

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

2025:PHHC:087006-DB



Reserved on: 14.07.2025

Date of pronouncement: 17.07.2025

1) **LPA No. 691 of 2022**

State of Haryana and others

.....Appellants

versus

Abhishek Verma

.....Respondent

2) **LPA No. 692 of 2022**

State of Haryana and others

.....Appellants

versus

Ankur Mittal

.....Respondent

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

Present : Ms. Shruti Jain, Sr. Deputy Advocate General, Haryana,
for the appellant-State of Haryana.

Mr. Arjun Partap Atma Ram, Advocate,
for the respondent in LPA No. 691 of 2022.

Mr. Gurminder Singh, Senior Advocate with
Mr. J.S.Gill, Advocate, for the respondent in
LPA No. 692 of 2022.

SHEEL NAGU, CHIEF JUSTICE

CM No. 1611-LPA of 2022 in LPA No. 691 of 2022

For the reasons mentioned in the application, delay of 78 days in
filing the appeal is condoned. Application stands disposed of.

LPA Nos. 691-2022 and 692-2022 (O&M)

Both these intra-court appeals preferred by the State of Haryana
involve similar set of facts and identical set of grounds and relief sought and
therefore, the same are decided by this common order.

2. Both these appeals assail common order passed by the learned Single Judge on 18.04.2022, while deciding Civil Writ Petition Nos. 6584 of 2019 and 7651 of 2021, raising grievance of non-appointment of the petitioners (respondents herein) in the Haryana Civil Services/Haryana Police Services (HCS/HPS) on the strength of their credentials in the field of sports under the Haryana Outstanding Sportspersons (Recruitment & Conditions of Service) Rules, 2018. Accordingly, the factual matrix involved in these appeals are detailed below in a tabular form chronologically: -

LPA No. 692 of 2022

05.09.2018	Haryana Outstanding Sportspersons (Recruitment & Conditions of Service) Rules, 2018 are brought into effect.
31.08.2018	Petitioner Ankur Mittal win gold medal in Shooting Double trap.
16.09.2018	State of Haryana issued certain instructions pointing out anomalies in 2018 Rules suggesting amendment.
26.09.2018	Abhishek Verma-petitioner in LPA No. 692 of 2022 applies for appointment on the post of HCS/HPS on the strength of having won Bronze Medal in Shooting (double trap) category.
29.11.2018	The candidature of petitioner Ankur Mittal is rejected for not being as per 2018 Rules.
09.03.2019	2018 Rules are amended and published in the official gazette.
28.06.2019	Both the petitioners offered the post of Sports Coach which is not one of the posts under HCS/HPS.
06.01.2020	Offer of appointment of Sports Coach stands cancelled because of non-joining of petitioner-Abhishek Verma.
20.02.2021	New Rules, namely, Haryana Outstanding Sports Persons (Groups A,B and C) Services Rules, 2021 are published in the official Gazette after repealing 2018 Rules.

3. We have heard learned counsel for the rival parties on the question of admission so also on final disposal.

4. The State of Haryana is before this Court assailing the findings of the learned Single Judge on the ground that certain anomalies were noticed in 2018 Rules whereafter the Rules were amended on 09.03.2019 which led to rejection of the claim of petitioners (respondents herein) which was considered under the amended Rules.

4.1 State of Haryana appears to be labouring under a misconception by turning a Nelson's-eye to the settled principle of Service Jurisprudence that once the process of recruitment commences, the Rules of recruitment cannot be changed midway. This principle is founded upon the fact that Article 16 of the Constitution extends fundamental right to every person for being considered for public employment. This right cannot be curtailed by any statutory provision. However, it cannot be stretched to the extent of claiming fundamental right to appointment. The reason being that consideration for public employment for all persons eligible under the Recruitment Rules is a fundamental right but that by itself cannot mature into fundamental right of appointment because for consideration to mature into an appointment requires satisfaction of various terms and conditions and provisions laid down in the Recruitment Rules or executive instructions framed for the purpose of testing the suitability of a particular eligible candidate.

4.2 Testing the factual matrix of these cases on the anvil of the aforesaid principles of service jurisprudence, the learned Single Judge rightly found that the petitioners, who had applied when 2018 Rules were in vogue, ought to be considered under the said 2018 Rules and not under the amended

Rules which came into existence on 09.03.2019 (notwithstanding having been given effect to retrospectively).

4.3 The act of the State in making amendment on 09.03.2019 to have effect retrospectively from 05.09.2018 appears to be a deliberate act to scuttle the legitimate claim of the petitioners (respondents herein), which had matured made under the 2018 Rules. Retrospectivity of the amendment in 2018 Rules cannot dilute the fundamental right acquired by the petitioners of being considered for public employment under the Rules of 2018 existing at the time of making applications.

4.4 The time-tested principle of Service Jurisprudence is that Rules of the game cannot be changed once the game has begun as bolstered by the Apex Court in ***K.Manjusree vs. State of Anahdra Pradesh and another (2008) 3 SCC 512***, relevant extract of which is reproduced infra:-

“Therefore, introduction of the requirement of minimum marks for interview, after the entire selection process (consisting of written examination and interview) was completed, would amount to changing the rules of the game after the game was played which is clearly impermissible. We are fortified in this view by several decisions of this Court. It is sufficient to refer to three of them [P. K. Ramachandra Iyer v. Union of India](#) 1984 (2) SCC 141, [Umesh Chandra Shukla v. Union of India](#) 1985 (3) SCC 721, and [Durgacharan Misra v. State of Orissa](#) 1987 (4) SCC 646.....(emphasis supplied)”.

The aforesaid view has been reaffirmed by Constitutional Bench of the Apex Court in ***Tej Prakash Pathak and others vs. Rajasthan High Court and others 2025(2) SCC 1***, relevant para whereof is extracted hereinbelow:-

“53. The decision in [K. Manjusree](#) (supra) does not proscribe setting of benchmarks for various stages of the recruitment process but mandates that it should not be set

after the stage is over, in other words after the game has already been played. This view is in consonance with the rule against arbitrariness enshrined in [Article 14](#) of the Constitution and meets the legitimate expectation of the candidates as also the requirement of transparency in recruitment to public services and thereby obviates mal practices in preparation of select list.”

5. In view of the above discussion, this Court sees no reason to take a different view than the one taken by the learned Single Judge.

6. Before parting, it would be appropriate to note that despite the petitioners’ case being based on sound and time-tested principles of Service Jurisprudence, the action of the functionaries of the State of Haryana appears to be not *bona fide*. This litigation ought not to have arisen in the very first place had the State of Haryana and its functionaries obtained proper legal advice. The action of the appellants herein appears to be merely to scuttle the genuine claim of the petitioners. Thus the appellant-State of Haryana is liable to be saddled with cost of Rs.50,000/- out of which Rs.10000/- each shall be paid to both the petitioners, namely, Abhishek Verma and Ankur Mittal and the remaining amount of Rs.30,000/- shall be credited in the account of Punjab & Haryana Bar Association, Chandigarh for having wasted precious time of this Court in pursuing this avoidable piece of litigation.

7. With the above observations, both the appeals stand dismissed with costs.

**(SHEEL NAGU)
CHIEF JUSTICE**

**(SANJIV BERRY)
JUDGE**

17.07.2025

ravinder

Whetherspeaking/reasoned	√Yes/No
Whethereportable	√Yes/No