

(2026) 08 P&H CK 5012

In the Punjab And Haryana At Chandigarh

Case No : CWP-1866-2026 and connected cases

Neha & Ors.

APPELLANT

Vs

State Of Haryana & Ors.

RESPONDENT

Date of Decision : 04-08-2026

Acts Referred:

Constitution of India — Article 226, 14 and 16, Entry 66, List-I (Union List) of the Seventh Schedule

CPC — Order 1 Rule 10, Section 151

Haryana Education (College Cadre) Group B Service Rules, 1986

Haryana Education (College Cadre) Group B Service (Amendment) Rules, 2024

University Grants Commission (Minimum Standards and Procedure for Award of M.Phil / Ph.D Degree) Regulation, 2009 or 2016

University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018

University Grants Commission Act, 1956 — Section 26

Citation : 2024 INSC 847

Hon'ble Judges : Harpreet Singh Brar, J

Bench : Single Bench

Advocate : Mr. Sunil K. Nehra, Sr. Advocate, Mr. Karan Ranjha, Advocate, Mr. Sanchit Punia, Advocate, Mr. M.M. Pandey, Advocate, Mr. Umesh Pandey, Advocate, Ms. Jyoti Pandey, Advocate, Mr. Sandeep Goyal, Advocate, Mr. Jaibir Singh Mor, Advocate, Mr. Tejpal Singh Dhull, Advocate, Mr. Akshay Kumar, Advocate, Mr. Sarthak Gupta, Advocate, Mr. Dharambir Bhargav, Advocate, Mr. Kulwinder Bhargav, Advocate, Mr. Ashok Bhardwaj, Advocate, Mr. Ravinder Dhull, Advocate, Ms. Sehar Navjeet Singh, Advocate, Mr. Shreenath A. Khemka, Advocate, Ms. Dhriti Sharma, Advocate, Mr. Akshat Dalal, Advocate, Mr. Mazlish Khan, Advocate, Mr. Mohd Tarif, Advocate, Mr. Gaurav Grover, Advocate, Ms. Charu Grover, Advocate, Ms. Anjali Thakur, Advocate, Mr. Ajay Singh Rana, Advocate, Mr. Krishan Kumar, Advocate, Mr. Kuldeep Sheoran, Advocate, Mr. Digvijay Singh, Advocate, Mr. Bhupinder Banga, Advocate, Mr. Pardeep Sharma, Advocate, Mr. Bikramjit Singh Patwalia, Advocate, Mr. Gaurav Jagota, Advocate, Mr. Ajay Singh, Advocate, Mr. R.S. Budhwar, Addl. AG Haryana-State, Mr. Kanwal Goyal, Advocate, Ms. Sheena Dahiya, Mr. Gurnoor Sandhu, Advocate, Mr. Balwinder Sangwan, Advocate, Ms. Hanpriya Khaneka, Advocate, Mr. Ashdeep Singh, Ms. Harpreet Kaur, Advocate, Mr. Atul Lakhanpal, Sr. Advocate, Mr. Karan Jangra, Advocate, Mr. Arvind Pal Singh, Advocate, Mr. Raahat Kataria, Advocate, Mr. Mohit Vashishat, Advocate

Judgement

HARPREET SINGH BRAR, J. (Oral)

CM-11841-CWP-2026 in CWP-1584-2026

The present application has been filed under Order 1 Rule 10 read with Section 151 CPC praying for impleading the applicants i.e. Vaibhav Bhatt, Ajay Kumar, Sahil Lohan and Pushpender as respondents No.3 to 6.

In view of the grounds mentioned in the application, the same is allowed and applicants are hereby impleaded as respondents No.3 to 6. Amended memo of parties is ordered to be taken on record. Registry is directed to do the needful.

CM-11836-CWP-2026 in CWP-3326-2026

The present application has been filed under Order 1 Rule 10 read with Section 151 CPC praying for impleading the applicants i.e. Vaibhav Bhatt, Ajay Kumar, Sahil Lohan and Pushpender as respondents No.4 to 7.

In view of the grounds mentioned in the application, the same is allowed and applicants are hereby impleaded as respondents No.4 to 7. Amended memo of parties is ordered to be taken on record. Registry is directed to do the needful.

