



CNR NO: PHHC011164642026

**CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -1-
275 (51 cases)**

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

**275-1 CMs-3361-LPA to 3163-LPA-2025 IN/AND
LPA-1369-2025 (O&M)
DATE OF DECISION: 20.07.2026**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

MOHIT KUMAR AND ANOTHER

.....RESPONDENTS

**275-2 CMs-3391-LPA to 3393-LPA-2025 IN/AND
LPA-1381-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SUMAN

.....RESPONDENT

**275-3 CMs-3388-LPA to 3390-LPA-2025 IN/AND
LPA-1382-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

MUKESH KUMAR AND ANOTHER

.....RESPONDENTS



CNR NO: PHHC011164642026

**CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and
other connected cases -2-**

**275-4 CMs-3407-LPA to 3409-LPA-2025 IN/AND
LPA-1389-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

NASIR HUSSAIN AND OTHERS

.....RESPONDENTS

**275-5 CMs-3458-LPA to 3460-LPA-2025 IN/AND
LPA-1410-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

PURUSHOTAM AND ANOTHER

.....RESPONDENTS

**275-6 CMs-3461-LPA to 3463-LPA-2025 IN/AND'
LPA-1411-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

JAGAT SINGH AND OTHERS

.....RESPONDENTS

**275-7 CMs-3468-LPA to 3470-LPA-2025 IN/AND
LPA-1413-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

YASHVIR AND OTHERS

.....RESPONDENTS



**CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -3-**

**275-8 CMs-3547-LPA to 3549-LPA-2025 IN/AND
LPA-1448-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

YOGENDER SINGH AND OTHERS

.....RESPONDENTS

**275-9 CMs-2828-LPA to 2830-LPA-2025 IN/AND
LPA-1152-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

VIRPAL AND OTHERS

.....RESPONDENTS

**275-10 CMs-3195-96-LPA-2025 IN/AND
LPA-1301-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

PRIYANKA AND ANOTHER

.....RESPONDENTS

**275-11 CMs-3199-3200-LPA-2025 IN/AND
LPA-1302-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

DINESH AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

**CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -4-**

**275-12 CMs-3410-LPA to 3412-LPA-2025 IN/AND
LPA-1390-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

PARDEEP KUMAR AND ANOTHER

.....RESPONDENTS

**275-13 CMs-4169-LPA to 4171-LPA-2025 IN/AND
LPA-1696-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

TARA CHAND AND OTHERS

.....RESPONDENTS

**275-14 CMs-4181-LPA to 4183-LPA-2025 IN/AND
LPA-1703-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SONU AND OTHERS

