



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

**CWP-22811-2018 (O&M)
Date of Decision:-29.05.2025**

Aarti Bihania and Others

...Petitioners

Vs.

Haryana Staff Selection Commission and Others

...Respondents

And

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2.	CWP-12418-2018	Sandeep Vats	State of Haryana and Another
3.	CWP-10316-2019	Nihal Singh	State of Haryana and Another
4.	CWP-10934-2018	Rajiv Sharma	Haryana Staff Selection Commission
5.	CWP-11279-2018	Manoj Kumar	Haryana Staff Selection Commission
6.	CWP-11345-2018	Sanjay	Haryana Staff Selection Commission
7.	CWP-17396-2018	Ravinder Sharma	State of Haryana and another
8.	CWP-17918-2018	Sachin Saini and others	Haryana Staff Selection Commission
9.	CWP-18021-2018	Satya Parkash and another	State of Haryana and another
10.	CWP-21577-2018	Dinesh Kumar	State of Haryana and another
11.	CWP-21982-2018 (O&M)	Sandeep Kumar Mehra	State of Haryana and another
12.	CWP-22947-2018	Rajiv Sharma	Haryana Staff Selection Commission
13.	CWP-24440-2018	Ajay Jaglan	State of Haryana and another
14.	CWP-30167-2018	Lalit Sharma	State of Haryana and Another
15.	CWP-1268-2019	Lalit Kumar	Haryana Staff Selection Commission and others

16.	CWP-1269-2019 (O & M)	Kuldeep	Haryana Staff Selection Commission and others
17.	CWP-21115-2020	Satish Kumar	State of Haryana and another
18.	CWP-21738-2018 (O & M)	Ankur Vashist	State of Haryana and another
19.	CWP-24095-2018	Dinesh Kumar and another	Haryana Staff Selection Commission and others
20.	CWP-24386-2018 (O & M)	Ramesh Kumar and others	Haryana Staff Selection Commission and others
21.	CWP-4036-2019	Rekha Rani	Haryana Staff Selection Commission
22.	CWP-4485-2019 (O & M)	Namit Singh	State of Haryana and others
23.	CWP-4488-2019	Yugal Kishor	Haryana Staff Selection Commission
24.	CWP-4602-2019	Deepak Kumar	Haryana Staff Selection Commission
25.	CWP-4643-2019	Sandeep	Haryana Staff Selection Commission and others
26.	CWP-4661-2019	Sandeep	Haryana Staff Selection Commission and others
27.	CWP-4765-2019	Mukesh Kumar	Haryana Staff Selection Commission
28.	CWP-7657-2019	Poonam Devi	Haryana Staff Selection Commission
29.	CWP-8810-2019	Sucha Singh	Haryana Staff Selection Commission and others
30.	CWP-23863-2018	Rahul Garg	Haryana Staff Selection Commission and others

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Bhagyashree Setia, Advocate for
Mr. Vibhav Jain, Advocate
for the petitioners in CWP-22811-2018 and CWP-1269-2019.

Mr. S.K. Kaushik, Advocate,
for the petitioners in CWP-21738-2018.

Mr. Vijay Dahiya, Advocate,
Ms. Sunita Punia, Advocate and
Mr. Mohit Nehra, Advocate,
for the petitioners in CWPs-11279 and 11345 of 2018.

Mr. Arshit Goel, Advocate,
for the petitioners in CWP-24386 & 22811 of 2018,
CWPs-1268, 4036, 4488, 4602 & 1269 of 2019
CWP-21115-2020, CWP-24095-2018 and CWP-23863-2018.

Mr. Abhishek K. Premi, Advocate,
for the petitioners in CWP-4661-2019 and CWP-4643-2019.

Mr. K.S. Malik-I, Advocate,
for the petitioner in CWP-21982-2018.

Mr. Rakesh Sobti, Advocate,
for the petitioners in CWP-10934-2018 & CWP-22947-2018.

Mr. S.K. Nehra, Advocate,
Mr. Viren Nehra, Advocate and
Mr. Rahil Mahajan, Advocate
for the petitioners in CWP-4485-2019.

Ms. Tanya Vashist, Advocate for
Mr. S.S. Nain, Advocate,
for the petitioners in CWP-8810-2019.

Mr. M.M. Pandey, Advocate and
Mr. Umesh Pandey, Advocate
for the petitioner in CWP-7657-2019.

Mr. Jatinder Kumar, Advocate,
for the petitioner in CWP-17396-2018.

Mr. Raman Sharma, Addl. A.G., Haryana and
Ms. Rajni Gupta, Addl. A.G., Haryana.

Ms. Nikita Goel, Advocate for
Mr. Prateek Mahajan, Advocate
for respondent-HAFED.

Mr. Hitesh Pandit, Advocate
for the respondent-HSAMB.

JAGMOHAN BANSAL, J. (ORAL)

1. As common issues are involved in the captioned petitions, with the consent of both sides, the same are hereby disposed of by this common order. For the sake of brevity and convenience, facts are borrowed from *CWP-22811-2018*.

