



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

CWP-19879-2017

Date of decision: 16.09.2026

Jaibir Singh

....Petitioner

Versus

Chaudhary Bansi Lal University Bhiwani
through its Registrar and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Shalender Mohan, Advocate
for the petitioner.

Ms. Sunanda, Advocate and
Mr. Harmanjot Singh Gill, Advocate
for the respondents.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the impugned result/order (Annexure P-5). Further, for issuance of a writ in the nature of *mandamus* directing the respondents to consider the candidature of the petitioner for the post of Assistant which is lying vacant being suitable and eligible and granting the marks for domain knowledge and interview. Further, directing the respondents to give appointment to the petitioner for the post of Assistant in BC category in advertisement No.2/2017 issued by the respondent. Further prayer has been made to keep the one post vacant of Assistant in BC category in the advertisement (*supra*).

2. Learned counsel for the petitioner *inter alia* contends that the respondent-University issued advertisement (Annexure P-2) inviting

**CWP-19879-2017****-2-**

applications for the post of Assistant stipulating 16.03.2017 as the last date for submission of online applications. He submits that out of the total 08 posts advertised, 01 post was earmarked for the BC-B category against which the petitioner applied. He refers to the essential qualifications prescribed in the advertisement and submits that the petitioner possesses a bachelor's degree with 50% marks from a recognized University along with 10 years of experience, whereas, only 05 years of experience was required for the post in question.

2.1. The petitioner participated in the written test. Learned counsel refers to Clause 13 of the general instructions and essential information forming part of the advertisement (*supra*) which stipulates that the selection criteria for each post would be displayed on the University website well before initiation of the selection process. He further refers to Annexure P-5 and submits that the petitioner participated in the Computer Typing Test and General Aptitude Test, thereafter, the final merit list was to be prepared on the basis of marks obtained under four components, namely, (i) Computer Typing, (ii) General Aptitude Test, (iii) Academic Qualifications, and (iv) Work Experience.

2.2. It is further submitted that the petitioner secured 35.55 marks and in the BC-B category, he was the most meritorious candidate. Referring to the note attached with the criteria available at page No.29 of the paper book, learned counsel submits that the merit list based upon the score under Selection Criterion "A to D" was to be prepared first, thereafter, the candidates were to be called for interview. Moreover, only 03 candidates for the one post earmarked for the BC-B category, were called for interview. However, the petitioner was



CWP-19879-2017

-3-

awarded no marks either in domain knowledge or in the interview as discernible from Annexure P-5 and was consequently declared 'Not Found Suitable'.

2.3. Learned counsel contends that it is a trite law that the terms and conditions of an advertisement are sacrosanct and binding upon the candidate as well as the employer. Once the prescribed selection criteria did not provide for any minimum qualifying marks in the interview, the exclusion of the petitioner from the zone of consideration by declaring him 'Not Found Suitable' is arbitrary, illegal and contrary to the law laid down by the Hon'ble Supreme Court in *Manoj Manu & Anr. v. Union of India & Ors., (2013) 12 SCC 171*. It is further contended that the selection process was a multi-dimensional process based on different parameters carrying separate marks. However, in the present case, the petitioner has effectively been excluded only on the basis of the interview. His merit under the other prescribed parameters has not been given due consideration. The Selection Committee has also not awarded any marks to the petitioner in domain knowledge and interview.

3. *Per contra*, learned counsel for the respondents opposes the prayer made by learned counsel for the petitioner on the ground that the petitioner's capability and suitability were duly examined by the Selection Committee which did not find him suitable. As such, no right accrues in favour of the petitioner. It is further submitted that mere participation in the selection process does not create an indefeasible right in favour of a candidate. She further submits that only one post of Assistant was advertised in the BC-B category,



CWP-19879-2017

-4-

which is lying vacant as none of the three candidates called for interview was found suitable or recommended by the Selection Committee. As such, the petitioner is not entitled to any relief.

4. Having heard learned counsel for the parties and after perusing the record, it transpires that the petitioner participated in the selection process pursuant to the advertisement (*supra*) for the post of Assistant. The selection criteria for the post in question as discernible from Annexure R-2, reads as under:-

“CRITERIA FOR SELECTION TO THE POST OF ASSISTANT

Selection Criteria:

<i>A)</i>	<i>Computer Typing (Test-A)</i>	<i>35 Marks</i>
<i>B)</i>	<i>General Aptitude Test (Test-B)</i>	<i>30 Marks</i>
<i>C)</i>	<i>Academic Qualifications</i>	<i>10 Marks</i>
<i>D)</i>	<i>Work Experience</i>	<i>05 Marks</i>
	<i>(Govt./SemiGovt./Govt.Aided/University/ College/Professional Institution)</i>	
<i>E)</i>	<i>Domain Knowledge</i>	<i>08 Marks</i>
<i>F)</i>	<i>Interview</i>	<i>12 Marks</i>

Note:-

The process will start with the holding of Computer Typing Test first. Only those candidates who qualify the typing test will be called for screening test.