.....RESPONDENTS

**275-15 CMs-4187-LPA to 4190-LPA-2025 IN/AND
LPA-1705-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

ANIL KUMAR AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

**CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -5-**

**275-16 CMs-4190-LPA to 4192-LPA-2025 IN/AND
LPA-1706-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

DEEPAK DUHAN AND ANOTHER

.....RESPONDENTS

**275-17 CMs-4196-LPA to 4198-LPA-2025 IN/AND
LPA-1707-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

AJAY AND OTHERS

.....RESPONDENTS

**275-18 CMs-4193-LPA to 4195-LPA-2025 IN/AND
LPA-1708-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

ANKIT AND OTHERS

.....RESPONDENTS

**275-19 CMs-4199-LPA to 4201-LPA-2025 IN/AND
LPA-1709-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

MANJEET AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

**CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -6-**

**275-20 CMs-4205-LPA to 4207-LPA-2025 IN/AND
LPA-1710-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

RAVI AND ANOTHER

.....RESPONDENTS

**275-21 CMs-4202-LPA to 4204-LPA-2025 IN/AND
LPA-1711-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

POOJA YADAV AND OTHERS

.....RESPONDENTS

**275-22 CMs-4215-LPA to 4217-LPA-2025 IN/AND
LPA-1716-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

VIKASH

.....RESPONDENT

**275-23 CMs-4150-LPA to 4152-LPA-2025 IN/AND
LPA-1689-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

JYOTI AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

**CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -7-**

**275-24 CMs-3639-LPA to 3641-LPA-2025 IN/AND
LPA-1487-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

HIMMAT AND ANOTHER

.....RESPONDENTS

**275-25 CMs-3643-LPA to 3645-LPA-2025 IN/AND
LPA-1488-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

PRINE TYAGI AND ANOTHER

.....RESPONDENTS

**275-26 CMs-3655-LPA to 3657-LPA-2025 IN/AND
LPA-1492-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

RAKESH KUMAR AND OTHERS

.....RESPONDENTS

**275-27 CMs-3658-LPA to 3660-LPA-2025 IN/AND
LPA-1493-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

DAVID AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -8-

275-28

CMs-3662-LPA to 3664-LPA-2025 IN/AND
LPA-1494-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

PARDEEP KUNDU AND ANOTHER

.....RESPONDENTS

275-29

CMs-3672-LPA to 3674-LPA-2025 IN/AND
LPA-1498-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SANJAY KUMARI AND OTHERS

.....RESPONDENTS

275-30

CM-1848-LPA-2024 IN/AND
LPA-1169-2023 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SOMBIR AND ANOTHER

.....RESPONDENTS

275-31

LPA-1113-2023 (O&M)

SACHIN AND OTHERS

.....APPELLANTS

Vs.

STATE OF HARYANA AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and
other connected cases -9-
275-32 CMs-6971-LPA to 6973-LPA-2024 IN/AND
LPA-2852-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

KRISHAN AND OTHERS

.....RESPONDENTS

275-33 CMs-6894-LPA to 6896-LPA-2024 IN/AND
LPA-2819-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

MOHD RASID KHAN AND OTHERS

.....RESPONDENTS

275-34 CMs-6899-LPA to 6901-LPA-2024 IN/AND
LPA-2820-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

AJAY RATHEE AND ANOTHER

.....RESPONDENTS

275-35 CMs-6904-LPA to 6907-LPA-2024 IN/AND
LPA-2821-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

RISHIPAL AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

**CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -10-**

**275-36 CMs-7652-LPA to 7654-LPA-2024 IN/AND
LPA-3101-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SONU KUMAR AND ANOTHER

.....RESPONDENTS

**275-37 CMs-7671-LPA to 7674-LPA-2024 IN/AND
LPA-3106-2024 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

MONU AND ANOTHER

.....RESPONDENTS

**275-38 CM Nos. 322-LPA to 326-LPA-2025 IN/AND
LPA-145-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

HARIGOPAL AND ANOTHER

.....RESPONDENTS

**275-39 CM-2747-LPA to 2749-LPA-2025 IN/AND
LPA-1114-2025 (O&M)**

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

AJAY AND ANOTHER

.....RESPONDENTS



CNR NO: PHHC01164642026

CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -11-

275-40 CM-2793-LPA to 2795-LPA-2025 IN/AND
LPA-1138-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

RAJNI YADAV AND ANOTHER

.....RESPONDENTS

275-41 CM-2800-LPA to 2802-LPA-2025 IN/AND
LPA-1142-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SOHAN KUMAR AND OTHERS

.....RESPONDENTS

275-42 CM-2880-LPA to 2882-LPA-2025 IN/AND
LPA-1175-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

BAL RAM

.....RESPONDENT

275-43 CM-2884-LPA to 2886-LPA-2025 IN/AND
LPA-1177-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

JUGVINDER AND OTHERS

.....RESPONDENTS



CNR NO: PHHC011164642026

CMs-3361 to 3163-LPA-2025 IN/AND LPA-1369-2025 (O&M) and
other connected cases -12-

275-44

CM-2887-LPA to 2890-LPA-2025 IN/AND
LPA-1179-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SULENDRA JHORAR AND OTHERS

.....RESPONDENTS

275-45

CMs-4505-LPA to 4507-LPA-2024 IN/AND
LPA-1902-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

MONIKA AND OTHERS

.....RESPONDENTS

275-46

CMs-6239-LPA to 6242-LPA-2024 IN/AND
LPA-2556-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

ARVIND GREWAL AND OTHERS

.....RESPONDENTS

275-47

CMs-4509-LPA to 4512-LPA-2024 IN/AND
LPA-1904-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