CM-12047-CWP-2026 in CWP-21773-2025

The present application has been filed under Order 1 Rule 10 read with Section 151 CPC praying for impleading the applicants i.e. Vaibhav Bhatt, Ajay Kumar, Sahil Lohan and Pushpender as respondents No.4 to 7.

In view of the grounds mentioned in the application, the same is allowed and applicants are hereby impleaded as respondents No.4 to 7. Amended memo of parties is ordered to be taken on record. Registry is directed to do the needful.

CM-18273-CWP-2025 in CWP-29268-2025

The present application has been filed under Order 1 Rule 10 read with Section 151 CPC praying for impleading the applicants as respondents No.4 and 5.

In view of the grounds mentioned in the application, the same is allowed and applicants are hereby impleaded as respondents No.4 and 5. Amended memo of parties is ordered to be taken on record. Registry is directed to do the needful.

MAIN CASES

1. With the consent of the parties, all the aforementioned writ petitions shall be disposed of vide this common judgment, as they arise from a similar factual matrix and pose identical questions of law. However, for the sake of brevity, the facts are taken from **CWP No.1866 of 2026**.

2. The present writ petition has been filed under Article 226 of the Constitution of India seeking issuance of a writ in the nature of *certiorari* for quashing the

impugned announcement dated 26.06.2025 (Annexure P-7) issued by respondent No.2-Haryana Public Service Commission whereby a new arbitrary condition was imposed retrospectively with respect to their NET certification for proving their eligibility. Further, for quashing the rejection letters dated 07.01.2026 (Annexure P-9) whereby candidature of the petitioners for the post of Assistant Professor (Hindi) has been rejected on the hyper-technical ground that they did not upload the specific NET-certificate/scorecard that validates their General/Unreserved category eligibility, with their online application. A writ in the nature of *mandamus* has also been sought directing the respondents to consider the valid NET certificate of the petitioners and to allow them to participate in the subsequent stages of the recruitment process pursuant to advertisement dated 02.08.2024 (Annexure P-1).

CONTENTIONS

3. Learned counsel for the petitioners submits that the respondent-HPSC issued an advertisement dated 02.08.2024 (Annexure P-1) inviting applications for the post of Assistant Professor (College Cadre) in various subjects. Subsequently, a corrigendum dated 24.02.2025 (Annexure P-2) was issued, reopening the application portal from 01.03.2025 to 15.03.2025. The petitioners applied to the post of Assistant Professor (Hindi), as evident from their application forms available at Annexure P-3. They appeared for the Subject Knowledge Test held on 05.10.2025 and cleared the cut-off prescribed for General/Unreserved category. Consequently, their roll numbers figured in the list of candidates shortlisted for Document Verification by the respondent-HPSC, as discernible from announcements dated 11.12.2025 and 16.12.2025 (Annexure P-6).

4. He further submits that respondent-HPSC, vide impugned announcement dated 26.06.2025 (Annexure P-7) declared that the candidates falling under reserved categories but hailing from States other than Haryana must produce their National Eligibility Test (NET) certificates "*as claimed and uploaded by them*", scorecards and category-wise cut-offs, in order for them to be checked at par with General/Unreserved category. Learned counsel contends that vide the impugned announcement (Annexure P-7), the respondent-HPSC has implicitly stated that if the specific proof of General Category eligibility was not uploaded initially, it would not be accepted later. At the time of submission of online applications, no stipulations for attaching a General Category NET scorecard and cut-off proof were made. Thus, the petitioners uploaded the NET certificate (Annexure P-4) they had at hand as it sufficiently established their eligibility.

5. Learned counsel further submits that respondent-HPSC declared the results on 02.01.2026 (Annexure P-8) and announced the roll numbers of the candidates who had qualified for the next stage-Interview/Viva Voce. However, the roll numbers of the petitioners were excluded therefrom. Subsequently, respondent-HPSC issued the impugned rejection letters (Annexure P-9) to the petitioners stating that the primary ground for rejection of their candidature was failure to upload a valid certificate in terms of Clause 16(vii) of the advertisement (*supra*).

