



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

130

CWP-27673-2025

Decided On: 17.09.2025

HARIKESH

....PETITIONER(s)

Versus

STATE OF HARYANA AND OTHERS

....RESPONDENT(s)

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. R. S. Dhull, Advocate with  
Mr. Navnit Sharma, Advocate  
for the petitioner.

Ms. Tanushree Gupta, Senior Deputy Advocate General,  
Haryana.

Ms. Harpriya Khaneka, Advocate  
for respondent no.3/HPSC.

**TRIBHUVAN DAHIYA J.(Oral)**

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing condition 2(d) of the advertisement 42 to 67 of 2024, dated 02.08.2024, which prescribes that the number of candidates to be called for interview will be two times of the number of advertised posts, provided they secure atleast thirty-five per cent marks; and quashing of the announcement/schedule dated 05.09.2025, Annexure P-3, has also been sought, whereby the petitioner stands excluded on failing to clear the Subject Knowledge Test with requisite number of marks.

2. Learned counsel for the petitioner contends that he is physically challenged, suffering from forty per cent permanent disability being visually impaired, as established on the basis of his certificate dated 23.01.2024. On this ground he is entitled to relaxation of minimum cut-off marks for the Subject Knowledge Test. Such relaxation has already been granted to



physically challenged candidates for selection to the post of HCS (Executive Branch). As per the averments in para 18 of the petition, two of the candidates bearing roll numbers 2672 and 2706, who had secured less than the minimum required forty-five per cent marks in written test, were allowed to appear for the interview on account of being physically challenged. On that basis, the Commission may be directed to provide the relaxation to the petitioner also.

3. Learned counsel for the Commission, appearing on advance notice, has opposed a prayer on the ground that there is no such provision in the advertisement and, therefore, it cannot be granted to the petitioner. Besides, he has already participated in the selection process without opposing the impugned condition of the advertisement regarding minimum marks in the Subject Knowledge Test, nor has he sought any relaxation from the Commission at any stage. She has also relied upon the judgment in *Madan Lal and others v. State of Jammu and Kashmir*, 1995(3) SCC 486, to contend that once the candidate has participated in the selection process, he cannot be allowed to turn around and challenge the selection criteria.

4. Submissions made by learned counsel for the parties have been considered.

5. It remains undisputed that the petitioner has participated in the selection process without ever objecting to the impugned condition of the advertisement. He appeared in the Subject Knowledge Test; its result was declared on 05.09.2025. Only after remaining unsuccessful in securing the minimum cut-off marks as prescribed under the impugned condition 2(d), he approached this Court by filing the instant petition. Once he has participated in the selection process without objecting to the condition and remained unsuccessful, he cannot be allowed to take a different stand and challenge that very condition. Besides, merely because the Commission once provided such



relaxation to the physically challenged candidates for the post of HCS (Executive Branch), it cannot be a ground to claim relaxation for the post in question. Firstly, the averments regarding relaxation are unsubstantiated as no announcement/notice to that effect has been placed on record. It cannot be ascertained as to why, if at all, the relaxation was given to candidates for those posts. Secondly, the selection in question is regulated as per conditions in the advertisement duly notified which do not provide for any relaxation. And in the midst of selection process the same cannot be provided.

6. In view thereof, there is no ground to entertain the present petition and it stands dismissed.

17.09.2025

*Ad*

*Whether speaking/reasoned?*

*Whether reportable?*

(TRIBHUVAN DAHIYA)

JUDGE

*Yes/No*

*Yes/No*