MULAYAM SINGH AND ANOTHER

.....RESPONDENTS



CNR NO: PHHC011164642026

CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and
other connected cases -13-

275-48 CMs-4581-LPA to 4584-LPA-2024 IN/AND
LPA-1928-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

SAURAV TANWAR AND OTHERS

.....RESPONDENTS

275-49 CMs-7333-LPA to 7336-LPA-2024 IN/AND
LPA-2982-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

LOVE AND ANOTHER

.....RESPONDENTS

275-50 CMs-6917-LPA to 6920-LPA-2024 IN/AND
LPA-2825-2024 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

PRIYANKA AND ANOTHER

.....RESPONDENTS

275-51 CMs-2369-LPA to 2371-LPA-2025 IN/AND
LPA-950-2025 (O&M)

HARYANA STAFF SELECTION COMMISSION

.....APPELLANT

Vs.

ANKIT AND ANOTHER

.....RESPONDENTS



**CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and
other connected cases -14-**

**CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI
HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. D.S.Patwalia, Senior Advocate, with
Mr. Adityajit S. Chadha & Mr. Gaurav Rana, Advocates,
for the appellant (s) (in LPA-1113-2023).

Mr. Sanjeev Kaushik, Addl. A.G., Haryana, with
Mr. Divanshu Kaushik, Advocate,
for the appellant (s) (in LPA-1169-2023).

Mr. Kuldeep Sheoran, Advocate,
for the appellant (s) (in LPA-1448-2025).

Mr. Aman Mittal, D.A.G, Haryana.

Mr. B.S. Rana, Senior Advocate, with
Mr. Navandeep Rana & Mr. Neeraj, Advocates,
for the respondent (in LPA-1169-2023).

Mr. Bhagwati Dayal Sharma, Advocate,
for the respondent (in LPA-1152-2025).

Mr. Rajat Mor, Advocate,
for respondent No. 1 (in LPA-1169-2023).

Mr. Ravinder Singh Dhull, Advocate,
for the Caveator

HARSIMRAN SINGH SETHI, J.(ORAL)

**APPLICATIONS FOR CONDONATION OF DELAY IN RE-FILING
THE APPEALS**

(i) Prayer in the present applications, filed under Section 151 of the Code of Civil Procedure, 1908, is for condonation of delay ranging from 256 to 416 days in re-filing the accompanying appeals.

(ii) Keeping in view the averments made in the applications, which are duly supported by affidavits, the delay ranging from 256 to 416 days in re-filing the accompanying appeals is hereby condoned.



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -15-

(iii) CMs stand disposed of.

APPLICATIONS FOR CONDONATION OF DELAY IN FILING THE APPEALS

(i) Prayer in the present applications, filed under Section 5 of the Limitation Act, 1963 is for condonation of delay ranging from 31 to 707 days in filing the accompanying appeals.

(ii) Keeping in view the averments made in the applications, which are duly supported by affidavits, the delay ranging from 31 to 707 days in filing the accompanying appeals is hereby condoned.

(iii) CM stands disposed of.

CM-1848-LPA-2024 IN LPA-1169-2023

(i) The present application has been filed under Order 1 Rule 10 read with Section 151 CPC for impleading the present applicant Mukesh Kumar as respondent No. 3 in the accompanying appeal.

(ii) Keeping in view the averments made in the application, which is duly supported by an affidavit, the application is allowed subject to just exceptions. The applicant is ordered to be impleaded as respondent No. 3 in the accompanying appeal. The amended memo of parties is taken on record. Office to tag the same at appropriate place.

LPA-1369-2025 (O&M) and other connected cases

1. By this common order, a bunch of 51 LPAs, the details whereof are given in the heading of this order, are being disposed of together, as they involve the same question of law and arise out of similar facts.



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -16-

2. In the present bunch of appeals, the challenge is to the order passed by the learned Single Judge, dated 16.05.2023 by which the clause regarding the grant of weightage to the orphan/widow has been interpreted to mean that even the candidate whose mother was alive is to be treated as orphan for the purpose of the grant of five marks. The respondent-Commission has been directed to re-frame the merit list by giving the benefit to such of the claimants who are covered by the interpretation as given by the learned Single Judge. The said judgment is under challenge at the hands of the candidates who are liable to lose their selection and consequent appointment on the basis of such interpretation given by the learned Single Judge so as to lose their merit position. Before proceeding further, certain facts need to be noticed for the correct appreciation of the issue in hand.