Learned counsel argues that this action of the respondent-HPSC is arbitrary, illegal and amounts to changing the rules of the game after the game has commenced, in terms of the judgments rendered by the Hon'ble Supreme Court in **Tej Prakash Pathak and others vs. Rajasthan High Court and others, 2024 INSC 847** and **K. Manjusree vs. State of Andhra Pradesh, (2008) 3 SCC 512**. Further, even as per Haryana Education (College Cadre) Group B Service Rules, there is no stipulation that in order to be considered under General/Unreserved category, the candidate must have cleared the NET under General/Unreserved category cut-off. This rigorous condition has been introduced vide impugned announcement dated 26.06.2025 (Annexure P-7) by the respondent-HPSC, of its own accord, after the selection process had already commenced.

6. Learned counsel argues that the Hon'ble Supreme Court in **Dolly Chhanda vs. Chairman, JEE and others, 2004 INSC 573** has held that if a candidate possesses the requisite qualification on the cut-off date, the mere failure to upload the proof of the same at a specific stage should not be a ground to deny public employment. Moreover, a Co-ordinate Bench of this Court in **Ravish vs. State of Haryana** in **CWP No.22498 of 2022** has categorically held that where the advertisement does not specify any restriction, a candidate clearing NET under a reserved category cannot be denied the right to compete for a General/Unreserved category post. Considering that the petitioners have cleared the Subject Knowledge Test by crossing the cut-off identified for General/Unreserved category, it would be violative of Articles 14 and 16 of the Constitution of India to deny them consideration merely because they acquired NET qualification, which is only qualifying in nature, under the cut-off for reserved categories. The purpose of NET certification is to determine the eligibility for the post of Assistant Professor, however, it does not initiate a recruitment process, which only commences with an advertisement issued by respondent-HPSC. This principle has also been affirmed by a Division Bench of the Rajasthan High Court in **Deepika Kunwar Chundawat vs. State of Rajasthan (D.B. Special Appeal (Writ) No.31 of 2024)**. Learned counsel also submits that the advertisement (*supra*) was silent on this aspect and only required the candidate to be NET-qualified simplicitor. As such, the petitioners legitimately expected their NET qualification to be sufficient and cannot be denied consideration at this stage.

7. *Per contra*, learned counsel for the respondent-HPSC submits that the respondent-Commission is well within its rights to deny reservation benefits to candidates from other States like petitioners No.2 to 4. Since the other candidates from General/Unreserved category have cleared NET in terms of the cut-off determined for General/Unreserved category, the candidates from other states, otherwise falling under reserved categories, ought to clear that same threshold. Learned counsel places reliance on the judgment of the Hon'ble Supreme Court in **Govt. of NCT and others vs. Pradeep Kumar and others (2019) 10 SCC 120** to buttress his case. However, he could not controvert the claim of the petitioners that such requirement did not form a part of the

advertisement (*supra*) and no similar condition is reflected in the Haryana Education (College Cadre) Group B Service Rules.

OBSERVATIONS AND ANALYSIS

8. Having heard learned counsel for the parties and after perusing the record it transpires that the following question arises for adjudication before this Court:

"Whether candidates belonging to reserved categories from States other than Haryana can be denied consideration under the General/Unreserved category on the ground that they obtained their NET Certification on relaxed norms?"

9. Before delving further, it is necessary to study the relevant stipulations in the advertisement (*supra*). The same are reproduced below:

"6. ESSENTIAL QUALIFICATION:

The essential qualification is as per Haryana Education (College Cadre) Group-B Service Rules, 1986, 1994,2002,2006,2013,2016,2022 and 2024 as amended from time to time.

(I) ASSISTANT PROFESSORS (all subjects except, Fine Arts and Mass Communication).

(a) Good academic record with a Master's degree with 55% marks (or an equivalent grade in a point-scale wherever the grading system is followed) in a concerned/ relevant/ allied subject from an Indian University, or an equivalent degree from an accredited foreign university.

(b) Knowledge of Hindi/Sanskrit up to Matric standard or in Higher Education.

