CNR No: PHHC011290762026
2026:PHHC:198276

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. CWP-24359-2026 (O&M)

Pradeep

....Petitioner

Versus

State of Haryana and others

....Respondents

CONNECTED CASES:

Sr. No.	Case No.	Petitioner(s)	Respondent(s)
2	CWP-25383-2026	REETA	STATE OF HARYANA AND OTHRS
3	CWP-25703-2026	RAJESH KUMAR	STATE OF HARYANA AND OTHERS
4	CWP-25737-2026	DEEPAK KUMAR	STATE OF HARYANA AND OTHERS
5	CWP-25359-2026	PRADYUMN JANGRA	STATE OF HARYANA AND ORS
6	CWP-24394-2026	ARUN KUMAR AND ORS	STATE OF HARYANA AND ORS
7	CWP-24560-2026	MEENU	STATE OF HARYANA AND OTHERS
8	CWP-7082-2026	KARISHMA	STATE OF HARYANA AND ANOTHER
9	CWP-25156-2026	RITU	STATE OF HARYANA AND OTHERS
10	CWP-25158-2026	ANUPMA	STATE OF HARYANA AND OTHERS
11	CWP-25160-2026	MANJU	STATE OF HARYANA AND OTHERS
12	CWP-25162-2026	RAVISHA	STATE OF HARYANA AND OTHERS
13	CWP-25186-2026	SUNITA	STATE OF HARYANA AND OTHERS
14	CWP-25209-2026	AARTI	STATE OF HARYANA AND OTHERS
15	CWP-25243-2026	NISHA YADAV	STATE OF HARYANA AND OTHERS
16	CWP-25283-2026	ATUL GIRI	STATE OF HARYANA AND OTHERS

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17	CWP-30153-2026	SONIA SAINI	STATE OF HARYANA AND OTHERS
18	CWP-30099-2026	PARAMJEET KAUR	STATE OF HARYANA AND ORS
19	CWP-33205-2024 (O&M)	PREM SINGH AND ORS	STATE OF HARYANA AND ORS
20	CWP-14004-2026	AJAY KUMAR	STATE OF HARYANA AND OTHERS
21	CWP-14101-2026	MOHINDER WATI	STATE OF HARYANA AND ORS
22	CWP-25712-2026	MUNISH KUMAR AND ANOTHER	STATE OF HARYANA AND OTHERS
23	CWP-26185-2026	PRIYANKA AND OTHERS	STATE OF HARYANA AND OTHERS
24	CWP-26190-2026	ANNU JANGRA	STATE OF HARYANA AND OTHERS
25	CWP-26191-2026	AYUSH SINGH	STATE OF HARYANA AND OTHERS
26	CWP-26328-2026	KAMALJEET AND ORS	STATE OF HARYANA AND ORS
27	CWP-27334-2026	REENA DEVI	STATE OF HARYANA AND OTHERS
28	CWP-27646-2026	ANUPAM	STATE OF HARYANA AND OYHERS
29	CWP-27648-2026	POONAM	STATE OF HARYANA AND OTHERS
30	CWP-28683-2026	SNEHA	STATE OF HARYANA AND ORS
31	CWP-28786-2026	KAVITA	STATE OF HARYANA AND ORS
32	CWP-31674-2018 (O&M)	ARUN KUMAR	STATE OF HARYANA AND ORS
33	CWP-29927-2024	ANU JOGI	STATE OF HARYANA AND ANR
34	CWP-29934-2024	SUSHMITA	STATE OF HARYANA AND ORS
35	CWP-30793-2024	USHA KUMARI	STATE OF HARYANA AND OTHERS
36	CWP-30797-2024	SUCHITRA	STATE OF HARYANA AND OTHERS
37	CWP-30971-2024 (O&M)	SMT USHA	STATE OF HARYANA AND ANOTHER
38	CWP-31005-2024	ASHOK KUMAR AND OTHERS	STATE OF HARYANA AND OTHERS

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39	CWP-31025-2024 (O&M)	RANJAN KUMAR	STATE OF HARYANA AND OTHERS
40	CWP-31043-2024 (O&M)	HARPREET KAUR	STATE OF HARYANA AND ANOTHER
41	CWP-31044-2024	POONAM KUMARI AND OTHERS	STATE OF HARYANA AND OTHERS
42	CWP-31124-2024	SUMAN BAI	STATE OF HARYANA AND OTHERS
43	CWP-31132-2024	SUMAN	STATE OF HARYANA
44	CWP-31243-2024	NEHA CHOUDHRY	THE STATE OF HARYANA AND OTHERS
45	CWP-31407-2024	NARENDER KUMAR	STATE OF HARYANA AND ANOTHER
46	CWP-31422-2024 (O&M)	RISHITA	STATE OF HARYANA AND OTHERS
47	CWP-31552-2024	KARAMJEET KAUR	HARYANA PUBLIC SERVICE COMMISSION THROUGH ITS SECRETARY
48	CWP-31715-2024	RAMESH	STATE OF HARYANA AND OTHERS
49	CWP-31982-2024 (O&M)	NAMEETA	THE STATE OF HARYANA AND OTHERS
50	CWP-32308-2024	ROHIT KUMAR	STATE OF HARYANA AND ORS
51	CWP-32344-2024 (O&M)	RENU DHARRA	STATE OF HARYANA AND OTHERS
52	CWP-32396-2024	VIKASH	STATE OF HARYANA AND OTHERS
53	CWP-32404-2024	YOGITA YADAV	STATE OF HARYANA AND OTHERS
54	CWP-32498-2024	HEERA LAL	STATE OF HARYANA AND OTHERS
55	CWP-32514-2024	SUNIL KUMAR YADAV SON OF HANSRAJ YADAV	HARYANA PUBLIC SERVICE COMMISSION THROUGH ITS SECRETARY
56	CWP-32517-2024	PRATIBHA RAO	STATE OF HARYANA AND OTHERS
57	CWP-32531-2024	VISHESH KAMBOJ AND ORS	STATE OF HARYANA AND ORS

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58	CWP-32532-2024	ROHIT SONI	STATE OF HARYANA AND ORS
59	CWP-32547-2024	VIKAS	STATE OF HARYANA AND ORS
60	CWP-32665-2024	ANISHA SAINI	STATE OF HARYANA AND OTHERS
61	CWP-32673-2024	SARBJIT KAUR	STATE OF HARYANA AND OTHERS
62	CWP-32685-2024	SUNANDA	STATE OF HARYANA AND OTHERS
63	CWP-32748-2024	ABHIMANU	STATE OF HARYANA AND ANOTHER
64	CWP-32776-2024	SUSHILA RANI	STATE OF HARYANA AND OTHERS
65	CWP-32868-2024	HARDEV SINGH	STATE OF HARYANA AND ANOTHER
66	CWP-33074-2024	POOJA VERMA	STATE OF HARYANA AND OTHERS
67	CWP-33131-2024	SAVITA BHARDWAJ	STATE OF HARYANA AND OTHERS
68	CWP-33160-2024	AMANDEEP AND ANR	STATE OF HARYANA AND ORS
69	CWP-33172-2024	NEERU	STATE OF HARYANA AND OTHERS
70	CWP-33185-2024	NEETU YADAV	HARYANA PUBLIC SERVICE COMMISSION AND AND OTHERS
71	CWP-33244-2024	KUSHAL SHARMA	STATE OF HARYANA AND ANOTHER
72	CWP-33279-2024	AMIT KUMAR	STATE OF HARYANA AND OTHERS
73	CWP-33297-2024	MONIKA	STATE OF HARYANA AND OTHERS
74	CWP-33320-2024	ASHOK AND ANOTHER	STATE OF HARYANA AND OTHERS
75	CWP-33337-2024	SHARMILA	STATE OF HARYANA AND ORS
76	CWP-33416-2024	GURPREET KAUR	STATE OF HARYANA AND OTHERS
77	CWP-33505-2024	NARESH	STATE OF HARYANA AND OTHERS
78	CWP-33508-2024	ARUN KUMAR AND ORS	STATE OF HARYANA AND ORS

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79	CWP-33524-2024	SONAM YADAV	STATE OF HARYANA AND OTHERS
80	CWP-33531-2024	RAJENDER AND ORS	STATE OF HARYANA AND ORS
81	CWP-33598-2024	KIRTI AND ANOTHER	STATE OF HARYANA AND OTHERS
82	C CWP-33635-2024	PREETI	STATE OF HARYANA AND ANOTHER
83	CWP-33726-2024	YOGESH	STATE OF HARYANA AND OTHERS
84	CWP-33916-2024	POONAM RANI	STATE OF HARYANA AND OTHERS
85	CWP-34021-2024	SAHIL	STATE OF HARYANA AND OTHERS
86	CWP-34572-2024	MOHD NAEEM	STATE OF HARYANA AND OTHERS
87	CWP-34685-2024	RAMBIR	STATE OF HARYANA AND ANOTHER
88	CWP-142-2025	HIMANSHI KATHRI	STATE OF HARYANA AND ORS
89	CWP-15348-2025	BABLI	STATE OF HARYANA AND OTHERS
90	CWP-15366-2025	SUNIL KUMAR	STATE OF HARYANA AND ORS
91	CWP-15389-2025	RENU BALA AND ORS	STATE OF HARYANA AND ORS
92	CWP-15487-2025	KANCHAN YADAV AND ANOTHER	STATE OF HARYANA AND OTHERS
93	CWP-15934-2025	ANU	STATE OF HARYANA AND ORS
94	CWP-16020-2025	SARITA	HARYANA PUBLIC SERVICE COMMISSION
95	CWP-16063-2025	POOJA	STATE OF HARYANA AND ORS
96	CWP-17849-2025	GOPAL SINGH AND ANOTHER	STATE OF HARYANA AND OTHERS
97	CWP-17852-2025	SAQIB HUSAIN	STATE OF HARYANA AND OTHERS
98	CWP-19750-2025	PARDEEP KUMAR	STATE OF HARYANA AND OTHERS
99	CWP-19770-2025	POONAM AND ANOTHER	HARYANA PUBLIC SERVICE COMMISSION

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100	CWP-19967-2025	SANTOSH AND ANR	STATE OF HARYANA AND ORS
101	CWP-20488-2025	SHALU SONI	STATE OF HARYANA AND OTHERS
102	CWP-20884-2025	DEEPAK RAWAL	HARYANA PUBLIC SERVICE COMMISSION AND ANOTHER
103	CWP-20931-2025	SEEMA AND ANR	STATE OF HARYANA AND ORS
104	CWP-22202-2025	DIVYA	STATE OF HARYANA AND ANOTHER
105	CWP-22257-2025	POONAM RAO	STATE OF HARYANA AND OTHERS
106	CWP-2438-2025	DINESH KUMAR	STATE OF HARYANA AND ORS
107	CWP-25685-2025	BHARTI	HARYANA PUBLIC SERVICE COMMISSION
108	CWP-270-2025	EKTA YADAV	STATE OF HARYANA AND OTHERS
109	CWP-27803-2025	MUSKAN	HARYANA PUBLIC SERVICE COMMISSION
110	CWP-2786-2025	DHARAMVIR AND ORS	STATE OF HARYANA AND ORS
111	CWP-2795-2025	SUSHIL KUMAR AND ORS	STATE OF HARYANA AND ORS
112	CWP-28574-2025 (O&M)	ANJU SHARMA	STATE OF HARYANA AND OTHERS
113	CWP-28614-2025	MANJU	HARYANA PUBLIC SERVICE COMMISSION
114	CWP-29621-2025 (O&M)	VITESH DHANKHAR	STATE OF HARYANA AND ORS
115	CWP-3207-2025	CHESHTA ARORA AND ANR	STATE OF HARYANA AND ORS
116	CWP-3212-2025 (O&M)	SONU KUMAR	STATE OF HARYANA AND ANOTHER
117	CWP-3237-2025	KAJAL	STATE OF HARYANA AND ORS
118	CWP-3693-2025 (O&M)	EKTA	STATE OF HARYANA & ANR
119	CWP-3718-2025	PUSHPA AND ANOTHER	STATE OF HARYANA AND ANOTHER

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120	CWP-3909-2025 (O&M)	POOJA BUDHIRAJA	STATE OF HARYANA AND ANOTHER
121	CWP-393-2025	JAI VIR	STATE OF HARYANA AND OTHERS
122	CWP-4009-2025	VED PARKASH	STATE OF HARYANA AND OTHERS
123	CWP-4510-2025	KRISHNA	STATE OF HARYANA AND ORS
124	CWP-5044-2025	PAYAL SAINI	STATE OF HARYANA AND OTHERS
125	CWP-5056-2025	RAHUL KUMAR	STATE OF HARYANA AND OTHERS
126	CWP-5629-2025	SNEHA	STATE OF HARYANA AND ANOTHER
127	CWP-632-2025	SNEH LATA	STATE OF HARYANA AND OTHERS
128	CWP-747-2025	SANJAY SHARMA AND ORS	STATE OF HARYANA AND ORS
129	CWP-873-2025	JAGBIR SINGH	STATE OF HARYANA AND OTHERS
130	CWP-924-2025	KAVITA AND OTHERS	STATE OF HARYANA AND OTHERS
131	CWP-925-2025	SOMBIR	STATE OF HARYANA AND OTHERS
132	CWP-13420-2026	POOJA NARDIA	HARYANA PUBLIC SERVICE COMMISSION AND ANOTHER
133	CWP-21745-2026	MAMTA RANI	STATE OF HARYANA AND OTHERS
134	CWP-22977-2026	RAKESH AND ANOTHER	STATE OF HARYANA AND OTHERS
135	CWP-24639-2026	PARAMVEER SINGH	STATE OF HARYANA AND OTHERS
136	CWP-25718-2026	SEEMA AND OTHERS	STATE OF HARYANA AND OTHERS
137	CWP-26693-2026	ANJALI	STATE OF HARYANA AND ORS
138	CWP-27943-2026	DEEPAK	STATE OF HARYANA AND OTHERS
139	CWP-27972-2026	MONTY	STATE OF HARYANA AND ORS
140	CWP-28445-2026	AVNI AND OTHERS	STATE OF HARYANA AND OTHERS

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141	CWP-28454-2026	SHALU AND ORS	STATE OF HARYANA AND ORS
142	CWP-3873-2026	SUNIL KUMAR	STATE OF HARYANA AND OTHERS
143	CWP-4138-2026	DIVYA SAINI	STATE OF HARYANA AND OTHERS
144	CWP-489-2026	JYOTI DEVI	HARYANA PUBLIC SERVICE COMMISSION
145	CWP-7902-2026	POOJA	HARYANA PUBLIC SERVICE COMMISSION

1.	**Dates when judgment was reserved**	**14.08.2026, 09.10.2026 and 04.11.2026**
2.	**Date of pronouncement of judgment**	**05.11.2026**
3.	**Date of uploading judgment**	**05.11.2026**
4.	**Whether operative part or full judgment is pronounced**	**Full**
5.	**Delay, if any, in pronouncing of full judgment and reasons thereof**	**Not Applicable**

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

APPEARANCE OF LEARNED COUNSEL(S) IN CWP-24359-2026 AND CONNECTED MATTERS

Present: Mr. Ankur Sidhar, Advocate
for the petitioner(s) in CWP Nos.24359 & 24394 of 2026.

Mr. Jasbir Singh Mor, Advocate
for the petitioner(s) in CWP-25383-2026.

Mr. Parambir Singh, Advocate
and Mr. Bhawanjit Singh, Advocate
for the petitioner in CWP-25737-2026.

Mr. R.S. Dhull, Advocate (through V.C.)
for the petitioner(s)
in CWP Nos.25156, 25186, 25209, 25243, 25283 of 2026.

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Mr. Rajat Mor, Advocate
for the petitioner in CWP-25160-2026.

Mr. Nitin Kaushal, Addl. A.G., Haryana
with Mr. Akshit Pathania, AAG, Haryana.

Mr. Shalender Mohan, Advocate
for respondent in CWP-27803-2025.

APPEARANCE OF LEARNED COUNSEL(S) IN CWP-33205-2024 AND CONNECTED MATTERS

Present: Mr. Akshay Bhan, Sr. Advocate
with Mr. Rahul Dhanda, Advocate
Mr. Sarthak Gupta, Advocate
Mr. Archit Garg, Advocate
and Mr. Gurinder Sandhu, Advocate
for the petitioner(s) in CWP-33205-2024
CWP-30099-2026 and CWP-14101-2026.

Ms. Anshika, Advocate (*amicus curiae*)
for the petitioner in CWP-14004-2026.

Ms. Anshika, Advocate
for Mr. Jasbir Singh Mor, Advocate
for the petitioner in CWP-30153-2026.

Mr. P.K. Mutneja, Advocate General Haryana
with Mr. R.S. Budhwar, Addl. A.G., Haryana.