3. An Advertisement No. 03 of 2018 dated 16.04.2018 was issued by the Haryana Staff Selection Commission by which, 5000 posts of the Male Constable, 1147 posts of the Female Constable and 500 posts of Male Constable in the Indian Reserve Battalions (IRBs) were advertised. Apart from the above, 400 posts of the Sub-Inspector (Male) and 63 posts of the Sub-Inspector (Female) were also advertised. Apart from the essential qualification relating to academics, the qualification qua the physical requirement was also mentioned. Some of the posts mentioned herein were also reserved for Scheduled Castes candidates, Backward Class, Ex-servicemen etc. Further, the mode of selection was also mentioned according to which a knowledge test was to be conducted comprising of objective type questions having multiple choices and the



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -17-

physical screening test was also to be done, in order to attain the eligibility to get selected. As per the advertisement, the candidate who fails to achieve the physical standard prescribed for the physical screening test was to be eliminated from the further selection process.

4. As per the advertisement, certain weightage was also given to the candidate who had additional qualification and, beyond this, even 10% weightage was to be given to the applicants who did not have any of their family members as a regular employee in any Government Department, Board, Corporation, Company, Statutory Body, Commission or Authority of the Government of Haryana or any other State including the Government of India.

5. The issue in the present appeals relates to the five marks which were to be given in case the candidate concerned was an orphan/widow. Qua the category of Orphan, a further condition was also prescribed that the father of such candidate should have died before completing the age of 42 years and the applicant should be the first or the second child. Further, in case the father had died before the candidate completed 15 years of age provided such candidate is the first or the second ward. The relevant portion of the advertisement which is required to be interpreted in the present appeals is as under:-

XXXX

XXXX

XXXX

XXXX

XXXX

“Miscellaneous (10% weightage):-

(a) (i) Five (05) marks will be given if no person from amongst the applicant's father, mother, spouse, brother, sister, son and daughter is/was/has been a regular employee in any Department, Board, Corporation, Company, Statutory Body,



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -18-

Commission or Authority of Haryana Government or any other State Government or Government of India. (ii)

Five (05) marks will be, in case of Orphan/Widow:-

- (i) if the applicant is a widow; or*
- (ii) If the applicant is a 1st or 2nd ward of the deceased whose father died before completion of 42 years of age.*
- (iii) If the applicant is a 1st or 2nd ward and his/her father had died before his/her completing 15 years of age.”*

XXXX

XXXX

XXXX

XXXX

XXXX

6. The Haryana Staff Selection Commission interpreted the clause to mean that the orphan would mean a candidate who is first or second child and whose parents were not alive and further whose father had died prior to completing the age of 42 years or whose father had died before the candidate had attained the age of 15 years.

7. By interpreting the said clause in a manner mentioned hereinbefore, the select list was prepared by the Haryana Staff Selection Commission, which came to be challenged by certain candidates before the learned Single Judge of this Court to mean that the orphan has been defined by the Haryana Staff Selection Commission in the advertisement to mean that only the father should have died and that he could have died either before attaining the age of 42 years or before the candidate attained the age of 15 years, and where the mother was alive, such candidate should have been made eligible for the grant of five marks.



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -19-

8. In order to support the contention, the petitioners in the writ petitions submitted that *qua* another advertisement where the selection was to be made district-wise, the interpretation that it is not a requirement that both the parents of the candidates should have died to be treated as an Orphan, was implemented by certain Departmental Committees in respect of the Advertisement No. 4/2018 for Group-D posts which was a separate selection process and, therefore, two different meanings of the same clause could not have been given. Hence, the respondent-Commission was required to re-frame the merit list by giving the interpretation to the clause to mean that even where the mother is alive, the candidate is eligible for the said benefit of grant of 5 marks by treating such candidate as orphan.

