

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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1. CWP-10687-2024 (O&M)
Anil Kumar

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

AND

2. CWP-24474-2024 (O&M)
Tina Parashar

...Petitioner(s)

Vs.

State of Haryana and others

...Respondent(s)

The date when the judgment is reserved:

16.07.2026

The date when the judgment is pronounced:

11.08.2026

The date when the judgment is uploaded on
the website:

11.08.2026

Whether only operative part of the judgment is
pronounced or whether the full judgment is
pronounced:

Full
judgment

CORAM: HON’BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sanjeev Sharma, Senior Advocate with
Mr. Vikram Vir Sharda and
Mr. Jugash Goyal, Advocates
for the petitioner (in CWP-10687-2024).

Mr. Suneel Ranga, DAG, Haryana.

Mr. Kanwal Goyal and Ms. Sheena Dahiya, Advocates for
respondent No. 3-HPSC (in CWP-24474-2024).

Mr. Gurminder Singh, Senior Advocate with
Mr. Keshav Gupta, Advocate for respondent No. 7.



Mr. Balvinder Sangwan, Advocate for
respondents No. 4 to 6-HPSC (in CWP-10687-2024).

NIDHI GUPTA, J.

CWP-10687-2024 (O&M)

Present Civil Writ Petition under Article 226/227 of the Constitution of India has been filed by the petitioner for issuance of a Writ in the nature of certiorari for quashing the impugned order dated 22.04.2024 (Annexure P-38) passed by respondent No.1, whereby services of the petitioner have been terminated with immediate effect.

CWP-24474-2024 (O&M)

Present Civil Writ Petition under Article 226/227 of the Constitution of India has been filed by the petitioner seeking a Writ in the nature of Certiorari or Mandamus or any other appropriate writ, order, or direction for setting aside the impugned order dated 4.7.2024 (Annexure P-13); whereby the claim of the petitioner for the post of Assistant Director Statistics has been illegally rejected by the respondent Haryana Public Service Commission and with a further prayer to direct the respondents to appoint the petitioner on the post of Assistant Director (Statistics) with full back salary and all consequential benefits from the date the first set of candidates joined on the post of Assistant Director Statistics.

2. With the consent of the learned counsel for the parties, both the above said cross-Writ Petitions are being disposed of by this common



order as the facts, issues, and parties involved in both the cases are same/connected. For the sake of convenience, facts are being drawn from, and parties are being referred to as per their status in **CWP-10687-2024** titled as **Anil Kumar vs. State of Haryana and others.**

3. It is *inter alia* submitted by learned Senior Counsel for the petitioner that the respondent-Haryana Public Service Commission (hereinafter 'HPSC'), had issued an Advertisement No. 1/2016 dated 29.07.2016 (Annexure P-7) for appointment to 05 posts of Assistant Director (Statistics), Group-B, Industries & Commerce Department, Haryana. Closing date for submission of applications was 29.08.2016. Eligibility was to be determined as on the closing date. For the said post of Assistant Director (Statistics), following qualification was required: -

“Essential Qualifications (for the post of Assistant Director (Statistics) Group 'B' in Industries & Commerce Department Haryana (Cat. No. 3):

- (i) Master Degree in Economics/ Commerce/ Mathematics/ Statistics (with at least 2nd division) or Chartered Accountant or Company Secretary or Chartered Financial Analyst (CFA) from recognized University/Institution, with minimum two years experience at supervisory level in manufacturing sector in a Small, Medium or Large Industry/Semi Government/Government Undertaking/Department; and*
- (ii) Knowledge of Hindi or Sanskrit upto Matric Standard or Higher Education.”*



4. It is submitted that as the petitioner was eligible and having requisite qualification and experience, petitioner had submitted Application Form dated 30.08.2016 (Annexure P-8) for the post of Assistant Director (Statistics) Group 'B' in the Industries & Commerce Department, Haryana. On 17.09.2018, final result (Annexure P-14) was declared; and Roll No. of the petitioner (1009) and Roll Nos. of other candidates borne on List dated 14.08.2018 (Annexure P-12), were mentioned in the above said final result. As per the said final result, petitioner is shown to have secured 71 marks in the written examination; whereas respondent No.4-Tina Parashar was shown to have secured 68 marks. Accordingly, vide letter dated 27.09.2018 (Annexure P-15), petitioner was called for verification of original documents within 15 days. As the petitioner was found to be eligible in the document verification, petitioner was appointed vide letter dated 28.09.2018 (Annexure P-16).

5. Learned Senior Counsel for the petitioner submits that although Appointment Letter was issued to the petitioner on 28.09.2018 but he was not allowed to join duty. Accordingly, petitioner made representation dated 05.10.2018 (Annexure P-18) to the Additional Chief Secretary to Government Haryana, Industries and Commerce Department to allow him to join the duty. As needful was not done even thereafter, petitioner had filed **CWP-26573-2018** titled as **Anil Kumar vs. State of Haryana and others** seeking direction to the respondents to allow the petitioner to join duty. Vide order dated 15.10.2018 (Annexure P-19), notice



was issued in the matter for 22.11.2018. However, in the meantime, vide order dated 05.11.2018 (Annexure P-20), the petitioner was posted as Assistant Director (Statistics) in the office of Deputy Director, District Industries Centre, Palwal; pursuant to which petitioner joined duty on 06.11.2018 vide Joining Report (Annexure P-21). As such, aforesaid **CWP-26573-2018** was disposed of as infructuous by this Court vide order dated 15.12.2018 (Annexure P-22).

6. Learned Senior Counsel for the petitioner submits that apparently in the meantime, respondent No.7 had allegedly made a complaint dated 24.09.2018 against the petitioner on the ground that the petitioner did not have requisite qualification and experience. As such, petitioner was shocked to receive Show Cause Notice dated 06.03.2019 (Annexure P-23) from respondent No.1; whereby he was called upon to show cause as to why he should not be dismissed from service within a period of 15 days from the date of issuance of the notice. The petitioner submitted detailed reply dated 17.03.2019 (Annexure P-24) alongwith relevant documents stating that he fulfilled the prescribed qualification and was having higher level experience i.e. as Assistant Manager in MTNL and Chief Manager in NSIC, than the experience which is required for the post of Assistant Director (Statistics) Group-B.

7. Learned Senior Counsel submits that on the asking of the petitioner, the previous employer of the petitioner i.e. MTNL has also issued clarification letter dated 04.10.2018 (Annexure P-25) stating that MTNL is a



service-cum-manufacturing sector company. Thus, complaint of **respondent No.7** that petitioner did not possess requisite experience as per the essential qualification, was a misnomer and incorrect.