Mr. Kanwal Goyal, Advocate
with Ms. Sheena Dahiya, Advocate
for the respondent/HPSC
in CWP-33205-2024.

Ms. Harpriya Khaneka, Advocate
for the respondent/HPSC in CWP-14004-2026.

Mr. Shubham Gupta, Advocate
for respondent No.3 in CWP-14101-2026.

APPEARANCE OF LEARNED COUNSEL(S) IN CWP-29927-2024 AND CONNECTED MATTERS

Present: Mr. Sanjay Kaushal, Sr. Advocate
with Ms. Shruti Jain Goyal, Advocate
and Mr. Sajjan Singh, Advocate
for the petitioner(s) in CWP-31124-2024.

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Mr. Jagbir Malik, Advocate
with Mr. Shivam Malik, Advocate
for the petitioner(s) in CWP-31243-2024.

Mr. Balraj Singh Dhull, Advocate
and Mr. Pardeep Dhull, Advocate
for the petitioner(s) in CWP-33244-2024.

Mr. Samrat Malik, Advocate
and Mr. Sandeep Dhull, Advocate
for the petitioner(s) in CWP-20884-872-2025.

Ms. Shruti Jain Goyal, Advocate
for the petitioner(s) in CWP-24560-2026.

Ms. Nikita Goel, Advocate
for the petitioner(s) in CWP-22202-2025.

Mr. Prashant Singh Chauhan, Advocate
for the petitioner(s) in CWP-22257-2025.

Mr. Vikram Sheoran, Advocate
and Ms. Alka Sheoran, Advocate
for the petitioner(s) in CWP-27803-2025.

Mr. Ankur Kaushik, Advocate
for the petitioner(s) in CWP-30971-2024.

Mr. Manuj Nagrath, Advocate
for the petitioner(s) in CWP-4009-2025.

Mr. Rajiv Saini, Advocate
with Mr. Tarun K. Parashar, Advocate
for the petitioner(s) in CWP-33185-2024.

Mr. Mandeep Singh Lamba, Advocate
for the petitioner(s) in CWP-33337-2024.

Mr. Suryakant Gautam, Advocate
and Mr. Ashok Kaushik, Advocate
for the petitioner(s) in CWP-30971-2024.

Mr. Sarthak Gupta, Advocate
for the petitioner(s) in CWP-28786-2026.

Dr. Mohammad Arshad, Advocate
with Mohd. Aadil Hussain, Advocate

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and Ms. Ramandeep, Advocate
for the petitioner(s) in CWP-17852-2025.

Mr. Divyam Singh, Advocate
and Mr. Yuvraj Garg, Advocate
for the petitioner(s) in CWP-29927-31043-2024.

Mr. Sarthak Gupta, Advocate
for the petitioner(s) in CWP Nos. 32532, 32531, 33160, 33508, 33531, 34572, 32514, 32776 of 2024
and CWP Nos.2795, 2786, 747, 3212, 15389, 15366, 15934, 16063, 3207, 3237, 142, 5044, 5056, 19967, 20931, 29621 of 2025, CWP Nos.3873, 4138 of 2026.

Mr. Devender Arya, Advocate
with Mr. Gourav Jangra, Advocate
for the petitioner(s) in CWP-16020-19770-25685-2025
and CWP-7902-2026.

Mr. Sushil Jain, Advocate
with Mr. Sanjay Kumar, Advocate
for the petitioner(s) in CWP-873-2025.

Mr. Parambir Singh Ghatra, Advocate
and Ms. Parminder Kaur, Advocate
for the petitioner(s) in CWP-25712-2026.

Mr. Kuldeep Sheoran, Advocate
for the petitioner(s) in CWP-33279-33297-29927-2024.

Mr. Navin Daryal, Advocate
for the petitioner(s) in CWP-32748-2024.

Ms. Amarjit Kaur, Advocate (through V.C.)
for the petitioner(s) in CWP-3909-2025.

Mr. Mazlish Khan, Advocate
for the petitioner(s) in CWP Nos.21745, 25718, 22977 of 2026 and 33131 of 2024.

Mr. Jasbir Singh Mor, Advocate
for the petitioner(s) in CWP-17849-28574-2025
and CWP-27646-27648-2026.

Mr. Dinesh Kumar, Advocate
and Mr. Dharamjit, Advocate
for the petitioner(s).

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Mr. Deepak Sonak, Advocate
with Mr. Raman K. Sharma, Advocate
for the petitioner(s) in CWP-33505-2024.

Mr. Anil Ghanghas, Advocate
with Mr. Naveen Kumar, Advocate
Mr. Abhishek Rahil, Advocate
and Mr. Sahib Singh, Advocate
for the petitioner(s) in CWP-31132-2024.

Mr. Ankur Malik, Advocate
with Mr. Y.P. Malik, Advocate
and Mr. Monu Sharma, Advocate
for the petitioner(s) in CWP-31982-29927-2024

Mr. Ankur Sidhar, Advocate
for the petitioner(s) in CWP-2438-2025
and CWP-32547-31025-2024
and CWP-26328-28683-28454-26693-27972-2026.

Mr. Rakesh Sobti, Advocate
and Ms. Malika Sethi Sobti, Advocate
for the petitioner(s) in CWP-32673-2024.

Ms. Amrita Nagpal, Advocate
and Ms. Archana Chauhan, Advocate
for the petitioner(s) in CWP-33146-29927-2024
CWP-747-2025.

Mr. Manoj Kumar Taya, Advocate
for the petitioners No.3, 4, 5, 9, 12, 15, 17, 19, 21 and 23
in CWP-3212-2015.

Mr. Jitender Malik, Advocate
for the petitioner(s) in CWP-13420-2026.

Mr. Sanchit Punia, Advocate
for the petitioner(s) in CWP Nos.30797-32308-28934-2024
and CWP-15348-4510-2025, CWP-29927, 20397,
32308 of 2024, CWP-4510-15348-2025.

Mr. Mohan Singla, Advocate
with Mr. Yashpal Kumar, Advocate
for the petitioner(s) in CWP-32514-2024.

Mr. Dharamvir Sharma, Advocate
with Mr. Hitesh Chauhan, Advocate
for the petitioner(s) in CWP-31715-2024.

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Mr. Pardeep Solath, Advocate
for the petitioner(s) in CWP-33074-2024.

Mr. Shokeen Singh Verma, Advocate
with Mr. Mayank Jangra, Advocate
for the petitioner(s)
in CWP-31005-32685-32665-4703-2024.

Mr. S.K. Verma, Advocate
with Mr. Sachin Kumar, Advocate
for the petitioner(s) in CWP-33635-2024.

Mr. Keshav Gupta, Advocate
and Ms. Anna Bansal, Advocate
for the petitioner(s) in CWP-31674-2018.

Mr. Sant Lal Barwala, Advocate
for the petitioner(s) in CWP-33320-2024.

Ms. Ramandeep Kaur, Advocate
for the petitioner(s) in CWP-17852-2025.

Mr. Ravinder Singh Dhull, Advocate
with Mr. Navnit Sharma, Advocate
and Ms. Neelam Yadav, Advocate
for the petitioner(s) in CWP-924-925-15487-2025
CWP-33598-2024, CWP Nos.26185, 26190, 26191,
7334, 27943 of 2026.

Mr. B.S. Bajwa, Advocate
and Mr. B.S. Gill, Advocate
for the petitioner(s) in CWP-31422-2024.

Mr. Rahul Singh, Advocate
with Mr. D.P.S. Bajwa, Advocate
for the petitioner(s) in CWP-3718-2025.

Mr. Lalit Rishi, Advocate
for the petitioner(s) in CWP-393-2025.

Mr. Sukhdev Singh, Advocate
for Mr. Vikram Singh, Advocate
for the petitioner(s) in CWP-31043-2024.

Mr. Arjun Atri, Advocate
and Mr. Sukhdev Singh, Advocate
Mr. Yuvraj Garg, Advocate

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for the petitioner(s) in CWP-34685-2024.

Mr. Sajjan Singh, Advocate
and Mr. Vishal Punia, Advocate
for the petitioner(s) in CWP-31044-31124-32498-2024.

Mr. Sanjeev Majra, Advocate
for the petitioner(s) in CWP-632-2025.

Mr. Harinder Malik, Advocate
for the petitioner(s) in CWP-16020-2025.

Mr. Prabhat Sharma, Advocate
and Mr. Gopal Sharma, Advocate
for the petitioner(s) in CWP-28614-2025.

Mr. Devender Arya, Advocate
and Mr. Aman Sharma, Advocate
for the petitioner(s) in CWP-19770-25685-16020-2025
CWP-7902-2026.

Ms. Harmanpreet Kaur, Advocate
for the petitioner(s) in CWP-27803-2025.

Mr. Hitesh Kaliraman, Advocate
for Mr. Suresh Kumar Kaushik, Advocate
for the petitioner(s) in CWP-33726-31715-2024.

Mr. Dinesh Kumar, Advocate
and Mr. Arvind Galav, Advocate
for the petitioner(s).

Mr. Aditya Yadav, Advocate
and Mr. Hement Kumar, Advocate
for the petitioner(s) in CWP-270-2025.

Mr. Rajat Mor, Advocate
and Mr. Vishesh Dhaka, Advocate
for the petitioner(s)
in CWP-32396-32404-33172-34021-2024.

Mr. Lalit Kumar Narang, Advocate
with Mr. Karam Singh, Advocate
for the petitioner(s) in CWP-20488-2025.

Mr. Amit Dhanda, Advocate
for the petitioner(s) in CWP-32344-2024
and CWP-17849-28574-925-2025.

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Mr. Parveen Kumar, Advocate
with Mr. Abhimanyu Singh, Advocate
for the petitioner(s) in CWP-3693-2025.

Mr. Harinder Malik, Advocate
for Mr. Parveen Moudgil, Advocate
for the petitioner(s) in CWP-489-2026.

Mr. Vinod Bhardwaj, Advocate
and Mr. Nipun Bhardwaj, Advocate
for the petitioner(s) in CWP-32868-2024.

Mr. Sanjeev Kaushik, Addl. A.G., Haryana
Mr. R.S. Budhwar, Addl. A.G., Haryana
Mr. Nitin Kaushal, Addl. A.G., Haryana
and Ms. Tanushree Gupta, Addl. A.G., Haryana.

Mr. Kanwal Goyal, Advocate
with Ms. Sheena Dahiya, Advocate
for respondent/HPSC in CWP Nos.29927, 29934, 30797, 31025, 31422, 31132, 31044, 31005, 31243, 31407, 31715, 31982, 32308, 32517, 32344, 32404, 32514, 32532, 32396, 32531, 32498, 32547, 32665, 32685, 32748, 33074, 33160, 33205, 33244, 33185, 33416, 33337, 33279, 33531, 33505, 33508, 33524, 33598, 33635, 33916, 34685, 32673, 30793 of 2024 and CWP Nos.270, 632, 747, 872, 873, 924, 2795, 2786, 3212, 3718, 4510, 12502, 15389, 15366, 15487, 16063, 15934 of 2025.

Ms. Harpriya Khaneka, Advocate
for respondent/HPSC in CWP Nos.15348, 15934 of 2025
and CWP Nos.13420, 3873, 4138 of 2026
and for respondent/HPSC in CWP Nos.17852, 19770, 19967, 32145 of 2025 and CWP Nos.611, 7902 of 2026.

Mr. Balvinder Sangwan, Advocate
for respondent/HPSC
in CWP-34021,34572-2024 & 16020-2025.

Mr. Sandeep Kumar Yadav, Advocate
and Ms. Sangeeta Yadav, Advocate
for respondent No.3 in CWP-31407-2024
and for respondent No.4 in CWP-31243-2024.

Ms. Jyoti Kaur, Advocate
for Mr. S.K. Yadav, Advocate
for respondent No.3 in CWP-31407-2024

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and for respondent No.4 in CWP-31243-2024.

Mr. Gurnoor Singh Sandhu, Advocate
for respondent/HPSC in CWP Nos.27803, 29621, 25685, 20488, 28614, 28574, 17849 of 2025, CWP-489-2026 and CWP-24639-2026.

Mr. Vikram Sheoran, Advocate
and Ms. Alka Sheoran, Advocate
for respondent No.10 in CWP-30971-2024.

Mr. Shubham Gupta, Advocate
for the respondent/HPSC in CWP-21745-2026.

Mr. Mohit Vashisht, Advocate
for the applicant/respondent No.4 in CM-16661-CWP-2025 filed in CWP-29621-2025.

Mr. Shalender Mohan, Advocate
for applicant/respondent No.2 in CM-15993-CWP-2025 filed in CWP-27803-2025
and for respondents No.3 to 9 in CM-13631-CWP-2025 filed in CWP-30971-2024.

Mr. Raghav Sharma, Advocate
for the applicant in CM-12683-CWP-2025 filed in CWP-31043-2024.

HARPREET SINGH BRAR J.

1. With the consent of 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. All the petitions concern recruitments conducted by the Haryana Staff Selection Commission (for short, 'HSSC') and the Haryana Public Service Commission (for short, 'HPSC'), in which candidates who had cleared the written stages of the selection were excluded on account of a defect in the online application form, or in the documents uploaded along with it. However, for the sake of brevity, the facts are taken from **CWP-**

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24359-2026, titled as '***Pradeep v. State of Haryana and others***'. The facts of the other petitions are referred to only to the extent necessary.

2. The present writ petition (**CWP-24359-2026)** has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing the final result dated 24.07.2026 (Annexure P-4) for the post of Primary Teacher (PRT), Mewat Cadre, advertised vide Advertisement No.05/2024 dated 09.08.2024 (Annexure P-1), to the extent that the candidature of the petitioner has not been considered in the Backward Class-B (BC-B) category. Further a writ of *mandamus* has been sought, directing the respondents to consider the candidature of the petitioner on the basis of his BC-B certificate dated 21.08.2024 (Annexure P-3), and to adopt a mechanism of provisional rejection, as followed by HPSC (Annexure P-8), whereby candidates are afforded an opportunity to rectify such defects.

CONTENTIONS ON BEHALF OF THE PETITIONERS

3. Learned counsel for the petitioner in **CWP-24359-2026 (*Pradeep*),** *inter alia*, contended that HSSC issued Advertisement No.05/2024 dated 09.08.2024 (Annexure P-1) for recruitment to the post of Primary Teacher (PRT) in the Mewat Cadre, and the last date for submission of online applications was 21.08.2024. It was submitted that the petitioner belongs to the Gujjar caste, which falls in the BC-B category, and a BC-B certificate dated 21.08.2024 (Annexure P-3) was issued to him in terms of the notification dated 16.07.2024. He submitted his online application form (Annexure P-2) on 21.08.2024

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through a cyber cafe at Hansi, and the reference number and date of issue of the said certificate were duly entered therein. However, the cyber cafe operator uploaded his earlier BC-B certificate dated 18.03.2024 (Annexure P-7), issued under the notification dated 17.11.2021, in place of the certificate dated 21.08.2024. Learned counsel pointed out that, in terms of the notice dated 27.04.2026, the scrutiny of documents was confined to the documents uploaded with the application form, and the candidates were not called upon to appear in person. The petitioner secured 72.2 marks (Annexure P-5), as against the cut-off of 70.30 marks for the BC-B category, and came to know of his exclusion only upon the declaration of the final result dated 24.07.2026 (Annexure P-4). His representation dated 27.07.2026 (Annexure P-6) followed immediately thereafter.

3.1. Learned senior counsel for the petitioners contended that eligibility and its proof are two distinct concepts, and a certificate merely evidences a status which the candidate already holds. Reliance was placed upon the judgments of the Hon'ble Supreme Court in ***Charles K. Skaria v. Dr. C. Mathew, (1980) 2 SCC 752***, ***Dolly Chhanda v. Chairman, JEE, (2005) 9 SCC 779*** and ***Ram Kumar Gijroya v. Delhi Subordinate Services Selection Board, (2016) 4 SCC 754***. Reliance was also placed upon the judgments of the Division Bench of this Court in **CWP-23835-2024**, titled as '***Divya Kalia v. State of Haryana and others***', decided on 20.03.2025, and **LPA-612-2023**,

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titled as '***Harpreet Kaur v. State of Haryana and others***', decided on 09.08.2024.

