi.*
- i) A candidate will have to secure a minimum of 25% marks to clear the screening test.*
- j) Candidates four times the number of advertised posts along with bracketed candidates, if any, will be called for the Subject Knowledge Test, provided that they have secured the minimum cutoff marks of 25%.*
- k) The marks obtained by the candidates in the screening test will not be counted for final selection because it is meant only for short-listing of category-wise candidates.*

Topics / Syllabus of Screening Test:-

General Science

Current Events of National and International Importance

History of India

Indian and World Geography

Indian Culture, Indian Polity and Indian Economy
General Mental Ability (Reasoning and Analytical Abilities)
Basic numeracy (numbers and their relations, order of magnitude etc. - Class X level), Data interpretation (charts, graphs, tables, data sufficiency etc. Class X level)
Haryana GK - History, Geography, Polity, Economy, Culture etc.

2. **Subject Knowledge Test**

- a) *Time duration of exam 03 hours*
- b) *Total Marks: 150*
- c) *The question paper will be in English and Hindi.*
- d) *Paper will be subjective type.*
- e) *No candidate will be called for the interview/viva-voce unless she/he secures a minimum of 35% marks in the Subject Knowledge Test.*
- f) *The numbers of the candidates called for interview will be two times, along with bracketed candidates, if any, of the number of advertised posts provided that they have secured the minimum cut-off marks of 35%.*
- g) *The weight-age of the Subject Knowledge test will be 87.5%.*

Syllabus for the Subject Knowledge test is as under:-

a) *Civil Law*

- i) *Code of Civil Procedure*
- ii) *Bhartiya Sakshya Adhiniyam, 2023*
- iii) *Indian Contract Act*
- iv) *Indian Partnership Act*
- v) *Sale of Goods Act*
- vi) *Hindu Law*
- vii) *Mohammadan Law and Customary Law.*

b) *Criminal Law*

- i) *Bhartiya Nyaya Sanhita (BNS)*
- ii) *Bhartiya Nagrik Suraksha Sanhita (BNSS)*
- iii) *Bhartiya Sakshya Adhiniyam, 2023*

3. Interview

The weight age of the interview will be 12.5%

4. *The final merit list will be prepared by adding the marks of second stage examination and interview.*

Note: *Attendance in all three stages is mandatory.”*

4. As per the procedure laid down for the said recruitment, all candidates eligible for the post are required to apply by submitting a written application whereafter they would be subject to the Screening Test. The syllabus/topic for the Screening Test has been specified consisting of *General Science ; Current Events of National and International Importance ; History of India ; Indian and World Geography ; Indian Culture, Indian Polity and Indian Economy ; General Mental Ability (Reasoning and Analytical Abilities) ; Basic numeracy (numbers and their relations, order of magnitude etc. - Class X level), Data interpretation (charts, graphs, tables, data sufficiency etc. Class X level) and Haryana GK - History, Geography, Polity, Economy, Culture etc.*

5. In order to compete in the second phase of recruitment i.e. Subject Knowledge Test, every candidate must obtain 25% marks in the first phase i.e. in the Screening Test. The total number of posts advertised are 255. As per the scheme, candidates equal to four times the number of posts are to be called for the Subject Knowledge Test. In such circumstances, though the marks in the Screening Test are not to be counted for considering the merit of a candidate, yet, the marks have significance inasmuch as the candidates scoring higher marks in the Screening Test alone would be

allowed to participate in the Subject Knowledge Test to the extent they fall in the count of four times the number of posts.

6. The respondents-writ petitioners had contended before the learned Single Judge that in the Screening Test, the specified syllabus/topic has nothing to do with the field of law inasmuch as none of the subjects of law has been included and therefore, the screening of candidates is on a criteria which is wholly irrational. The merit of a candidate for appointment to the post of Assistant District Attorney will have to be determined with reference to his/her proficiency in the field of law and not on other subjects.

7. It was also contended that once the Screening Test is qualifying in nature and its merit is not to be counted, then all those who qualify the Screening Test ought to be allowed to participate in the Subject Knowledge Test and the contrary view taken by the Commission is arbitrary.

8. The learned Single Bench has found substance in both the contentions and therefore, has interfered with the process of recruitment by observing as under:-

“74. In view of the above, this Court finds considerable force in the petitioner’s submission that the Commission, under the guise of autonomy, cannot bypass the constitutional obligation of consultation by making unilateral changes to the recruitment process. The Commission’s attempt to draw a distinction between “selection” and “appointment” so as to escape the rigour of Article 320(3)(b) is wholly misconceived. The process of selection is not a procedural sidebar but an integral and substantive part of the appointment process. Consultation is mandated at every stage of the recruitment process, and not merely at the point of issuing appointment letters. Moreover,

the Commission has failed to demonstrate the procedure through which the decision to alter the syllabus or introduce a new shortlisting methodology was reached. To alter the methodology of selection such as the syllabus for shortlisting without consultation, is to defeat the very constitutional architecture that Article 320(3)(b) seeks to preserve.

75. *The above observations clearly establish that the recruitment process suffers from non-compliance with statutory norms and constitutional mandates. The unilateral change in syllabus and selection methodology without prior consultation, as required under Article 320(3)(b) of the Constitution and Clauses 41 and 42 of the Haryana Public Service Commission (Limitation of Functions) Regulations, 1973, renders the process procedurally flawed and legally unsustainable. Administrative convenience cannot override the statutory duty to follow due process and uphold candidates' rights under Article 16.*

Conclusion:-

76. *This Court is compelled to observe that recruitment to public service is neither a mere exercise in administrative arithmetic nor a mechanical sieve that shuts out merit for the sake of convenience. When legality is compromised, fairness is forsaken, and statutory mandates are disregarded, the essence of Article 16 stands deeply violated. In such circumstances, this Court is duty-bound to intervene in the exercise of its powers under Article 226 of the Constitution of India to ensure that substantial justice is done. The judiciary cannot remain a passive observer when administrative decisions result in manifest injustice, as is evident in the present case. Judicial review must respond where constitutional principles are at stake and arbitrariness is writ large on the face of the record. The present advertisement, aimed at filling a post as specialized as that of Assistant District Attorney, is bereft of any rational nexus with its intended objective. To conduct a screening test that*

excludes legal knowledge for a post fundamentally rooted in legal expertise is not only irrational but constitutionally untenable.