8. Learned Senior Counsel further submits that pursuant to similarly worded experience of category No. 2 & 4 Assistant Director (Industrial Promoting) & Assistant Director (Project), respectively, as advertised vide Adv. No.1 dated 29.07.2026, candidates have been selected from Nationalized Banks, Delhi Metro, HERC etc. It is contended that, therefore, experience outside the manufacturing sector but of Semi Government/Government Undertaking/Department was considered eligible by respondents. Therefore, same should be done in the case of the petitioner as well. Moreover, petitioner in his representation dated 05.01.2022 (Annexure P-27) has categorically asked for providing documents related to qualification and experience of all the candidates recommended by HPSC for the post of Assistant Director (Statistics/Industrial Promotion/Project/Technical). However, till date the said documents have not been supplied to the petitioner by the respondents.

9. Ld. Senior counsel further submits that all the employees of Central Govt. undertaking including MTNL have been classified by Department of Public Enterprises (DPE) into three categories as per their position: (1) Board level employees; (2) Below Board level executive employees; (3) Supervisors (unionized or non-unionized). Further, also



submitted that as per the guidelines of Central Public Sector Enterprises 2019 issued upto 30.09.2018 (Annexure P/26), the basis pay scale of the above-mentioned employees makes it clear that below Board Level Employee as E-2 level which is Assistant Manager in MTNL is much higher to the level of Supervisor. Perusal of the guidelines clearly reveals that the experience of the petitioner (E-2) is much higher level to the supervisory scale. It is contended that accordingly, it cannot be said that petitioner did not possess the necessary experience.

10. Learned Senior Counsel further submits that even after serving Show Cause Notice dated 06.03.2019 on the petitioner, the Department kept assigning additional charge of higher-level posts to the petitioner with effect from 01.04.2019 till his termination. During his 4 years of service, the Petitioner served the Department as Officiating Deputy Director of District Industries Centre Palwal, Officiating Joint Director of District Industries Centre Faridabad, Rewari, Mohindergarh and Nuh along with the Additional charge of District Registrar (Firms & Societies) of District Palwal, Faridabad, Rewari, Mohindergarh and Nuh. Thus, the work of District Registrar Firms & Societies has nothing to do with manufacturing sector.

11. Learned Senior Counsel submits that despite the above said facts the Show Cause Notice issued to the petitioner remained pending. Accordingly, petitioner had submitted representation dated 05.01.2022 (Annexure P-27) to the concerned officer, requesting that the said Show Cause Notice be filed and/or provide related documents on the basis of



which Show Cause Notice had been issued. In response thereto vide letter dated 21.06.2022 (Annexure P-28), petitioner was asked to appear before the Principal Secretary to Govt. Haryana, Industries & Commerce Department, Haryana. Petitioner had appeared as such; whereupon petitioner had requested that his experience is to be treated on parity with other selected candidates from Semi-Government/Govt. Undertaking/Govt. Department which makes it clear that the criteria of manufacturing sector has not been applied by HPSC to candidates having experience from Semi Government/Govt. undertaking /Govt. Department. Though the petitioner was given personal hearing by the then Principal Secretary to the Govt. of Haryana, Deptt. of Industries and Commerce however, the then Additional Chief Secretary to the Govt. of Haryana, Deptt. of Industries and Commerce, without affording any opportunity of hearing to the petitioner, passed the order dated 08.09.2022 (Annexure P/29) whereby the services of petitioner were terminated with immediate effect.

12. The petitioner had challenged the said order dated 08.09.2022 (Annexure P-29) before this Court by way of **CWP-24819-2022** titled as **Anil Kumar vs. State of Haryana and others**. Vide order dated 28.10.2022 (Annexure P-30), this Court was pleased to issue notice and stayed the operation of the impugned order dated 08.09.2022. Learned Senior Counsel submits that despite the stay granted by this Court vide Annexure P-30, respondents did not permit the petitioner to resume his duties. Finally vide order dated 09.08.2023 (Annexure P-32), the said **CWP-24819-2022** was



allowed; and the impugned order was set aside on the ground that the same had been passed by violating the settled principles of law as personal hearing had been given to the petitioner by a particular officer; whereas the impugned order dated 08.09.2022 had been passed by another officer.

13. Learned Senior Counsel submits that despite the order dated 09.08.2023 (Annexure P-32) allowing the said CWP, respondents did not permit the petitioner to resume his duties. On the contrary, respondents issued Notice dated 15.09.2023 (Annexure P-33) to the petitioner for personal hearing for 26.09.2023. Pursuant to the said Notice dated 15.09.2023, the petitioner vide letter dated 19.09.2023 and letter dated 03.10.2023 (Annexure P-34) had requested the respondents to provide documents relied upon while issuing Show Cause Notice dated 06.03.2019. However, instead of providing requisite documents, the respondents issued another notice dated 05.10.2023 (Annexure P-35) to the petitioner for personal hearing on 18.10.2023. Accordingly, petitioner was given personal hearing by respondent No.2 on 18.10.2023; and Minutes of Meeting dated 18.10.2023 (Annexure P-36) were issued; wherein few issues were framed, and the parties were directed to submit their written reply on the said issues. Petitioner had submitted comprehensive reply dated 06.11.2023 (Annexure P-37) to these points. In the meantime, respondent No.2 who had granted personal hearing to the petitioner was transferred by the State Government and in his place, respondent No. 1 was posted as Additional Chief Secretary to the Govt. of Haryana, Department of Industries &



Commerce, who had issued another Notice dated 12.04.2024 (Annexure P-37/A) asking the petitioner to appear before respondent No.1 on 22.04.2024 for personal hearing. On 22.04.2024, respondent No.1 passed impugned order dated 22.04.2024 (Annexure P-38); whereby services of the petitioner were again terminated with immediate effect.

14. Learned Senior Counsel submits that the impugned order has been passed on the premise that the petitioner does not possess the requisite qualification/experience. Learned Senior Counsel contends that the said reason as recorded by the authority *per se* is incorrect as the petitioner has the work experience of two Government Undertakings; and, therefore, fulfils the requirement of experience in one out of the four mutually exclusive categories of prescribed work experience i.e. "*manufacturing sector in small, medium or large industry/Semi Government/Government Undertaking/Department*". It is argued that in case the experience was to be considered only in manufacturing sector then the words "*Semi-Government/ Government Undertaking/Department*" are rendered completely otiose.