A merit list based upon the scores in criterion A to D shall be prepared, out of which the candidates called for interview shall be restricted to 15 times for the first post and five each for each additional post advertised.

(A) Computer Typing Test:-

A) Syllabus and other details for Computer Typing



Total Marks: 35

Total Time 10 Minutes

1. Text for computer typing to be copied shall be prescribed on the Monitor only (no hard copy) of 400 words.

NOTE: Correct words copied with penalties of 1/10th for every missing and wrong word shall be scored. The candidate is required to type the text strictly in the provided sequence, and line/paragraph jumping/skipping is not allowed.

2. The test of Computer Typing shall be in English Language only (may be alpha-numeric with all punctuations etc.).

(B) General Aptitude Test (Screening Test):-

NOTE:-

1. Max. Marks : 100
2. Time : 90 Minutes
3. There will be 1/4 negative marks for each wrong answer.
4. Test will comprise of 100 marks which will be reduced proportionally to 30.
5. Questions will be Objective Type (MCQ).
6. Question Paper will comprise of five sections. Each will carry 20 Marks.

SYLLABUS

Section-I (General Knowledge and Current Affairs) 20 Marks

General Knowledge about all aspects of India-History and Civilization, Economy, Geography, Society, Politics and Government, Defence etc. and some common aspects about other countries such as Capitals, Prime Ministers, Presidents, Geographic location, National and International Affairs etc.

Section-II (General Science) 20 Marks

Syllabus upto 10th standard as approved by the Haryana Board of School Education.

Section-III (English) 20 Marks

Syllabus upto 10th standard as approved by the Haryana Board of School Education.

Section-IV (Arithmetic and Reasoning) 20 Marks

Arithmetic: Syllabus upto 10th standard as approved by the Haryana Board of School Education,

Reasoning: Verbal and Non Verbal.

**Section-V (Computer Knowledge)****20 Marks**

Historical Development of Computers, Generations of Computers, Types of Computers, Components, Types of Memories, Input Devices (Keyboard, Mouse etc.), Output Devices (all types of Printers, Media-Floppy Diskettes, Pen Drives, CD-ROMs, etc.), Types of Software (Operating Systems, Compilers and interpreters, Application Software), Types of Computer Languages, Data Representation, Components of Network, Types of Network (LAN/MAN/WAN), Data Transmission Modes, Data Transmission Medium Historical Development of Internet, Internet Browsers, Search Engines, WWW, Website, Home Page, E-Mail concepts etc. and M.S. Office.

C) Academic Qualification**10 Marks****i) Minimum Essential Qualification****00 Marks***(Graduation with at least 50% marks)***ii) Graduation with 51-60% marks****02 Marks****iii) Graduation with more than 60% marks****04 Marks****iv) Any two or three years degree course in***Computer Sc./***03 Marks***IT/Computer Engg. After graduation***v) One year regular diploma course (Accountancy/Data***Entry/Computer, Stenography, Secretarial Training etc.)**from recognized University/Board (Govt./Semi Govt.)***03 Marks***(in case a diploma has been cumulated for a degree programme its weightage shall not be counted for these 03 marks)***D) Work Experience****05 Marks****(Govt./Semi Govt./Govt. Aided/ University/College/Professional Institution)****(01) Mark for each completed year of experience in clerical cadre)****E) Domain Knowledge****08 Marks****F) Interview****12 Marks"**

4.1 The perusal of the above criteria clearly indicates that the selection process prescribed by the respondent-University was neither exclusively nor predominantly interview-based. The advertisement (*supra*) consciously prescribed a composite and multi-dimensional scheme of

**CWP-19879-2017****-7-**

assessment, under which 80 marks were allocated to four specified components, namely, Computer Typing, General Aptitude Test, Academic Qualifications and Work Experience (Selection Criterion "A to D"), while only 20 marks were earmarked for Domain Knowledge and Interview (Selection Criterion "E and F" respectively) taken together. The criteria further contemplated preparation of a combined merit list based upon the marks obtained by the candidates under Criterion A to D, whereafter the candidates so shortlisted were to be subjected to assessment on Domain Knowledge and Interview. Significantly, the *advertisement (supra)* did not stipulate any minimum qualifying marks for Domain Knowledge or Interview, nor did it reserve any power with the Selection Committee to declare a candidate 'not suitable' merely on the ground of his performance under Domain Knowledge or Interview, irrespective of the marks secured by him under the other Criterion A to D. The final result (Annexure P-5) shows that the petitioner was not awarded any marks either in Domain Knowledge or in Interview, and was simply declared 'Not Found Suitable.' Indubitably, no minimum qualifying marks having been prescribed for these components, the non-selection of the petitioner by the Selection Committee is arbitrary and contrary to the terms and conditions stipulated in the *advertisement (supra)*.

