



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Sr. No.119

RA-CW-423-2025 in
CWP-27538-2025

Date of Decision: 23.09.2025

Kapil Deo Tripathi

...Applicant/Petitioner

Versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Ms. Jyoti Pandey, Advocate, and
Mr. M.M. Pandey, Advocate, for the applicant/petitioner.

Mr. Amit Sahni, Additional Advocate General, Haryana.

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

TRIBHUVAN DAHIYA, J. (ORAL)

The application has been filed seeking review of the order dated 15.09.2025, whereby the petition stands disposed of in view of the statement made by learned counsel for the Commission that the impugned announcement, dated 26.06.2025, Annexure P-2, is not applicable to the reserved category candidates like the petitioner. The order reads as under:

The petition has been filed, *inter alia*, seeking a writ of *certiorari* quashing the announcement dated 26.06.2025, Annexure P-2, issued by the Commission, as also the order dated 05.09.2025, Annexure P-10, whereby the petitioner's candidature has been rejected on that basis.

2. The impugned announcement requires that “*the eligibility of the candidates from other States as well as the Reserved*”



Category candidates of Haryana State (who are coming within the qualifying zone in UR/General category, on their own merit) has to be checked at par with the UR/General category candidates, before considering their candidature in UR/General category. ...”

3. Learned counsel for the respondent/Commission, on instructions, submits that the Commission has decided not to make the impugned announcement, dated 26.06.2025, applicable to reserved category candidates like the petitioner who belong to other States. In case he is found eligible otherwise, he will be permitted to participate in the selection process, irrespective of the order dated 05.09.2025.

4. In view thereof, there is no ground to entertain the petition and it stands disposed of.

2. Learned counsel for the applicant/petitioner contended that a wrong statement was made on behalf of the Commission regarding non-applicability of the impugned announcement to the petitioner, though the rejection of his candidature vide impugned letter, dated 05.09.2025, was on that basis only. Further, she drew the Court's attention to the application form submitted by the petitioner, dated 22.08.2024, Annexure P-3, showing that he applied as a General/unreserved category candidate belonging to the State of Uttar Pradesh (U.P.), and participated in the selection process as such. After clearing the Subject Knowledge Test, he was called for scrutiny of documents on 04.08.2025, vide announcement dated 30.07.2025, Annexure P-9. The candidates called for scrutiny were required to appear in the Commission's office along with their application forms, National Eligibility Test (NET) certificate (as claimed/uploaded) with NET marksheet, category wise cut-off marks for the said NET exam, and all original documents. The petitioner, accordingly, appeared before the scrutiny committee and showed the NET certificate. His candidature was, however, rejected subsequently on 05.09.2025, on the ground that he was required to fulfill the eligibility conditions of a



General category candidate but failed to submit NET scorecard and category wise cut-off marks of the exam.

2.1. She also contends that there is no stipulation in the advertisement that NET qualified candidates have to produce the scorecard also. The petitioner cleared the joint CSIR-UGC Test/NET held on 21.06.2009, and was issued a certificate to that effect, dated 24.02.2010, Annexure P-5, which was duly shown to the Commission during scrutiny. He was not in possession of the scorecard, as it had never been asked from him by any other recruiting agency ever, nor was there any requirement for it as per the advertisement. Only after rejection of the candidature he sought the detailed scorecard from CSIR, which was furnished vide letter dated 11.09.2025, Annexure P-11, to the effect that he had obtained 157.80 (39.45%) marks in the subject of Life Science in joint CSIR-UGC NET Exam held in June 2009, and the minimum cut-off percentage for General category candidates was 35 per cent. She further contends that the candidates were required to produce the NET scorecard based upon the impugned announcement, dated 26.06.2025, issued by the Commission after eleven months of issuing the advertisement; it is to the effect that their eligibility for reservation in General category will be checked on the basis of their NET score. The petitioner cannot be put to disadvantage on the basis of a condition subsequently introduced by the Commission. Besides, he has cleared the NET exam as a General category candidate by securing marks meant for the category.

3. *Per contra* learned counsel for the Commission contends that the statement made before the Court on 15.09.2025 is correct as the impugned announcement has not been made applicable to the petitioner, though he does not belong to reserved category. She further contends that as of now, she is not pressing for legality of the impugned order, dated 05.09.2025, so far as paragraph 1 thereof is concerned. However, the petitioner's rejection on the



ground of reasoning given in paragraph 2 thereof is valid, as he failed to produce NET scorecard and category wise cut-off of the exam to see his eligibility as a General category candidate. And for this reason the committee had no option but to reject his candidature. She also contends that the candidates were put to notice vide announcement, dated 30.07.2025, to bring their NET marksheet during scrutiny, but the petitioner failed to do so, and did not seek any exemption from producing the same either. She further contended that the said announcement was not challenged by him, nor was any representation in that regard submitted before filing the petition. Besides, the interviews for the post in question, scheduled from 15 to 17.09.2025, are already over; therefore, the petitioner's candidature cannot be considered.

