



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

1) CWP-21901-2024 (O&M)
Date of decision: 12.08.2026

Nirmala Devi and others Petitioners

Versus

State of Haryana and others ...Respondents

2) CWP-25356-2024

Somwati Petitioner

Versus

State of Haryana and others ...Respondents

3) CWP-1432-2025

Samsher Singh Petitioner

Versus

State of Haryana and others ...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Tejpal Singh Dhull, Advocate and
Mr. Ravi Kumar Yadav, Advocate
for the petitioners (in CWP-21901-2024).

Mr. Sarthak Gupta, Advocate
for the petitioner (in CWP-25356-2024).

Mr. S.K. Malik, Advocate
for the petitioner (in CWP-1432-2025).

Mr. Ravi Pratap Singh, DAG, Haryana.

Mr. Deepak Sabherwal, Advocate and
Ms. Hitika Sabherwal, Advocate
for respondent No.3 in all cases.

HARPREET SINGH BRAR, J. (ORAL)

1. With the consent of all the parties, this common order shall
dispose of the aforementioned civil writ petitions as they arise from a similar



factual matrix and involve identical questions of law. However, for the sake of brevity, the facts are taken from CWP No.21901 of 2024.

2. The present writ petition has been preferred under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the impugned result and corrigendum dated 27.07.2024 (Annexures P-8 and P-9) to the extent that it does not recommend the petitioners for the post of TGT (Sanskrit). Further, a prayer is made seeking issuance of a writ in the nature of *Mandamus* directing the respondent-Commission to recommend the name of the petitioners to the said post, in order of their merit and also, to grant them all consequential benefits including seniority.

FACTUAL BACKGROUND

3. The respondent-Commission advertised various posts including Trained Graduate Teachers (TGT) for Sanskrit vide advertisement No.7 of 2016 (Annexure P-1). The petitioners applied for the same, however, the respondent-Commission withdrew the selection process with respect to TGT (Sanskrit). Subsequently, in the year 2019, the said posts were re-advertised vide advertisement No.2 of 2019 (Annexure P-3), which also was eventually cancelled. Thereafter, the respondent-Commission advertised the post of TGT (Sanskrit) again vide advertisement No.2 of 2023 (Annexure P-4). Clause 11 to advertisement No.2 of 2023 (Annexure P-4) provided that the candidates who had applied against the cancelled advertisements shall be granted relaxation with respect to age and Haryana Teaching Eligibility Test (HTET).

4. The petitioners were also allotted unique IDs- 222016747, 222039378 and 222043311, respectively, by the respondent-Commission,



identifying them as candidates who had previously applied against cancelled advertisements as well. However, the petitioners were not selected in furtherance of advertisement No.2 of 2023 (Annexure P-4) in spite of securing higher marks than the last selected candidates, as evident from vide the impugned final result and corrigendum dated 27.07.2024 (Annexures P-8 and P-9),

5. On 28.07.2024 (Annexure P-10), the respondent-Commission issued a notice containing the reasons for non-selection of candidates who had scored more than the cut-off marks. The roll numbers of the petitioners were also mentioned in the said notice (Annexure P-10) and it was stated that they were not considered for selection for the reason of being overage.

CONTENTIONS

6. Learned counsel for the petitioners contends that the petitioners had applied for the post of TGT (Sanskrit) in terms of advertisements No.7 of 2016 (Annexure P-1) and No.2 of 2019 (Annexure P-3), both of which were eventually cancelled for reasons best known to the respondent-Commission. Thereafter, when advertisement No.2 of 2023 (Annexure P-4) was issued, the petitioners applied for the post of TGT (Sanskrit) again. He directs the attention of this Court to Clause 11 of the advertisement No.2 of 2023 (Annexure P-4) to submit that the respondent-Commission had categorically specified that the candidates who had earlier applied against an advertisement which was subsequently cancelled on 31.05.2019 shall be entitled to relaxation in age, HTET condition and exemption from payment of fee against the re-advertised posts. In other words, the advertisement No.2 of 2023 (Annexure P-4) specifically preserved the eligibility of the candidates who had applied under the earlier advertisements.



