



LPA-742-2025 (O&M)

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

LPA-742-2025 (O&M)

Date of Decision: 27.05.2025

HARYANA STAFF SELECTION COMMISSION

. . . . Appellant

Vs.

VIKAS AND OTHERS

. . . . Respondents

**CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA
HON'BLE MR. JUSTICE DEEPINDER SINGH NALWA**

Present: Mr. Hitesh Pandit, Addl. A.G., Haryana
for the appellant.

Mr. Jasbir Mor, Advocate
for respondent No.1.

SANJEEV PRAKASH SHARMA, J.(Oral)

1. Application No.CM-3465-LPA-2025 has been filed for preponement of the main case. For the reasons stated, the same is allowed. Main case is taken up today itself.
2. This Court in a bunch of cases with lead case of *CWP-16904-2021 titled as Neeraj vs. State of Haryana and another, decided on 22.05.2025*, wherein socio-economic criteria has been quashed and set aside, has held as under:

“34. Taking into consideration the aforesaid law, we apply the theory of “no fault” with regard to the candidates who would be ousted from the merit list although they had cleared the written examination and have been working for quite a long time now. We also notice that the candidates, who would have been appointed, went under a cumbersome selection process and their appointments were made in terms of the method and manner of selection as laid down in the advertisement.



Although, we have not approved the socio economic criteria adopted vide notification dated 11.06.2019, such appointees ought not be made to suffer.

35. *We also notice that after 2019, vacancies may be available with the State Government. We, therefore, save their appointments with a condition that they would have no claim for seniority in terms of the advertisement of 2019.*

36. *We, therefore, find that notification dated 11.06.2019 to be in violation of Articles of 14, 15 and 16 of the Constitution of India and the same is accordingly declared ultra vires and liable to be quashed and set aside.*

37. *Since, we have set aside the criteria of adding up to 10 bonus marks on the basis of socio-economic criteria and experience, we issue following directions:-*

A. *The State would be required to publish a revised result and on the basis of the revised result, the candidates who are found to be meritorious, would be entitled to be considered for appointment for the concerned posts which were advertised in the year 2019.*

B. *Those candidates, who have already been appointed, if they fall in the said merit would continue to perform their duties.*

C. *Those appointees, who are going to be ousted on account of the revised merit list, shall be allowed to continue against future posts and in this regard, the State Government may conduct an exercise of finding out vacancies for them. If no vacancies are available, they will be allowed to continue on ad hoc basis till vacancies are made available. Their appointments would be treated from the date the vacancies are so made available and would have no claim on the posts which were advertised vide advertisement in 2019. The power is being exercised to save such appointments as there was no fault of such*



persons, who have already appointed and have been working for years now.

D. The candidates, who are placed in the revised merit, will be treated as senior to those whose appointments have been saved although not falling in the merit.

E. The new incumbents, who would be selected on account of the revised merit list, would be entitled to claim their appointments from the date the similarly situated other candidates were appointed with all consequential benefits of seniority and pay parity. However, their salary would be fixed notionally from the date others were appointed till the date they join the post.

F. The exercise shall be conducted within the period of three months.

38. In view of the above, all these Writ Petitions stand disposed of in the aforesaid terms.”

3. In view of above, the present appeal stands **allowed** in the same terms.

The observations, as above, shall apply to the present case too.

4. All pending applications also stand disposed of accordingly.

(SANJEEV PRAKASH SHARMA)
JUDGE

(DEEPINDER SINGH NALWA)
JUDGE

27.05.2025

Mohit goyal

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No