3.2. It was further argued that an error committed by a cyber cafe or Common Service Centre operator, which confers no advantage upon the candidate, cannot be permitted to defeat his merit. Learned senior counsel emphasized that the digital divide is a matter of constitutional concern, and placed reliance upon ***Vashist Narayan Kumar v. State of Bihar, 2024 INSC 2***, ***Prince Jaibir Singh v. Union of India, (2024) 11 SCC 793*** and ***Pragya Prasun v. Union of India, 2025 INSC 599***. Reliance was also placed upon the judgments of the Division Benches of this Court in **CWP-23185-2014**, titled as '***Usha Dhillon v. State of Haryana and others***', decided on 15.12.2014, **LPA-320-2019**, titled as '***Haryana Staff Selection Commission v. Sarla***', decided on 22.02.2019, **LPA-385-2017** titled as '***Kiran Bala v. State of Haryana and others***', decided on 23.01.2023, and **LPA-13-2023**, titled as '***Haryana Staff Selection Commission v. Vishvajeet Singh***', decided on 01.02.2024.

3.3. It was pointed out that Advertisement No.05/2024 in **CWP-24359-2026** ***(Pradeep)*** itself empowers HSSC to seek additional documents in support of the documents already uploaded. Clause 9.5 provides that HSSC "may ask an additional paper in support of already submitted document for more clarity if so desired", and Clause 10.1 is to the same effect. Clause 9.9 provides that the Commission does not carry out physical scrutiny of the documents at the time of submission

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of the online application, and *"the same is done only at the time of Scrutiny of documents"*. Moreover, Clause 12.14 stipulates that a candidate who claims vertical reservation but cannot furnish documentary proof thereof at the time of scrutiny "shall be considered as a General category candidate", rather than having his candidature cancelled. The grievance of the petitioners, as urged, was that HSSC had given effect only to those clauses of the advertisement which suited it, and had ignored the rest.

3.4. It was submitted that HPSC, when it finds a defect in the documents of a candidate, issues a notice of provisional rejection and affords the candidate a fixed period to respond, as is evident from its notices dated 08.11.2024 and 26.12.2024 (Annexure P-8). The respondent-HSSC, on the other hand, followed no such practice. Learned senior counsel argued that two recruiting agencies of the same State cannot apply different yardsticks to similarly situated candidates without offending Article 14 of the Constitution of India.

3.5. Reliance was placed upon the instructions dated 22.03.2022 (Annexure P-13 in **CWP-31124-2024**) issued by the General Administration Department, Haryana, under which no department shall oblige a resident of Haryana to submit caste-related proof documents where he furnishes his Parivar Pehchan Number and his caste and caste category are marked as verified in the Family Information Data Repository.

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3.6. It was further contended that the State has not followed a consistent approach. Learned senior counsel referred to the decision of the Council of Ministers dated 18.05.2026 (Mark 'Y' in **CWP-30971-2024**), which validated BC-A and BC-B (Non-Creamy Layer) certificates issued during the year 2024-25 in accordance with the notification dated 17.11.2021. Reference was also made to the online link opened by HSSC from 12.08.2024 to 16.08.2024 in the Group D recruitment under Advertisement No.01/2023, for uploading fresh BC-A and BC-B certificates, and to the correction portal opened by HSSC from 17.10.2025 to 24.10.2025 for CET-2025, vide public notice dated 16.10.2025. It was pointed out that HPSC, by Corrigendum-II dated 24.02.2025 (Annexure P-2 in **CWP-29621-2025**), reopened its portal and permitted candidates to submit fresh certificates. Learned senior counsel also referred to the letter dated 22.05.2024 of the Chief Secretary, Haryana, addressed to the Government of NCT of Delhi (Mark 'X' in **CWP-30971-2024**), wherein it was stated that submission of an EWS certificate issued after the cut-off date is not a valid ground for cancellation of candidature.

3.7. On behalf of the candidates who had applied for their certificates on the SARAL portal before the cut-off date, but to whom the certificates were issued thereafter, reliance was placed upon the judgment of the Hon'ble Supreme Court in ***Sakshi Arha v. Rajasthan High Court, 2025 INSC 463***, which recognises the case of a candidate whose certificate, though applied for, is delayed at the behest of the

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competent authority. It was further submitted that, in **CWP-17581-2025**, titled as '***Sheetal and others v. State of Haryana and others***', the learned Advocate General, Haryana, on instructions from HSSC, undertook that the candidates who had applied on SARAL for their reservation certificates before the closing date would be considered in the reserved category upon production of the certificate, and this undertaking was recorded in the order dated 01.07.2025. The petitioner in **CWP-28786-2026** (***Kavita***), for instance, applied for her EWS certificate on SARAL portal on 20.08.2024, a day before the closing date, and had uploaded the acknowledgement thereof with her application form. The certificate was issued to her on 22.08.2024.

3.8. With regard to the candidates who selected the option of 'BC (Creamy Layer)' in the application form, it was argued that such a choice by a candidate belonging to the non-creamy layer confers no benefit whatsoever, since Section 5 of the Haryana Backward Classes (Reservation in Services and Admission in Educational Institutions) Act, 2016 excludes the creamy layer from the benefit of reservation. The very inclusion of such an option in the drop-down menu was, therefore, stated to be a defect in the design of the form. Learned senior counsel pointed out that the petitioner in **CWP-142-2025** (***Himanshi Kathri***) uploaded a BC-A (Non-Creamy Layer) certificate dated 30.06.2024 along with her form, and the HPSC itself treated her as a BC-A candidate in the marks list of the interview.

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3.9. Lastly, it was submitted that, in any event, a candidate who has availed no relaxation or concession on account of his reserved category must at least be considered in the General category on the basis of his merit. In support, reliance was placed upon the judgment of this Court in **CWP-35851-2025**, titled as '***Rohit Soni v. State of Haryana and others***', decided on 05.08.2026, and the judgment of a Co-ordinate Bench in **CWP-2667-2022**, titled as '***Om Roj v. Haryana Staff Selection Commission and others***', decided on 28.04.2022.

CONTENTIONS ON BEHALF OF THE RESPONDENTS

4. *Per contra*, learned counsel for the respondent-HSSC, while referring to the consolidated replies dated 14.08.2026 and 15.09.2026 filed by the Under Secretary, HSSC in **CWP-24359-2026** ***(Pradeep)*** and **CWP-26328-2026** ***(Kamaljeet)*** respectively, contended that the advertisement is the *magna carta* of the selection process, and its terms bind the candidates as well as the Commission. It was submitted that the BC-A and BC-B certificates were required to have been issued before the closing date of the advertisement. Learned counsel referred to Clauses 4.2, 9.2, 9.6, 10.2, 12.12 and 13 of Advertisement No.05/2024, and argued that no change in the application form is permissible after its final submission, "in spite of affidavit", and only the documents uploaded with the form are to be considered. Clause 13 further provides that where any particulars are found false or incorrect due to non-submission or wrong submission of documents, the candidature "shall be deemed to be cancelled and such candidates shall not be considered

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against even unreserved category". It was further submitted that the scrutiny was conducted only on the basis of the documents uploaded during the submission of the application form. Reliance was placed upon the judgments of the Hon'ble Supreme Court in ***State of Bihar v. Madhu Kant Ranjan, (2021) 17 SCC 141***, ***Divya v. Union of India, (2024) 1 SCC 448*** and ***Mohit Kumar v. State of U.P., 2025 INSC 704***, the judgment of the Division Bench of this Court in **LPA-1397-2025**, titled as '***Haryana Public Service Commission v. Pardeep Kumar and others***', decided on 03.11.2025, and the judgment of this Court in **CWP-23961-2026**, titled as '***Jyoti v. State of Haryana and others***', decided on 04.08.2026, whereby a similar petition arising from the same advertisement was dismissed.

4.1. It was argued that there was no technical glitch in the SARAL portal, inasmuch as a large number of selected candidates in the BC-A and BC-B categories had uploaded certificates issued within the prescribed period. It was further contended that any relief to the petitioners would affect the candidates already selected, and would open the door to a fresh round of litigation, since many reserved category candidates who had secured marks above the cut-off, some of them more than the petitioners, were not recommended for the very same reason.

4.2. Learned counsel submitted that the Parivar Pehchan Number is no substitute for a certificate. The non-creamy layer status of a candidate depends upon the income of his family, which varies from

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year to year, and the data linked to the Parivar Pehchan Number may not have been updated. Moreover, the advertisement did not provide for such data to be treated as proof of category.

4.3. It was contended that a candidate is answerable for the cyber cafe or Common Service Centre operator whom he engages, since the operator acts as his agent, and a final preview of the form is provided precisely so that such errors may be detected before final submission. Reliance was placed upon the judgments of the Division Bench of the Delhi High Court in **W.P.(C) 4087/2022**, titled as '***Monu Singh v. Union of India and others***', decided on 18.11.2024, and **W.P. (C) 12698/2023**, titled as '***Nisha Khan v. Delhi Police and another***', decided on 12.12.2025. Reliance was also placed upon the judgment of the Full Bench of this Court in **CWP-5281-1997**, titled as '***Rahul Prabhakar v. Punjab Technical University, Jalandhar***', decided on 16.05.1997, to contend that the terms of the brochure are binding and the last date prescribed therein cannot be relaxed.

5. Learned counsel for the respondent-HPSC, while referring to the replies filed on its behalf, contended that under Clause 1(i) of the advertisement dated 23.07.2024 (Annexure P-1 in **CWP-29927-2024**), the eligibility of a candidate with reference to his documents is assessed only after he qualifies for the interview. It was submitted that Note 2(iii) under Clause 6 stipulates that certificates issued after the closing date shall not be accepted, while Clause 11(ii) requires the BC-A and BC-B certificates to be issued in the year 2024-2025, in terms of the

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instructions dated 22.03.2022 and the notification dated 16.07.2024. Learned counsel further pointed out that, under Clause 3(xiii)(iii) of the instructions dated 22.03.2022, a certificate based on income remains valid only for the financial year in which it is issued.

5.1. With regard to the decision of the Council of Ministers dated 18.05.2026 (Mark 'Y' in **CWP-30971-2024**), learned counsel referred to the additional affidavit of the Secretary, HPSC, filed in **CWP-33205-2024** ***(Prem Singh)***. It was submitted that the said decision, conveyed vide letter dated 25.05.2026 of the Chief Secretary, Haryana, approved that BC-A and BC-B (Non-Creamy Layer) certificates issued during the year 2024-25, in accordance with the notification dated 17.11.2021, "be considered as valid for all intents and purposes". However, it was argued that the selection process had already concluded, since the final result for the post of PGT (Mathematics) was declared on 04.01.2025 and the recommendations were made on 07.02.2025 and 25.08.2025. Relying upon the judgment of the Constitution Bench of the Hon'ble Supreme Court in ***Tej Prakash Pathak v. Rajasthan High Court, 2024 INSC 847***, it was contended that the rules of the game cannot be changed after the selection process has begun. It was further submitted that HPSC is an independent constitutional body under Article 315 of the Constitution of India, bound by the terms of its advertisement, and its role comes to an end with the making of recommendations.

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6. Learned Advocate General, Haryana, appearing on behalf of the State, referred to the affidavit dated 14.09.2026 of Joint Secretary, Human Resources Department, filed on behalf of the Chief Secretary, Haryana in **CWP-30971-2024** ***(Smt. Usha)***. It was submitted that, in pursuance of the order dated 01.09.2026 passed by this Court in **CWP-30971-2024** ***(Smt. Usha)***, a meeting was held on 11.09.2026 under the chairmanship of the Chief Secretary, Haryana (Annexure R-1), wherein the following decisions were taken: *First*, HPSC and HSSC shall remove the option of 'Backward Class (Creamy Layer)' from the drop-down menus of their application forms; *Second*, every advertisement shall specify the cut-off date for eligibility and the closing date, and shall provide a uniform correction window of three days immediately after the closing date, meant solely for editing or correcting the application forms already submitted; *Third*, only those EWS and BC-A or BC-B (Non-Creamy Layer) certificates which are valid and have been issued on or before the cut-off date shall be accepted; *Fourth*, a preliminary scrutiny of the documents of all applicants is not feasible. Learned Advocate General submitted that these decisions shall be given effect to by HPSC and HSSC in all future recruitment advertisements and the same is a conscious policy decision of the State Government.

6.1 Learned counsel for the petitioners in **CWP-21745-2026** (***Mamta Rani***) and **CWP-25718-2026** (***Seema and others***), who had uploaded certificates in the format prescribed by the notification dated 16.07.2024, contended that the candidates who had failed to upload

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such certificates by the closing date were rightly excluded. They sought the exclusion of such candidates, the release of the posts kept on hold on account of the pending petitions, and the redrawing of the merit list. Reliance was placed upon the judgment of the Hon'ble Supreme Court in ***Sakshi Arha (supra)*** and the judgment of the Division Bench in ***Pardeep Kumar (supra)***.

OBSERVATIONS AND ANALYSIS

I. The Questions for Determination

7. I have heard learned counsel for the parties and perused the record with their able assistance. The synopsis filed by learned counsel for the parties have also been perused, and the same are taken on record as Mark 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'WA', 'WB', 'WC', 'WD', 'WE' and 'WF'. The Registry is directed to place them in the files of the respective cases. Upon a consideration of the rival submissions, the following questions arise for adjudication:

A. Whether a candidate who possessed the requisite eligibility on the cut-off date can be excluded for a defect in the online application form, or in the documents uploaded along with it?

B. Whether a candidate who applied to the competent authority for a certificate on or before the cut-off date, and whose application was pending on that date, can be treated as having possessed the certificate on the cut-off date, though it was issued to him thereafter?

C. Whether the respondent-HPSC is bound to give effect to the decision of the Council of Ministers dated 18.05.2026, and whether its benefit can be confined to recruitments

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conducted by the respondent-HPSC, to the exclusion of similarly situated candidates in recruitments conducted by the respondent-HSSC?

II. The Settled Law on Eligibility and its Proof

8. Before turning to the individual facts and circumstances of these cases, this Court deems it appropriate to examine the line of precedents on the distinction between eligibility and its proof, and to discuss the settled position of law that emerges from them. The aforesaid distinction was drawn by a two-Judge Bench of the Hon'ble Supreme Court in ***Charles K. Skaria (supra)***. Speaking through Justice V.R. Krishna Iyer, it was held as under:-

> "*20. There is nothing unreasonable nor arbitrary in adding 10 marks for holders of a diploma. But to earn this extra 10 marks, the diploma must be obtained at least on or before the last date for application, not later.* ***Proof of having obtained a diploma is different from the factum of having got it. Has the candidate in fact, secured a diploma before the final date of application for admission to the degree course ? That is the primary question. It is prudent to produce evidence of the diploma along with the application, but that is secondary****. Relaxation of the date on the first is illegal, not so on the second. Academic excellence, through a diploma for which extra mark is granted, cannot be denuded because proof is produced only later, yet before the date of actual selection.* ***The emphasis is on the diploma, the proof thereof subserves the factum of possession of the diploma and is not an independent factor.*** *The prospectus does say :*
>
> > *(4)(b): 10% to Diploma holders in the selection of candidates to M. S., and M. D., courses in the respective subjects or sub-specialities.*
> >
> > *13.Certificates to be produced :- In all cases true copies of the following documents have to be produced :-*
> >
> > *xxx xxx xxx*

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> *(k) Any other certificates required along with the application.*
>
> ***This composite statement cannot be read formalistic fashion. Mode of proof is geared to the goal of the qualification in question. It is subversive of sound interpretation and realistic decoding of the prescription to telescope the two and make both mandatory in point of time. What is essential is the possession of a diploma before the given date, what is ancillary is the safe mode of proof of the qualification. To confuse between a fact and its proof is blurred perspicacity. To make mandatory the date of acquiring the additional qualification before the last date for application makes sense. But if it is unshakeably shown that the qualification has been acquired before the relevant date, as is the case here, to invalidate this merit factor because proof, though indubitable, was adduced a few days later but before the selection or in a manner not mentioned in the prospectus, but still above board is to make procedure not the handmaid but the mistress and form not as subservient to substance but as superior to the essence****.”*
>
> *(Emphasis added)*

8.1. The aforementioned principle was also explained by a three-Judge Bench of the Hon’ble Supreme Court in ***Dolly Chhanda v. Chairman, JEE, (2005) 9 SCC 779***, speaking through Justice G.P. Mathur, in the following terms:-

> *“7. The general rule is that while applying for any course of study or a post, a person must possess the eligibility qualification on the last date fixed for such purpose either in the admission brochure or in application form, as the case may be, unless there is an express provision to the contrary.* ***There can be no relaxation in this regard i.e. in the matter of holding the requisite eligibility qualification by the date fixed. This has to be established by producing the necessary certificates, degrees or mark-sheets. Similarly, in order to avail of the benefit of reservation or weightage etc. necessary certificates have to be produced. These are documents in the nature of proof of holding of particular qualification or percentage of marks secured or entitlement for benefit of reservation. Depending upon the facts of a case, there can be some relaxation in the***

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> ***matter of submission of proof and it will not be proper to apply any rigid principle as it pertains in the domain of procedure. Every infraction of the rule relating to submission of proof need not necessarily result in rejection of candidature.”***
>
> *(Emphasis added)*