2. The petitioners through instant petition under Articles 226/227 of the Constitution of India are seeking direction to respondent to consider them for the post of Accountant/Mandi Supervisor/Field Inspector/Auction Recorder. The petitioners pursuant to advertisement No.07/2015 dated 10.07.2015 applied for the advertised posts. They were not called for interview on the ground that they are not possessing certificate of computer course as prescribed in the advertisement. They approached this Court which vide interim order dated 07.09.2018 directed the respondent to provisionally interview them. On account of interim orders of this Court, they participated in the interview, however, they have not been finally selected on the ground that they are not possessing requisite computer course certificate.

3. Learned counsel representing the petitioners submit that a Co-ordinate Bench of this Court vide judgment dated 26.05.2023 in '*Jyoti Vs State of Haryana and Others*', *CWP-21768-2018* and vide judgment dated 30.10.2023 in '*Neha Khurana Vs. State of Haryana and Others*', *CWP-23042-2018* has already settled the issue. The respondent preferred intra Court appeal which came to be dismissed vide order dated 21.11.2023 passed in *LPA-1815-2023*. The respondent preferred *SLP (Civil) Diary No.7706 of 2024* before the Supreme Court which came to

be dismissed vide order dated 20.08.2024. The case of petitioners is squarely covered by orders passed by this Court and upheld by Hon'ble Supreme Court. The relevant extracts of order dated 20.08.2024 passed by the Supreme Court read as under:

“5. We have heard learned counsel appearing for the Commission at some length and are of the considered opinion that the special leave petition is wholly without merit. However, having regard to the lapse of time since the selection process was conducted and the nature of the order of the learned Single Judge, since affirmed by the Hon'ble Division Bench, we are not inclined to leave the matter by simply dismissing the special leave petition. In the interests of justice, certain other directions are called for, to avoid future litigation, and this is what we propose to do in exercise of our power under Article 142 of the Constitution.

6. The Commission took a decision as late as on 10th September, 2018 to identify and specify institutes which would qualify as a 'recognized institute for the purpose of the advertisement dated 10th July, 2015. We have failed to comprehend the logic behind applying the decision to the advertisement, which was issued more than three years earlier on 10th July, 2015. Had the advertisement specified which of the institutes would qualify as a recognized institute, the aspirants for the post would have known about his or her eligibility Suresh Kumar found that he was eligible on the terms of the advertisement and had applied for appointment. Clearly, the Commission changed the rules of the game after the game had commenced, and particularly when such process was on the verge of completion, much to the detriment of Suresh Kumar by rendering him altogether disqualified to participate in the process on the ground of lack of requisite

qualification. This was an impermissible exercise.

7. *Apart from the aforesaid, no other disqualifying factor has been brought to our notice.*

8. *Leaving it open to the Commission to undertake a further process as to whether Suresh Kumar is otherwise eligible as directed by the learned Single Judge, is likely to generate further litigation. This, we perceive, from the conduct of the Commission in not gracefully accepting the impugned judgment and order of the High Court.*

9. *While dismissing this special leave petition, we direct the Commission to issue appropriate recommendation for the Board to act upon. The Commission shall immediately, but not later than 3 (three) weeks from date, recommend Suresh Kumar for appointment whereafter he shall be offered an appointment on the post of Mandi Supervisor-cum-Fee Collector. If any such post under Scheduled Caste category is not available as on date, a supernumerary post shall be created which shall be personal to Suresh Kumar. The appointment of Suresh Kumar shall relate back to the date on which the last candidate from the panel of Scheduled Caste category came to be appointed. From such date, Suresh Kumar shall be treated to be in continuous service for the purpose of only retiral benefits. Suresh Kumar shall obviously not be entitled to any financial benefit for any period he has not served but shall be entitled to pay and allowances with effect from the date of his appointment.*

10. *Pending application(s), if any, shall stand disposed of.”*

4. On being confronted with afore-cited order of Supreme Court, Mr. Raman Sharma, Addl. A.G., Haryana submits that a competent

authority would consider claim of petitioners in the light of orders of this Court as well as Hon'ble Supreme Court.

5. The dispute in the instant petitions is confined to validity of computer course certificate for the posts in question. The petitioners are claiming that they are possessing requisite certificate whereas respondent is claiming that certificate cannot be accepted because it is contrary to its instructions.

6. This Court in afore cited judgments has already decided the issue in favour of many candidates. Hon'ble Supreme Court has upheld orders of this Court. Each petitioner is having separate kind of computer course certificate. The case of every petitioner needs to be examined in light of afore-cited judgments. Accordingly, the respondent is hereby directed to consider case of each petitioner in the light of afore-cited judgments. The respondent would pass speaking order in the case of each petitioner after granting him opportunity of hearing. If any petitioner is selected, he would be entitled to consequential benefits as granted by Hon'ble Supreme Court in afore-cited order dated 20.08.2020. Needful shall be done within a period of six months from today.

6. Disposed of.

(JAGMOHAN BANSAL)
JUDGE

29.05.2025
Prince Chawla

Whether Speaking/reasoned: Yes/No
Whether Reportable: Yes/No