(c) ***A. The National Eligibility Test (NET) conducted by the University Grants Commission (UGC) or the Council of Scientific and Industrial Research (CSIR) or a similar test accredited by the UGC, like SLET/SET or who are or have been awarded a Ph.D Degree in accordance with the University Grant Commission (Minimum Standards and Procedure for Award of M.Phil / Ph.D Degree) Regulation, 2009 or 2016 and their amendments from time to time as the case may be exempted from NET/SLET/SET. xxx xxx xxx***

Note: NET/SLET/SET shall also not be required for such Masters Programmes in disciplines for which NET/SLET/SET is not conducted by the UGC, CSIR similar test accredited by the UGC, like SLET/SET. xxx xxx xxx

11. RESERVATION

The benefit of reservation will be given only to those SC/BC-A (Non Creamy Layer)/BC-B (Non Creamy Layer)/EWS/PwBD/ESM category candidates who are domiciles of Haryana State. BCA & BCB candidates of Haryana who falls in creamy layer as specified by the Government are not entitled for the benefit of reservation and they would be considered as General category candidates for all intents and purposes. xx xx

(vii) ***The reserved category candidates belonging to other States will compete against the posts meant for General/Unreserved Category and will be considered as General/Unreserved category candidates.***

(Emphasis added)

10. A perusal of the above makes it evident that as per the advertisement

(*supra*) candidates from other States could apply to the advertised posts of Assistant Professor, however, they shall not be granted any benefits with respect to the reserved category they fall under. The benefit of such reservation was only sought to be provided to candidates hailing from the State of Haryana. The State is well within its competence to include such stipulation. A Constitution bench of the Hon'ble Supreme Court in **Marri Chandra Shekhar Rao vs. The Dean, Seth G.S. Medical College, (1990) 3 SCC 130** has categorically held that the benefit of reservations to members of the Scheduled Castes/Scheduled Tribes cannot be made available country-wide, as they are dependent on State-specific social conditions. Speaking through Justice Sabyasachi Mukherjee, the following was observed:

*"9. It appears that Scheduled Castes and Scheduled Tribes in some States had to suffer the social disadvantages and did not have the facilities for development and growth. It is, therefore, necessary in order to make them equal in those areas where they have so suffered and are in the state of under development to have reservations or protection in their favour so that they can compete on equal terms with the more advantageous or developed sections of the community. Extreme social and economic backwardness arising out of traditional practices of untouchability is normally considered as criterion for including a community in the list of Scheduled Castes and Scheduled Tribes. **The social conditions of a caste, however, varies from state to state and it will not be proper to generalise any caste or any tribe as a Scheduled Tribe or Scheduled Caste for the whole country.** This, however, is a different problem whether a member of the Scheduled Caste in one part of the country who migrates to another State or any other Union Territory should continue to be treated as a Scheduled Caste or Scheduled Tribe in which he has migrated. That question has to be judged taking into consideration the interest and well being of the Scheduled Castes and Scheduled Tribes in the country as a whole."*

(Emphasis added)

11. However, an issue arose when the respondent-HPSC issued the impugned announcement dated 26.06.2025 with respect to advertisement No.42 to 67 of 2024 stating as follows:

"ANNOUNCEMENT

Recruitment for the post of Assistant Professor (College Cadre) in various subjects, Advt. No. 42 to 67/2024

It is hereby announced for general information of candidates that the Commission had advertised 2424 posts of Assistant Professor (College Cadre) in various Subjects in Higher Education Department, Haryana, vide Advertisement No. 42 to 67 of 2024 followed by the announcement dated 30.10.2024 and corrigendum-II dated 24.02.2025.

The eligibility of the candidates from other States as well as the Reserved Category candidates of Haryana State (who are coming within the qualifying zone in UR/General category. on their own merit) has to be checked at par with the UR/General category candidates. before considering their candidature in UR/General category. Therefore, all such candidates are required to produce/submit NET certificate as claimed and uploaded by them while submitting their online application form, alongwith NET score Card and category wise cut-off of NET as and when directed by the Commission."

12. It appears that the respondent-HPSC has introduced another eligibility condition. While it is not explicitly worded, the impugned announcement (Annexure P-7) begs the inference that the reserved-category candidates hailing from other States are required to demonstrate that they have qualified NET by clearing the cut-off determined for General/Unreserved category. Notably, neither Clause 6 of the advertisement (*supra*), which deals with eligibility criteria, nor the Haryana Education (College Cadre) Group B Service Rules, 1986 lay down any such condition.