8.2. However, the Hon’ble Supreme Court has also drawn a clear line where the defect is not in the proof but in the eligibility itself. In ***Union Public Service Commission v. Gaurav Singh, (2024) 2 SCC 605***, a two-Judge Bench held as under:-

> *“19. A technical irregularity in a certificate issued by the competent authority in respect of the correct financial year cannot be equated with an Income and Asset Certificate in respect of a different financial year when the Income and Assets for the particular financial year prior to the year of submission of the application,* ***goes to the root of eligibility*** *of a candidate to qualify in the EWS category.”*
>
> *(Emphasis added)*

8.3. To the same effect, in ***Divya v. Union of India, (2024) 1 SCC 448***, another two-Judge Bench of the Hon’ble Supreme Court held that, under the rules governing the Civil Services Examination, eligibility in the EWS category crystallizes only upon the issuance of the Income and Asset Certificate before the cut-off date. Speaking through Justice K.V. Viswanathan, the following was observed:

> “*44. The meaning of the word "eligible" as defined in P. Ramanatha Aiyar's Advanced Law Lexicon is set out hereunder:-*
>
> > *"Applied to the selection of persons, the word has two meanings i.e. "legally qualified," or "fit to be chosen."*
>
> *Applied to our context, a person can be found eligible as an economically weaker section candidate and he can be considered as a fit person to be chosen under that category*

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> *only if the requirement of the OM of 31.01.2019 and Rule 27(3) read with Rule 28 are fulfilled. In* ***Gaurav Singh's case (supra)****, it has been categorically held that assets for the particular Financial Year, prior to the year of submission, goes to the root of eligibility of the candidate in the EWS category.* ***It has been further held therein that the candidates whose I&ACs are not in order did not have any legal right to be considered. It has also been held that no candidate can claim any legal right for reconsideration of the candidature by submitting a fresh certificate and/or a rectified certificate****.*
>
> *45.* ***That is the fundamental distinction between the Charles J. Skaria (supra) line of cases and the cases at hand. As pointed out earlier, the eligibility for being categorized as EWS candidate crystallizes only when the I&AC is issued and, in this case, as required under the rules, it was to be issued and possessed by the candidate before 22.02.2022****.*
>
> *46. It is also very well settled that if there are relevant rules which prescribe the date on which the eligibility should be possessed, those rules will prevail. In the absence of rules or any other date prescribed in the prospectus/advertisement for determining the eligibility, there is a judicial chorus holding that it would be the last date for submission of the application. (See* ***Rekha Chaturvedi v. University of Rajasthan [1993 Supp (3) SCC 168]; Bhupinderpal Singh v. State of Punjab [(2000) 5 SCC 262]; Ashok Kumar Sonkar v. Union of India [(2007) 4 SCC 54]****.”*
>
> *(Emphasis added)*

8.4. A three-Judge Bench of the Hon’ble Supreme Court in ***Sakshi Arha v. Rajasthan High Court, 2025 INSC 463*** held that a category certificate must be valid and issued in terms of the rules by the cut-off date. Nevertheless, the Hon’ble Apex Court, speaking through Justice Augustine George Masih, preserved two situations in which a candidate may still succeed in the following words:-

> *“38. Significant reliance is placed by the Appellants on the 3-Judge Bench decision of this Court in* ***Ram Kumar Gijroya (supra)****. A perusal of the decision rendered by the*

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> *High Court of Delhi on the factual matrix therein is evidently distinct. The same, thus, cannot come to the rescue of the Appellants. In the instant case, it is not a contention of Appellants that they are missing a valid proof of attainment of their particular qualification or right.* ***No candidate before us has a claim that they, to begin with, already availed and established their eligibility, or had applied for a NCL category certificate and issuance of the same is delayed at the behest of the competent authority.*** *The ratio, therefore, in the relied judgment would not apply."*
>
> *(Emphasis added)*

8.5. The consequence of a default on the part of the State itself was considered by a two-Judge Bench of the Hon'ble Supreme Court in ***Haryana Staff Selection Commission v. Subhash Chand, 2024 INSC 112***. In that case, the candidate had applied under a reserved category which the State, despite an order of this Court, had not removed from the advertisement, and the certificate of the category to which he was entitled could not even be applied for until the State issued instructions in the year 2017. Speaking through Justice Abhay S. Oka, it was held as under:-

> *"10. (...)* ***It is because of the default on the part of the State Government, the first respondent was prevented from making an application in the EBPGC category. These aspects have been considered by the Division Bench of the High Court in the impugned judgment.*** *In fact, in the impugned judgment, it is noted that the District Administration started receiving the applications for issuance of EBPGC certificates only when the instructions were issued on 7th June, 2017 by the Chief Secretary of the Government of Haryana****. Therefore, the finding of fact recorded by the Division Bench is that the first respondent cannot be blamed for claiming reservation under the SBC category quota and for not claiming reservation under the EBPGC category quota****. (...)*
>
> *11. Considering the fact* ***that the first respondent was placed in a very peculiar position due to the default on***

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> ***the part of the State Government****, the learned Single Judge has passed an order for accommodating the first respondent.* ***The order is just and equitable.*** *"*
>
> *(Emphasis added)*

8.6. With regard to trivial errors committed while applying online, a two-Judge Bench of the Hon'ble Supreme Court in ***Vashist Narayan Kumar v. State of Bihar, 2024 INSC 2*** held that the candidature of a person who has cleared all the stages of the selection can be cancelled only after a careful scrutiny of the gravity of the lapse, and not for trivial omissions or errors. Applying that principle, speaking through Justice K.V. Viswanathan, it was held as under:-

> *"19. In this case,* ***the appellant has participated in the selection process and cleared all the stages successfully. The error in the application is trivial which did not play any part in the selection process. The State was not justified in making a mountain out of this molehill. Perhaps the rarefied atmosphere of the cybercafe, got the better of the appellant. He omitted to notice the error and even failed to avail the corrective mechanism offered.*** *In the instant case, we cannot turn a Nelson's eye to the ground realities that existed. In the* ***order dated 22.11.2021 in C.A. No. 6983 of 2021 [Prince Jaibir Singh v. Union of India & Ors.],*** *this Court rightly observed that though technology is a great enabler, there is at the same time, a* ***digital divide****."*
>
> *(Emphasis added)*

8.7. The concern with the digital divide has since been carried further. In ***Pragya Prasun v. Union of India, 2025 INSC 599***, the Hon'ble Supreme Court held that the State's obligations under Article 21 of the Constitution of India extend to ensuring that government portals are universally accessible. Speaking through Justice R. Mahadevan, the following was held:

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> *"17. At this juncture, we may also wish to observe that in the contemporary era, where access to essential services, governance, education, healthcare, and economic opportunities is increasingly mediated through digital platforms, the right to life under Article 21 of the Constitution must be reinterpreted in light of these technological realities.* ***The digital divide – characterized by unequal access to digital infrastructure, skills, and content – continues to perpetuate systemic exclusion, not only of persons with disabilities, but also of large sections of rural populations, senior citizens, economically weaker communities, and linguistic minorities. The principle of substantive equality demands that digital transformation be both inclusive and equitable. As already pointed out, persons with disabilities encounter unique barriers in accessing online services due to the lack of accessible websites, applications and assistive technologies. Similarly, individuals in remote or rural areas often face poor connectivity, limited digital literacy, and a scarcity of content in regional languages, effectively denying them meaningful access to e-governance and welfare delivery systems. In such circumstances, the State's obligations under Article 21– read in conjunction with Articles 14,15 and 38 of the Constitution – must encompass the responsibility to ensure that digital infrastructure, government portals, online learning platforms, and financial technologies are universally accessible, inclusive and responsive to the needs of all vulnerable and marginalized populations. Bridging the digital divide is no longer merely a matter of policy discretion but has become a constitutional imperative to secure a life of dignity, autonomy and equal participation in public life.*** *The right to digital access, therefore, emerges as an intrinsic component of the right to life and liberty, necessitating that the State proactively design and implement inclusive digital ecosystems that serve not only the privileged but also the marginalized, those who have been historically excluded."*
>
> *(Emphasis added)*

8.8. Notably, the Hon'ble Supreme Court has established certain limits to the aforesaid principle. In ***Mohit Kumar v. State of U.P., 2025 INSC 704***, the appellant had applied for the post of Sub-Inspector in the

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Uttar Pradesh Police in the OBC category, but had furnished a certificate issued in the format meant for jobs under the Central Government, instead of the format prescribed by the State Government in the recruitment notification. He was, therefore, considered in the General category and, having secured marks below the General cut-off, was not selected. The Hon'ble Supreme Court noticed that the format prescribed by the State required the gross annual income of the parents for a continuous period of three years, which the Central format did not certify, and Clause 5.4(4) of the notification expressly spelt out the consequence of non-adherence. A two-Judge Bench, speaking through Justice Dipankar Datta, held as under:-

> *"21. Be that as it may, clause 5.4(4) with which we are concerned is far from ambiguous.* ***It is absolutely clear what UPPRPB required and what would be the consequence of non-adherence.*** *In the wake of such requirement, no aspirant could possibly have any iota of doubt as to the format in which the certificate was to be issued.* ***Even if Mohit and Kiran had doubts as to whether the certificates that they had would suffice, nothing prevented them from seeking such clarification and, at the same time, approach the concerned tehsildars to issue certificates in the requisite format. It has not been shown that obtaining a second certificate in the format required by the State Government was barred by any law. Having regard thereto, both Mohit and Kiran cannot take shelter under the plea that insistence on the part of UPPRPB of certificates issued in the requisite format is a mere formality which could have been dispensed with since they had certificates issued in the other format****."*
>
> *(Emphasis added)*

8.9 In ***Poonam Dwivedi v. State of U.P., 2026 INSC 351***, the appellants had applied for the posts of Health Worker (Female) under an advertisement dated 15.12.2021, relying upon EWS certificates which

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were not in respect of the financial year prior to the year of application. Most of those certificates had been issued in January and February 2021, before the relevant financial year had even closed. The Hon'ble Supreme Court held that such certificates bore an error apparent on their face and, following ***Gaurav Singh (supra)***, that a certificate of a different financial year goes to the root of eligibility. It was further observed that, since the certificates had been obtained even before the advertisement was published, the candidates could have applied for fresh certificates in terms of the advertisement. Similarly, in ***Madhu Kant Ranjan (supra)***, the advertisement for the post of Constable in the Bihar Police required the candidates to enclose copies of all their certificates with the application, the last date for which was 22.02.2004. The candidate did not enclose his NCC 'B' certificate, and produced it only after the physical test, on 15.01.2007. His plea in a later writ petition that he had enclosed the certificate with his application was found to be an afterthought, contrary to his pleadings in the earlier round of litigation. The Hon'ble Supreme Court, therefore, upheld the refusal to award him the additional marks. Thus, in each of these cases, either the certificate which alone could prove the status was not held by the cut-off date, or the benefit was not claimed in the manner required, and the candidate offered no explanation which could bring the case within the exception.

8.10. The leading judgment of the Division Bench of this Court on the subject is ***Divya Kalia (supra)***. In that case, the petitioner had

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applied as a Scheduled Caste candidate for the Haryana Civil Services (Judicial Branch) Examination, 2023-24, advertised by HPSC on 01.01.2024, and had uploaded her Scheduled Caste certificate dated 11.07.2016 issued by the Tehsildar, Gurugram. She cleared the preliminary examination and the main written examination. On 05.09.2024, shortly before her interview, HPSC informed her that her candidature was provisionally liable to be rejected, since the certificate did not bear a registration number and date, and since her domicile certificate had not been attached, and gave her time till 07.09.2024 to represent. She responded the same day, and the Tehsildar, Gurugram confirmed that the certificate was genuine. HPSC, nevertheless, rejected her candidature on 12.09.2024. The Division Bench permitted her to appear in the interview provisionally, in which she secured the threshold marks for appointment. The Division Bench categorically held that possession of a qualification on the cut-off date is mandatory, but that its proof is distinct from it, and a technical defect in a certificate issued by the competent authority, which is beyond the control of the candidate, may be condoned where the candidate actually possessed the attribute on the cut-off date. It was further held that a candidate must be diligent, must show good cause for any latitude, and must take corrective steps at the earliest, and no straitjacket formula can be laid down, since every case turns on its own facts. On the facts, it was observed that the date of the certificate was in fact printed on it, the absence of the registration number was attributable solely to the issuing authority, the domicile

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certificate had in fact been uploaded, and the petitioner had pursued her remedy promptly. The order of rejection was, therefore, quashed. The Division Bench also deprecated the mechanical manner in which HPSC had defended the litigation, and imposed upon it costs of Rs. 50,000/- payable to the petitioner and exemplary costs of Rs. 1,00,000/- to be deposited in the Poor Patient's Welfare Fund, PGIMER, Chandigarh, with liberty to recover the same from the erring officials. The relevant paragraphs of the judgment read as under:

> *"9.* ***It is trite law that a candidate, seeking public employment, must possess the requisite mandatory qualification(s) as on the prescribed cut-off-date.*** *The Three Judge Bench judgment of Hon'ble Supreme Court in the case of* ***Ashok Kumar Sharma (supra)*** *and* ***Bedanga Talukdar (supra)*** *unequivocally enunciates that the eligibility of a candidate is required to be adjudged with scrupulous reference to the cut-off-date and that date alone. A person, who acquires the requisite prescribed qualification, subsequent to such a prescribed cut-off date, renders himself ineligible and cannot be shown any relaxation unless the extant rules so provide. As a pivotal imperative pre-requisite thereof, a candidate is pertinently required to possess the mandatory qualification(s), as sought for by the concerned selecting/examining agency, on the cut-off-date; whereas, acquiring them subsequently would not render such a candidate eligible & failure therein would incur in consequential penal effect(s).*
>
> ***The general rule, thus, is that a candidate must deposit all requisite certificate(s) etc. at the time of submitting his application form and he ought not to be permitted to rectify such certificate(s). However, possession of a qualification is starkly distinct from the proof thereof.****Hon'ble Supreme Court in the case of* ***Charles K. Skaria (supra)*** *has held that what is essential is the possession of a qualification before the concerned date and mode of proof thereof, is ancillary. Following this dicta; the Hon'ble Supreme Court in the cases* ***of Dolly Chhanda (supra)****,* ***Ram Kumar Gijroya (supra)*** *and* ***Karan Singh Yadav (supra)****; has carved out exception(s) when it relates to submission of a certificate/testimonial with a technical defect/irregularity, which was beyond the reasonable control of such candidate(s).* ***It is an unshaken canon of our jurisprudence that when***

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substantial and technical considerations are pitted against each other, the cause of substantial justice deserves to be preferred. Procedural and technical hurdles ought not to be allowed to stand in the way of substantial justice*. It must be grasped that the concept of substantial justice is respected not on account of its power to legalize an otherwise injustice configured so endowed with a sceptre nay SENGOL on technical grounds; but because it is for striking out and is expected to do so. If the procedural violation does not cause prejudice to anyone else, the concept of substantial justice requires that the Courts/authorities must lean towards effectuating justice rather than relying upon procedural and technical violations. When substantial & procedural considerations stand in opposition, the former must invariably prevail, for justice is not a mere mechanical exercise but a tangible pursuit of truth & fairness.* ***The dicta of these judgments, essentially, grants a latitude to the reserved category aspirants, treating the submission of irregular/technically defective certificate(s), being essentially procedural lapse(s) which may be condoned, in view of the facts involved.*** *The common denominator, which runs through these decisions is that, even when correct requisite certificate(s) were allowed to be submitted belatedly, such candidate did actually possess such qualification on the cut-off-date. In other words, the Apex Court has enunciated that such certificate(s)/testimonial(s) were proof of an attribute which the candidate already possessed of and such attribute was not attained after the cut-off-date.*

Judicial notice can well be taken by this Court that, such reservation certificate(s) are, more often than not, issued at the end of the concerned authority(s) and a candidate does not have any say nay authoritative say in issuance thereof. In actual life, it is often exasperatingly cumbersome for a candidate to obtain requisite certificate nay one issued in the exact prescribed form from the concerned authority. A technical irregularity/defect in such certificate(s) issued by the concerned competent authority is, thus, beyond the control of an aspirant. Actual excellence or even basic eligibility, thus, cannot be permitted to be obliterated by the choice of an orthodox interpretation of law and procedure. Equity ought to overpower technicality where the justice so demands. *In the realm of writ jurisdiction, courts are duty bound to uphold the paramount cause of substantial justice, ensuring that the dispensation of justice is not thwarted by mere technicalities. While procedural considerations serve as necessary safeguards to ensure orderly adjudication, they must never be exalted to the extent that they eclipse the fundamental tenets of fairness, equity and justice or even moribund the cause of justice. The Court, as a sentinel of justice, must wield its discretionary power to prevent miscarriage of justice arising*

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from rigid adherence to procedural formalities. Equity, being the soul of justice, demands that the courts adopt a liberal and pragmatic approach, ensuring that the form does not triumph over the substance. A constitutional court, vested with extra-ordinary jurisdiction, must, therefore, eschew hyper-technical reasoning and focus on the broader ends of justice, for the law must ever remain a handmaiden to justice & not an instrument of oppression or procedural entanglement.

