



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

244

CWP-4947-2024
Date of decision: 14.07.2025

MOHIT GARGPetitioner

VERSUS

STATE OF HARYANA AND OTHERSRespondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present: - Mr. Kamaljeet Singh Mamrat, Advocate
for the petitioner.

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

Mr. Balvinder Sangwan, Advocate, for respondent-HPSC.

Mr. Sunil Kumar Nehra, Advocate for respondent No.3.

VINOD S. BHARDWAJ, J. (Oral)

Challenging the final result declared by the respondents on 29.08.2023 whereby the claim of the petitioner to the post of Deputy Director (Industrial Promotion) (Group-‘A’) in the Industries and Commerce Department had been ignored by the respondents, the instant writ petition has been filed.

2. The specific case set out by the petitioner is that even though as per the result declared by the respondents, the petitioner had scored higher than the private respondent herein, yet, the name of the private respondent



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had been recommended on a premise that there was a requirement to obtain 50% marks in the interview as well, which such requirement was not prescribed in the criteria notified by the respondents on 16.03.2021 i.e. prior to the commencement of the selection process. It is thus submitted that the petitioner is entitled to be recommended for the post of Deputy Director (Industrial Promotion) supra and be granted seniority over and above the private respondent.

3. Counsel for the Haryana Public Service Commission as well as the private respondents do not dispute that under similar circumstances, the reasons assigned by the respondent-Commission for non selection of candidates on the ground that they did not possess 50% marks in the interview, certain writ petitions were filed before this Court including by Jyoti Nagil and one Lalit Kumar. The said writ petitions were allowed by a Single Bench of this Court against which *LPA No. 465 of 2025* titled ***“Haryana Public Service Commission versus Jyoti Nagil and others”*** and *LPA No. 481 of 2025* titled ***“Haryana Public Service Commission versus Lalit Kumar and others”*** were filed. The said Letters Patent Appeal have been dismissed vide judgment dated 17.02.2025. Hence, the result prepared by the respondent-Haryana Public Service Commission was found to be flawed on account of change in the selection criteria after the game had begun. The said criteria was held to be bad in law for having not been disclosed to the candidates before the process of selection had commenced.



4. The Counsel for the respondent-Haryana Public Service Commission fairly concedes that the name of the petitioner deserved to be recommended in the final result as declared by them.

5. Counsel for the private respondent at this stage submits that one Gaurav bearing Roll No. 8217 had been recommended against the post of Deputy Director (Industrial Promotion) (Group 'A') but he did not join against the post and instead joined as Deputy Director (Projects), hence, one post under the promotional quota continued to remain vacant and the said aspect had been noticed by this Court while directing a post to be kept reserved, in its order dated 11.03.2024 which reads thus:-

*“Contends that the petitioner had secured more marks than the private respondent No.3, but he has been ignored in the selection process on the ground that he has secured less than 50% marks in the viva voce. Counsel submits that the criteria of securing 50% marks in the interview was decided after the selection process was initiated. By placing reliance upon the judgments of the Supreme Court in **Sivanandan C.T. and others Versus High Court of Kerala and others 2023 INSC 709; K. Manjusree Versus State of A.P. and another 2008 (3) SCC 512 and Sri Srinivas K. Gouda Versus Karnataka Institute of Medical Sciences & others 2022 (1) SCC 49**, he contends that the rules of the game cannot be changed after the selection process has commenced.*

Issue notice to the respondents.

On asking of the Court, Mr. Aman Bahri, Addl. A.G., Haryana, accepts notice on behalf of respondent No.1. Upon instructions received from Captain Manish



Kumar Lohan, HCS, Additional Director Administration, Department of Industries & Commerce, State counsel has apprised the Court that against the four advertised posts, the Commission had recommended four names and three candidates have joined. He submits that one post is vacant as of today.

Mr. Balvinder Sangwan, Advocate accepts notice on behalf of respondent No.2-HPSC.

Respondent No.3 be served for 15.03.2024.

In the meanwhile, the vacant post be not filled till the next date of hearing.

6. He further submits that he would have no objection to the petitioner being appointed to the post of the Deputy Director (Industrial Promotion) (Group 'A') and for being assigned seniority over and above him alongwith all notional benefits.

7. In view of the aforesaid undisputed position and the judgment dated 17.02.2025 of the Division Bench in ***LPA No. 465 of 2025*** titled ***"Haryana Public Service Commission versus Jyoti Nagil and others"*** and ***LPA No. 481 of 2025*** titled ***"Haryana Public Service Commission versus Lalit Kumar and others"***, the instant writ petition is allowed. The final result declared by the respondents on 29.08.2023 is accordingly set aside. The respondent-Haryana Public Service Commission is further directed to recommend the case of the petitioner for appointment to the post of Deputy Director (Industrial Promotion) (Group 'A') within a period of one month of receipt of certified copy of this order to the respondent authorities whereupon the Government shall issue the formal order of appointment

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within a further period of one month. The petitioner shall be entitled to the benefits notionally w.e.f. the date when private respondent –Hitender Kadian was actually appointed against the said post and they shall accrue actually on expiry of a period of two months or with effect from the date of his actual order of appointment, whichever is earlier.

8 Further, it is held that recommendation made in favour of the private respondent be not withdrawn since the post remained unfilled on account of one of the recommended candidates having not joined the post and the private respondent undisputedly being next in the order of merit and vacant post in the promotional quota.

JULY 14, 2025*Vishal Sharma***(VINOD S. BHARDWAJ)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No