9. The learned Single Judge recorded the finding that the similar clause which was available in another advertisement where Group D employees were to be recruited, the recruitment whereunder was to be made by a District-wise Selection Committee Forum, such clause was interpreted to mean that even where the mother of the candidate was alive but the father had died either before attaining the age of 42 years or before the candidate had attained the age of 15 years, five marks were to be given and were actually given and, therefore, two different yardsticks *qua* the same clause could not be adopted and, therefore, the Commission ought to resort to the same interpretation rather than giving five marks only to a candidate whose both parents had died with the further condition that the father should have died before attaining the age of 42 years or before the candidate attained the age of 15 years. The learned Single Judge directed that the grant of marks on the basis of the interpretation given by the



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -20-

learned Single Judge should be re-worked and the merit list should be re-framed so as to make appointments.

10. The said judgment is also under challenge before this Court at the hands of the selected candidates who are likely to lose their selection and appointment based upon such interpretation, as well as by the Commission on the ground that the interpretation given by the learned Single Judge is contrary to the meaning given to such clause by the author of such clause.

11. The learned Senior Counsel appearing on behalf of the respondents, who have been selected on the basis of the interpretation given by the Commission that five marks can only be given to an orphan whose both the parents have died, with the further condition that the father should have died before attaining the age of 42 years or before the candidate had attained the age of 15 years, submits that the challenge is by the General Category candidates on the ground that in case such benefit is given as directed by the learned Single Judge, respondents will score marks over and above those obtained by the selected candidates and will oust them from the zone of selection and consequent appointment, and they will lose their jobs.

12. The learned Senior Counsel for such candidates argues that once the clause is not ambiguous and the author of such clause has given a particular interpretation, non acceptance of the same by the learned Single Judge and revising the selection list is incorrect.

13. It has further been argued by the learned Senior Counsel for such candidates that the judgment of the learned Single Judge is influenced



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -21-

by an act of the Departmental Selection Committee qua another advertisement where Class D employees were to be selected, which Selection Committee was made district-wise and whereby certain District Committees had made the selection by giving marks to the candidates whose father had died before attaining the age of 42 years or had died before the candidate had attained the age of 15 years, but the mother was still alive, whereas such grant of marks was contrary not only to the plain language of the clause but also to the proforma attached to such application where the details of the death of the mother were also sought, which made it clear that an orphan can only be a person whose both parents are no longer alive, therefore any wrong interpretation of a clause for grant of weightage by a District Selection Committee while conducting a selection *qua* a different advertisement is incorrect.

14. The learned Senior Counsel further submits that the State has on record that an infirmity at the hands of any such District Selection Committee will not give rise to the interpretation of a clause, which is otherwise meant only for an orphan, whose both the parents are not alive. The learned Senior Counsel submits that the definition of an orphan has been given under the Juvenile Justice (Care and Protection of Children) Act, 2015, to mean that both the parents should have died to be treated as an orphan. Hence, the interpretation given to the clause by the learned Single Judge is incorrect.

15. Another contention which has been raised by learned Senior Counsel is that none of the selected candidates, whose appointments were to be disturbed, were parties before the Court. Rather, no such order could



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -22-

have been passed by the learned Single Judge without hearing the selected and appointed candidates, whose selection and appointment would have been affected by the interpretation given by the learned Single Judge.

16. Learned Counsel appearing on behalf of the appellants-Commission supports all such arguments and submits that the interpretation of such clause by the Commission was meant to mean that both the parents of such candidates should have died before claiming the said benefit, apart from the other condition that the father should have died before attaining the age of 42 years or should have died before the candidate attained the age of 15 years. Hence, ignoring the interpretation given by the author of the clause, the learned Single Judge should have gone through the statement of the State rather than interpreting the same based upon an incorrect interpretation by some District Selection Committee Forum for selecting the Group D employees in respect of another advertisement.

17. Learned counsel for the respondents (writ petitioners before the learned Single Judge), on the other hand, submits that once the clause only mentioned 'orphan', the literal meaning of the term 'orphan' has rightly been taken by the learned Single Judge to mean that only father should have died, especially when there was no column for uploading the death certificate of the mother.

