



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

CWP-26563-2025

Date of decision : 08.09.2025

Karan Dhingra

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE SANJIV BERRY

Present: Mr. Anant Modgil, Advocate,
for the petitioner.

Mr. Vipin Pal Yadav, Addl. Advocate General, Punjab.

Ms. Harpriya Khaneka, Advocate,
for respondent No.2 – High Court.

SHEEL NAGU, CHIEF JUSTICE (Oral)

1. Challenge in this petition is to the economic criteria contained in clause 3.3 of the notification dated 01.06.2025 (Annexure P-2) issued by the High Court of Punjab & Haryana (respondent No.2) for filling up 25% quota reserved for members of the Bar in Punjab Superior Judicial Service.

2. At the outset, learned counsel for respondent No.2 – High Court has drawn our attention to decision of Co-ordinate Bench of this Court in the case of **Dr. Gurbuneet Singh Randhawa Vs. The Registrar General, Punjab and Haryana High Court, Chandigarh** (CWP No. 21026 of 2019, decided on 24.09.2019) and also a bunch of petitions, including **Rajender and others Vs. State of Haryana and another** (CWP-27851-2023, decided on 21.03.2024),



wherein similar challenge to the same Rule in the earlier recruitment processes was repelled).

2. The relevant findings rendered in both the aforesaid decisions by upholding the validity and legality of clause 3.3 of the impugned notification are re-produced below for ready reference and convenience :-

Dr. Gurbuneet Singh Randhawa's case (supra)

“36. It may also be mentioned here that similar provision, *pari matria* to rule 10(bb) of the Punjab Superior Judicial Service Rules, 2007 and clause 3(bb) of the impugned notification, has been made in rule 11(bb) of the Haryana Superior Judicial Service Rules, 2007 notified vide Gazette Notification dated 06.06.2014 which was challenged in the Hon'ble Supreme Court by the Punjab and Haryana High Court Bar Association by filing **writ petition (Civil) No.579 of 2015 titled as 'The Punjab and Haryana High Court Bar Association Vs. The Registrar (Recruitment), Punjab and Haryana High Court'**, which was subsequently, on leave sought in this regard, dismissed as withdrawn vide order dated 20.04.2018.

37. The object of sub-rule (bb) of Rule 10 of the 2007 Rules is to enable the High Court to get the candidates of the desired level of excellence in the Punjab Superior Judicial Service to cater to the exigencies thereof. The requirements of the job can be taken into consideration to prescribe higher eligibility conditions as part of a well structured process for making a selection which would advance the cause of efficiency. Higher eligibility conditions can always be introduced by the competent authority for the purpose of maintenance of higher standards in service in furtherance to its decision taken in the interest of administrative excellence. What has been done by the



Notification dated 30.05.2019 is to evolve a procedure to choose the best available talent. It cannot for a moment be stated that prescription of the condition is in any manner irrelevant or not having any nexus to the object sought to be achieved. The merit of a candidate from the Bar and his suitability for direct recruitment have to be assessed with reference to his performance at the Bar. Therefore, the prescription of the eligibility conditions of appearance in 50 cases in a year and income of Rs.5 Lakhs per annum (Rs.3,00,000/- per annum for candidates of SC/ST/BC categories) in Rule 10 (bb) of the 2007 Rules reproduced by way of clause 3(bb) in the Notification dated 26.3.2001 is necessary and fully justified for assessment of suitability of the candidates for direct recruitment from the Bar. It will not be proper to strike down the Rule framed by the Governor in consultation with the High Court laying down the qualification, which is germane and best suited to achieve the object, as being arbitrary or discriminatory. No doubt, there was no such condition in the similar examinations recently conducted by the High Court of Madhya Pradesh, Jabalpur and the High Court of Judicature at Allahabad for filling up of similar posts in the Higher Judicial Services but that fact is not by itself sufficient to hold the said clause to be arbitrary and discriminatory and strike down the same. When scrutinized in the context of law on the subject, we do not perceive any error in fixation of higher eligibility conditions which otherwise have uniform application and which cannot be treated to be irrelevant, irrational or illegitimate to the object to be thereby achieved. The action of respondent is not discriminatory, arbitrary, unjustifiable and against constitutional provisions guaranteeing equality. Consequently, prescription by Rule 10 (bb) of the 2007 Rules of higher eligibility condition of appearance in 50



cases in a year and income of Rs.5 Lakhs per annum (Rs.3,00,000/- per annum for candidates of SC/ST/BC categories) not being arbitrary or discriminatory and violative of Articles 14 and 16 of the Constitution of India is not liable to be struck down on the ground of being ultra vires to the Constitution of India.

38. *It follows from the above discussion that no grounds have been made out by the petitioner for quashing clause 3(bb) of the notification dated 30.05.2019 (**Annexure P-1**) and directing the respondent to consider application/candidature of the petitioner for the said post.*

39. *The writ petition is, therefore, devoid of any merit and is accordingly dismissed with no order as to costs.”*

Rajender’s case (supra)

“36. *Thus it is apparent that the advocates posted as ADA, DA, PP are required to fulfill the eligibility criterion as per the rules which have been validly framed. It is to be noted at this stage that there is no challenge to the competence or the power to frame said rules. It is thus apparent that persons working as ADAs/DAs/PPs are doubtlessly to be considered for appointment to Higher Judicial Services but it cannot by any stretch of imagination be held that by virtue thereof they are entitled to exemption from statutory eligibility conditions or that the said edibility conditions need to be relaxed qua them. The rationale and basis of inserting such conditions is apparent and has been upheld through various judicial verdicts as narrated in the foregoing paras.*

38. *An argument raised in the alternate by learned counsel for petitioners that the condition(s) as provided in Rule 10 (bb) should be relaxed for ADA, DA, PP who form a separate class by themselves is also devoid of any merit. It is a settled position that relaxation of rules cannot be afforded at the mere asking. Even where the rules permit*



*relaxation, writ of mandamus is not to be issued at the asking for directing competent authority to grant such relaxation. Gainful reference in this respect can be made to judgment of Hon'ble the Supreme Court in **Sanjay K. Dixit and others Vs. State of U.T and others, (2019) 17 Supreme Court Cases 373 and State of U.P and others Vs. Vikash Kumar Singh and others, 2022 (1) SCC 347.***

3. Accordingly, the issue raised herein is no more *res integra* in view of aforesaid decisions rendered by this Court, which have attained finality due to failure of any of the aggrieved parties to challenge the same.

4. Consequently, this petition stands dismissed.

(SHEEL NAGU)
CHIEF JUSTICE

(SANJIV BERRY)
JUDGE

September 08, 2025
narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No