77. *The State, as a model employer, must be anchored in equity and guided by reason in all its actions. It cannot hide arbitrariness behind the cloak of discretion. The wholesale elimination of qualified candidates through a general knowledge filter, the neglect of mandated consultation under Article 320(3)(b), and the silent disregard of established norms without lawful procedure reveal a recruitment process that has lost its legitimacy.*

78. *Law without legality, process without fairness, and discretion without accountability are anathema to our constitutional order. Each recruitment notification is a beacon of hope for countless aspirants in a country rich in talent yet burdened by unemployment. The State cannot, through administrative haste or callous design, snuff out that hope. Discretion must be tethered to reason, and procedure must reflect purpose. Screening out a vast pool of meritorious candidates without testing their core legal competence fundamentally violates the constitutional guarantees of fairness and equal opportunity.*

79. *Accordingly, this Court holds that the Screening Test syllabus notified vide the advertisement dated 08.08.2025 at the first stage, for the reason recorded hereinabove, fails the test of reasonableness and relevance to the post of Assistant District Attorney as well as of giving equal opportunity to all in public employment by excluding a significant and deserving segment of candidates prematurely and unfairly, the process defeats the very purpose of recruiting the best legal talent for public service.*

80. *In light of the above, the announcement dated 08.08.2025 (Annexure P-2) and advertisement No. 18 of 2025 dated 08.08.2025 (Annexure P-1) are hereby quashed*

as arbitrary, unreasonable, and violative of Article 16(1) of the Constitution.

81. *However, the State Government as well as Commission would be at liberty to consider a fresh the process of selection, in the light of decision made hereinabove to fill up the post in question under the Advertisement No.18 of 2025 dated 18.18.2025 (Annexure P-1) as well as Announcement dated 18.08.2025 (Annexure P-2)."*

9. Mr. Pravindra Singh Chauhan, Learned Advocate General, Haryana, assisted by Mr. Sanjeev Kaushik, Addl. A.G., Haryana and Mr. Kanwal Goyal, Advocate argues that the anxiety on part of the State of Haryana is to select the best candidates for appointment to the post of Assistant District Attorney and for such purpose, holding the Screening Test becomes inevitable, as around 27,500 candidates have applied for the post and it would not be possible to hold a Subject Knowledge Test for all of them in the first instance. It is further submitted that the Screening Test requires scoring of 25% marks only and therefore, no exception can be taken to the Policy formulated for recruitment by the State of Haryana.

10. The submission advanced by the learned counsel for the appellants is opposed by the learned counsel for the respondents.

11. Having considered the submissions, we are not persuaded to accept the arguments advanced by the learned Advocate General, Haryana inasmuch as we find substance in the view taken by the learned Single Judge that for selection to the post of Assistant District Attorney, the paramount consideration would be the knowledge/ability of the candidate in the field of law which does not find part of the Screening Test. Though, the Screening

Test is said to be only qualifying in nature, but its merit will become relevant, once it is found that only four times the number of candidates is to be called for subsequent assessment whereas the total number of the candidates is far more.

12. Faced with the observations made by the Court, learned Advocate General, Haryana, on the basis of the instructions obtained, makes a statement/suggestion that the State would be prepared to conduct the Screening Test in a manner wherein a minimum of 50% questions would be from the field of law, while remaining questions would be from other topics/subjects as specified in the advertisement and are quoted above. Learned Advocate General also states that the Screening Test being qualifying in nature, the Commission would call candidates to the extent of ten times the number of posts advertised to take part in the Subject Knowledge Test.

13. The learned Advocate General, Haryana submits that the suggestion made by him is confined solely to the post of Assistant District Attorney, as such officers are urgently required in various districts of the State. He further clarifies that this suggestion shall not be treated as a precedent for any other recruitment process.

14. The fair submissions/suggestion advanced by the learned Advocate General, Haryana has been accepted by all the respondents. It is stated on behalf of the respondents that if the State proposes to proceed with the recruitment in the manner indicated by the learned Advocate General, Haryana, they have no objection to the same.

15. On account of the respective stand taken by the parties, we dispose of all these appeals by modifying the impugned judgment of the learned Single Bench, permitting the Commission to proceed with the recruitment by conducting a three phase/tier recruitment process. The first phase i.e. the Screening Test, would consist of the objective type multiple choice questions with a minimum 50% questions from the field of law while remaining questions would be from the topics/syllabus specified in the announcement/advertisement dated 08.08.2025 as referred to above. The second and third phase of recruitment i.e. the Subject Knowledge Test and Interview shall be as per the patterned examination and will remain unaltered. In addition, since the Screening Test is only qualifying in nature, the Commission shall call candidates upto ten times the number of the advertised posts to participate in the second phase i.e. the Subject Knowledge Test.

16. It is made clear that the aforesaid modification in the recruitment process is confined exclusively to the post of Assistant District Attorney and that this suggestion/modification shall not be treated as a precedent for any other recruitment process.

[ASHWANI KUMAR MISHRA]
JUDGE

[ROHIT KAPOOR]
JUDGE

April 23, 2026.
Ess Kay

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	/	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	/	<i>No</i>