7. It is further submitted that being eligible, the petitioners applied for the post of TGT (Sanskrit) and even cleared the cut-off. However, vide notice dated 28.07.2024 (Annexure P-10), the petitioners discovered that their candidature was not considered for the reason of them being overage. Upon approaching the respondent-Commission, the petitioners were informed that their candidature was not considered as they had paid the application fee of Rs.150/- for male candidates and Rs.75/- for female candidates, in spite of being exempt from the same. Learned counsel submits that since there was no option in the drop-down box to indicate that a candidate fell under the exempted category, in exercise of caution, the petitioners paid the nominal fee of Rs.150/- and Rs.75/-, respectively.

8. Be that as it may, the respondent-Commission had the information regarding the petitioners and the past advertisements they had applied to by virtue of the unique IDs allotted to them. Learned counsel submits that the respondent-Commission has fallen into grave error by denying consideration to the petitioners merely because they did not avail the fee exemption granted to them under Clause 11 of advertisement No.2 of 2023 (Annexure P-4). Being the recruiting authority, it was the responsibility of the respondent-Commission to not collect the application fee from the candidates who were reapplying. Further still, owing to the history of unpredictability of the selection processes initiated to recruit TGTs (Sanskrit), the petitioners had paid the application fee despite being exempt merely to ensure that no unnecessary hurdles are created in this round of recruitment. Learned counsel argues that the petitioners cannot be penalized for being cautious and making the fee payment, especially when the respondent-Commission accepted the same as well.



9. Learned counsel further contends that this Court vide interim order dated 03.09.2024 directed for 03 posts of TGT (Sanskrit) (02 under General category and 01 under EWS category) to be kept vacant. The petitioner(s) have secured marks equal to or higher than those secured by the last selected candidates in their respective categories. Moreover, several vacancies are still available against which the petitioner(s) could be adjusted. Thus, it is prayed that the petitioners be considered for appointment as TGT (Sanskrit) in furtherance of advertisement No.2 of 2023 (Annexure P-4) by granting them age relaxation in terms of Clause 11 thereof.

10. *Per contra*, learned counsel for the respondent-Commission submits that the written test for the post of TGT (Sanskrit) in furtherance of advertisement No.2 of 2023 (Annexure P-4) was conducted on 30.04.2023. The respondent-Commission declared the result of the same on 21.06.2023, subject to the fulfillment of the eligibility criteria in terms of the advertisement and the relevant Service Rules. The shortlisted candidates were invited for Scrutiny of Documents which was held on 11.07.2023 and 12.07.2023. The petitioners also appeared for the same; however, they were removed from the zone of consideration for being over the age limit prescribed by the advertisement No.2 of 2023 (Annexure P-4).

11. Learned counsel further submits that the petitioners do not fall under the ambit of Clause 11 as they had paid the application fee despite being exempt from such payment. Having paid the application fee, which only had to be paid by fresh applicants, the petitioners forfeited their claim to exemptions meant for candidates who were reapplying. Furthermore, the respective date of birth of the petitioners are: Nirmala Devi- 15.09.1979, Ram Mehar-



16.01.1980, and Kamlesh Devi- 20.08.1979. Therefore, as on 15.03.2023, the petitioners were over the age of 42 years i.e. the upper age limit prescribed by the advertisement No.2 of 2023 (Annexure P-4). Learned counsel submits that since no age exemption was allowed for fresh applicants, the petitioners were also not given any such concessions. Thus, in spite of having secured more marks than the last selected candidates, the petitioners could not be selected.

12. However, learned counsel could not controvert the fact that the petitioners were allotted unique IDs, as discernible from Annexures P-5 to P-7, which were created specifically for candidates who had applied under advertisements that were subsequently cancelled. It also remains uncontroverted that the online application portal of the respondent-Commission did accept the fee paid by the petitioners, in spite of the specific exemption granted to them by the Commission itself.

OBSERVATIONS AND ANALYSIS

13. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, the following question arises for adjudication before this Court:

Can a candidate be denied the concession of relaxation in age, specifically granted in view of earlier cancelled advertisements, merely for not availing the additional concession of exemption from payment of the application fee?