15. Learned Senior Counsel further submits that while passing the impugned order of termination dated 22.04.2024, the respondent no.1 has given a complete short shrift to plain language of eligibility condition as advertised; which reads that experience has to be either in "*a Small/Medium or Large Industry/Semi-Government/Government Undertaking/Department*". It is argued that therefore, as per the



advertisement for appointment to the post of Assistant Director (Statistics), minimum two years experience at supervisory level is required in any of the following four categories: -

(A) Manufacturing sector in a small, medium or large industry.

(B) Semi-Government

(C) Government Undertaking

(D) Department

16. Accordingly, petitioner's experience of Govt. Undertakings i.e. 2 years 7 months in NSIC as Associate Company Secretary (Chief Manager); and 6 years 7 months in MTNL as Assistant Manager (CS), makes him fully eligible for appointment to the post of Assistant Director (Statistics).

17. Further, the word "Manufacturing Unit" is not mentioned in the Eligibility Criteria and therefore, the complaint made by Tina Parashar is false and misleading. The eligibility criteria for the post of Assistant Director (Statistics) as per Appendix-B of Rule 7 of Haryana Industries and Commerce (Group-B) Service Rules 2014 read with HPSC Advt. is "*Master Degree in Economics/Commerce/Mathematics/Statistics (with at least 2nd Division) or Chartered Accountant or Company Secretary or Chartered Financial Analyst (CFA) from recognized University/Institution, with minimum two years experience at supervisory level in manufacturing sector in a Small, Medium or Large Industry/Semi Government/Government Undertaking/Department.*" Hence it is clear that the word mentioned in the eligibility criteria is "Manufacturing sector" and not "Manufacturing Unit". As a result, petitioner fulfills the experience requirement as well.



18. Learned Senior Counsel further elaborates to submit that the duties as prescribed in the Advertisement do not require experience on any manufacturing process for the post of Assistant Director (Statistics). Further, a perusal of the advertisement shows the use of the symbol '/' or "oblique" in several places. When used in writing and typography such a slanting or diagonal line represents alternatives. Therefore, it is the case of the Petitioner that the qualifications will read as:

(1) The post is that of Assistant Director (Statistics)

(2) The academic qualification is of master's degree in Economics OR Commerce OR Mathematics OR Statistics, with at least 2nd Division

OR;

(3) A Company Secretary from recognized University OR Institution

(4) with minimum two years' experience at supervisory level in manufacturing sector in a Small, Medium or Large Industry

OR

(5) with minimum two years' experience at supervisory level in Semi Government OR

(6) with minimum two years' experience at supervisory level in Government Undertaking OR

(7) with minimum two years' experience at supervisory level in Department.

19. Ld. Senior Counsel submits that the case of the petitioner is that Assistant Director (Statistics) does not relate to a manufacturing sector and two years' experience at supervisory level in Semi Government/ Government Undertaking/Department would simplicitor be adequate.

20. Learned Senior Counsel further refers to the Application Form (Annexure P-40) of one of the selected candidates, namely Kshitij (Roll No.



1053), to submit that said Kshitij is having the work experience as Statistical Assistant in Agriculture Department, Government of Haryana and does not have the work experience in "manufacturing sector in small, medium or large industry". It is argued that Respondents cannot sail on two boats simultaneously as on the one hand they are not accepting the experience of "Semi Government/Government Undertaking/Department" at Assistant Manager Level and Chief Manager Level of the Petitioner; and on the other hand the Respondents have accepted the experience of other selected candidate namely Kshitiz (Roll No. 1053) at Statistical Assistant Level in Agriculture Department, Government of Haryana, who too does not have the experience of "manufacturing sector".

21. Learned Senior Counsel further contends that the respondent No.1 while passing the impugned order dated 22.04.2024 completely failed to take note of the very pertinent fact that there was no misrepresentation and/or concealment on part of the petitioner while submitting his experience certificate, wherein he has clearly submitted that he was working on a supervisory level in MTNL. Moreover, it should have been appreciated that petitioner was drawing salary clearly way more than a workman i.e. level below that of Supervisor.

22. To support his contentions, learned Senior Counsel for the petitioner relies upon the following judgments: -

- 1. Ajay Kumar vs. The Haryana State Cooperative Land Development Bank Ltd. (Punjab and Haryana) : Law Finder Doc Id # 2906229;**



- 2. Ram Sarup vs. State of Haryana and others, (1979) 1 Supreme Court Cases 168; and**
3. Anantdeep Singh vs. High Court of Punjab and Haryana at Chandigarh 2024 SCC OnLine SC 2449.

23. He accordingly prays that the present Petition be allowed; and a writ in the nature of certiorari be issued for quashing the Impugned Order dated 22.04.2024, Annexure P/38, passed by Respondent No.1, whereby the services of petitioner have been terminated with immediate effect; and further, issue a writ in the nature of Mandamus directing the respondents to reinstate the petitioner into service as Assistant Director (Statistics), Industries and Commerce Department, Haryana with effect from 08.09.2022 i.e. from the date when the services of the petitioner were first terminated and to grant him all consequential benefits including the payment of salary for the interregnum period.

24. *Per contra*, learned Senior Counsel for respondent No.7 supported by learned State. Counsel has vehemently opposed submissions advanced on behalf of the petitioner and has submitted that petitioner does not possess the requisite qualification as stipulated in Rule 7 of the Haryana Industries & Commerce Group B Service Rules, 2014 (Annexure R-4) which provides the eligibility criteria for appointment to the post of Assistant Director (Statistics). It is submitted that it is admitted case of the petitioner that he does not possess minimum 2 years' experience at supervisory level in a manufacturing sector as stipulated in the



Advertisement. As such, services of the petitioner have been rightly terminated.

25. It is further submitted that petitioner is bound by the conditions as mentioned in his letter of appointment dated 28.09.2018 (Annexure P-16). Learned Senior Counsel points out that it is categorically stated in the letter of appointment that appointment of the petitioner is subject to the verification of the documents submitted. And upon scrutiny of the documents when it was found that the petitioner did not possess the requisite qualification/experience and accordingly, his services were rightly terminated. It is pointed out that in fact the petitioner himself vide his Affidavit dated 26.10.2018 (Annexure R-7) had undertaken that in case the petitioner is found ineligible at any stage, then his services be terminated with immediate effect.