10. A conundrum faced by the selecting/examining agency in such a scenario, seeks attention, namely; granting latitude to the candidate(s) for submission of correct/technical error free certificate(s) after the last date of depositing of application form having passed, poses a threat of uncertainty, looming large in the selection/examination process, as also may cause delay in culmination thereof.

A candidate, while making an application and submitting documents in support thereof, indubitably ought to be diligent and any laxity ought not to be condoned as has been in the case of ***Divya (supra).*** *Document(s)/certificate(s) required to be submitted have to be scrupulously checked by the candidate concerned before submission thereof. A candidate cannot be afforded latitude for omission(s) on his part as the selecting/examining agency has to proceed on the basis of application and documents submitted by the candidate****. In case an error has occurred on account of circumstances beyond the control of the applicant, namely, an incorrect/technically defective certificate(s), received by the candidate from the competent authority, having been presented by the candidate, in the back drop of such a candidate actually possessing the requisite qualification, some latitude may be extendable to such a candidate. It is indubitable that it is for the candidate to show good cause, with certitude, for grant of such a latitude. Also, corrective or remedial steps ought to be undertaken at the end of the concerned candidate, at the earliest feasible date, since the time lapse may, by itself proscribe any such latitude as held by the Hon'ble Supreme Court in case of Divya (supra)****.*

Ergo; the conundrum is set at naught; viz, a candidate seeking latitude for submission of an incorrect/defective certificate alongwith the application form is required to show tangible cause or accentuating circumstances, at the earliest opportunity lest the timeline itself may non-suit such candidate. ***No exhaustive set of such circumstances/cause(s) can possibly be laid down however alluring this aspect may be. It is neither fathomable nor desirable to lay down any straight jacket formula in this regard. Any attempt in this case would be, to say the least, quixotic endeavour.*** *Circumstantial flexibility, one additional or different*

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fact, may make a sea of difference between conclusions in two cases. Such exercise would thus, indubitably, be dependent upon the factual matrix of a particular lis, since every case has its own peculiar factual conspectus.

xxx *xxx* *xxx*

12. Before parting with this order, another aspect of the lis in hand craves attention. In discharging its role as a litigant, the State (as also its instrumentalities) must adopt a balanced and judicious approach, resisting the temptation to oppose the claims indiscriminately. The State must exercise due diligence in distinguishing between a baseless and a legitimate claim. While it is justified in defending itself against spurious claims, this duty must be discharged with a sense of responsibility. The Constitutional framework envisions the State as a Welfare State, which is inherently obligated to act in the best interest of its citizens. In litigation involving the State and its citizens, this welfare-oriented ethos must guide the State's conduct. Unlike a private litigant, whose sole objective is often to secure a favourable judgment, the State bears a higher responsibility to ensure that justice is served, consistent with the principles of fairness and equity.

The Courts across the legal system—this Court being not an exception—are choked with litigation. Frivolous and groundless dispute(s) constitute a serious menace to the administration of justice. They consume time and clog the overburdened infrastructure. Productive resources, which should be deployed in the handling of genuine causes, are dissipated in pursuing worthless cause(s). In our jurisprudential eco-system, the State is the largest litigant today and the huge expenditure involved makes a big draft on the public exchequer. ***The present case is an unsoothing illustration of, how litigations are pursued on behalf of the State (HPSC, to be more precise, in the case in hand), in a totally mechanical and indifferent fashion. The proceedings reveal a lack of due diligence, reflective of an apathetic approach that undermines the principles of responsible governance & judicial propriety. Such conduct reflects an absence of serious application of mind, resulting in an unwarranted litigation that burdens the judicial system. This tendency can be curbed only if the Courts across the system adopt an institutional approach which penalizes such comportment. The imposition of costs, is a necessary instrument, which has to be deployed to weed out, such an unscrupulous conduct. Ergo, this Court deems it appropriate to saddle HPSC with costs, which indubitably ought to be veritable and real time in nature.****"**

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8.11. With regard to an acquired qualification, the Hon'ble Supreme Court in ***Haryana Staff Selection Commission v. Priyanka, (2022) 18 SCC 136***, held that candidates whose provisional results had been declared by their Universities before the cut-off date could not be said to be unqualified on that date, so long as the authenticity of those results was not in doubt. Similarly, in ***Harpreet Kaur (supra)***, the Division Bench held that it is the date of passing of the examination, and not the date of issuance of the degree, which governs eligibility. In **LPA-61-2025**, titled as '***Haryana Staff Selection Commission v. Sumit and others***', decided on 16.01.2025, the advertisement required a candidate claiming the benefit meant for dependants of ex-servicemen to hold a valid eligibility certificate on the last date for submission of the online application form. The candidate was asked at the time of scrutiny, held on 05.02.2022, to produce a certificate from the Zila Sainik Board, and he produced one dated 10.02.2022. The Division Bench upheld the relief granted to him, holding that the status of a candidate does not change merely because the certificate is issued at a later date. In **LPA-1963-2017**, titled as '***Rina and another v. Vice Chancellor, Pt. B.D. Sharma University of Health Sciences, Rohtak and others***', decided on 25.08.2022, the Division Bench upheld the inclusion of candidates who possessed the eligibility on the cut-off date, but whose sports gradation certificates were produced later for reasons beyond their control.

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8.12. The Division Benches of this Court have also granted relief for clerical and category errors where no facility for correction existed. In ***Usha Dhillon (supra)***, it was held as under:-

> "*6. The above issue can be viewed from another angle.* ***It is very possible that while a candidate is applying online, he or she may, through a bona fide mistake, apply under a category in which one does not intend to. On a question being asked to learned counsel appearing on behalf of the Commission, whether there was a provision on the website of the Commission allowing correction in the online application form, the answer came in the negative. Therefore, there was no option left with the petitioner, but to approach the Commission through her application dated 01.10.2014. If one is human, one will err. What the Court would normally see is whether that error is bona fide.*** *We find that the error in the case in hand was, in fact, bona fide, and therefore, are inclined to interfere and grant the relief, as prayed for by the petitioner."*
>
> *(Emphasis added)*

8.13. In ***Sarla (supra)***, the Division Bench observed as under:-

> *"5.* ***We cannot loose sight of the fact that in view of the prevailing socio economic condition in our country, every citizen is neither net savvy nor has a computer or laptop readily available for use. In these circumstances, when such a candidate has to submit an application on-line he has to dependent upon the cyber cafés providing the net services****. Being himself/herself not computer and net savvy the candidate has to depend upon the operator in the cyber cafe to fill in online form and in such a circumstance if any mistake occurs it would be wholly unrealistic and arbitrary to make such a candidate suffer****. It is also to be taken note of that if an incorrect entry is made due to human error, there is no provision on the website of the Commission allowing correction in the online application form. In these circumstances, if a mistake is committed, there being no provision for carrying out correction, even if it is noticed subsequently, a poor candidate is to suffer for no fault.*** *"*
>
> *(Emphasis added)*

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To the same effect are the judgments in ***Kiran Bala (supra)*** and ***Vishvajeet Singh (supra)***. In the latter case, the Division Bench, relying upon ***Vashist Narayan Kumar (supra)***, affirmed the relief granted to a candidate who had uploaded the correct BC-B certificate but had selected the BC-A category in the form, his marks being above the cut-off in both categories, so that the error conferred no advantage upon him. It must be pointed out that the observation of the Division Bench in ***Divya Kalia (supra)***, that no latitude can be afforded for omissions on the part of the candidate, was made with reference to the judgment of the Hon'ble Supreme Court in ***Divya (supra)***, where the certificate which alone could prove the status was not held on the cut-off date. The said observation does not stand in the way of relief where the eligibility was in fact possessed and no effective opportunity was given to correct a *bona fide* error in its proof, as held by the Hon'ble Supreme Court in ***Vashist Narayan Kumar (supra)*** and by the Division Benches of this Court in ***Sarla (supra)*** and ***Vishvajeet Singh (supra)***.

8.14. In light of the above discussion, the settled position may be stated thus:

> *(i) The eligibility prescribed must be possessed on the cut-off date, and the requirement admits of no relaxation;*
>
> *(ii) The mode and time of proof are matters of procedure, and a defect in the proof of an eligibility actually held does not, by itself, extinguish the candidature;*
>
> *(iii) Where a status depends upon income or assets for a prescribed period, as in the case of non-creamy layer or EWS status, it exists in law only upon the issuance of a*

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> *valid certificate for that period. A certificate of a wrong period, or one obtained after the cut-off date, therefore goes to the root of eligibility, except where the certificate was applied for before the cut-off date and its issuance was delayed at the behest of the competent authority;*
>
> *(iv) A candidate who could not obtain or claim the right certificate because of the default of the State itself cannot be blamed for it; and*
>
> *(v) Relief turns upon the diligence and the bona fides of the candidate.*

III. The precedents relied upon by the respondents, read in their own light

9. Learned counsel for the respondents placed considerable reliance upon certain judgments of the Division Bench of this Court, and of this Court itself. However, before analyzing each of them, the principles governing the interpretation of judgments must be borne in mind. It is trite that a judgment must be interpreted in the context of the facts of the specific case presented before the Court, without reading into it more than what is expressly stated. It is neither appropriate nor permissible to isolate a word or a sentence from a judgment, detached from the context of the issue being addressed, and treat it to be the complete law in itself. Instead, a judgment must be read as a whole, and any observations made therein ought to be understood in relation to the questions that were actually under consideration. A two-Judge Bench of the Hon'ble Supreme Court in ***Oriental Insurance Company Limited v.***

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Rajkumar and others, (2007) 12 SCC 768, speaking through Justice Arijit Pasayat, made the following observations in this regard:

> *"11.* ***Reliance on the decision without looking into the factual background of the case before it is clearly impermissible. A decision is a precedent on its own facts. Each case presents its own features. It is not everything said by a Judge while giving a judgment that constitutes a precedent. The only thing in a Judge's decision binding a party is the principle upon which the case is decided and for this reason it is important to analyse a decision and isolate from it the ratio decidendi.*** *According to the well-settled theory of precedents, every decision contains three basic postulates - (i) findings of material facts, direct and inferential. An inferential finding of facts is the inference which the Judge draws from the direct, or perceptible facts; (ii) statements of the principles of law applicable to the legal problems disclosed by the facts; and (iii) judgment based on the combined effect of the above. A decision is an authority for what it actually decides. What is of the essence in a decision is its ratio and not every observation found therein nor what logically flows from the various observations made in the judgment. The enunciation of the reason or principle on which a question before a Court has been decided is alone binding as a precedent. (See* ***State of Orissa v. Sudhansu Sekhar Misra and Ors., (AIR 1968 Supreme Court 647)*** *and* ***Union of India and Ors. v. Dhanwanti Devi and Ors., (1996(6) SCC 44)****.* ***A case is a precedent and binding for what it explicitly decides and no more. The words used by Judges in their judgments are not to be read as if they are words in Act of Parliament. In Quinn v. Leathem, (1901) AC***

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<u>495 (H.L.), Earl of Halsbury LC observed that every judgment must be read as applicable to the particular facts proved or assumed to be proved, since the generality of the expressions which are found there are not intended to be exposition of the whole law but governed and qualified by the particular facts of the case in which such expressions are found and a case is only an authority for what it actually decides</u>.

12. Courts should not place reliance on decisions without discussing as to how the factual situation fits in with the fact situation of the decision on which reliance is placed. ***<u>Observations of Courts are neither to be read as Euclid's theorems nor as provisions of the statute and that too taken out of their context. These observations must be read in the context in which they appear to have been stated. Judgments of Courts are not to be construed as statutes.</u>*** *To interpret words, phrases and provisions of a statute, it may become necessary for judges to embark into lengthy discussions but the discussion is meant to explain and not to define. Judges interpret statutes, they do not interpret judgments. They interpret words of statutes; their words are not to be interpreted as statutes. In* ***London Graving Dock Co. Ltd. v. Horton, (1951 AC 737 at p.761)****, Lord Mac Dermot observed :*

> *"The matter cannot, of course, be settled merely by treating the ipsissima vertra of Willes, J as though they were part of an Act of Parliament and applying the rules of interpretation appropriate thereto. This is not to detract from the great weight to be given to the language actually used by that most distinguished judge."*

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13. In ***Home Office v. Dorset Yacht Co., (1970(2) All England Reporter 294)*** *Lord Reid said, "Lord Atkin's speech.....is not to be treated as if it was a statute definition. It will require qualification in new circumstances."* ***Megarry, J in (1971)1 WLR 1062*** *observed : "One must not, of course, construe even a reserved judgment of Russell L.J. as if it were an Act of Parliament." And, in* ***Herrington v. British Railways Board, (1972(2) WLR 537)*** *Lord Morris said:*

> *"**There is always peril in treating the words of a speech or judgment as though they are words in a legislative enactment, and it is to be remembered that judicial utterances made in the setting of the facts of a particular case."***

14. ***Circumstantial flexibility, one additional or different fact may make a world of difference between conclusions in two cases. Disposal of cases by blindly placing reliance on a decision is not proper****.*

15. The following words of Lord Denning in the matter of applying precedents have become locus classicus :

> *"Each case depends on its own facts and a close similarity between one case and another is not enough because even a single significant detail may alter the entire aspect, in deciding such cases, one should avoid the temptation to decide cases (as said by Cordozo) by matching the colour of one case against the colour of another. To decide therefore, on which side of the line a case falls, the broad resemblance to another case is not at all decisive."*

*** *** ***

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> *"Precedent should be followed only so far as it marks the path of justice, but you must cut the dead wood and trim off the side branches else you will find yourself lost in thickets and branches. My plea is to keep the path to justice clear of obstructions which could impede it.""*
>
> *(Emphasis added)*

9.1. Further, a point which was neither argued nor considered by the Court passes *sub silentio*, and the decision is no authority on that point (***Municipal Corporation of Delhi v. Gurnam Kaur, (1989) 1 SCC 101*** and ***State of U.P. v. Synthetics and Chemicals Ltd., (1991) 4 SCC 139***).

9.2. That brings this Court to the judgment of the Division Bench in ***Pardeep Kumar (supra)***, upon which the respondents have principally relied. The Division Bench held as under:-

> "*54. The facts of the present LPAs are analyzed, and we find that the advertisement clearly required the candidates to submit BC(A)/BC(B) certificate. The advertisement was issued in June 2024 i.e. 21.06.2024. The candidates, who claimed reservation for BC(A)and BC(B), were required to belong to Non-Creamy Layer. The determination of Non-Creamy Layer is with reference to the income and assets of a candidate.* ***Certificate of BC(A)/BC(B)are, therefore, based on changing financial status of the applicant*** *and therefore, it becomes necessary for the appellant-Commission to require the candidate to submit the certificate issued before the cut-off date.*
>
> *xxx* *xxx* *xxx*

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> *57. It is undisputed that all the respondents-writ petitioners claimed reservation in BC(A)/BC(B)or EWS category but* ***had not submitted their respective caste certificate of the relevant period****. In the leading case, the respondent No.1-Pradeep Kumar submitted the BC(A) certificate dated 31.12.2019. Similarly, BC(A)/BC(B) certificates of all other candidates/respondents were not of the relevant period as per the advertisement. The candidates were required to be possessed of the certificates on the last date of making of application i.e. 12.07.2024. The certificates annexed by them since were not in terms of the advertisement, therefore, they were rightly ignored."*
>
> *(Emphasis added)*

The Division Bench further held that the reopening of the portal, or an invitation to submit representations, does not extend the date by which proof of eligibility had to be obtained. It concluded that the writ petitioners were not entitled to relief since they had not furnished proof of their eligibility by the cut-off date. Thus, the *ratio* of the said judgment is that a non-creamy layer certificate rests upon an income which changes, and a certificate which does not relate to the relevant period is no proof of eligibility for that period. The Division Bench also observed that the cut-off date fixed for the submission of certificates of proof of eligibility is sacrosanct. However, none of the writ petitioners before the Division Bench held a certificate of the relevant period on the cut-off date, and the judgment does not record that any of them had applied for one before that date. The Division Bench was, therefore, not called upon to consider the case of a

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candidate who held a valid certificate on the cut-off date but uploaded another document in its place, or whose application for the certificate was pending with the competent authority on that date. The said observation must be read in that context, and it is consistent with the requirement that the proof itself must exist on the cut-off date.