The Waiver That Wasn't

14. The saga begins with the cancellation of advertisements that the petitioners had applied to in earnest hope of public employment. Though the two earlier advertisements were cancelled, fortune finally had its turn and a



fresh advertisement was issued that was allowed to reach its intended conclusion. The efflux of time had not been kind on the applicants but not to fret, the government also did the decent thing and said, “Apply on the same membership with no extra charge! Those who had faced cancellation of advertisements, your eligibility, your age, and your application fee, all stand preserved. Let my word be my bond.”

15. Little did they know that a gesture prompted by institutional conscience would raise constitutional questions, far beyond anything it had any business becoming. One would think that the idea is fairly clear- earlier processes had to be cancelled for reasons not attributable to the applicants, the Commission consciously preserved their eligibility, shielding them from the consequence of certain administrative misadventures. So far, the pieces fit. And then walked in the petitioners, meritorious, diligent and honest to a fault. They could have skipped fee payment in face of technical troubles but instead of rolling the dice, the petitioners went ahead and paid the application fee anyway, leaving absolutely nothing to chance this time. Their respective applications were accepted and everything finally seemed to be falling in place, until it didn't. The Commission, it seems, did not take kindly to this act of excessive good faith and rewarded them with ineligibility. “Your merit is excellent, your qualifications are satisfactory, your eligibility was preserved, and we did promise relaxation in age. You were entitled to a fee waiver but you paid it anyway. Euge! You are ineligible,” the Commission decreed.

16. When it comes to litigation around public employment, it is very often the case that something is found lacking in the aspirant's candidature; from their failure to apply under the correct category, upload the right



documents to issues regarding the validity of their qualifications and certifications. Of all the reasons to deny consideration to a candidate, certainly, being meticulous ought to be the most tragic. On the other hand, the Commission seems to have issued a bizarre new edict i.e. The Doctrine of Negative Fee Waiver, that essentially stipulates that if the fee is waived and you pay it anyway, you are ineligible. The metamorphosis of diligence into disqualification is a rather cruel irony, not lost upon this Court.

Denial of Age Relaxation vis-à-vis Fee Waiver

17. The respondent-Commission had been attempting to conduct recruitment to the post of TGT (Sanskrit) since the year 2016, however, for one reason or another, the advertisements (Annexures P-1 and P-3) were eventually cancelled. Hopeful as ever, the petitioners applied for the same, oblivious of the fate that awaited the said advertisements. Thus, when advertisement No.2 of 2023 (Annexure P-4) was issued, a decision was taken to grant relaxation in age and HTET certification as well as a waiver of application fee to all those candidates who had suffered the cancellation of the earlier advertisement (Annexure P-3). This conscious decision is reflected in Clause 11 of advertisement No.2 of 2023 (Annexure P-4), which reads as follows:

“11. Details of Fees

<i>Sr. No.</i>	<i>Category of Post</i>	<i>General</i>		<i>SC/BC/EWS Candidates of Haryana State</i>	
		<i>Male/ Female</i>	<i>Female (Haryana resident)</i>	<i>Male</i>	<i>Female</i>
1.	Cat. No. 1 to 18	150	75	35	18
2.	PwD (Person with Disability)/Ex-Serviceman of Haryana	No Charges			



Note 1. The posts indicated below were advertised earlier by the Haryana Staff Selection Commission, Panchkula:-

Sr. No.	Name of the Post	New Cat. No.	Old Advt. No.	Old Cat. No.
1.	TGT Sanskrit (Rest of Haryana)	6.	2/2019	1.
2.	TGT Sanskrit (Mewat Cadre)	10.	2/2019	2.

Against these posts no recruitment process could be initiated and the same were cancelled by the Haryana Staff Selection Commission, Panchkula vide 31.05.2019. **The candidates who had earlier applied against the above categories & whose details are available on web site of Haryana Staff Selection Commission i.e. www.hssc.gov.in will be entitled for HTET condition, age relaxation and will also be exempted from payment of fee against the re-advertised posts.**

However, such candidates will have to apply afresh alongwith proof of depositing the application fee. They are required to upload the fee Challan/credit certificate issued by Treasury/e-Challan as the case may be, alongwith the fresh application form and will produce the original Challan/credit certificate issued by Treasury /e-Challan at the time test/verification.