26. Learned Senior Counsel further submits that not only has the petitioner not worked in a manufacturing sector as required, but the petitioner has also not even worked at supervisory level as certified by his previous employer i.e. MTNL vide letter dated 13.11.2018 (Annexure R-9). It is accordingly prayed that the present Civil Writ Petition no.10687 of 2024, be dismissed being without merit.

27. In respect of **CWP-24474-2024** filed by respondent No.7-Tina Parashar (petitioner in **CWP-24474-2024**), learned Senior Counsel submits that Ms. Tina Parashar is immediately below the petitioner in the zone of consideration; and in case the present **CWP-10687-2024** is dismissed, she



would be eligible for appointment. It is pointed out that Ms. Tina Parashar had duly submitted representation dated 30.04.2024 (Annexure P-12 in **CWP-24474-2024**) pointing out that since services of the selected candidate i.e. Anil Kumar (petitioner in **CWP-10687-2024**) have been terminated, she, being next in merit, be considered for appointment. However, the said representation/claim of Tina Parashar has been rejected by the impugned order dated 04.07.2024 (Annexure P-13 in **CWP-24474-2024**). Learned Senior Counsel prays that the said order dated 04.07.2024 be set aside. It is also prayed that the CWP No. 10687 of 2024 be dismissed, upholding the order dated 22.04.2024 terminating the services of Shri Anil Kumar; and the CWP No. 24474 of 2024, be allowed setting aside the order dated 04.07.2024 of the Haryana Public Service Commission, and direct the respondents to offer appointment to Tina Parashar to the post of Assistant Director (Statistics), Industries & Commerce Department, Haryana, being the next eligible candidate in the order of merit of the selection pursuant to Advertisement No. 1(3) of 2016, with seniority and all consequential benefits with notional benefits from the date the other selected candidates joined.

28. Ld. Senior Counsel for the petitioner in Anil Kumar's case (petitioner in **CWP-10687-2024**), reiterates his submissions made hereinabove.

29. Learned Counsel for the State adopts and affirms the submissions advanced on behalf of respondent No.7/Tina Parashar.



30. No other argument is raised on behalf of the parties. I have heard learned Senior counsel for the parties and perused the case file in detail. I find no merit in the submissions advanced on behalf of the petitioner in **CWP-10687-2024**.

31. Brief factual background of the case in chronological order is as follows: -

26/29.07.2016: Advertisement No. 1/2016 (Annexure P-7) is issued by the Commission for 05 posts of Assistant Director (Statistics), Group-B, Industries & Commerce Department, Haryana. Closing date is 29.08.2016. Eligibility is to be determined as on the closing date.

30.08.2016: Application of petitioner (Annexure P-8) discloses 2 experiences: (i) NSIC — Chief Manager (Associate Company Secretary) 07.02.2011 to 30.08.2013, nature of duty: “Secretarial, Human Resource & MSME Promotion Schemes related work”; and (ii) MTNL — Assistant Manager (CS), 27.10.2003 to 25.06.2010, nature of duty: “Secretarial & Legal”.

18.09.2018: Final result (Annexure P-14) is declared. General category selectees in order of merit are: Sanjit Kaur (76.00); Kshitij (73.50); Petitioner/Anil Kumar (71.00); Neelima (69.50); Tina Parashar (68.00) next in order of merit.

20.09.2018: Within three days, Tina Parashar submitted representation (Annexure P-4 in CWP-24474-2024) to the Commission objecting that petitioner lacks the requisite two years’ supervisory experience in the



manufacturing sector.

20.09.2018: Commission's recommendation letter dated 20.09.2018 (Annexure R-1), to the Government expressly recorded that documents of the recommended candidates had not been verified by the Commission and directed verification of eligibility before offer of appointment.

24.09.2018: Tina Parashar files complaint (Annexure R-3), to the Additional Chief Secretary, Industries & Commerce Department.

27.09.2018: Department called upon the petitioner to produce original documents for verification within 15 days (Annexure P-15).

28.09.2018: Conditional appointment letter (Annexure P-16) is issued to the petitioner of which Clauses 14 and 16 specifically state that appointment is subject to verification of qualifications/experience; and that service is liable to be terminated at any time without notice if adverse facts surface.

03.10.2018: Commission informed Tina Parashar that verification of testimonials of qualifications and experience will be verified by the Government/concerned Department before issuing appointment letters (Annexure P-5 in CWP 24474-2024).

05.10.2018: As the petitioner was not given joining, he made representation dated 05.10.2018 (Annexure P-18) and filed **CWP No. 26573 of 2018** seeking joining.

26.10.2018: The petitioner was allowed to join only upon furnishing affidavit dated 26.10.2018 (Annexure R-7) with the undertaking that if his experience is not found as per the service rules or he is otherwise found



ineligible at any stage, his services may be terminated with immediate effect without notice. With the above conditions, petitioner, accordingly, joined on 06.11.2018.

30.10.2018: NSIC's issued reply under the RTI Act, 2005 stating that: "*NSIC is not engaged directly in manufacturing sector.*"

13.11.2018: MTNL issued letter (Annexure R-9) stating that petitioner: "*has not worked at supervisory level but worked as Assistant Manager (Company Secretariat) under the Company Secretary Division of MTNL Corporate Office which is not a manufacturing unit/sector of MTNL.*"

2018: Tina Parashar filed **CWP No. 32025 of 2018** challenging the selection/appointment of the petitioner and seeking her own appointment.

08.09.2022: First termination order dated 08.09.2022 (Annexure P-29) is passed by the Additional Chief Secretary, against the petitioner holding that the mandatory experience requirement is unfulfilled.

28.10.2022: Vide order dated 28.10.2022 (Annexure P-30), stay of the operation of the order dated 08.09.2022 was granted by this Court in **CWP No. 24819 of 2022**. However, admittedly, as admitted by the petitioner himself in para 40 of the present CWP-10687-2024, petitioner has never given joining after 8.9.2022.

09.08.2023: Vide order dated 09.08.2023 (Annexure P-32), **CWP No. 24819 of 2022** is allowed solely on the ground that hearing was afforded by one officer while the order dated 8.9.2022 was passed by another. Express liberty is granted to the respondents to pass a fresh order after hearing the



petitioner and the private respondents. On the same day, Tina Parashar's CWP No. 32025 of 2018 disposed of as infructuous in that light.

04.10.2023 to 07.12.2023: Fresh hearings are held on 04.10.2023, 18.10.2023, 06.11.2023, 22.11.2023 and 07.12.2023. The record bears out that the petitioner absented himself on 04.10.2023 and 22.11.2023. Detailed written versions are filed by both sides and copies exchanged.