9.3. In the same judgment, the Division Bench separately dealt with the case of Neha Dhiman, who held a valid BC-A (Non-Creamy Layer) certificate but had selected 'BC(A) (Creamy Layer)' in her form. The Division Bench declined relief in the following terms:-

> "*70. Having heard the learned counsel for the parties, we find force in the submissions made by the learned counsel for the appellant-Commission that* ***the mechanism adopted by it, provided sufficient opportunity to any candidate to rectify any such alleged inadvertent error as would be clear from perusal of Clause 16 of the advertisement****. Not only did the candidate fail to rectify the error after taking the print out of the form and before signing and uploading the scanned copy thereof, she did not take any steps to submit a fresh application with the correct category as duly provided for. Admittedly, she appeared in the screening test held on 23.09.2024, result whereof was declared on 09.10.2024.* ***It was only on 03.11.2024, that she belatedly filed a representation.***
>
> *71. The judgments relied upon by the learned counsel for the said petitioner are distinct on facts,* ***where the mistake in selecting option occurred on account of filling the application form with the aid of cybercafé, for which, there was no provision for correction. In the facts of the instant case, the concerned petitioner is an educated***

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> ***woman and does not allege that she was incapacitated due to any such circumstances****."*
>
> *(Emphasis added)*

Notably, the Division Bench was not called upon to consider whether an option which confers no benefit ought to be offered in the form at all, and the judgment does not refer to ***Vashist Narayan Kumar (supra)***. In plain terms, the case of Neha Dhiman holds that where a candidate had a real opportunity to correct the very mistake, and let it pass until the Commission had acted upon it, a later request for correction cannot succeed.

9.4. Subsequently, by order dated 25.05.2026 passed in **RA-LP-16-2026** and connected review applications in ***Pardeep Kumar (supra)*** itself, the Division Bench held as under:-

> "*6. Those candidates who have already availed the benefit of reservation at any stage of recruitment would not be entitled for the benefit of migration to unreserved category. However,* ***those review applicants who though have applied in the reserved category, but have not taken any advantage of reservation and have secured marks above the cut off meant for unreserved category, would be accorded consideration in the unreserved category against available seats****."*
>
> *(Emphasis added)*

9.5. The reliance placed by the respondents upon the judgment of the Full Bench in ***Rahul Prabhakar (supra)*** must also be examined. The Full Bench held that an application received after the last date fixed by the information brochure is no application at all, and the Court will

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not rewrite the brochure. In his concurring opinion, Justice T.H.B. Chalapathi further held that no power to relax the date had been reserved either in the advertisement or in the brochure. However, that judgment concerned the receipt of the application itself, and not the proof of an eligibility already held, and the distinction between eligibility and its proof was neither raised nor considered therein. Moreover, in the present bunch of cases, Advertisement No.05/2024 in **CWP-24359-2026** ***(Pradeep)*** reserves the very power which the Full Bench found to be absent, since Clauses 9.5 and 10.1 permit HSSC to seek additional documents in support of those already uploaded. The *ratio* of the said judgment, therefore, has no application to the controversy at hand.

9.6. In **LPA-480-2026**, titled as '***Suman Kumari v. Haryana Public Service Commission***', decided on 19.02.2026, the Division Bench affirmed the judgment of a Co-ordinate Bench in **CWP-3269-2026**, decided on 05.02.2026. There, HPSC had, by Corrigendum-II dated 24.02.2025, reopened its portal and directed candidates who had filled wrong particulars to apply afresh, and still the candidate had failed to upload a valid EWS certificate. Thus, an opportunity to correct the defect existed in that case, but was not availed. The petitioner in **CWP-29621-2025** ***(Vitesh Dhankhar)***, on the other hand, made his application on 02.03.2025, in the very window opened by Corrigendum-II, and no opportunity to correct the uploaded document was available to him thereafter.

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9.7. Learned counsel for the respondents also relied upon the judgment of this Court in ***Jyoti (supra)***, decided on 04.08.2026. In the aforesaid case, the undertaking of the State recorded in the order dated 01.07.2025 in ***Sheetal (supra)***, and the judgments in ***Vashist Narayan Kumar (supra)*** and ***Subhash Chand (supra)***, were not brought to the notice of this Court. Further, the decision of the Council of Ministers dated 18.05.2026 was not on record. The observation that the conditions regarding the upload of documents are "substantive conditions of the recruitment process" must be read in that light, since the judgment was rendered on the material then placed before this Court. The present bunch, however, is decided on material which was not then before this Court.

9.8. Thus, the aforementioned judgments, read in the light of their own facts, do not advance the case of the respondents beyond the extent indicated hereinabove.

IV. The Root of Eligibility Test

10. The Division Bench in ***Divya Kalia (supra)*** cautioned that no straitjacket formula can be laid down in matters of this kind, since every case turns on its own facts. What follows is, therefore, not a formula which exhausts the circumstances of every case. It is a structured sequence of the questions which the precedents examined above already ask, set out in the order in which they arise, so that recruiting agencies and candidates know in advance how a defect will be judged. Predictability of this kind is itself a demand of Article 14 of

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the Constitution of India. In ***Partha Das v. State of Tripura, 2025 INSC 1049***, the Hon'ble Supreme Court held that consistency and predictability are important aspects of non-arbitrariness, and the rule of law obliges the State to take only those decisions which are rooted in fairness and equality.

10.1 Upon a careful consideration of the foregoing, this Court deems it appropriate to lay down the following test, which shall govern whether a defect in an online application form, or in the documents uploaded along with it, can be cured:

The General Rules

(a) The eligibility prescribed must be possessed on the cut-off date, and the requirement admits of no relaxation. The proof of an eligibility so possessed is a matter of procedure. Therefore, a defect in proof does not, by itself, extinguish the candidature of a person who was in fact eligible.

(b) The label attached to a defect is not decisive. The threshold question in every case is whether the candidate possessed the eligibility on the cut-off date.

(c) The cut-off date means the date fixed by the governing rules or the advertisement for possession of eligibility and, where no such date is fixed, the closing date for submission of applications.

(d) An advertisement may provide that only the documents uploaded with the application form shall be considered, or that

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a candidature containing incorrect particulars shall stand cancelled. Such a condition applies with full force where the candidate did not in fact possess the eligibility which he claimed. However, where the candidate did possess that eligibility and only the document furnished in proof of it was defective, the particulars in his form cannot be called incorrect, and such a condition does not, by itself, defeat his candidature.

(e) The burden of showing possession of the eligibility, and the *bona fides* of the defect, lies upon the candidate. The burden of showing that an effective opportunity to cure the defect was given lies upon the recruiting agency.

Stage One: Possession. Was the eligibility possessed on the cut-off date?

(a) ***How possession is fixed*** - An eligibility condition may be of three kinds, and possession of each is fixed differently:

(i) An **acquired qualification**, such as a degree, a diploma or the HTET certificate, is possessed on the date on which its result is declared. The marksheet or certificate, whenever issued, is only its proof [***Priyanka (supra)***; ***Harpreet Kaur (supra)***].

(ii) A **settled status**, which does not change with the passage of time, such as caste or the status of a dependant of an ex-serviceman, is possessed if it

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existed on the cut-off date. A certificate of that status issued later is only its proof [***Charles K. Skaria (supra)***; ***Dolly Chhanda (supra)***; ***Sumit (supra)***; ***Divya Kalia (supra)***].

(iii) A **period-bound status**, such as non-creamy layer or EWS status, depends upon income or assets for a prescribed period. It exists in law only upon the issuance of a valid certificate for that period, and such certificate must be issued on or before the cut-off date, subject to the ***Pending Application Rule*** mentioned hereinbelow. A certificate relating to any other period goes to the root of eligibility [***Gaurav Singh (supra)***; ***Divya (supra)***;***Pardeep Kumar (supra)***].

(b) ***How possession is shown*** - Possession must be shown from official records, such as the date of declaration of a result, the date and period stated on a certificate, the record of the SARAL portal or the Family Information Data Repository. What was entered in the application form may corroborate such record, but is not decisive either way.

(c) ***A document in another format*** - A document in a format other than the one prescribed by the advertisement or the rules is sufficient proof of possession only if it certifies the same facts, for the same period, as the prescribed format. If the prescribed

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format certifies something more, the other document cannot prove possession, and the candidate must have held a document in the prescribed format on the cut-off date. For instance, in ***Mohit Kumar (supra)***, the format prescribed by the State certified the gross annual income of the parents for a continuous period of three years, which the format meant for jobs under the Central Government did not. A certificate in the Central format, therefore, could not prove possession of the status claimed. This clause is subject to the ***State Recognition Rule*** set out hereinbelow.

(d) ***Rule A: the Pending Application Rule*** - A candidate who, on or before the cut-off date, made a complete application to the competent authority for a certificate, through the channel prescribed by the State, and to whom the certificate was issued later on that very application, shall be treated as having held it on the cut-off date. Having done all that was required of him before the cut-off date, such a candidate cannot be made to bear the time taken by the State machinery [***Sakshi Arha (supra)***; ***Subhash Chand (supra)***]. This rule is not confined to certificates of a reserved category status. It shall apply with equal force to a certificate of experience, or a certificate of disability, which a candidate applied for to the employer or the authority competent to issue it on or before the cut-off date, but which came to be issued to him thereafter for reasons not

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attributable to any delay on his part. Such a candidate shall likewise be treated as having held the certificate on the cut-off date.

The stand of the State recorded in ***Sheetal (supra)***, and Clause 12.23 of Advertisement No.05/2024, which requires a candidate to produce both the old and the renewed document at the time of scrutiny, rest upon the same principle. The SARAL application number with its date, from the record of the portal, shall be sufficient proof of such application. In the case of a certificate of experience or disability, or any other certificate not applied for through the SARAL portal, the application shall be shown from the record of the employer or the issuing authority, such as the date of its receipt, its diary or dispatch number, or the registration number generated by the portal through which it was made. A bare affidavit or a general plea of a glitch in the portal shall not suffice in place of such record. The certificate so issued must be produced at the stage of scrutiny of documents, and must relate to the period which covers the cut-off date. This rule shall not apply where the application was rejected, or was returned for a deficiency which the candidate cured only after the cut-off date, or where the delay in issuance is attributable to the candidate himself, such as his failure to appear before the Medical Board or to furnish the particulars sought by the issuing authority.

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(e) ***Rule B: the State Recognition Rule*** - Where the State, by a conscious decision, recognizes a class of certificates as valid proof of a status for the relevant period, a certificate of that class shall prove possession for that period, and sub-clause (c) shall not defeat it. Every similarly situated candidate shall be treated alike in this regard, unless a real and pertinent *differentia* is shown.

(f) If possession is not shown at this stage, the defect goes to the root, and the claim to which that eligibility relates fails. Its consequence is governed by ***Stage Four*** discussed hereinafter.

Stage Two: Is the claim free from any bar?

(a) Where **possession is shown**, the defect is curable **unless**:

(i) The claim to the benefit was never made in the application form, as distinct from a claim made with defective proof. A candidate who consciously opted for one category cannot, after participating in the selection process on that basis, seek conversion of his candidature to another [***J&K Public Service Commission v. Israr Ahmed, (2005) 12 SCC 498; Rajasthan High Court, Jodhpur v. Neetu Harsh, 2019 SCC OnLine SC 1119***]. However, this bar shall not apply where the claim could not be made owing to the default of the State itself [***Subhash Chand (supra)***]; or

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(ii) The candidate has made a misrepresentation or has practiced fraud.

(b) Where the genuineness of a document, or the status itself, is disputed, the competent authority shall decide that dispute after affording the candidate an opportunity of hearing, and the test shall be applied on the basis of that decision.

Stage Three, Forfeiture: Did the candidate let an effective opportunity to cure the defect pass?

(a) ***Effective opportunity*** - An opportunity is effective only if it was publicized, was given before the claim was ***acted upon***, and was capable of revealing that very defect to the candidate. A printout of the application form showing the typed particulars is effective against a typed error, such as a wrong category. It is not effective against a wrong or missing attachment, which the printout does not show. Further, a recruiting agency which held the power to call for documents in support of those already uploaded, and which instead scrutinized the uploaded documents without any intimation to the candidate, cannot be said to have given an effective opportunity.

(b) ***Acted upon*** - A claim is acted upon when the recruiting agency draws up a result or merit list on its basis.

(c) Where an effective opportunity was given and not availed, and the defect was raised only after the claim was acted upon, relief

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shall be declined. However, a **trivial error** which played no part in the selection may still be cured, where the candidate shows circumstances, such as dependence upon a cyber cafe or the absence of any facility for correction, which explain why the opportunity was not availed [***Vashist Narayan Kumar (supra)***; ***Sarla (supra)***; ***Pardeep Kumar (supra)***].

(d) There is no forfeiture where the defect was raised before the claim was acted upon, or where the recruiting agency itself treated the candidate in the correct category.

(e) Where no effective opportunity was given at all, there is no forfeiture, and the candidate shall be permitted to produce proof of the eligibility which he possessed on the cut-off date.

(f) ***Promptness*** - In every case, the candidate must move promptly once he learns of the defect, whether through an intimation by the recruiting agency or, where none was given, through the declaration of the result. Time runs from that date, since it was the recruiting agency which chose when to scrutinise the documents. An unexplained delay thereafter shall defeat relief.

Stage Four, Consequence: What follows?

(a) Where possession is shown, no bar applies and there is no forfeiture, the defect shall be cured, and the candidate shall be considered in the category claimed, upon verification of the document from the issuing authority or the official record.

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(b) Where the claim to a reserved status fails under this test, only that claim fails. The candidate shall be considered in the unreserved category on the basis of his merit, subject to his fulfilling the eligibility conditions prescribed for that category, unless the governing rules or the advertisement expressly bar such consideration [***Pardeep Kumar (supra)***, order dated 25.05.2026 in **RA-LP-16-2026; *Rohit Soni (supra)***].

(c) Where the eligibility for the post itself is not shown, the candidature fails.

<u>The Residuary Principle</u>

This test structures, and does not exhaust, the inquiry. A circumstance not foreseen by it shall be weighed on the principles from which it is drawn, namely, that eligibility is fixed on the cut-off date, that proof is the handmaid of eligibility, and a diligent candidate who was in fact eligible shall not lose the benefit of his merit for a lapse in procedure.

V. Equal Treatment: The Cabinet Decision of 18.05.2026 and Article 14 of the Constitution of India

11. The Council of Ministers, in its meeting held on 18.05.2026 (Mark 'Y' in **CWP-30971-2024**), considered the rejection of the candidature of candidates possessing BC-A and BC-B (Non-Creamy Layer) certificates issued during the year 2024-25 in terms of the Haryana Government notification dated 17.11.2021. The decision was

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conveyed to the Secretary, HPSC, vide letter dated 25.05.2026 of the Chief Secretary, Haryana, the operative part of which reads as under:-

> "*2. It is intimated that the Council of Ministers, in its meeting held on 18.05.2026,* ***considered the issue regarding the rejection of the candidature of candidates possessing BC-A/BC-B (Non Creamy Layer) category certificates issued during the year 2024-2025, but prior to the date of advertisement i.e. 23.07.2024, and decided/approved that the BC-A/BC-B (Non Creamy Layer) category certificates issued during the year 2024-2025, in accordance with the notification dated 17.11.2021, be considered as valid for all intents and purposes****.*
>
> *3. Therefore, it is requested that further necessary action may kindly be taken to ensure the timely implementation of the decision of the Council of Ministers (CMM), and the Government may also be apprised of the action taken in this regard."*
>
> *(Emphasis added)*

11.1. This Court is of the considered view that the respondent-HPSC is bound to give effect to the aforesaid Cabinet decision. The decision changes no eligibility criterion since non-creamy layer status for the year 2024-25 remains the requirement; rather, it merely recognizes a certificate of that very year as proof of the status. The Constitution Bench of the Hon'ble Supreme Court in ***Tej Prakash Pathak (supra)*** has categorically held that the eligibility criteria notified at the commencement of a recruitment cannot be altered midway, unless the rules or the advertisement so permit, and even a permissible change

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must satisfy Article 14. Matters of procedure, however, stand on a different footing. A recruiting body may devise its own procedure for taking the recruitment to its logical end, so long as that procedure is transparent, non-arbitrary and rationally connected to its object, and where the rules are silent, administrative instructions may fill the gap. Speaking through Justice Manoj Misra, the following observations were made:-

> "*42. We, therefore, answer the reference in the following terms:*
>
> *(...)*
>
> *(2)* ***Eligibility criteria for being placed in the Select List, notified at the commencement of the recruitment process, cannot be changed midway through the recruitment process unless the extant Rules so permit, or the advertisement, which is not contrary to the extant Rules, so permit.*** *Even if such change is permissible under the extant Rules or the advertisement, the change would have to meet the requirement of Article 14 of the Constitution and satisfy the test of non-arbitrariness;*
>
> *(...)*
>
> *(4)* ***Recruiting bodies, subject to the extant Rules, may devise appropriate procedure for bringing the recruitment process to its logical end*** *provided the procedure so adopted is transparent, non-discriminatory/ non-arbitrary and has a rational nexus to the object sought to be achieved.*
>
> *(5) Extant Rules having statutory force are binding on the recruiting body both in terms of procedure and eligibility. However,* ***where the Rules are non-existent, or silent, administrative instructions may fill in the gaps****;*

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> *(6) Placement in the select list gives no indefeasible right to appointment. (...)"*
>
> *(Emphasis added)*

11.2. Furthermore, what document shall evidence a reserved status is a matter of the reservation policy of the State. The independence of the respondent-HPSC under Article 315 of the Constitution of India concerns the conduct of the selection, and not the framing of that policy.