(Emphasis added)

18. As evident from the aforementioned provision, the application fee with respect to advertisement No.2 of 2023 (Annexure P-4), for the unreserved/general category was Rs.150/-. However, for women from the general/unreserved category, who happened to be residents of the State of Haryana, the fee was set at Rs.75/-. Be that as it may, while making a special reference to the advertisement No.2 of 2019 (Annexure P-3) under Note 1, it has been stipulated in no uncertain terms, that the candidates who had applied for the post of TGT (Sanskrit) thereunder would be entitled to relaxation in age and HTET and additionally, they would also be granted an exemption from



payment of the said application fee. Nonetheless, such candidates were required to make a fresh application and attach the proof of payment of application fee from the older advertisement, along with it.

19. However, the sequence of events that followed yet again illustrated how misery can often be preceded by apparent happiness. Comfortable in the knowledge that they would overcome the eligibility hurdle pertaining to age by virtue of Clause 11, the petitioners applied against the advertisement No.2 of 2023 (Annexure P-4) and cleared the written exam. As they waited for the result to arrive, hoping that the tide would finally turn in their favour, notice dated 28.07.2024 (Annexure P-10) arrived, disqualifying them from consideration entirely. A perusal thereof informed the petitioners that they did not meet the age criterion and thus, could not be considered despite securing more marks than the last selected candidates. In hope that the matter was merely a misunderstanding, the petitioners approached the respondent-Commission seeking clarification. Much to their astonishment, it was discovered that the petitioners were never granted the promised age relaxation.

20. It appears that when the petitioners were applying for the post of TGT (Sanskrit) against advertisement No.2 of 2023 (Annexure P-4), no separate drop-down box could be located on the portal to input details of fee deposited in the earlier selection processes. Furthermore, some petitioners had availed the fee exemption while applying for advertisement No.2 of 2019 in view of their application with respect to advertisement No.7 of 2016. Thus, understandably, the petitioners chose to pay the nominal fee of Rs.75/- and Rs.150/-, respectively, regardless of the exemption provided in Clause 11 of advertisement No.2 of 2023, to ensure that their candidature does not suffer



because of the lack of clear instructions. While the approach adopted by the petitioners was perfectly reasonable, the respondent-Commission decided that claiming the fee waiver was mandatory. Admittedly, the petitioners were allotted a unique identification number, symbolizing their application against the previous advertisements. In fact, the following was stated in the affidavit dated 06.08.2026 filed on behalf of the respondent-Commission:

*“(ii) Further, regarding generation of Unique Id, the Commission sought clarification from the agency regarding purpose of allotting Unique Id Number and it has been answered by the concerned agency that **“the Unique Identification Number was issued through the designated portal exclusively to those candidates whom the Haryana Staff Selection Commission (HSSC) determined to be eligible, subject to the condition that such candidates had previously applied through multiple advertisements in an earlier recruitment process that remains incomplete owing to administrative reasons.”**”*

However, the said report of agency cannot be made part of present affidavit as annexure as the same depicts the name, address and other details of the agency which is confidential and cannot be revealed. The same will be produced before the Hon’ble Court in a sealed cover.”

(Emphasis added)

21. It is clear that unique IDs were only created for candidates who had applied against the cancelled advertisements, thereby making them *per se* eligible for the exemptions provided by Clause 11 of advertisement No.2 of 2023. Since these unique IDs were generated at the behest of respondent-Commission, ideally, the online application portal should not have given them the option to make the payment in the first place. At the very least, there ought to be a designated column for the proof of payment to be uploaded. Further still, an application is only accepted when the eligibility criteria are met by the applicant. Clause 6 of the advertisement No.2 of 2023 (Annexure P-4) lays



down that aspirants falling in the age bracket of 18 to 42 years shall be considered eligible for the post of TGT (Sanskrit). As such, when the petitioners input their date of birth, logically, there could only exist two possibilities- (i) their application is rejected for being overage in terms of Clause 6 or (ii) their application is accepted in view of the relaxation granted by Clause 11. Admittedly, the application of the petitioner was accepted, consequent to which they appeared in the written examination as well.

