

CWP-311 of 2018

2028 PHHC 008599



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

CWP-311 of 2018 (O&M)

Satwinder Singh
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CWP-1886 of 2018

Amandeep Singh
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CWP-1921 of 2018

Manpreet Singh
.....Petitioner

Versus

State of Punjab and others
.....Respondents

CWP-1943 of 2018

Ritu Verma and another
.....Petitioners

Versus

State of Punjab and others
.....Respondents

CWP-1439 of 2018

Jaspeet Kaur
.....Petitioner

Versus

State of Punjab and another
.....Respondents

CWP-1473 of 2018

Amandeep
.....Petitioner

Versus

State of Punjab and another
.....Respondents

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Parminderpal Singh	CWP-1686 of 2018Petitioner
Versus		
State of Punjab and others	Respondents
	CWP-1723 of 2018	
Gurteer Singh	Petitioner
Versus		
State of Punjab and others	Respondents
	CWP-2492 of 2018	
Megha	Petitioner
Versus		
State of Punjab and others	Respondents
	CWP-2607 of 2018	
Yogesh Sharma	Petitioner
Versus		
State of Punjab and others	Respondents
	CWP-2369 of 2018	
Raminder Singh and others	Petitioners
Versus		
State of Punjab and another	Respondents
	CWP-3153 of 2018	
Satnamdeep Singh	Petitioner
Versus		
State of Punjab and others	Respondents

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Kanwaljit Singh
Versus
State of Punjab and another

CWP-1320 of 2018

.....Petitioner

.....Respondents

Satpal
Versus
State of Punjab and another

CWP-2283 of 2018

.....Petitioner

.....Respondents

Gagandeep Kaur
Versus
State of Punjab and others

CWP-3912 of 2018

.....Petitioner

.....Respondents

Dalip Kumar
Versus
State of Punjab and another

CWP-4371 of 2018

.....Petitioner

.....Respondents

Hardeep Singh
Versus
Subordinate Services Selection Board Punjab and another

CWP-1363 of 2018

.....Petitioner

.....Respondents

Avtar Singh and others
Versus
State of Punjab and others

CWP-5641 of 2018

.....Petitioners

.....Respondents

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CWP-6913 of 2018

Harkanwaljit Singh and another

.....Petitioners

Versus

State of Punjab and another

.....Respondents

CWP-17620 of 2018

Neelam

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CWP-234 of 2019

Parvinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CWP-1371 of 2019

Muneet Minhas

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CWP-3093 of 2019

Rupinder Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CWP-585 of 2019

Manjeet Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents



Sr. No.	Particulars	Details
1.	The date when the judgment is reserved	23.12.2025
2.	The date when the judgment is pronounced	21.01.2026
3.	The date when the judgment is uploaded on the website	21.01.2026
4.	Whether only operative part of the judgment is pronounced or full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Argued by: -Mr. Mohd. Yousaf, Advocate, and
Ms. Arzoo Modi, Advocate,
for the petitioner(s) in CWP Nos.311 & 2283 of 2018 and
CWP Nos.234, 1371, 3093 & 585 of 2019.

Mr. Ranjivan Singh, Advocate, and
Mr. Risham Raag Singh, Advocate,
for the petitioners in CWP No.6913 of 2018.

Mr. Tushar Garg, Advocate,
for Mr. Vivek Sharma, Advocate,
for the petitioner in CWP No.1320 of 2018.

Mr. Chetan Bansal, Advocate,
for the petitioner in CWP No.4371 of 2018.

Mr. H.C. Arora, Advocate, and
Ms. Sunaina, Advocate,
for the petitioner(s) in CWP Nos.1886, 1921, 1943,
1686, 1723, 2492, 2607, 3912 and 5641 of 2018.

Mr. Dinesh Kumar, Advocate,
for the petitioner in CWP-1363 of 2018.

Mr. Sukhdev Raj Kamboj, Advocate, and
Ms. Arshi, Advocate,
for the petitioner in CWP No.1473 of 2018.

Mr. Saurav Kaushik, Advocate,
for the petitioners in CWP No.2369 of 2018.

Mr. Swapan Shorey, DAG, Punjab.

Mr. Akashdeep Singh, Special Public Prosecutor, with
Mr. KJS Bhullar, Advocate,
for CBI in CWP No.311 of 2018.



NAMIT KUMAR, J.

1. By way of this judgment, aforementioned 24 writ petitions are being disposed of as common questions of law and facts are involved therein. For the sake of brevity, facts are being taken from CWP No.311 of 2018 titled as Satwinder Singh v. State of Punjab and others.

2. Instant writ petition has been filed by the petitioner under Articles 226/227 of the Constitution of India for issuance of a writ of *certiorari* for quashing the result of general category candidates as well as backward class category for the post of Clerks (Annexure P-6). Further prayer has been made for directing the respondents to appoint the candidates of backward class under general category, who have attained more marks than the last selected general category candidates, and appointment of respondents No.3 and 4 be quashed and the petitioner be appointed against the said posts as petitioner is having higher merit than respondents No.3 and 4.