11.3. Moreover, this Court is of the view that the benefits flowing from the Cabinet decision dated 18.05.2026 cannot be confined to the advertisement dated 23.07.2024 issued by the respondent-HPSC. It is trite law that State action must be based on valid relevant principles applicable alike to all who are similarly situated, and it must not be guided by any extraneous or irrelevant considerations because that would be denial of equality. Where an act is arbitrary and it affects any matter relating to public employment, it is implicit in it that it is against the principles of fairness and equal treatment and is therefore violative of Articles 14 and 16 of the Constitution. A two-Judge Bench of the Hon'ble Supreme Court in ***State of Kerala v. M. Vijayakumar, 2026 INSC 352***, while referring to ***State of Punjab and others v. Davinder Singh and others, (2025) 1 SCC 1*** and ***Ajay Hasia and others v. Khalid Mujib Sehravardi and others, (1981) 1 SCC 722***, speaking through Justice Manoj Misra, has opined as follows:-

> "*22. Article 14 of the Constitution forbids class legislation but permits reasonable classification which must satisfy*

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twin tests: (1) that the classification must be founded on an intelligible differentia which distinguishes those that are grouped together from others, and (2) that differentia must have rational nexus with the object sought to be achieved by the Act - The differentia which is the basis of the classification and the object of the Act are distinct things and what is necessary is that there must be a nexus between the two. (13) Legislative and executive action may accordingly be sustained if it satisfies the twin tests of reasonable classification and the rational principle correlated to the object sought to be achieved. ***The burden of proof lies on the State to affirmatively establish that these twin tests have been satisfied.*** *The State must therefore not only establish the rational principle on which classification is founded but correlate it to the objects sought to be achieved (14). Besides, equality is a dynamic concept with many aspects and dimensions, and it cannot be cribbed, cabined and confined within traditional and doctrinaire limits. From a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit in it that it is unequal both according to political logic and constitutional law and is therefore violative of Article 14, and if it affects any matter relating to public employment, it is also violative of Article 16. Articles 14 and 16 strike at arbitrariness in State action and ensure fairness and equality of treatment. They require that State action must be based on valid relevant principles applicable alike to all similar situate and it must not be*

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guided by any extraneous or irrelevant considerations because that would be denial of equality.

xxx xxx xxx

24. In ***State of Punjab & Ors. v. Davinder Singh & Ors, (2025) 1 SCC 1, Dr. D.Y. Chandrachud, C.J.*** *(as His Lordship then was), while explaining the contours of Article 14, wrote: "85. The Constitution permits valid classification if two conditions are fulfilled. First, there must be an intelligible differentia which distinguishes persons grouped together from others left out of the group. The phrase "intelligible differentia" means difference capable of being understood.* ***The difference is capable of being understood when there is a yardstick to differentiate the class included and others excluded from the group. In the absence of the yardstick, the differentiation would be without a basis and hence, unreasonable.*** *The basis of classification must be deducible from the provisions of the statute; surrounding circumstances or matters of common knowledge. In making the classification, the State is free to recognize degrees of harm. Though the classification need not be mathematical in precision, there must be some difference between the persons grouped and the persons left out, and* ***the difference must be real and pertinent.*** *The classification is unreasonable if there is little or no difference. Second, the differentia must have a rational relation to the object sought to be achieved by the law, that is, the basis of classification must have a nexus with the object of the classification.""*

(Emphasis added)

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11.4. The Haryana Government notification dated 16.07.2024, which had superseded the earlier notification dated 17.11.2021, governed every advertisement issued thereafter, including Advertisement No.05/2024 dated 09.08.2024 issued by the respondent-HSSC. A candidate holding a non-creamy layer certificate of the year 2024-25, issued under the earlier notification dated 17.11.2021 on or before the cut-off date of the advertisement concerned, stands in the same position whether that advertisement is dated 23.07.2024 or 09.08.2024, and whether the recruiting agency is HPSC or HSSC. This Court had also noticed, in the order dated 01.09.2026 in **CWP-30971-2024** ***(Smt. Usha)***, the absence of a uniform and coherent policy in this regard.

11.5. A benefit which the State has chosen to confer cannot, consistently with Article 14 of the Constitution of India, be withheld from those who stand in the same position. The Cabinet decision dated 18.05.2026 shall, therefore, apply to every candidate, in any recruitment conducted by the respondent-HPSC or the respondent-HSSC to which the notification dated 16.07.2024 was applied, who held a BC-A or BC-B (Non-Creamy Layer) certificate of the relevant financial year, issued under the notification dated 17.11.2021 before the cut-off date of the advertisement concerned.

11.6. In light of the above discussion, this Court concludes that the respondent-HPSC is bound to give effect to the Cabinet decision dated 18.05.2026, that its confinement to certain recruitments rests on

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no real and pertinent differentia, and it shall apply to every similarly situated candidate in recruitments conducted by the respondent-HPSC and the respondent-HSSC.

VI. The Test Applied to the present cases

12. The petitions in this bunch broadly present the following kinds of defects, each defined by what the candidate held on the cut-off date and by the ground on which the candidature was rejected:

Type	**What the candidate held on or before the cut-off date**	**Grounds for rejection**	**Illustrations**
1	A reservation or residence certificate meeting every requirement of the advertisement	Another document was uploaded in its place, i.e., an older certificate or the SARAL acknowledgement slip, or the certificate in another format, or the uploaded copy was illegible	Pradeep (**CWP-24359-2026**); Pradyumn Jangra (**CWP-25359-2026**); Vitesh Dhankhar (**CWP-29621-2025**); Meenu (**CWP-24560-2026**)
2	The essential qualification (diploma, HTET, Hindi up to Matric, etc.)	Its document was not uploaded or was uploaded only in part, or another document was uploaded in its place	Reeta (**CWP-25383-2026**); Kamaljeet and others (**CWP-26328-2026**); Ravisha (**CWP-25162-2026**); Deepak (**CWP-27943-2026**)
3	A BC-A (Non-Creamy Layer)	The option of ‘BC (Creamy Layer)’ was	Himanshi Kathri (**CWP-142-2025**)

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	certificate of the relevant year, which was also uploaded	selected in the form, though the category claimed was BC-A	
4	An application for the certificate, made on SARAL before the cut-off date	The certificate itself was issued only after the cut-off date	Kavita (**CWP-28786-2026**)
5	A certificate of the relevant financial year (2024-25), issued under the earlier Haryana Government notification dated 17.11.2021	It was rejected for not being issued under the Haryana Government notification dated 16.07.2024	Prem Singh and others (**CWP-33205-2024**)
6	No certificate of the relevant financial year, and no proof showing that an application for the same was made before the cut-off date	An outdated certificate was uploaded, or a fresh one was obtained after the cut-off date	Anu Jogi (**CWP-29927-2024**); Smt Usha (**CWP-30971-2024**)
7	No claim for any reservation made, the form having been filed in the General category	The benefit of reservation was sought only at a belated stage	Arun Kumar (**CWP-31674-2018**)

Type 1: A valid certificate held, but not properly uploaded

a. The petitioner in **CWP-24359-2026** (***Pradeep***) held a BC-B certificate dated 21.08.2024, the particulars of which

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he entered in his application form, but his earlier certificate dated 18.03.2024 came to be uploaded.

b. The petitioner in **CWP-25359-2026** (***Pradyumn Jangra***) applied for his BC-A certificate on the SARAL portal on 17.08.2024, and a certificate of that date was issued to him in terms of the notification dated 16.07.2024. Since the certificate could not be downloaded in time, he uploaded only the SARAL acknowledgment.

c. The petitioner in **CWP-29621-2025** (***Vitesh Dhankhar***) uploaded the EWS certificate issued in the format meant for jobs under the Government of India. The certificate in the Haryana format, issued on the same day, i.e. 16.04.2024, by the same Tehsildar and valid for the year 2024-25, was in his possession and was produced at the time of document verification on 22.08.2025. He had applied on 02.03.2025, in the window opened by Corrigendum-II dated 24.02.2025 (Annexure P-2), and his candidature was rejected vide letter dated 19.09.2025 (Annexure P-9), without any prior notice of the defect.

d. The petitioner in **CWP-24560-2026** (***Meenu***) held an EWS certificate dated 02.05.2024, valid for the year 2024-25, but the uploaded copy was deemed illegible.

13. In each of the above-mentioned cases, the eligibility in question is a ***period-bound status***, and a valid certificate for the relevant

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period was issued to the petitioner on or before the cut-off date, as is borne out by the date and period stated on the certificate itself (***Stage One***). The defect, therefore, lies only in the proof. Each petitioner claimed the category concerned in the application form, and nothing on record suggests any misrepresentation (***Stage Two***). In **CWP-29621-2025** (***Vitesh Dhankhar***) also, unlike in ***Mohit Kumar (supra)***, the certificate in the prescribed format was itself held on the cut-off date. Since the particulars claimed by these petitioners were true and only their proof was defective, Clause 13 of Advertisement No.05/2024 does not defeat the candidature of the petitioners before HSSC [***General Rules (d)***]. The respondent-HSSC, despite holding the power under Clauses 9.5 and 10.1 of the advertisement to call for additional documents, scrutinized the uploaded documents without any intimation to the candidates. Similarly, HPSC rejected the candidature of the petitioner in **CWP-29621-2025** (***Vitesh Dhankhar***) without any prior notice of the defect, even though he had produced the certificate in the prescribed format at the time of document verification. No effective opportunity to cure the defect was, thus, given to any of these petitioners, and the plea that the cyber cafe operator acted as the agent of the candidate does not advance the case of the respondents (***Stage Three***). Moreover, the record does not show any undue delay or lack of diligence on part of these candidates. Therefore, these petitioners are entitled to relief, upon verification of the certificate from the official record (***Stage Four***).

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Type 2: The relevant qualification held, its documentary proof being missing or wrong

a. The petitioner in **CWP-25383-2026** (***Reeta***) qualified the HTET (Level-1) held on 15.11.2015, the result whereof was declared on 18.12.2015, but could not upload the certificate. All the material particulars relating to the HTET qualification, including the HTET Level, Roll Number, Registration Number, Year of Passing, Date of Declaration of Result were filled in the online application form.

b. The petitioners in **CWP-26328-2026** (***Kamaljeet and others***) uploaded only the second-year marksheet of their diploma, though both years had been passed before the cut-off date.

c. The petitioner in **CWP-25162-2026** (***Ravisha***) uploaded her Class XII marksheet, which does not show Hindi, under the head meant for proof of Hindi, though she studied Hindi up to Matric standard, as is borne out by her Matric certificate on record (Annexure P-4 in **CWP-25162-2026**).

d. The petitioner in **CWP-27943-2026** (***Deepak***) uploaded his B.Ed. degree in the field meant for the HTET certificate, though he had qualified the HTET held on 04.12.2022.

14. In the above-mentioned cases, each qualification is an ***acquired qualification***, possessed on the date on which its result was declared, and date is a matter of record [***Priyanka (supra)***; ***Harpreet Kaur (supra)***] (***Stage One***). No bar is attracted, since each qualification

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was claimed in the application form and nothing suggests any misrepresentation (***Stage Two***). As in the cases of ***Type 1***, the advertisement of HSSC gave no effective opportunity to cure a missing or wrong attachment, and the documents were scrutinized without any intimation to the candidates (***Stage Three***). Therefore, these petitioners are entitled to relief, upon verification that the qualification was obtained on or before the cut-off date (***Stage Four***). Where the marks of a candidate are equal to the cut-off, as in the case of the petitioner in **CWP-27943-2026** (***Deepak***), and there is a genuine tie between two or more candidates, the tie shall be resolved under the relevant clauses of the advertisement and in terms of the judgment of this Court in **CWP-21870-2025**, titled as '***Kavita and others v. State of Haryana and others***', once the defect is cured.

Type 3: The 'BC (Creamy Layer)' option selected within the category claimed

15. The petitioner in **CWP-142-2025** (***Himanshi Kathri***) selected 'BC (A) (Creamy Layer)' in her application form, though her BC-A (Non-Creamy Layer) certificate dated 30.06.2024 was uploaded along with it. Her eligibility, thus, stood established on the cut-off date (***Stage One***). She claimed the BC-A category in her form, and nothing on record suggests any misrepresentation (***Stage Two***). Further, HPSC itself placed her in the BC(A) category in the marks list of the interview, and she represented on 03.12.2024, before the declaration of the final result on 04.01.2025. The recruiting agency, thus, itself treated her in

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the correct category, and there is no forfeiture (***Stage Three (d)***). Her case is, therefore, distinguishable from that of Neha Dhiman in ***Pardeep Kumar (supra)***, who let the opportunity to correct the error pass, and represented only after the result of the screening test had been declared. Nor does her case involve any change of category. She claimed the BC-A category in her application form and participated in the selection in that category. The option of 'BC (Creamy Layer)' confers no benefit of reservation at all, and the respondent-HPSC itself treated her as a BC-A candidate. The rule laid down in ***Israr Ahmed (supra)*** and ***Neetu Harsh (supra)*** is, therefore, not attracted. Accordingly, the petitioner is entitled to relief.

Type 4: An application made before the cut-off date, the certificate obtained after the same.

16. The petitioner in **CWP-28786-2026** (***Kavita***) applied for her EWS certificate on the SARAL portal before the cut-off date, and uploaded the acknowledgment thereof with her application form. The certificate was issued to her on 22.08.2024. Her case, therefore, falls squarely within the ***Pending Application Rule*** (***Stage One (d)***). The plea of the respondents that there was no technical glitch in the SARAL portal does not advance their case, since the rule does not turn upon any glitch, but upon a complete application made before the cut-off date and shown from the record of the portal. For the same reason, the apprehension of a fresh round of litigation is misplaced, since the rule benefits only a candidate who in fact applied before the cut-off date.

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Therefore, the respondents shall verify the record of the SARAL portal and, if it shows that the application was made on or before the cut-off date and the certificate was issued on that very application, shall treat the certificate as having been held on the cut-off date. Otherwise, the defect goes to the root (***Stage One (f)***).

Type 5: A certificate of the right year under the earlier Haryana Government notification dated 17.11.2021

17. The petitioners in **CWP-33205-2024** (***Prem Singh and others***) hold BC-A certificates of the relevant financial year, issued under the earlier notification dated 17.11.2021, and their candidature was rejected on that ground alone. The State has, by the Cabinet decision dated 18.05.2026, recognized such certificates as valid for all intents and purposes. The prescribed format clause in the advertisement, therefore, yields to the ***State Recognition Rule***, and possession of the status for the relevant period stands established (***Stage One (e)***). Accordingly, these petitioners are entitled to relief upon verification that the certificate was issued on or before the cut-off date, the respondent-HPSC being bound by the Cabinet decision dated 18.05.2026 as observed hereinabove.

Type 6: No valid certificate of the relevant year in possession before the cut-off date.

18. The BC-A certificate uploaded by the petitioner in **CWP-29927-2024** (***Anu Jogi***) was dated 30.10.2022, and her fresh certificate was issued on 24.10.2024, after the closing date of 14.08.2024. In her

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affidavit dated 24.10.2024, she has disclosed the SARAL application number on which the fresh certificate was sought, but not the date of that application, and HPSC has rejected her candidature on the ground that the certificate was issued after the closing date. The record before this Court, therefore, does not show whether the application was made before or after the cut-off date. In the peculiar facts and circumstances of the case, and in the interest of justice, the respondent-HPSC shall verify the date of that application from the record of the SARAL portal. If it is found that the application was made on or before the cut-off date, and the certificate dated 24.10.2024 was issued on that very application, her case shall fall within ***Type 4*** and shall be decided under the ***Pending Application Rule***. Otherwise, the defect goes to the root (***Stage One (f)***). The same course shall be followed by the respondents in every case in which a candidate has furnished a SARAL application number for the certificate in question.