13. In the absence of any such stipulation in the governing Service Rules, it is difficult to discern the basis on which the respondent-HPSC has sought to introduce an additional condition which has a direct and substantial bearing upon the eligibility of a candidate for appointment. The relevant provisions of the Haryana Education (College Cadre) Group B Service Rules, 1986, as amended by the Haryana Education (College Cadre) Group B Service (Amendment) Rules, 2024, are reproduced hereunder for ready reference:

"(B) for item (c) and entries thereagainst, the following item and entries thereagainst shall be substituted, namely:-

3 4

"(c) (A) The National Eligibility (c) (A) The National Eligibility Test Test (NET) conducted by the (NET) conducted by the University University Grants Commission Grants Commission (UGC) or the (UGC) or the Council of Scientific Council of Scientific and Industrial and Industrial Research (CSIR), or Research (CSIR), or a similar test a similar test accredited by the accredited by the UGC, like SLET UGC, like SLET /SET or who are / SET or who are or have been or have been awarded a Ph.D awarded a Ph.D Degree in Degree in accordance with the accordance with the University University Grant Commission Grant Commission (Minimum (Minimum Standards and Standards and Procedure for Procedure for Award of Award of M.Phil./Ph.D. Degree) M.Phil./Ph.D. Degree) Regulations, Regulations, 2009 or 2016 and 2009 or 2016 and their their amendments from time to amendments from time to time, as time, as the case may be exempted the case may be exempted from from NET/SLET/SET: NET/SLET/SET: Provided the candidates registered

Provided the candidates registered for the Ph.D. programme prior to for the Ph.D. programme prior to July 11, 2009, shall be governed by July 11, 2009, shall be governed by the provisions of the then existing the provisions of the then existing Ordinances/Bye-laws / Regulations Ordinances/Bye-laws/ Regulations of the Institutions awarding the of the Institutions awarding the degree and such Ph.D. candidates degree and such Ph.D. candidates shall be exempted from the shall be exempted from the requirement of NET/ SLET/SET for requirement of NET/SLET/SET for recruitment and appointment of recruitment and appointment of Assistant Professor or equivalent Assistant Professor or equivalent positions in Universities/ positions in Universities/ Colleges/Institutions subject to the Colleges/Institutions subject to the fulfilment of the following fulfilment of the following conditions: conditions: (a) The Ph.D. degree of the candidate has been awarded in

(a) The Ph.D. degree of the regular mode; candidate has been awarded in

(b) The Ph.D. thesis has been regular mode; evaluated by at least two external

- (b) *The Ph.D. thesis has been examined; evaluated by at least two external*
- (c) *An open Ph.D. viva voce of the examiners; candidate has been conducted;*
- (c) *An open Ph.D. viva voce of the*
- (d) *The candidate has published candidate has been conducted; two research papers from his/her*
- (d) *The candidate has published Ph.D. work, out of which at least two research papers from his/her one is in a refereed journal; Ph.D. work, out of which at least*
- (e) *The candidate has presented at one is in a refereed journal; least two papers, based on his/her*
- (e) *The candidate has presented at Ph.D. work in least two papers, based on his/her conferences/seminars Ph.D. work in conferences / sponsored/funded/supported by the seminars sponsored / funded / UGC/ ICSSR/CSIR or any similar supported by the UGC/ agency. ICSSR/CSIR or any similar agency. The fulfilment of these conditions is The fulfilment of these conditions is to be certified by the Registrar or to be certified by the Registrar or the Dean (Academic Affairs) of the the Dean (Academic Affairs) of the University concerned. University concerned. Note: NET/SLET/SET shall also not Note: NET/SLET/SET shall also not be required for such Masters be required for such Masters Programmes in disciplines for Programmes in disciplines for which NET/SLET/ SET is not which NET/SLET/ SET is not conducted by the UGC, CSIR or conducted by the UGC, CSIR or similar test accredited by the UGC, similar test accredited by the UGC, like SLET/SET. like SLET/SET. **OR OR (B)** The Ph.D degree has been **(B)** The Ph.D degree has been obtained from a foreign obtained from a foreign university/institution with a ranking university/institution with a ranking among top 500 in the World among top 500 in the World University Ranking (at any time) by University Ranking (at any time) by any one of the following: (i) any one of the following: (i) Quacquarelli Symonds (QS) (ii) the Quacquarelli Symonds (QS) (ii) the Times Higher Education (THE) or Times Higher Education (THE) or (iii) the Academic Ranking of*
- (iii) *the Academic Ranking of World Universities (ARWU) of the World Universities (ARWU) of the Shanghai Jiao Tong University Shanghai Jiao Tong University (Shanghai).” (Shanghai).*