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

5. As per facts apparent on record, the advertisement for the post in question, dated 02.08.2024, does not contain any condition that the candidates are required to produce their NET score and category wise cut-off of the exam at any stage of selection. The only requirement is of having cleared the NET. The said scorecard and the cut-off was required vide impugned announcement, dated 26.06.2025, which reads as under:

The eligibility of the candidates from other States as well as the Reserved Category candidates of Haryana State (who are coming within the qualifying zone in UR/General category, on their own merit) has to be checked at par with the UR/General category candidates, before considering their candidature in UR/General category. Therefore, all such candidates are required to produce/submit NET certificate as claimed and uploaded by them while submitting their online application form, alongwith NET score Card and category wise cut-off of NET as and when directed by the Commission.

Apparently, the announcement is essentially meant for the reserved category candidates, who are entitled to be considered against unreserved/General



category posts on their own merit. The petitioner applied for the post as a General category candidate from outside the State. After clearing Subject Knowledge Test, he was shortlisted for scrutiny of documents. It was at that time by way of announcement, dated 30.07.2025, that he was confronted with the requirement of producing the NET scorecard and category wise cut-off of NET exam within four days at the time of scrutiny on 04.08.2025, which was not in his possession. There is no dispute about his having cleared the NET, and now he has produced the detailed scorecard as well with category wise cut-off, which shows he has secured more marks than the cut-off of General category.

5.1. The rejection of his candidature by the Commission, vide the impugned letter dated 05.09.2025, is with reference to clause 11(vii) of the advertisement; the order reads as under:

Kindly refer to your online application form for the posts cited as the subject. On checking/scrutiny of your online application form and documents to adjudge your eligibility, your candidature has found rejected due to the following reasons:-

1. It was clearly mentioned in Clause 11 (vii) of the advertisement that:-

The reserved category candidates belonging to other States will compete against the posts meant for General/unreserved Category and will be considered as General/unreserved category candidates.

Since you are a resident/domicile of Uttar Pradesh, therefore your candidature was considered in General/ Unreserved category.

2. Accordingly, you were required to fulfill the eligibility conditions of a General category candidate. You have not submitted NET Score and category wise cut off of the said NET exam. In absence of any documentary proof of having qualified NET in General category your candidature of UR category stands rejected. Hence. your candidature for UR/General category is rejected. No representation/correspondence in this regard will be entertained by the Commission.



Seemingly, he was considered a reserved category candidate belonging to other State and asked to produce NET scorecard and category wise cut-off of the exam presumably to establish that he cleared the test by scoring above the cut-off for General category. However, learned counsel for the Commission could not dispute that the petitioner applied under General category as a domicile of the State of U.P. Accordingly, her statement before the Court, dated 15.09.2025, is wrong which led to disposal of the petition. Also, the disjointed reading of the impugned order by her is illogical, bordering on absurdity, and the contention raised on that basis stands rejected. The fact remains that the petitioner seeks consideration as a General category candidate and there is no requirement for him to produce the scorecard of NET, etc. His candidature has been wrongly rejected without affording due consideration.

5.2. It also becomes clear upon reading the impugned order that the ground of rejection is non-submission of the NET scorecard at the time of scrutiny of documents. This is not sustainable on another ground that the petitioner did not have adequate notice of the same, nor did any condition in the advertisement stipulate thus. Therefore, even if he has not been able to produce NET scorecard during scrutiny of documents, that does not in itself afford a ground to the Commission to reject his candidature in the facts and circumstances enumerated above, especially because he was asked to produce the NET scorecard within four days, without any prior intimation. This is unreasonable and arbitrary on the face of it and entitles the petitioner a right to be considered for the post as sought by him on the strength of NET scorecard and category wise cut-off marks. Also, because a factually incorrect statement on behalf of the Commission led to disposal of the petition at a time when interviews had been scheduled, it cannot be allowed to plead the fact of interviews being over as a ground for not considering the petitioner. This amounts to taking benefit of its own wrong which is impermissible.



6. In this view of the matter, validity of the announcement, dated 26.06.2025, is not being examined, nor has learned counsel for the petitioner raised any argument in that regard.

7. In the light of above discussion, the review application is allowed. The order dated 15.09.2025 is recalled, and the impugned order, dated 05.09.2025, is set aside. The petition stands disposed of with a direction to the Commission to interview the petitioner for the post in question before declaration of final result and consider him for selection, subject to verification of his NET score and category wise cut-off of the exam.

(TRIBHUVAN DAHIYA)
JUDGE

23.09.2025
Maninder

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