



**101 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP-7463-2002 (O&M)
Date of Decision: 14.05.2025**

Bimla Devi and another

....Petitioners

vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. N.K.Malhotra, Advocate
for the petitioners
Mr. Raman Sharma, Addl. A.G., Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondents to consider them for the post of Lady Constable at Rohtak Range, Rohtak.
2. The petitioners pursuant to advertisement dated 03.10.2001 applied for the post of Lady Constable. They were not selected due to lower marks in physical examination test.
3. Mr. N.K.Malhotra, Advocate submits that private respondents submitted documents after cut off date still their documents were considered and appointment letters were issued. The same was contrary to the terms and conditions of the advertisement.
4. Mr. Raman Sharma, Addl. A.G., Haryana submits that private respondents were appointed in 2002 and joined in the same year. They are working since then and have further been promoted. Setting aside of their appointment at this stage would not be appropriate.



5. I have heard learned counsel for the parties and perused the record with their able assistance.

6. A five Judge bench of Supreme Court in **Sivanandan C.T. and others vs. High Court of Kerala and others, 2023 SCC OnLine SC 994** though held that appointment of Judicial Officer by Kerala High Court was bad in law, however, did not disturb appointment on the ground that already appointed officers have already served for nearly six years and gained experience. It would deprive the State and its citizens of the benefit of experienced judicial officers. The relevant extracts of the judgment read as:

“60. The following are our conclusions in view of the above discussions:

(i) The principles of good administration require that the decisions of public authorities must withstand the test of consistency, transparency, and predictability to avoid being termed as arbitrary and violative of Article 14;

(ii) An individual who claims a benefit or entitlement based on the doctrine of substantive legitimate expectation has to establish the following : (i) the legitimacy of the expectation; and that (ii) the denial of the legitimate expectation led to a violation of Article 14;

(iii) A public authority must objectively demonstrate by placing relevant material before the court that its decision was in the public interest to frustrate a claim of legitimate expectation;

(iv) The decision of the High Court of Kerala to apply a minimum cut-off to the viva voce examination is contrary to Rule 2(c)(iii) of the 1961 Rules.

(v) The High Court's decision to apply the minimum cut off marks for the viva voce frustrates the substantive legitimate expectation of the petitioners. The decision is arbitrary and violative of Article 14.



(vi) In terms of relief, we hold that it would be contrary to public interest to direct the induction of the petitioners into the Higher Judicial Service after the lapse of more than six years. Candidates who have been selected nearly six years ago cannot be unseated. They were qualified and have been serving the district judiciary of the state. Unseating them at this stage would be contrary to public interest. To induct the petitioners would be to bring in new candidates in preference to those who are holding judicial office for a length of time. To deprive the state and its citizens of the benefit of these experienced judicial officers at a senior position would not be in public interest.”

7. The instant petition relates to selection of 2001-2002. A period of almost 25 years of has passed away. The selection of private respondents, at this stage, cannot be disturbed in view of judgment of Supreme Court in **Sivanandan C.T.(supra)**.

8. In the wake of above discussion and findings, this Court is of the considered opinion that instant petition deserves to be dismissed and accordingly dismissed.

9. Pending Misc. application(s), if any, shall stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

14.05.2025
paramjit

Whether speaking/reasoned:	Yes	
Whether reportable:		No