3. Brief facts of the case are that respondent No.2-Subordinate Services Selection Board, Punjab, issued Advertisement No.02/2013, inviting online applications for recruitment to 1192 posts of Clerks in different departments under Punjab Government. The break-up/distribution of vacancies i.e. General, Scheduled Castes, Backward Class, Ex-Service Men, Physically Handicapped, Sports Persons and Freedom Fighters was indicated in the advertisement. Essential qualification was also prescribed under Clause 4 of the advertisement. Clause 12 regulated the selection procedure and under



which merit of the candidates, who qualify the Punjabi Type Test was to be prepared on the basis of marks obtained in graduation. The petitioner belonging to the Backward Class category and claiming to be eligible in terms of possessing the essential qualification prescribed for the post of Clerk, applied for the same and appeared in the Punjabi Type Test, the result of which was declared on 26.5.2014. Petitioner is stated to have qualified the Type Test and thereafter, participated in counselling process as per counselling schedule and the petitioner's merit, assessed on the basis of graduation marks, was 52.50%. Thereafter, as per criteria mentioned in clause 12 of the advertisement governing selection procedure, merit of the candidates was prepared on the basis of marks obtained in graduation and a select list was uploaded by the Subordinate Services Selection Board on its website on 26.6.2014 (Annexure P-7). It is the case of the petitioner that merit of general category candidates started from 85.51 and came upto 47.54, whereas the merit of backward class candidates started from 88.71 and came upto 54.25, thus, all the candidates of backward class category secured more marks than the last candidate of general category, therefore, they are liable to be considered under the general category. Therefore, petitioner being fully eligible to be selected for the post of Clerk approached respondent No.2 in July, 2014 for redressal of his grievance, but to no avail.

Thereafter, some of the similarly situated persons approached this Court by way of filing CWP No.12618 of 2014 – (Parminder Singh and others v. State of Punjab and others) and



connected writ petitions, which have been allowed by this Court vide order dated 15.12.2017 by directing the respondents to grant appointments only to the petitioners therein belonging to B.C. category, who agitated the issue. Present petitioner has approached this Court for selection to the post of Clerk in terms of judgment rendered in CWP No.12618 of 2014.

4. Pursuant to notice of motion, respondents No.1 and 2 have filed reply stating therein that the petitioner had applied under the backward class category and his candidature was also considered in that category. The petitioner passed the Punjabi typewriting test and secured 52.50 marks. The name of the petitioner did not figure in the merit list of candidates belonging to the category of backward classes according to the marks obtained by him as per selection criteria, therefore, the name of the petitioner was not included in the final merit list prepared by respondent No.2. It is further averred that present writ petition is liable to be dismissed on the basis of judgment delivered in CWP No.12618 of 2014 as it was the grievance of the petitioners therein that in the final merit list, the candidates belonging to the category of Scheduled Castes and Backward Classes, who have secured more percentage of marks than that of the last selected candidate of general category should have been considered as general category's candidates. The benefit of the abovesaid judgment was confined only to the petitioners therein, who agitated the issue, which has been implemented by the State. Therefore, in view of the specific directions of this Court, claim of the petitioner is not liable to be considered. It is



further stated that selection process was finalised in the year 2014 and the petitioner has not been able to explain the reasons for huge delay in agitating his claim. Therefore, present petition suffers from delay and laches and same is liable to be dismissed on this score alone. It is further stated that some of the candidates filed CWP No.208 of 2018 (Dinesh Kumar and others v. State of Punjab and another), claiming same relief as has been sought in the present petition. The said writ petition has been dismissed by this Court vide order dated 10.01.2018 on account of delay and laches and LPA bearing No.981 of 2018 (Dinesh Kumar and others v. State of Punjab and others) is still pending consideration before a Division Bench of this Court.

5. Learned counsel for the petitioner contended that as per the law laid down by the Hon'ble Supreme Court in ***R.K. Sabharwal and others Vs. State of Punjab and others, 1995 (2) SCT 646*** and a Division Bench of this Court in ***Jaskaran Singh Vs. State of Punjab, 1995 (2) SCT 65***, it was imperative for the State recruitment agency to have prepared in the first instance a common merit list of all the reserved and unreserved candidates and the vacancies ought to have been filled up from such combined merit list and if any candidate from the reserved category comes on merit, then, he was to be treated to have been appointed against the General Category vacancies. After completion of such exercise, the reserved category candidates were to be considered for appointment against the reserved vacancies on the basis of the merit determined inter se such categories. It is further contended that the action of the respondents is against the settled law as



the petitioner secured a higher merit position than the last selected candidate in the general category and as such the petitioner, who belongs to backward classes category ought to have been shifted and considered in the general category.