18. Learned Senior Counsel for the respondents further submits that once the same clause has been interpreted by the District Selection Committee to mean that even where the mother of the candidate is alive, the weightage of five marks is to be given in case the father died before



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -23-

attaining the age of 42 years or before the candidate attained the age of 15 years, the same is correct and, once implemented, no different interpretation should have been given by the Commission so as to take a contradictory view for the same clause, which has rightly been appreciated by the learned Single Judge to hold that in order to maintain uniformity, the same interpretation needs to be given.

19. A counter-submission has been made by learned Senior Counsel appearing on behalf of the respondents that even in the present selection, certain candidates have been given the benefit whose mother was alive, which shows that the interpretation given by the learned Single Judge was correct even as per the respondent-Commission and, therefore, the order passed by the learned Single Judge is perfectly valid and reasoned and may kindly be upheld.

20. Learned Senior Counsel for the respondents further submits that the definition of the term 'orphan' as given in Section 2 (42) of the Juvenile Justice (Care and Protection of Children) Act, 2015, cannot be taken into account for the purpose of determining the eligibility, which definition has been given for a different purpose as compared to the definition of orphan which has been given for a very different purpose in the present case.

21. Learned Senior Counsel further submits that once the widow has been made eligible for five marks, any child of such widow, who has also suffered in the absence of the father, has rightly been given the same treatment.



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -24-

22. We have heard learned Senior Counsels for the parties and perused the paper-book.

23. The question which arises for determination is that which interpretation of a particular clause needs to be accepted so as to govern the selection process, namely, whether the interpretation being given by the candidates who had approached this Court to mean that only the death of the father will allow them to be treated as an orphan or the interpretation being given by the author of the clause, i.e. the State, namely, that to claim the benefit of five marks, both parents should have died with the further condition that the father should have died before attaining the age of 42 years or before the candidate attaining the age of 15 years.

24. It is a settled principle of law that where some ambiguity occurs with regard to the interpretation of a particular clause, the interpretation given by the author of the clause has to be accepted unless and until such interpretation is not made out from the plain reading of the clause itself. Reliance in this regard may be placed on the judgment of Hon'ble the Supreme Court of India in Civil Appeal No. 2684 of 2007, titled as *B.Premanand and others vs. Mohan Koilal and others*, decided on 16.03.2011 wherein it was observed that where the words of a Statute are absolutely clear and unambiguous recourse cannot be had to the principles of interpretation other than the literal rule. Relevant paragraphs of the said judgment have been reproduced as below:-

XXXX

XXXX

XXXX

XXXX

15. “*In M/s. Hiralal Ratanlal vs. STO, AIR 1973 SC 1034, this Court observed:*



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -25-

"In construing a statutory provision the first and foremost rule of construction is the literal construction. All that the Court has to see at the very outset is what does the provision say. If the provision is unambiguous and if from the provision the legislative intent is clear, the Court need not call into aid the other rules of construction of statutes. The other rules of construction are called into aid only when the legislative intent is not clear." (emphasis supplied)

16. It may be mentioned in this connection that the first and foremost principle of interpretation of a statute in every system of interpretation is the literal rule of interpretation. The other rules of interpretation e.g. the mischief rule, purposive interpretation etc. can only be resorted to when the plain words of a statute are ambiguous or lead to no intelligible results or if read literally would nullify the very object of the statute. Where the words of a statute are absolutely clear and unambiguous, recourse cannot be had to the principles of interpretation CIVIL APPEAL NO. 2684 OF 2007 other than the literal rule, vide [Swedish Match AB vs. Securities and Exchange Board, India](#), AIR 2004 SC 4219. As held in [Prakash Nath Khanna vs. C.I.T.](#) 2004 (9) SCC 686, the language employed in a statute is the determinative factor of the legislative intent. The legislature is presumed to have made no mistake. The presumption is that it intended to say what it has said. Assuming there is a defect or an omission in the words used by the legislature, the Court cannot correct or make up the deficiency, vide [Delhi Financial Corporation vs. Rajiv Anand](#) 2004 (11) SCC625. Where the legislative intent is clear from the language, the Court should give effect to it, vide [Government of Andhra Pradesh vs. Road Rollers Owners Welfare Association](#) 2004(6) SCC 210, and the Court should not seek to amend the law in the garb of interpretation.



