

2025:PHHC:047161-DB



CWP-9722-2025 (O&M)

Date of Decision: 05.04.2025

Manjeet

...Petitioner

Vs.

State of Haryana and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA**

Present: Mr. Sarthak Gupta, Advocate for the petitioner.

SANJEEV PRAKASH SHARMA, J. (Oral)

1. The petitioner by way of this writ petition claims his seniority over others who were selected along with him, by deleting the bonus marks granted to any one of them on the basis of 'socio economic criteria' as adopted/introduced in the advertisement No.04/2018.

2. Learned counsel submits that as the 'socio economic criteria' has been set aside by this Court in **Sukriti Malik v. State of Haryana and others**, CWP-1563-2024, which will have a retrospective effect, the selections which were conducted earlier and merit prepared under advertisement No.04/2018, also needs to be revised by deleting 'socio economic criteria' bonus marks and accordingly *inter-se* seniority of selected candidates must be maintained.

3. Learned counsel submits that the representation made by the petitioner which has been rejected by the Additional Chief Secretary,

Government of Haryana, vide its order dated 29.01.2025, therefore, deserves to be set aside.

4. We have considered the submissions.

5. The judgment passed by this Court in **Sukriti Malik case** (**supra**), took into consideration all aspects relating to socio economic criteria and following order was passed:-

“78. It is apparent that since the selections and appointments have been made by the respondents during the pendency of these cases, it is for the State/Commission to have taken a decision at their own risk and costs. Any appointment made by them in terms of theory of lis pendence will, therefore have to go.

79. Keeping in view our aforementioned findings, we conclude as under:-

A) The socio economic criteria introduced vide amendment notification dated 05.05.2022 is quashed and set aside. The bonus marks granted on the basis of socio economic criteria held to be violative of Articles 14, 15 and 16 of the Constitution of India.

B) CET result declared on 10.01.2023 as well as subsequent result dated 25.07.2023 are quashed. It is directed that the fresh merit shall be now prepared solely on the basis of the CET marks of the candidates who have appeared in the same. Making it as a basis, the State/Commission shall now issue a fresh advertisement for filling up various posts and each candidate shall be allowed to apply strictly in accordance with the Rules for the posts and if more than four times applicants are available for the posts, the respondents may lay down a cut-off of the CET for the purpose of participation. The Rules for examination shall accordingly follow The result shall be declared accordingly.

C) Those candidates, who have been appointed on various posts on the basis of the earlier result, shall be allowed to participate in the fresh selection process if they fall in the

new merit list of the CET. Till fresh selection is prepared they shall be allowed to continue to perform their duties on the posts to which they have appointed. However, if they are not selected ultimately in the fresh process, they shall have to leave the posts and their appointments shall stand terminated forthwith. No right shall be created in their favour on account of continuing on the posts nor will they be entitled to claim any benefit on account of the same except the salary for the period during which they perform their duties.

D) Keeping in view our findings relating to conducting of examination without declaring the result of CET finally by the Commission, we direct the Chief Secretary, Haryana to take steps to appoint a suitable candidate having experience of conducting examinations as Secretary of the Haryana Staff Selection like the Controller of Examinations of any State Universities.

E) In order to maintain transparency and consistency, the Commission is henceforth directed to frame Rules of the Commission for conducting of its examinations without leaving any discretion for its officials or Members to take decisions on their whims and fancies which has resulted in the present litigation.

F) The exercise shall be completed afresh positively within a period of six months.”

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.

9. All pending misc. application(s) also stand disposed of.

(SANJEEV PRAKASH SHARMA)
JUDGE

(MEENAKSHI I. MEHTA)
JUDGE

05.04.2025

rajesh

1. Whether speaking/reasoned?	:	Yes/No
2. Whether reportable?	:	Yes/No