10.04.2024 / 12.04.2024: Upon change of incumbent (w.e.f. 02.03.2024), fresh hearing before the new Additional Chief Secretary on 10.04.2024 when Tina Parashar appeared through counsel and the petitioner remained absent inspite of receipt of notice.

22.04.2024: Even on 22.4.2024, the petitioner deliberately abstained; and after waiting from 3:30 PM to 4:30 PM, the Additional Chief Secretary passed the impugned termination order dated 22.04.2024 (Annexure P-38) as the requirement of two years' experience at supervisory level in the manufacturing sector is mandatory and petitioner does not possess it.

30.04.2024: Tina Parashar moves representation seeking recommendation /appointment as the next candidate in order of merit (Annexure P-12 in CWP No. 24474 of 2024)

04.07.2024: The Commission passed impugned speaking order dated 04.07.2024 (Annexure P-13 in CWP-24474-2024) rejecting Tina Parashar's representation.

32. Hence, the above said writ petitions before this Court.

33. The essential qualification for the post of Assistant Director (Statistics) Group ‘B’ in Industries & Commerce Department Haryana (Cat. No.3) as stipulated in Rule 7 of the Haryana Industries & Commerce (Group B) Service Rules, 2014 (Annexure R-4) is reproduced as under:

Qualifications

"7. No person shall be appointed to any post in the Services unless he is in possession of requisite qualifications and experience specified in column 3 of Appendix B to these rules in case of direct recruitment and those specified in column 4 of the aforesaid Appendix in the case of appointment other than by direct recruitment:

Provided that where sufficient number of candidates belonging to the scheduled caste, backward classes, ex-servicemen and differently-abled candidates possessing the prescribed requisite experience are not available to fill up the vacancies reserved for them by direct recruitment, the Commission or any other recruiting authority may relax the qualifications regarding experience to the extent of 50 percent after recording the reasons for doing so in writing."

The relevant portion of Appendix B mentioned in above rule is reproduced as follows:-

Appendix B

Sr. No.	Description of Posts	Academic qualification and experience for direct recruitment	Academic qualification experience if any for appointment other than by direct recruitment
3.	Assistant Director (Statistics)	(i) Masters Degree in Economics/Commerce/Mathematics/ Statistics(with at least 2nd division) or Chartered Accountant or Company Secretary or Chartered	(i) Bachelor Degree in Economics/Commerce/S tatistics/ Mathematics from recognized university; and (ii) Eight years experience as Industrial



		<i>Accountant or Company Secretary or Chartered Financial Analyst (CFA) from recognized University/Institution, with minimum two years experience at supervisory level in manufacturing Sector in a Small, Medium or Large Industry/Semi Government/Government Undertaking/Department; and</i> <i>(ii) Knowledge of Hindi Sanskrit up to or Matric Standard or higher education</i>	<i>Extension Officer (Headquarter) or Industrial Extension Officer (District Industries Centre)</i> By Transfer/Deputation <i>(i) Candidate already holding the post of Assistant Director (Statistics) for at least one year; and</i> <i>(ii) Knowledge of Hindi or Sanskrit up to Matric Standard or Higher Education.</i>
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34. There is no dispute with regard to the fact that the petitioner possesses the requisite academic qualification being Chartered Accountant. The dispute is with respect to the experience qualification stipulated above. It is the case of the petitioner that he has worked at a level higher than the supervisory level with the MTNL. It is the argument on behalf of the petitioner that experience in manufacturing sector has no nexus with the duties as required to be fulfilled on the said post. Though at first blush, this argument of Id. Senior Counsel for the petitioner appears to be appealing, however on further examination, the same is found to be devoid of merit.

35. From the extract above, it is crystal clear that as per the relevant Rules, it is mandatory for the petitioner to possess the qualification and experience as specified in the column 3 of the Appendix ‘B’ of the Rules. Column 3 of the Appendix ‘B’ categorically stipulates that “*minimum 2 years experience at supervisory level in manufacturing sector in a Small,*



Medium or Large Industry/Semi-Government/Government Undertaking/ Department;.....". Clearly, there are 3 stipulations within the Rule, the same being: (a) 2 years of experience; (b) at supervisory level; and (c) in manufacturing sector. The said experience in manufacturing sector can be in a Small, Medium or Large Industry. However, as will be demonstrated hereinbelow, as per the own saying of the petitioner, he does not possess the requisite experience at supervisory level required in the field i.e. in manufacturing sector in a Small, Medium or Large Industry/Semi-Government/Government Undertaking/ Department; as experience of the petitioner is secretarial and legal in nature in a non-manufacturing sector.

36. In this regard, it may first be noted that petitioner is bound by the conditions as stated in the Letter issued to him vide Memo No. 04/04/2015-21B-1 dated 28.09.2018 (P-16) recommending his appointment. The relevant paragraph Nos. 14 and 16 of the said Letter read as under:

"14. His/ Her documents pertaining to his/her academic/professional qualification, experience, age and caste/category etc., as claimed by him/her are yet to be checked/verified from the concerned authorities/issuing authorities regarding their validity, genuineness (and equivalence to the prescribed qualification and eligibility and in case during inspection/verification any adverse facts come to the notice of the Department, his/her service will be liable to be terminated any time, without any notice besides taking criminal action against him/her, for which he/she will be wholly responsible. Therefore, he/she will have to bring any deposit all



original documents before joining on the post for checking/verification.

XXX XXX XXX

16. This offer of appointment is subject to the Haryana industries & Commerce (Group-B) Service Rules-2014 and all other rules and regulations and executive instructions issued or to be issued by the State Government from time to time."

(Emphasis added)

37. Thus, the Commission's recommendation dated 28.09.2018 itself recorded that the candidates were interviewed on the basis of photostat copies of the documents supplied by them; that their documents had not been verified by the Commission; and that the Government must, before issuing offers of appointment, check the originals and ensure fulfilment of all conditions of qualification and experience prescribed in the requisition and the relevant Service Rules. Clauses 14 and 16 of the Letter dated 28.09.2018 made the appointment recommendation expressly subject to verification. Verification of eligibility before allowing a candidate to occupy a public post is not an act of suspicion but is an incident of the Constitutional guarantee of equal opportunity under Articles 14 and 16. Not verifying, particularly after a rival candidate's specific complaint dated 20.09.2018/24.09.2018, would have been a dereliction of duty and a fraud upon every eligible candidate who applied, and upon those who, respecting the advertised criteria, did not apply. Thus, the candidates were selected on the basis of the documents submitted by them and while recommending



the names of selected candidates it was clearly mentioned in the recommendation letter that their credentials should be verified before issuance of appointment letter.