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -26-

xxxx xcxxx xxxx xxxx

30. *The literal rule of interpretation really means that there should be no interpretation. In other words, we should read the statute as it is, without distorting or twisting its language.”*

25. Further, the interpretation to a particular clause cannot be given so that, the same will lead to judicial legislation. The Court is only to interpret the Rule keeping in view the language of such Rule coupled with the intentions behind enactment of the said Rule and the explanation given by the author of said Rule as to what according to the author the Rule is to mean.

26. The learned Single Judge has declined to accept the reason given by the author of the Rule qua the definition of the term ‘Orphan’ so as to accept another meaning to such Rule which is contrary to the intention expressed by the author of the Rule. Hence, in fact the direction given by the learned Single Judge to interpret the said definition of Orphan in a particular manner which is contrary to the explanation given by the author of the Rule, would mean judicial legislation which is not at all permissible.

27. Hence, the direction given by the learned Single Judge is not at all permissible as judicial legislation is not permissible. To support the said view, reliance can be placed upon the judgment of Hon'ble Supreme Court of Civil Appeal No.517-518/2017 titled as **Union of India and another Vs. Manpreet Singh Poonam etc.,** decided on 08.03.2022. The relevant



**CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and
other connected cases -27-**

paragraph 13 of which is reproduced as under:-

XXXX XXXX XXXX XXXX

“13.As there is no ambiguity in the aforesaid rules, we are not able to approve the views of the CAT and the High Court that JAG-I is a mere upgradation of JAG- II. Differential pay scale along with a process of selection qua suitability fixing eligibility criteria are the factors to determine whether a particular post is the same as the other or a promotional one. We feel that such an exercise is not required since the rules themselves are specific. When the rules are specific and clear, there is no need for interpretation which may lead to a case of judicial legislation. We are also in agreement with the submission of the learned counsel for the appellant that the reasoning of the CAT, though not challenged is unsustainable, since there is no occasion to challenge it with the dismissal of the applications filed.”

XXXX XXXX XXXX XXXX

28. In the present case, the Commission is before this Court to contend, by filing an affidavit, dated 16.02.2022 that according to the Commission, the interpretation given by the State to assess the eligibility for grant of five marks to an orphan was that both the parents should have died and, not only this, the father should have died before attaining the age of 42 years or before the child had attained the age of 15 years. Once the Commission has given the said affidavit based upon the instructions received from the employer, giving another interpretation, even if the same is possible, cannot be accepted. The statement of the employer can only be declined *qua* the interpretation given, in case the same is not made out by the plain



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -28-

reading of the clause itself. In the present case, the term 'orphan' has been interpreted by the State qua all the concerned candidates to mean that both the parents should have died along with the further condition that the father should have died before attaining the age of 42 years or before the candidate had attained the age of 15 years.

29. The learned Single Judge did not accept the said interpretation of the Commission only on the ground that qua another advertisement where Class IV employees were to be recruited by the District Selection Committees, certain Committees had given the interpretation by giving the marks to a candidate whose mother was alive. It may be noticed that any incorrect interpretation by a Committee, which has not been approved by the State, cannot be accepted to be the basis for not accepting the explanation given by the State. The State had filed an affidavit before the learned Single Judge that such interpretation given by the District Selection Committees was unwarranted and was not correct. Though the same has been noticed by the learned Single Judge, the learned Single Judge has not dealt with the same by assigning any reason as to why such explanation cannot be accepted so as to accept that for the definition of term 'orphan', both the parents should have died. Merely because a particular District Selection Committee has interpreted a clause differently, it will not take away the right of the author of the clause to give the correct interpretation, which was kept in mind while framing such clause.