22. Curiously, it is the case of the respondent-Commission that their portal was not designed in a way that could make such connections between the candidates and the options exercised by them. This Court is of the considered opinion that online applications are, undoubtedly, a welcome step as long as they simplify the process, reduce paperwork and ease the burden on both the candidates and the recruitment agency. However, the factum of digitization in itself does not render a process efficient. It is vital that technology is incorporated meaningfully which is only possible by ensuring sound programming and thoughtful design as the lack thereof only ends up creating new difficulties for the candidates to navigate an otherwise simple process. Unfortunately, it appears that the respondent-Commission has modernized the application process in namesake only, as reflected from the following statement made in the affidavit dated 06.08.2026:

*“It is further relevant to mention here that **the system is neither designed nor programmed in a manner to decipher the mapping between the options exercised by the candidate(s)** wherein on one hand such candidates are claiming relaxation against previously applied advertisements and on the other hand such candidates are also paying the application fee afresh even though, they were exempted from doing so per **Note 1 of Clause 11** of Advertisement No.2/2023. Hence, on payment of fee afresh the system will consider the form as a fresh application and will also generate Unique Id of the candidate due to overlapping fresh*



payment of fees as well as selection of option of applying against previously advertised advertisement in affirmative.”

(Emphasis added)

23. It seems that the respondent-Commission needs a gentle reminder that it is not an ordinary fee-collecting agency but bears the responsibility to conduct merit-based recruitment to public service in a manner that is fair and non-arbitrary. Thus, its focus should not be on whether or not application fee has been submitted in spite of an exemption but to determine if the prescribed criteria is satisfied. Moreover, when the State has categorically preserved eligibility of a certain set of candidates, it does not stand to reason as to why a mere technological oversight should deprive otherwise eligible aspirants from consideration. However, this is precisely what has occurred. Considering that these are not the corridors of the Red Keep where one can proclaim, “*Power is power*” and act on one’s whims and fancies, but a constitutional democracy governed by Rule of Law, this Court cannot in good conscience overlook the act and conduct of a public recruiting authority in penalizing a candidate for foregoing a benefit granted to him.

24. The respondent-Commission allotted the petitioners Unique IDs thereby acknowledging their earlier attempts; accepted their applications even though the date of birth put them outside the zone of eligibility; readily received the application fee despite them being exempted from it; and yet, brazenly defended its poorly conceived application mechanism to reject their candidature. A more befitting example of *res ipsa loquitur* might be hard to find.

CONCLUSION

25. In view of the discussion above, this Court finds merit in the



arguments advanced by learned counsel for the petitioner(s). The question framed above is answered in the negative i.e. a candidate cannot be denied the concession of relaxation in age, specifically granted in view of earlier cancelled advertisements, merely for not availing the additional concession of exemption from payment of the application fee.

26. Accordingly, all the aforementioned petitions are allowed in the following terms:

(i) The impugned result and corrigendum dated 27.07.2024 (Annexures P-8 and P-9, respectively) are set aside to the extent that they do not recommend the petitioners for the post of TGT (Sanskrit).

(ii) The respondents are directed to consider the candidature of the petitioners for appointment to the post in question, in accordance with their merit in the selection process, subject to their fulfilling all other requisite eligibility conditions.

(iii) The competent authority shall pass appropriate orders in this regard within 02 months of the date of receipt of a certified copy of this order.

(iv) The petitioners shall also be entitled to all consequential benefits including notional benefits, from the date of joining of their batch mates. However, they shall be entitled to actual monetary benefits, including salary and other emoluments, only from their respective dates of joining.

27. Pending miscellaneous applications, if any, shall also stand disposed of.

28. A photocopy of this order be placed on the paper books of the connected matters.

(HARPREET SINGH BRAR)
JUDGE

12.08.2026

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