

2025:PHHC:134917-DB



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

**Date of Decision: 25.09.2025  
LPA-93-2023 (O&M)**

**NEHA CHANDEL** **... APPELLANT**  
**VS.**  
**STATE OF HARYANA AND OTHERS** **.. RESPONDENTS**

**LPA-979-2023 (O&M)**

**HARYANA STAFF SELECTION COMMISSION ... APPELLANT**  
**VS.**  
**SHAKTI RAJ AND OTHERS** **... RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA  
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Chetan Mittal, Senior Advocate with  
Mr. Shreenath A. Khemka, Advocate,  
for the appellant in LPA-93-2023 and  
for respondent No.3 in LPA-979-2023.

Mr. Puneet Gupta, Additional Advocate General, Haryana and  
Mr. Sanjeev Kaushik, Addl. A.G. Haryana.

Mr. Anurag Goyal, Advocate with  
Mr. Nikhil Lather, Advocate,  
for respondent No.3 LPA-93-2023.

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**ASHWANI KUMAR MISHRA, J. (ORAL)**

These two appeals arise out of the judgment dated 20.01.2023 passed by learned Single Judge in CWP-17431-2018, whereby the writ petition filed by Shakti Raj was allowed with costs of Rs.1 lac imposed upon the Commission.

2. It transpires that an advertisement was issued by the Haryana Staff Selection Commission being advertisement No. 11 of 2015 dated 01.12.2015, whereby various posts were advertised for recruitment. This

advertisement included 10 posts of Junior Draftsman for which the qualification prescribed was as under:-

*“E.Q. i) Matric or its equivalent.*

*ii) Intermediate in Architecture;*

*OR*

*Successful completion of three years degree course in Architecture from an institution;*

*OR*

*Three years diploma in Architectural Assistantship from an Institution with two years experience as a draftsman in an Architectural or Town Planning Office; or Diploma certificate in Civil Draftsmanship from an Institution with three years experience in an Architectural or Town Planning Office;*

*iii) Hindi/Sanskrit up-to Matric standard or higher education.”*

3. The appellant and the contesting respondent both belong to Scheduled Caste category. In the advertisement, two posts were reserved for Scheduled Caste candidates. As per the procedure established, twice the number of posts were to be invited for interview. Since the posts were two, as such, four persons were expected to be called for interview. It appears that the Commission initially proceeded to call only four persons, but one of the persons, namely, Raj Pal, approached this Court raising a grievance that he was wrongly excluded from the zone of consideration on the ground that his qualification was not valid. This Court in the writ petition filed by Raj Pal came down heavily on the Commission and directed that Raj Pal be called for the interview. Costs were also imposed upon the Commission. It appears that the Commission took a decision to call all those who had not been called for interview, including Raj Pal and the writ petitioner Shakti Raj. We may note that six persons were available for recruitment in the Scheduled Caste category. The Commission proceeded to hold the interview on 12.01.2018, in which all six persons participated. The result was declared on 28.03.2018. In the select list, the present appellant Neha Chandel and Suman Devi were selected. The respective marks of the candidates were

disclosed on 15.05.2018. The appellant also joined on 21.05.2018. It is thereafter that the writ petitioner approached this Court by filing the CWP-17431-2018, questioning the appointment of Neha Chandel on the ground that she could not have been called for interview as she was the 5<sup>th</sup> candidate in the order of merit available to be called for interview. The claim of the petitioner was that in terms of the applicable policy only four persons could have been called and, therefore, calling of 5<sup>th</sup> person was without jurisdiction. The learned Single Judge found substance in the argument advanced on behalf of the writ petitioner and consequently quashed the appointment offered to appellant Neha Chandel. The learned Single Judge has also issued a direction to re-frame the final result and offer appointment accordingly. It is this judgment of the learned Single Judge dated 20.01.2023 which is assailed in the two appeals filed by Neha Chandel and the Commission.

4. We have heard learned counsel for the parties and perused the record with their able assistance.

5. Learned counsel for the appellant(s) at the very outset submits that the writ petitioner was not possessed of the requisite qualification for the post and, therefore, he was rightly excluded from being called for interview initially by the Commission. It is urged that only because of the order passed in favour of Raj Pal, the writ petitioner was also invited for the interview, but that in itself would not justify any interference at the instance of the writ petitioner when he lacks the requisite qualification for the post.

6. The application form of the writ petitioner is at page 68 of the paper book. The application form contains certain information to be furnished by the candidate. These include the questions as to whether the

candidate has complete intermediation in Architecture?; whether he has two years' experience as a Draftsman in an architectural or town planning office?; whether he has three years' experience in an architectural or town planning office? The writ petitioner has answered in the affirmative against all three columns.

7. When the matter is heard today, we are informed that the only qualification available with the writ petitioner is a vocational ITI certificate in Draftsmanship and does not meet the required qualification of diploma.

8. In the appeal filed by the Commission, the certificates appended by the writ petitioner are annexed at pages 194 and 195. The only certificate relied upon by the writ petitioner is a National Trade Certificate issued by the institution concerned. This is merely a certificate and its perusal does not indicate that this is a diploma.

9. Learned counsel appearing for the writ petitioner, on instructions received from the writ petitioner, who is present in the Court, states that this certificate is the only qualification of draftsman possessed by the writ petitioner. It is, therefore, apparent that the petitioner is not possessed of required diploma.

10. We have already noticed the qualification required for the post. The alternative qualification specified in the advertisement includes either a three years degree course in architecture from an institution or three years diploma in architecture assistantship or diploma certificate in civil draftsmanship from an institution with three years' experience in an architectural or town planning office. From the educational testimonials of the writ petitioner, it is apparent that he does not fall in any of the three categories inasmuch as neither he has three years degree course in

architecture nor has three years diploma in architectural assistantship and also has no diploma in civil draftsmanship. Once that be so, we find substance in the claim of the appellant that the writ petitioner was not possessed of the requisite qualification for the post and the writ petition could not have been allowed.

11. It is apparently for this reason that the writ petitioner was initially not invited for the interview. The subsequent act of the Commission in calling the writ petitioner would not carry much weight once his eligibility itself is found to be lacking for the post.

12. In that view of the matter, we are of the view that the judgment and order passed by the learned Single Judge setting aside the appointment of appellant Neha Chandel cannot be sustained. The two appeals filed are consequently allowed. The judgment passed by learned Single Judge is set aside and consequently, the writ petition is dismissed.

**(ASHWANI KUMAR MISHRA)**  
**JUDGE**

**(ROHIT KAPOOR)**  
**JUDGE**

**25.09.2025**

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No