30. Further, it may be noticed that according to the State, it had applied the said interpretation uniformly to all the candidates when the selection process was going on. Once the said statement was made,



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -29-

accepting the plea of the candidates who could not make the grade qua a particular interpretation of 'orphan' clause in the advertisement is not made out. The term 'orphan' means a child who is without the care of his/her parents. Further, 'orphan' has also been interpreted to mean that such candidates should have suffered prejudice due to the death of their father on various aspects, apart from the fact that even if the mother had died later on. A candidate who is being taken care of by the mother in a manner required does not suffer such prejudice according to the definition given by the appellant-Commission and, therefore, the purpose behind the inclusion of the weightage should have been kept in mind by the learned Single Judge while interpreting the said clause. The purpose behind the same is that the child should have suffered prejudice on account of not only being an orphan but also being without a father when he/she was in the formative years of his/her life. Hence, the interpretation given by the learned Single Judge to set aside the selection and to redo the same by giving marks to candidates whose mother was alive so as to treat them as orphans cannot be accepted.

31. Further, even if it is assumed for the sake of argument that any interpretation was given to the same clause by a District Selection Committee, even if the appointment has been made at the district level, the same cannot bind the Commission, especially when the appointing authority has already filed an affidavit dated 14.03.2023 before this Court as to the definition as to who can be considered as an orphan. As per the employer, orphan will only mean a candidate whose both the parents are not alive and whose father had died before attaining the age of 42 years or

CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -30-

before the candidate attained the age of 15 years. Not accepting the said affidavit, without any cogent reason, by the learned Single Judge needs intervention by this Court in the present appeals.

32. At this stage, the learned Senior Counsel appearing on behalf of the respondents who had approached this Court by filing the Civil Writ Petitions and are respondents in these appeals, submits that certain candidates whose mother was alive have been given the benefit. It may be noticed that such benefit given is incorrect. Any benefit given contrary to the interpretation of the employer, i.e. the State, is liable to be reviewed by the Commission without any further delay.

33. Further, even for the grant of compassionate assistance to the dependents under the Deceased Government Employees Rules, 2003, the orphan has been defined so as to give the benefit. The definition of orphan given by the State of Haryana in Rule 3(k) of the Deceased Government Employees Rules, 2003 for granting compassionate assistance, reads as under:-

3. In these rules unless the context otherwise requires,-
xxxx xxxx xxxx xxxx
 (k) "orphan" means a child who has previously lost
 one parent and has become an orphan upon the demise of
 the Government employee;”
xxxx xxxx xxxx xxxx

34. Hence, as far back as 2003, the definition of the orphan as given by the State of Haryana in order to uplift such orphan and give them the benefit clearly mentioned that both the parents should have died. Hence, once the motive in the present advertisement is also to uplift such



CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and other connected cases -31-

orphans and give them additional weightage, the interpretation being given that where even one parent is alive, such candidate should be treated as an orphan cannot be accepted and will be contrary to the 2003 Rules, which are being implemented for giving financial assistance to such orphan.

35. Learned Senior Counsel for the respondent-candidates has not been able to rebut such interpretation given by the State to the word “orphan” much before the advertisement came into being and that too through promulgation of 2003 Rules.

36. Keeping in view the totality of the circumstances, the judgment of the learned Single Judge cannot be sustained being perverse to the facts as well as the 2003 Rules and is accordingly set aside. The interpretation of orphan will mean that not only both the parents of such candidate should have died prior to the last date of the application, but also that the father of such candidate should have died before attaining the age of 42 years or before the candidate concerned attained the age of 15 years. Any benefit given to a candidate other than the one who fulfills the above requisites, is liable to be withdrawn and reconsidered by the Commission, so that the actual entitled orphans are given such marks and can be given the benefit for the purpose for which the clause was framed.

37. Order was dictated in the open Court in the presence of learned counsel for the parties.

38. No other arguments raised.

39. Keeping in view the observations made hereinabove, the present appeals stand allowed; order passed by the learned Single Judge is set aside and the writ petitions are dismissed.

CMs-3361 to 3163-LPA-2025 IN/ANDLPA-1369-2025 (O&M) and
other connected cases -32-

40. Pending miscellaneous application(s), if any, shall also stand
disposed of.
41. A photocopy of this order be placed on the file of the other
connected cases.

(HARSIMRAN SINGH SETHI)
JUDGE

JULY 20, 2026	(AMARINDER SINGH GREWAL)
nitin	JUDGE
Whether Speaking	Yes
Whether Reportable	Yes