38. Pursuant thereto, petitioner had also submitted Affidavit dated 26.10.2018 (Annexure R-7) and medical certificate. Thereafter he was allowed to join duty, and he had submitted his joining report on 26.10.2018 (Annexure R-8). The contents of said Affidavit (P-7) are as under: -

"I, Anil Kumar S/o Sh. Dharampal, Resident of H. No. 101, village Udaka, P.O. Sohna, Distt. NUH (Haryana) do hereby solemnly affirm & declare as under:

1: That I had applied for the Post of Assistant Director Statistics in Industries & Commerce Department against advertisement No. 1(3) date of Publication 29th July, 2016. I got selected for the above post and offered appointment letter vide memo No. 04/04/2015-521B-1 dt. 28.09.2018.

2. That if I am allowed to join on the post of Assistant Director (Statistics) in Department of Industries & Commerce, Haryana and if my service/experience certificate is not found as per service rules of this department i.e. Two Years experience at Supervisory Level in manufacturing sector in a small, Medium or Large industry/Semi-Govt./ Govt. Undertaking/Department or if I am otherwise found ineligible at any stage, then my service may be terminated with immediate effect without any notice.

3. That in case of any discrepancy found in the documents etc. related to my appointment/joining etc. I shall be liable for criminal and civil liability." (Emphasis is mine)



39. Thus, it was the own undertaking of the petitioner that in case he is found ineligible, then his services may be terminated without notice. The joining of the petitioner was conditional. The affidavit dated 26.10.2018 binds the petitioner. Therefore, service rendered by the petitioner from 2018 to 2022 would create no equity in his favour.

40. It is also to be noted that Tina Parashar had complained within three days of the result, and the Government did not offer joining to the petitioner. It was only upon his representation dated 05.10.2018 and his petition i.e. CWP No. 26573 of 2018, and upon his furnishing the affidavit dated 26.10.2018, that he was allowed to join. In that affidavit he solemnly undertook as above to the effect that: *"2. That if I am allowed to join on the post of Assistant Director (Statistics) in Department of Industries & Commerce, Haryana and if my service/experience certificate is not found as per service rules of this department i.e. Two Years experience at Supervisory Level in manufacturing sector in a small, Medium or Large industry/Semi-Govt./Govt. Undertaking/Department or if I am otherwise found ineligible at any stage, then my service may be terminated with immediate effect without any notice..."* Thus, having obtained entry upon this undertaking, petitioner cannot subsequently complain when the contingency stipulated therein has occurred. His service from 26.10.2018/06.11.2018 to 08.09.2022 which is rendered under a cloud, under a conditional appointment, and in the teeth of a pending challenge (CWP No. 32025 of 2018), can cure no illegality and create no equity. Further, it stands



admitted in paragraph 40 of the instant writ petition that he has not been in service since 08.09.2022.

41. Consequently, in accordance with the terms of the Letter of Appointment and the above undertaking, the respondents had carried out verification process; in pursuance to which Mahanagar Telephone Nigam Limited (A Govt. of India Enterprises Nigam limited) had intimated vide letter No. MTNL/CO/Pers./ Misc. File/2016, dated 13.11.2018 (Annexure R-9) that *“Shri Anil Kumar has not worked at supervisory level”* but worked as Assistant Manager (Company Secretariat) under the Company Secretary Division of MTNL Corporate Office *“which is not a manufacturing unit/sector of MTNL”*. Upon verification — which the Commission itself had mandated — both issuing organisations returned categorical answers. MTNL, by letter dated 13.11.2018, certified that Anil Kumar *“has not worked at supervisory level but worked as Assistant Manager (Company Secretariat) under the Company Secretary Division of MTNL Corporate Office which is not a manufacturing unit/sector of MTNL.”* NSIC, in its reply dated 30.10.2018 under the RTI Act, stated that *“NSIC is not engaged directly in manufacturing sector”*.

42. In this regard, it is also to be noted that Service Certificate dated 25.06.2010 (Annexure P-5) submitted by the petitioner alongwith his application form shows that designation of the petitioner with the MTNL was of ‘Assistant Manager (Company Secretary)’ where the petitioner had worked in the Company Secretariat, MTNL, Corp. Office; and that petitioner



had resigned from the said post on 25.06.2020. Even as per the Experience Certificate dated 07.08.2018 (Annexure P-6) issued by the National Small Industries Corporation Limited (in short 'NSIC'), it is shown that the petitioner had worked as "Associate Company Secretary (Chief Manager)". A further perusal of the application form dated 30.08.2016 (Annexure P-8) submitted by the petitioner to the respondent-Haryana Public Service Commission shows that the same contains only bare personal details in respect of his name, father's name, address et cetera, qualification details; and in the column for Experience Details, petitioner has merely mentioned his qualification details. Petitioner has mentioned (at page 54 of the paper book) that the nature of the duty of the petitioner with MTNL was as "*Assistant Manager (CS)*" i.e. of Secretarial and Legal nature. Thus, it is the own admission of the petitioner that his experience was in the Company Secretariat of MTNL as 'Assistant Manager (Company Secretary)'. Neither the application form dated 30.08.2016 nor either of the two Experience Certificates relied upon by the petitioner states, or even suggests, that he worked at supervisory level in the manufacturing sector. The form itself describes the nature of his duties as "Secretarial, Human Resource & MSME Promotion Schemes related work" (NSIC) and "Secretarial & Legal" (MTNL). Therefore, in view of the above facts, by no stretch of the imagination can it be said that petitioner has experience in the manufacturing sector.

43. Further, in view of the clarification given by the Mahanagar Telecom Nigam Limited, it was found that the petitioner had not worked at



supervisory level but worked as Assistant Manager (Company Secretariat) under the Company Secretary Division of MTNL Corporate office which is not manufacturing unit/sector of MTNL and as such he does not have the requisite experience to be appointed to the post of Assistant Director (Statistics) by direct recruitment. Therefore, petitioner was called upon by Respondent No. 1 to show cause vide Memo no. 04/04/2015-2IBI dated 06.03.2019 (Annexure P-23) as to why he may not be dismissed from service and be proceeded against in criminal action within 15 days of issuance of said show cause notice. The reply dated 17.03.2019 (Annexure P-24) of show cause notice issued to the Petitioner was received wherein he refuted all the points of Show Cause Notice and claimed that he never concealed any facts regarding his experience. He had also submitted that he fulfills all the requisite criteria for the post of Assistant Director (Statistics) as prescribed in Haryana Industries & Commerce (Group B) Service Rules, 2014. However, the same is contrary to the facts noted above as per which, on the record, the petitioner on his own showing never possessed the mandatory experience.