19. The petitioner in **CWP-30971-2024** (***Smt Usha***) applied under Advertisement No.32 of 2024 with an EWS certificate dated 22.03.2024, which was valid only for the year 2023-24. Upon the notice of provisional rejection dated 08.11.2024, she applied for a fresh EWS certificate, which was issued on 13.11.2024. Admittedly, the application for the fresh certificate itself was made only after the notice of provisional rejection, i.e. well after the closing date of 14.08.2024. Neither a certificate of the relevant year nor an application for one existed on the cut-off date. The defect, therefore, goes to the root (***Stage***

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One (f)), and the ***Pending Application Rule*** has no application in such cases. The claim of the petitioner to the EWS category, therefore, fails. Her candidature in the General category shall, however, be governed by ***Stage Four (b)*** of the test and by **direction (d)** hereinafter.

Type 7: No claim for any reservation made, the form having been filed in the General category

20. The petitioner in **CWP-31674-2018** (***Arun Kumar***) applied in the General category under Advertisement No.4/2015 issued by HSSC, and made **no claim** in his application form to the benefit meant for dependants of ex-servicemen. His certificate as such a dependant was issued in the year 2017, after the closing date of 21.09.2015. The status of a dependant of an ex-serviceman is a ***settled status***, and a certificate thereof issued later would not, by itself, defeat a claim duly made [***Sumit (supra)***]. The petitioner, however, pleads inadvertence, with a bare assertion of earlier attempts to obtain the certificate, but without any application number or date. The material on record does not show any default on the part of the State which prevented him from making the claim. Since the claim was never made in the application form, the bar under ***Stage Two (a)(i)*** squarely applies. Further, the petitioner approached this Court only in the year 2018, about three years after the closing date (***Stage Three (f)***). Therefore, this Court is of the considered view that the petitioner in **CWP-31674-2018** is not entitled to relief.

20.1. It is trite law that the category under which a candidate applies is not a mere procedural formality, since it bears directly upon

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the number of posts available in each category, the applicable cut-off, the zone of consideration and the *inter se* merit of the candidates. The Hon'ble Supreme Court in ***Israr Ahmed (supra)*** and ***Neetu Harsh (supra)*** has held that a candidate who consciously opts for a particular category, and participates in the selection process on that basis, is bound by the option so exercised. Such a candidate cannot be permitted to resile from it after the process has progressed or culminated, so as to claim a more beneficial category. The case of the petitioner in **CWP-31674-2018 (Arun Kumar)** is squarely covered by the aforesaid principle. However, this principle must be distinguished from the cases falling under Types 1 to 5 discussed hereinabove. In those cases, the candidates claimed the very category or qualification in their application forms and participated in the selection process on that basis, and only the proof of that claim was defective. Curing such a defect does not alter the category of the candidature, and therefore does not offend the rule laid down in ***Israr Ahmed (supra)*** and ***Neetu Harsh (supra)***.

21. Lastly, the petitioners in **CWP-21745-2026** (***Mamta Rani***) and **CWP-25718-2026 (*Seema and others*)**, who are placed below the candidates whose posts were kept on hold, seek their exclusion. A candidate in a merit list or a waiting list has no indefeasible right to appointment, though such a candidate has a right to fair consideration, as this Court held in **CWP-14196-2025**, titled as '***Ujjawal Kumar v. Haryana Staff Selection Commission and another***', decided on 17.03.2026, following the judgment of the Hon'ble Supreme Court in

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Shankarsan Dash v. Union of India, (1991) 3 SCC 47. Accordingly, their claim to the exclusion of candidates found eligible under the test cannot be entertained. Their consideration on merit against any post that remains is, however, unaffected.

VII. Recruitments in the Digital Age

22. Public employment, being a facet of the guarantee of equality of opportunity under Articles 14 and 16 of the Constitution of India, is to be offered to the most meritorious among those who are eligible, and every stage of a recruitment, including the scrutiny of documents, exists only to serve that end. The scrutiny of documents is intended to verify whether a candidate who has proved his merit in the examination does in fact possess the eligibility which he has claimed, and it is neither meant to be a digital competence assessment which tests the skill of a candidate in uploading documents on a portal, nor a sieve designed to reduce the number of claimants to a post. Where a defect found at the stage of scrutiny can never be put right, even though the eligibility itself is borne out by official record, scrutiny ceases to perform its function of verification and is reduced to a mechanical filter, which excludes meritorious candidates for reasons having no bearing whatsoever on their fitness for the post. It is, therefore, expected of every recruiting agency of the State that its scrutiny is directed towards discovering the truth of a candidate's eligibility, and not towards finding a ground for its rejection.

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23. The record of the present bunch of cases, however, reveals an approach which falls well short of that expectation. Candidates who had cleared the written examination with marks above the cut-off, and whose eligibility stood established by certificates and relates to a date prior to the cut-off date, were excluded without any intimation of the defect, the scrutiny having been confined to the documents uploaded, even though the terms of the very advertisement empowered the respondent-HSSC to call for additional documents in support of those already uploaded. Most of them came to know of their exclusion only upon the declaration of the final result, when nothing could be done within the process itself. The respondent-HSSC has itself stated in its reply that a number of reserved category candidates who had secured marks above the cut-off were not recommended for the same reason, and has advanced that circumstance, not as a cause for concern, but as a ground to resist relief. The respondent-HPSC, similarly, continued to resist the claims of candidates holding certificates of the relevant year, even after the Council of Ministers had decided, and the Chief Secretary had conveyed to it on 25.05.2026, that such certificates be considered valid for all intents and purposes.

24. The Division Bench of this Court in ***Divya Kalia (supra)*** had occasion to deprecate a similar approach. It was observed that reservation certificates are issued by the concerned authorities, over whom a candidate has no control, that it is often cumbersome for a candidate to obtain a certificate in the exact prescribed form, and a

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technical irregularity in such a certificate cannot be permitted to obliterate the merit or even the basic eligibility of a candidate, since the law must remain a handmaiden of justice and not become an instrument of oppression or procedural entanglement. The Division Bench described the refuge sought by HPSC in the clauses of its advertisement as a subterfuge, and further observed that the State and its instrumentalities, being the largest litigant and the custodian of a Welfare State, are obliged to distinguish between a baseless and a legitimate claim, to resist the temptation to oppose every claim indiscriminately, and to remember that, unlike a private litigant whose sole object is a favourable judgment, the State bears a higher responsibility to ensure that justice is done. Finding that HPSC had pursued that litigation in a totally mechanical and indifferent manner, burdening an already overburdened system with an unwarranted dispute, the Division Bench saddled it with costs. It is unfortunate that the respondent-Commissions do not appear to have taken these observations to heart. A recruiting agency of the State which defends the exclusion of a candidate whose eligibility is not in doubt, merely because a document came to be uploaded in the wrong field or in an illegible copy, does not serve the cause of merit, and such conduct deserves to be deprecated.

25. The digitization of recruitment is, undoubtedly, a welcome step, since it simplifies the process and eases the burden upon the candidates and the recruiting agencies alike. However, digitization must

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be matched by the means to use it, and a process which is efficient for the agency but unforgiving for the candidate does not answer the constitutional promise of equality of opportunity. As noticed hereinabove, the Hon'ble Supreme Court has recognized the digital divide which separates a large section of aspirants, many of whom depend upon cyber cafes and Common Service Centres to apply. This Court had also noted, in the order dated 01.09.2026 passed in **CWP-30971-2024 (*Smt Usha*)**, that correction portals are opened by the State recruiting agencies only occasionally and without any uniform or consistent scheme, that denying public employment to otherwise meritorious candidates on account of deficiencies in documentation, without affording them an opportunity to rectify them, appears to be rather inequitable, and denying consideration to a citizen merely because he lacks the resources to navigate the digital ecosystem falls foul of the guarantee embodied in Articles 14 and 16 of the Constitution of India. It is, therefore, incumbent upon the State to ensure that its recruitment portals are designed with the candidate in mind, that the defects which such portals invariably generate are capable of being cured, and no candidate is denied consideration merely for want of the means to navigate them.

26. As recorded in the affidavit dated 14.09.2026 in **CWP-30971-2024 (*Smt Usha*)**, the State has taken certain positive steps by way of the policy decision dated 11.09.2026. The option of 'BC (Creamy Layer)' is to be removed from the drop-down menus; a

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uniform correction window of three days is to be provided; and certificates issued on or before the cut-off date alone are to be accepted. However, the aforesaid policy decisions operate only prospectively and a window of three days may not suffice for candidates who depend upon cyber cafes and the SARAL portal. Furthermore, the correction window closes before the document scrutiny stage, and the defects found at the stage of scrutiny remain without remedy. Moreover, the policy is silent on candidates who hold the right certificate but uploaded another, and on applications pending on the SARAL portal on the cut-off date.

27. In view of the foregoing discussion, this Court deems it appropriate to set out the following guidelines, which shall govern all future recruitments conducted by the State of Haryana and its recruiting agencies, and which shall be incorporated in the policy to be framed in terms of the directions issued hereinafter:

a) Since not all defects in the application form are visible to the candidate on printout of the form, a window for correction after the closing date of the advertisement must be provided that covers the uploaded documents as well as the particulars of the application form. This correction window must be long enough for candidates who depend upon cyber cafes and the SARAL portal.

b) Recruiting agencies must provide a notice of provisional rejection at the stage of document scrutiny, stating the defect

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and allowing reasonable time of **not less than seven days** to respond.

c) No candidature shall be rejected for non-upload of a certificate without first verifying it online from the SARAL portal or from the Family Information Data Repository, wherever the candidate has furnished the certificate number or the Parivar Pehchan Number in the application form, as the State already holds these records of its residents. Likewise, where a candidate has, on or before the closing date, applied for a certificate of reservation, experience or disability, but has not received it, the application form shall permit him to upload proof of such application, and the certificate, when issued, shall be accepted at the stage of scrutiny in terms of the ***Pending Application Rule*** stated hereinabove.

d) In most cases, the printout of the application form shows only the typed particulars. The final printout must, therefore, list every uploaded document by its title, so that a wrong or missing attachment becomes visible to the candidate before the final submission of the form.

e) Every advertisement must specify, in clear terms, the financial year to which each certificate must relate, the date on or before which it must be issued, and the format in which it is to be furnished, the absence of such clarity having been a recurring source of litigation.

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f) HPSC and HSSC must follow one uniform and published policy in these matters, and any departure therefrom in a particular recruitment must be supported by reasons recorded in writing, for candidates in recruitments conducted by two agencies of the same State cannot be subjected to different yardsticks.

g) An option which confers no benefit upon the candidate serves only to mislead him. Accordingly, no such option, including the option of "BC (Creamy Layer)", shall be offered in the drop-down menus of the application forms.

CONCLUSION

28. Consequently, the questions framed above are answered in the following terms:

A. A candidate who possessed the eligibility on the cut-off date cannot be excluded for a defect in the application form or in the uploaded documents, unless a bar under Stage Two of the test applies, or the candidate let an effective opportunity to cure the defect pass or failed to move promptly under Stage Three. Whether such a defect is curable, and what follows where it is not, is governed by the Root of Eligibility Test laid down hereinabove.

B. A candidate who, on or before the cut-off date, made a complete application for a certificate to the competent authority through the channel prescribed by the State, and to whom it was issued later on that very application, shall be treated as having possessed it on the cut-off date, upon proof being furnished in terms of the Pending Application Rule.

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C. The respondent-HPSC is bound to give effect to the decision of the Council of Ministers dated 18.05.2026. Its confinement to certain recruitments rests on no real differentia and cannot stand with Article 14 of the Constitution of India. Furthermore, the aforesaid decision shall apply to every similarly situated candidate, holding such a certificate issued on or before the cut-off date, in recruitments conducted by the respondent-HPSC and the respondent-HSSC, as stated hereinabove.

29. In view of the foregoing, all the above-mentioned writ petitions are **disposed of** in the following terms:

a) The respondents/competent authorities shall consider the candidature of each petitioner in terms of the Root of Eligibility Test laid down hereinabove, and the findings recorded in paragraphs 13 to 21 with regard to the Type into which his/her case falls. Each petitioner shall be afforded an opportunity to produce the documents which existed on or before the cut-off date, and such documents shall be verified from the issuing authority or the official record. A reasoned and speaking order shall be passed within a period of eight weeks from the date of receipt of a certified copy of this order. Where the status itself is disputed, the competent authority shall decide that dispute, after hearing the candidate, within the same period.

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b) In the case of a petitioner who applied for a certificate, including a certificate of experience or disability, on or before the cut-off date, and to whom it was issued thereafter, the record of the SARAL portal or, as the case may be, of the employer or the issuing authority shall be verified, and the claim shall be decided in terms of the Pending Application Rule, provided the delay in its issuance was not attributable to such petitioner.

c) The respondent-Haryana Public Service Commission and the respondent-Haryana Staff Selection Commission shall give effect to the decision of the Council of Ministers dated 18.05.2026, conveyed vide letter dated 25.05.2026, in the recruitments conducted by them, in terms of paragraph 11.5 hereinabove, within the period stipulated in direction (a).

d) Where the claim of a petitioner to a reserved category fails under the test, the candidature of such petitioner shall be considered in the General/Unreserved category on the basis of merit, in terms of Stage Four (b) of the test. Insofar as the petitioners who have availed any relaxation or concession in fee, age or eligibility qualifications are concerned, the respondents/competent authorities shall consider their candidature strictly in terms of the governing Recruitment Rules and the

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advertisement. Accordingly, if the said Rules or the advertisement expressly bar a candidate who has availed any such relaxation or concession from being considered against the General/Unreserved category, the candidature of such petitioner shall be considered only in the category under which he applied. In the absence of any such express prohibition, the mere availing of a relaxation or concession, including a concession in fee, shall not by itself bar the consideration of such petitioner against the General/Unreserved category, subject to his fulfilling the essential eligibility conditions prescribed for the post. In case the respondents/competent authorities decline to consider any petitioner against the General/Unreserved category, a reasoned and speaking order to that effect shall be passed within the period stipulated in direction (a).

e) The petitioners, if found eligible and meritorious, shall be offered appointment against the available vacancies, including the posts kept on hold on account of the pendency of these petitions, and, in the event of any deficiency, by creating supernumerary posts. They shall be granted consequential notional benefits, including seniority, from the date on which candidates with lesser marks, selected in the category concerned, were

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appointed. However, actual monetary benefits shall be given to the petitioners only from the date of their actual joining. The respondents/competent authorities are directed to complete the aforesaid exercise within a further period of three weeks.

f) It is, however, clarified that the candidates who were originally selected and appointed, and have been working continuously since then, shall not be removed from service. This Court is of the considered view that unseating them at this stage would be contrary to public interest, as they have gained considerable experience in the meantime. Reliance in this regard is placed upon the judgments of the Hon'ble Supreme Court in Bharat Sanchar Nigam Limited v. Sandeep Choudhary, 2022(2) SCT 657 and of the Constitution Bench in Sivanandan C.T. v. High Court of Kerala, 2024(3) SCC 799.

g) The Chief Secretary to the Government of Haryana shall frame a policy, within a period of three months, binding upon HPSC and HSSC in all future recruitments, which shall incorporate each of the points (a) to (g) in para 27 hereinabove. An affidavit indicating compliance with this direction shall be filed before this Court within the same period of three months. At the cost of repetition, this Court deems it necessary to point out that a large part of

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the litigation in matters of recruitment arises from disputes regarding the validity or proof of certificates. Therefore, in order to avoid such multiplicity of litigation in future, the respondents/competent authorities shall not reject the candidature of any candidate for non-upload of a certificate without first verifying it online from the SARAL portal or the Family Information Data Repository, wherever the candidate has furnished the certificate number or the Parivar Pehchan Number in the application form, since the State already holds these records of its residents. The policy to be framed in terms of this direction shall specifically provide for such verification.

h) In case any grievance of a petitioner, other than one relating to the selection process, which was specifically raised in his/her petition and has not been dealt with in the present order, still survives, such petitioner shall be at liberty to submit an appropriate representation in respect thereof before the respondents/competent authority, within a period of four weeks from the date of receipt of a certified copy of this order. Such representation shall be confined strictly to the grievance so raised. No representation shall be entertained on any fresh ground, or on any ground which has been considered and decided

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herein, so as to assail the selection process or the candidature of any candidate, since all such issues stand concluded by the present order. Upon receipt of such representation, the respondents/competent authority shall consider the same and decide it by passing a reasoned and speaking order, within a period of four weeks from the date of its receipt.

30. Pending miscellaneous application(s), if any, shall also stand disposed of.

31. A photocopy of this order be placed on the files of the connected cases.

32. The Registry is directed to supply a copy of this order to learned State Counsel for necessary information and due compliance.

(HARPREET SINGH BRAR)
JUDGE

05.11.2026
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

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