6. *Per contra*, learned State counsel while placing reliance on Clause 13 (x) of the Advertisement No.02/2013 contended that the petitioner had applied in response to such advertisement and as such, he would be bound by the terms and conditions contained therein. Clause 13 (x) specified that applicants should apply carefully under his/her concerned category and subsequent change in category would not be permitted. State counsel further contended that the petitioner had applied under the B.C category and, therefore, his merit was to be prepared and confined to that category alone. He further argued that in the advertisement, there was no restraint imposed that a candidate belonging to a particular reserved category could not apply in the General Category. He further contended that in the advertisement there was no stipulation for a reserved category candidate to be considered against a vacancy meant for general category. It is further stated that the select list has been prepared category wise and by applying clause 13 (x), the comparison of marks obtained in graduation between General Category and B.C. Category candidates does not arise. The non-inclusion of the name of the petitioner in the impugned select list is justified on the basis that B.C category candidates have been selected in their respective category as per marks obtained in graduation and there were candidates higher in merit than the petitioner in the B.C category



and on account of which the petitioner has not come within the zone of consideration. He further contended that similarly situated persons, approached this Court by way of filing CWP No.208 of 2018 (Dinesh Kumar and others v. State of Punjab and another), claiming same relief as claimed by the petitioner. The said writ petition has been dismissed, vide order dated 10.01.2018, on the ground of delay and laches. He further submitted that the interim orders dated 19.03.2018 and 17.07.2018, passed in present bunch of petitions thereby handing over the inquiry/investigation to CBI and directing the respondents to prepare combined merit list after including the candidates from the reserved category have been set aside by a Division Bench, vide order dated 27.05.2025 passed in LPA No.752 of 2018 – State of Punjab and others v. Satwinder Singh and others. He further contended that now no vacancy is available as all the posts have already been filled up. Therefore, present petition is liable to be dismissed.

7. I have heard learned counsel for the parties and perused the record.

8. In all the petitions, petitioner(s) belong(s) to B.C. category except CWP No.6913 of 2018 – Harkanwaljit Singh and another v. State of Punjab and another, wherein the petitioners belong to SC(R&O) category. Similarly situated persons, like the present petitioner, approached this Court by way of filing of CWP No.208 of 2018 – Dinesh Kumar and others v. State of Punjab and another, claiming the same relief as is being claimed in the present petition and



the said writ petition was dismissed by a Co-ordinate Bench of this Court vide order dated 10.01.2018 by observing as under: -

“5. The select list was prepared in June’ 2014 and thereafter general category as well as backward class category candidates joined the service. The Petitioners named in CWP No. 12618 of 2014 and connected Petitions successfully assailed select list. This court directed Respondents to recast select list and consider Petitioners therein, however, it was categorically mentioned that benefit of recast select list would be confined to Petitioners. The intention of court was very clear that select list would not be recasted qua candidates who are not Petitioners. If present petition is allowed it would lead to chaos and there would be no end of litigation. The future of selected general candidates would be in dilemma which cannot be permitted by law. The present petitioners are fence sitters who waited for the outcome of earlier writ petitions and have come forward at this belated stage. Hon’ble Supreme Court in the case of State of Uttar Pradesh & Ors. Versus Arvind Kumar Srivastava & Ors. 2015 (1) SCC (L&S) 191 has dealt with this question and summoned up law on this issue in Para 23 as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that



merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

*(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like (see *K. C. Sharma & Ors. V. Union of India (supra)*). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the judgment or it can be impliedly found out from the tenor and language of*



the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.

There is no explanation for filing petition at this belated stage and it is well settled law that court should come to rescue of vigilant litigants and not those who are waiting for outcome of others. Therefore, the Petitioner is bereft of merits and deserves to be dismissed. Accordingly, petition is dismissed.”

Even in the case of ***Parminder Singh (supra)***, the relief was restricted only to the petitioners therein.

9. Selection in the present case has been finalised in the year 2014 and the petitioner(s) have approached this Court in the year 2018/2019 after a delay of five years. Further, as per the stand taken by the respondents in the additional affidavit dated 22.12.2025, no post is vacant under advertisement No.02/2013.

10. In ***Bharat Sanchar Nigam Limited v. Ghanshyam Dass and others, 2011 (4) SCC 374***, a three-Judge Bench of the Hon'ble Supreme Court reiterated the principle stated in ***Jagdish Lal v. State of Haryana, 1998(1) SCT 26 : (1977) 6 SCC 538*** and proceeded to observe that as the respondents therein preferred to sleep over their rights and approached the tribunal in 1997, they would not get the benefit of the order dated 07.07.1992.

11. To the similar effect is the judgment of the Hon'ble Supreme Court in ***Union of India and others v. C. Girija and others, 2019(2) SCT 92***, wherein the applicant raked up the claim for inclusion of her name in the panel for promotion by filing a representation after a



period of six years and the Hon'ble Supreme Court rejected the same by holding that a stale claim shall not become a live claim merely because the representation was replied by the Railways and the delay and laches shall not be wiped out.

12. No other point has been raised.

13. No valid explanation for filing the present petitions after four/five years has been given in the petitions and since the petitioners are fence sitters, therefore, they do not deserve any relief under the discretionary jurisdiction of this Court. Consequently, the present petitions are dismissed with no order as to costs.

(NAMIT KUMAR)
JUDGE

21.01.2026
R.S.

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No