44. Further, it is established position in law that a candidate who does not possess the requisite qualification has no right to appointment. Moreover, this Court cannot interfere/meddle with the qualifications as prescribed. I draw support from judgment of the Hon'ble Supreme Court in **Pramod Kumar vs. U.P. Secondary Education Services Commission and others (2008) 7 Supreme Court Cases 153**; wherein it is held that: -



“A. Service Law – Appointment - Illegality – Lack of essential qualifications - Held, illegality cannot be cured - Only irregularity can be cured- Appellant appointed as teacher without BEd degree from a recognised university, as provided in rules framed under an Act - Held, his initial appointment itself was a nullity - Illegality could not be cured by allowing him to obtain a valid degree - An appointment which is contrary to the statute/statutory rules would be void in law - U.P. Secondary Education Services Commission and Selection Boards Act, 1982 (5 of 1982) – S. 16 - U.P. Secondary Education Services Commission Rules, 1983 - R. 3 - U.P. Intermediate Education Act, 1921 (2 of 1921), Ss. 16-E and 16-C(3).

B. Service Law - Recruitment process – Eligibility conditions - Experience - Lack of - Held, cannot be cured post appointment.

F. Constitution of India - Arts. 32 and 227-Writs- Mandamus- Held, can be sought when there is a right in an individual and corresponding duty on the State agency - Appellant who did not possess valid BEd degree, held, had no right to appointment and therefore could not seek mandamus.”

45. In **Zahoor Ahmad Rather and others vs. Sheikh Imtiyaz Ahmad and others, (2019) 2 Supreme Court Cases 404**, the Hon’ble Supreme Court has held as under: -

“A. Service Law - Recruitment Process - Eligibility criteria/conditions - Necessity of possessing statutorily/advertisement-prescribed qualifications - Possessing of higher qualifications than stipulated for post- Equivalence of qualifications - Scope of judicial interference.”

The relevant paras of the said judgment are as under: -



“26. We are in respectful agreement with the interpretation which has been placed on the judgment in Jyoti K.K. in the subsequent decision in Anita. The decision in Jyoti K.K. turned on the provisions of Rule 10(a)(ii). Absent such a rule, it would not be permissible to draw an inference that a higher qualification necessarily presupposes the acquisition of another, albeit lower, qualification. The prescription of qualifications for a post is a matter of recruitment policy. The State as the employer is entitled to prescribe the qualifications as a condition of eligibility. It is not part of the role or function of judicial review to expand upon the ambit of the prescribed qualifications. Similarly, equivalence of a qualification is not a matter which can be determined in exercise of the power of judicial review. Whether a particular qualification should or should not be regarded as equivalent is a matter for the State, as the recruiting authority, to determine. The decision in Jyoti K.K. turned on a specific statutory rule under which the holding of a higher qualification could presuppose the acquisition of a lower qualification. The absence of such a rule in the present case makes a crucial difference to the ultimate outcome. In this view of the matter, the Division Bench¹ of the High Court was justified in reversing the judgment of the learned Single Judge and in coming to the conclusion that the appellants did not meet the prescribed qualifications. We find no error in the decision of the Division Bench.

27. While prescribing the qualifications for a post, the State, as employer, may legitimately bear in mind several features including the nature of the job, the aptitudes requisite for the efficient discharge of duties, the functionality of a qualification and the content of the course of studies which leads up to the acquisition of a qualification. The State is entrusted with the



authority to assess the needs of its public services. Exigencies of administration, it is trite law, fall within the domain of administrative decision-making. The State as a public employer may well take into account social perspectives that require the creation of job opportunities across the societal structure. All these are essentially matters of policy. Judicial review must tread warily. That is why the decision in Jyoti K.K. must be understood in the context of a specific statutory rule under which the holding of a higher qualification which presupposes the acquisition of a lower qualification was considered to be sufficient for the post. It was in the context of specific rule that the decision in Jyoti K.K. turned.”

46. Thus, in view of the factual and legal position noted above, no error can be found in the impugned order dated 22.04.2024 (Annexure P-38).

47. It is also to be noted that the Advertisement and the Rules have never been challenged by the petitioner. Even otherwise, after having participated in the process, the petitioner is estopped from laying challenge to the experience criteria. Admittedly, at no stage prior to the declaration of the result — indeed at no stage even thereafter — has the petitioner challenged Rule 7, Appendix B, or the Advertisement. He applied under them, took the written test, appeared at the interview and accepted a conditional appointment under them. The prescribed qualifications were, therefore, the binding rules of the game for every participant and had to be applied with strictness to all alike; whoever failed them had to go out of the



selection, whenever the failure was discovered. A candidate who participates in the selection process without demur cannot, when confronted with an adverse consequence, turn round and question the criteria or supply his own. In this regard, reference may be made to a judgment passed by Hon'ble Supreme Court in **Mohit Kumar v. State of Uttar Pradesh, (SC) : Law Finder Doc Id # 2730841**; the relevant para of which reads as under:-

"19. It is no longer res integra that terms of an advertisement issued in connection with a selection process are normally not open to challenge unless the challenge is founded on the ground of breach of Article 16 of the Constitution or, for that matter, Article 14. Once an advertisement is issued inviting applications for public employment, it is the responsibility, nay duty, of an aspirant to read and note the terms and understand what its requirements are. If any aspirant finds any of the terms ambiguous and there is scope for an inquiry inbuilt in the advertisement or is provided by any rule/regulation, an effort ought to be first made to obtain clarity for understanding the requirements accurately. If no such scope is available, nothing prevents the aspirant from seeking clarity by making a representation. Should such clarity be not provided, the aspirant may participate in the process without prejudice to his rights and may question the term even after he is not selected. However, if the aspirant does not make any such effort and takes a calculated chance of selection based on his own understanding of the disputed term in the advertisement and later, he emerges unsuccessful, ordinarily, it would not be open to him to challenge the selection on the ground that the



disputed term is capable of being understood differently. In such cases, the courts should be loath to entertain such plea of ambiguity while preferring to accept the recruiting authority's understanding of the said term. This is for the simple reason that the recruiting authority is the best judge of what its requirements are and it is such understanding of the recruiting authority that would matter most in cases brought up before the courts; hence, after commencement of the process wherein aspirants have participated without raising any demur as to what a particular terms means, even if any of the terms be ambiguous, the courts should lean in favour of the recruiting authority."

