



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

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**CWP No.10588 of 2026
Date of Decision: 12.08.2026**

Rakesh Kumar

.....Petitioner

VERSUS

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present : Mr. Rohit Mittal, Advocate
for the petitioner.

Mr. Rahul Dev Singh, Addl.AG, Haryana.

HARPREET SINGH BRAR, J.

1. The present writ petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned order dated 30.07.2025 (Annexure P6), wherein claim of the petitioner for the notional appointment/pay fixation benefit and seniority has been rejected and further to issue a writ in the nature of *mandamus* directing the respondent-department to grant the petitioner the benefit of notional appointment/pay fixation and seniority.

2. On 22.07.2026, the following order was passed by this Court:-

“On 07.05.2026, this Court passed the following order:-

“It is inter alia contended that the petitioner was appointed as Assistant Professor (Commerce) in the respondent Department only after the writ petition filed by him, challenging the denial of appointment despite his eligibility, was allowed by this Court vide order dated 02.07.2019 passed in CWP-14072-2017, and a letter of appointment dated 14.11.2023, Annexure P4, was issued. Subsequently, the Department made a statement before this Court on 21.05.2025, as recorded in the order passed on that date in COCP-



778-2020, Annexure P-5, that the petitioner would be given the benefit of notional appointment in accordance with his merit position from the date of appointment of his juniors, within a period of two weeks. Despite this statement, the said benefit has not been extended to him vide impugned order dated 30.07.2025, on the ground that he was last in the merit list of selected candidates against advertisement 10/2016, who were appointed vide memo dated 17.08.2017, Annexure P-2. However, it cannot be disputed that even if the petitioner is the last selected candidate in the order of merit, his entitlement to notional benefits from the date the other selected candidates have been appointed, cannot be denied.

2. Learned State counsel does not dispute that this aspect has not been considered by the respondents while passing the impugned order and seeks a short accommodation to get instructions in that regard.

3. Adjourned to 22.05.2026.”

It appears that the learned State counsel on instructions from Mr. Ashok Kumar Kundu, Joint Director, O/o Director General Higher Education has made a statement before the contempt court on 21.05.2025 to the effect that benefit of notional appointment in terms of merit of the petitioner from the date of appointment of his juniors, would be given within a period of two weeks from the date of passing of the order. Accordingly, on the basis of the aforesaid statement made by learned State counsel, contempt petition bearing, COCP No.778 of 2020 was disposed of. Said order reads as under:-

“Short affidavit of Mr. Satish Kumar, Deputy Secretary, HPSC filed in Registry of this Court is taken on record.

Compliance report by way of an affidavit of Mr. Anand Mohan Sharan, Addl.Chief Secretary, Haryana, Higher Education Department, Chandigarh filed in Registry of this Court is taken on record.

Learned State counsel on instructions from Mr. Ashok Kumar Kundu, Joint Director, O/o Director General Higher Education submits that the petitioner shall be afforded the benefit of notional appointment as ‘Assistant Professor’ (College Cadre) under the DESM Category as per the merit position from the date of appointment of his juniors within a period of two weeks from today.

In view of the aforesaid, no cause survives in the present petition and the same is thus, disposed of.

Rule discharged.

In case, the respondents fail to abide by the aforesaid undertaking, 1/3rd salary of respondent Nos.1 and 2 shall remain attached till the compliance is made.”

However, despite the explicit undertaking given before the Contempt Court, the benefit of notional appointment has still not been granted to the petitioner. This Court is constrained to observe that owing to the recalcitrant and casual attitude of the respondents, the petitioner has been



unnecessarily compelled to approach this Court for the third time. Surprisingly, the respondents have neither challenged the order passed by the Contempt Court nor taken any meaningful steps toward its compliance. It appears that the respondents have no regard for the Rule of Law or the majesty of justice, and their conduct presents a classic instance of administrative apathy. In such circumstances, this is a fit case where exemplary costs ought to be imposed upon the respondents to curb such unwarranted and protracted litigation.

In view of the above, let notice be issued to Additional Chief Secretary-cum-Principal Secretary, Higher Education Department, Haryana and Director General of Higher Education, Haryana to show cause as to why proceedings under the Contempt of Courts Act, 1971, be not initiated against them for wilful non-compliance of the orders of this Court. They are directed to file their respective affidavits in response thereto in the Registry at least one week before the next of hearing with an advance copy to the opposite counsel.

Meanwhile, one-third of the salary of Additional Chief Secretary cum Principal Secretary, Higher Education Department, Haryana as well as of Director General of Higher Education, Haryana shall remain attached in terms of the order dated 21.05.2025 passed by the Contempt Court.

List on 12.08.2026.”

3. In compliance thereof, an affidavit dated 11.08.2026 of Mr. A.K. Singh, IAS, Additional Chief Secretary to Government of Haryana, Higher Education Department as well as an affidavit dated 11.08.2026 of Mr. S. Narayanan, IFS, Director General, Higher Education, Haryana, has been filed in Court today. The same are taken on record, subject to just exceptions. Registry is directed to tag the same at the appropriate place.

4. Learned State counsel, while referring to para 3 of the aforesaid affidavits, submits that the claim of the petitioner has since been duly considered and all admissible benefits, in terms of the undertaking given before the Contempt



Court, have been granted to the petitioner as discernible from Annexure R-1. Learned counsel further submits that an unqualified and unconditional apology has been tendered for the delay on the part of the concerned officers in complying with the order passed by this Court.

5. Learned counsel for the petitioner affirms the aforesaid factual position and submits that in view of the benefits having been released to the petitioner, the present writ petition has been rendered infructuous.

6. In view of the above, the present writ petition is disposed of as having been rendered infructuous. The Rule issued against the respondents stands discharged. Consequently, one-third salary of the officers concerned attached vide order dated 22.07.2026 is ordered to be released forthwith.

7. Pending miscellaneous application(s), if any, shall stand disposed of accordingly.

(HARPREET SINGH BRAR)
JUDGE

August 12 , 2026.
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Whether speaking/reasoned. :	Yes/No
Whether Reportable. :	Yes/No