4.2 Reliance can be placed on the judgment rendered by the Two-Judge Bench of Hon'ble Supreme Court in *Manoj Manu (supra)*, wherein it was held that once a selection process has begun, the recruiting authority cannot depart from the criteria it has already notified. Any assessment carried out contrary to those criteria is not a mere irregularity but a material departure



CWP-19879-2017

-8-

from the notified scheme, amounting, in substance, to an impermissible rewriting of the rules of selection after the process has already commenced. The discretion vested in a Selection Committee to assess suitability cannot be construed as a power to disregard the weightage expressly assigned to different components, or to confer upon one component a predominance which the advertisement itself had deliberately denied to it. It is also significant that some posts under the same selection process have been filled, while the post in question has been kept vacant. Such action of the respondents, particularly when viewed in the context of the comparative merit of the candidates, falls foul of the principles laid down by the Hon'ble Supreme Court in *S.S. Balu v. State of Kerala*, (2009) 2 SCC 479.

4.3 Further, reliance can also be placed on the judgment of this Court in *Dr. Surender Singh and another vs. State of Haryana and others*, CWP-751-2023 and connected petitions, decided on 19.08.2026, wherein, drawing upon the principles laid down by the Hon'ble Supreme Court in *K. Manjushree vs. State of Andhra Pradesh*, (2008) 3 SCC 512, *Hemani Malhotra vs. High Court of Delhi*, 2008 (2) SCT 736, *Tej Prakash Pathak vs. Rajasthan High Court*, 2024 INSC 847, *Salam Samarjeet Singh vs. High Court of Manipur at Imphal*, 2024 INSC 632, and *Rojer Mathew vs. South Indian Bank Ltd. and others*, (2020) 6 SCC 1, it was held that the weightage assigned to a stage determines its contribution to the aggregate merit, whereas a qualifying threshold, being the minimum marks required to clear that stage, determines whether a candidate stands eliminated irrespective of aggregate merit. Further



holding that such a threshold cannot be introduced unless it is expressly authorized by the advertisement.

4.4 In view of the aforementioned discussion, it is *prima facie* established that the Selection Committee has thereby converted the multi-dimensional selection process into an interview-oriented process by declaring candidates unsuitable without considering their comparative merit under the other prescribed parameters. Moreover, the petitioner had secured 35.55 marks under Selection Criterion A to D and was, on his own showing, the most meritorious candidate in the BC-B category, thereby demonstrating merit on the very criteria which the respondent-University had itself prescribed and notified in advance. The Selection Committee's treatment of the petitioner as 'Not Found Suitable' (Annexure P-5) accordingly excluded him from consideration for appointment, notwithstanding that the Committee could not introduce, at the stage of assessment, a condition which was conspicuously absent from the advertisement, and thereby create a new disqualification for the candidates.

4.5 The vice in the impugned action is, therefore, not that this Court is being invited to substitute its own assessment for that of the Selection Committee, but that the Committee itself failed to exercise its discretion within the confines of the selection criteria notified by the respondent-University. Once the University had prescribed an objective distribution of 80 marks among Criterion A to D and 20 marks for Domain Knowledge and Interview, the Selection Committee was bound to operate within that framework and could not, by the simple expedient of awarding zero marks under the Domain



Knowledge and Interview, and recording the petitioner as 'Not Found Suitable', effectively render the other 80 marks nugatory. Such an exercise defeats the very purpose of prescribing a composite, merit-based selection, and is manifestly inconsistent with the settled position that a recruiting authority must adhere to the criteria and procedure declared by it in the advertisement. The impugned action of the Selection Committee is thus vulnerable not merely on the ground of an irrational assessment, but on the more fundamental ground of jurisdictional transgression. The petitioner, having demonstrated merit under Criterion A to D, could not lawfully be excluded by converting Domain Knowledge and Interview into a *de facto* qualifying or veto stage. The Selection Committee was required to assess the petitioner against the 20 marks assigned for Domain Knowledge and Interview and determine his final merit in accordance with the aggregate marks under the notified scheme.

4.6 Additionally, it also falls foul of Article 14 of the Constitution. This Court in ***Surender Singh (supra)*** held that arbitrariness and fair play are sworn enemies, and that a modification which defies the legitimate expectation of candidates to be judged as per the notified criteria creates a perception of arbitrariness for the candidates. In the present case, the petitioner was excluded without any consideration of his comparative merit under Criterion A to D. The absence of a reasoned basis for the nil award, along with the exclusion of a candidate on a threshold that was never notified, constitutes arbitrary and unguided exercise of power, violating Article 14.

5. In view of the above, the present petition is allowed. The

**CWP-19879-2017****-11-**

respondent-University is directed to consider the petitioner for appointment to the post of Assistant in the light of the discussion hereinabove and pass an appropriate order within a period of six weeks from the date of receipt of a certified copy of this order. In case, the petitioner is appointed, he shall be entitled to all notional benefits from the date of joining of the other selected candidates. However, he shall be entitled to remuneration only from the date of his actual joining.

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

(HARPREET SINGH BRAR)
JUDGE

16.09.2026*Neha*

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