48. Furthermore, the attempt of the petitioner to re-write the eligibility clause is impermissible and, in any event, textually unsound. The clause reads: "with minimum two years experience at supervisory level in manufacturing sector in a Small, Medium or Large Industry/Semi Government/Government Undertaking/Department." The governing words are "at supervisory level in manufacturing sector". The oblique series which follows i.e. "Industry/Semi Government/Government Undertaking/Department" merely enumerates the character of the establishment in which such manufacturing-sector supervisory experience may have been acquired be that a private industry of any size, a semi-government body, a government undertaking, or a government department. The obvious purpose is to specify the ownership of the establishment, not abandonment of the substantive requirement.



49. On the construction of the petitioner, the words “in manufacturing sector” would apply only to the first limb and become otiose for the remaining three; any clerical experience in any government undertaking would qualify, and the deliberate collocation “supervisory level in manufacturing sector” would be destroyed. A construction which renders words of a statutory rule surplus must be rejected and the series takes colour from the controlling phrase (*noscitur a sociis* — a word is known by the company it keeps). His reading would also produce the absurdity that the rule demands manufacturing experience of private-sector candidates but exempts public-sector candidates from it - a classification with no conceivable rationale for a post in the Industries & Commerce Department whose advertised duties include industrial development, MSME registration, annual returns of commercial production and industrial surveys. In any event, the author of the rule has consistently understood and applied the clause as requiring supervisory-level experience in the manufacturing sector. It is settled that the essential qualifications are the province of the employer/recruiting authority, and the courts, exercising judicial review, neither sit in appeal over that understanding nor dilute the prescription.

50. Further, the contention of the petitioner that Assistant Manager/Chief Manager is “higher than supervisor” misses the requirement altogether. The requirement is composite — supervisory level and manufacturing sector. Even otherwise, MTNL itself has certified that



petitioner did not work at supervisory level and that the Company Secretariat of the Corporate Office is not a manufacturing unit/sector.

51. The judgements relied upon by the petitioner in case of **Ajay Kumar** supra and **Ram Sarup** supra, are on the face of it pertaining to different set of facts and in the present case petitioner has been out of service since 8.9.2022; and had been initially allowed to join only after giving an affidavit. Thus, petitioner cannot claim equity for said service of 4 years.

52. Reference may be made to the judgment passed in **Civil Appeal No. 5942 of 2023** titled as **Himakshi vs. Rahul Verma and others**, decided on **20.04.2026** relied upon by learned counsel for the petitioner, the relevant extract of which reads as under:-

48. In the present case, the defect is not merely procedural or incidental, but goes to the root of eligibility itself. The selected candidate, i.e., the appellant did not fulfil the essential qualification of "at least five years' work experience in computer manufacturing/maintenance" as on the relevant date. Such experience. is of a specialised nature and external to the post in question, which Couldn't have been acquired by a candidate after serving as a Computer Hardware Engineer. At the same time, the plea taken by the unsuccessful candidate has been accepted in the Letters Patent Appeal, though consideration for his appointment was not allowed. Thus, we can presume from the chart referred above in paragraph 32 of this Judgment, wherein the Committee has not specified the nature of experience possessed by the



candidates even though it was deficient. Therefore, in such a scenario, the qualification of five years' experience which is within the minimum qualification, must be understood in its true sense to mean that the candidates ought to possess prior hands-on exposure in the field of computer manufacturing/maintenance fa company of repute. The experience in service on the said post could not be substituted by the experience required at the threshold."

53. The judgment in case of **Anantdeep Singh** supra is distinguishable on facts and law.

54. Keeping in view the above discussion, the present **CWP-10687-2024** stands **dismissed**.

CWP-24474-2024:

In the abovesaid CWP-24474-2024 filed by Tina Parashar, challenge is to the order dated 4.7.2024 (Annexure P-13 in CWP-24474-2024) issued by the HPSC, whereby representation dated 30.4.2024 made by Tina Parashar seeking appointment to post of Assistant Director (Statistical), has been rejected for the following reasons: –

"In view of above, when the recommendations made by the Commission have not been set aside and the selection process has been held valid, the claim of petitioner Tina Parashar cannot be considered just because the services of Sh. Anil Kumar were terminated by the Govt. at a later stage after verification of his experience certificate. The role of the Commission is limited upto sending of recommendations and in case any of the selected candidate is found not suitable due to



any reason, the Commission cannot send fresh recommendation containing the name of other candidate as no waiting list for any selection is prepared by the Commission. Hence the representation dated 30.04.2024 submitted by Smt. Tina Parashar is rejected.”

2. It would appear from the record that Tina Parashar is the candidate next in the order of merit of the same selection. She appears to fulfil every prescribed qualification: M.Com (2012, MDU Rohtak); two years’ experience as Supervisor in a manufacturing industry from 10.08.2014 to 11.08.2016, and Hindi up to Matric standard — all as disclosed in her application form (Annexure P-2 in CWP 24474/2024).

3. From the record, it also is clear that Tina Parashar has been diligently pursuing her rights. Within three days of the declaration of result, she had made a representation dated 20.09.2018; complaints dated 24.09.2018 and 15.11.2018; and also filed CWP No. 32025 of 2018, pointing out lack of qualifying experience of Anil Kumar. The maxim actus curiae neminem gravabit, the act of the Court shall prejudice no one and its corollary is that the pendency of proceedings cannot defeat the rights of a diligent litigant, apply in full force and her petition of 2018 was disposed of only because the first termination had intervened, and she has never slept over her rights. The time consumed in litigation and in the two rounds before the department cannot be permitted to defeat her claim. In view of

the above facts, the objection that she did not raise the issue earlier in order dated 4.7.2024 is perverse.

4. Accordingly, the present Writ Petition CWP-24474-2024, stands **disposed of** with a direction to the respondent-State to consider the case of the petitioner for the appointment to the post of Assistant Director (Statistics) in accordance with law and the observations made hereinabove, and pass an appropriate order there upon within a period of 4 months from the date of receipt of certified copy of this order.

5. Pending application(s) if any also stand(s) disposed of.

11.08.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No