14. Moreover, while the respondent-HPSC is entitled to conduct the selection process efficiently and in line with the State policy, any additions to the prescribed eligibility criteria must not be arbitrary or contrary to the applicable rules and the scheme of process, and be prescribed ahead of commencement of the selection process. Reliance in this regard can be placed on the judgment rendered by the Constitution Bench of Hon’ble Supreme Court in **Tej Prakash Pathak vs. Rajasthan High Court, 2024 INSC 847** wherein it has been clarified that any benchmark sought to be set by a recruiting authority must be stipulated *before the commencement of the recruitment process*. Speaking through Justice Manoj Misra, the following was opined:

“(A) COMMENCEMENT/END OF THE RECRUITMENT PROCESS

13. ***The process of recruitment begins with the issuance of advertisement and ends with the filling up of notified vacancies.*** *It consists of various steps like inviting applications, scrutiny of applications, rejection of defective applications or elimination of ineligible candidates, conducting examinations, calling for interview or viva voce and*

preparation of list of [11] successful candidates for appointment.

[11 A.P. Public Service Commission v. B. Sarat Chandra, (1990) 2 SCC 669; and Rakhi Ray v. High Court of Delhi, (2010) 2 SCC 637.] xxx xxx xxx

30. ...a degree of discretion is necessary to be left to the employer to devise its method/procedure to select a candidate most suitable for the post albeit subject to the overarching principles enshrined in Articles 14 and 16 of the Constitution as also the Rules/Statute governing service and reservation. **Thus, in our view, the appointing authority/recruiting authority/competent authority, in absence of Rules to the contrary, can devise a procedure for selection of a candidate suitable to the post and while doing so it may also set benchmarks for different stages of the recruitment process including written examination and interview. However, if any such benchmark is set, the same should be stipulated before the commencement of the recruitment process...** The decision in *K. Manjusree (supra)* does not prescribe setting of benchmarks for various stages of the recruitment process but mandates that it should not be set after the stage is over, in other words after the game has already been played."

(Emphasis added)

15. Further still, the University Grants Commission (Minimum Qualifications for Appointment of Teachers and other Academic Staff in Universities and Colleges and other Measures for the Maintenance of Standards in Higher Education) Regulations, 2018 prescribe NET as a minimum qualification for recruitment as Assistant Professor. These UGC Regulations have been framed under Section 26 of the University Grants Commission Act, 1956, which in turn has been created by the Parliament in furtherance of the Entry 66, List-I (Union List) of the Seventh Schedule, Constitution of India. No stipulations have been made therein whereby NET certification can be temporarily disenfranchised based on the category against which a candidate has applied. In other words, when one has been considered NET-qualified by the UGC, the matter is not up for reinvestigation during a recruitment process, especially when neither the relevant Service Rules nor the advertisement (*supra*) calls for it.

16. Where NET is prescribed solely as a threshold eligibility condition, and the advertisement specifies that comparative merit will be determined on the basis of the Subject Knowledge Test and interview, those notified criteria constitute the governing selection criteria. The candidate is therefore entitled to have her merit assessed exclusively by reference to them. The NET score cannot subsequently be converted into an additional merit criterion, a source of preferential weightage, or a disqualifying threshold for appointment against an unreserved post. To do so would amount to a post facto alteration of the notified conditions of selection and the impermissible introduction of a criterion of which candidates had no prior notice. Reliance on the candidate's lower NET score would accordingly be legally impermissible and violative of Articles 14 and 16 of the Constitution.

17. Moreover, this Court is of the considered view that the reliance placed on the judgment in **Pradeep Kumar (supra)** is misplaced. While distinguishing the

said judgment, a two-Judge bench of the Hon'ble Supreme Court in **Chaya and others vs. The State of Maharashtra and another, 2026 SCC OnLine SC 457** has opined that reserved category candidates who avail relaxation in qualifying examination can migrate to general category on the basis of merit in the absence of any explicit prohibition in the applicable Rules or the advertisement. Speaking through Justice Alok Aradhe, the following was held:

"Legal Principles

19. *From the aforesaid decisions, the following legal principles can be culled out: -*

(i) **A concession/relaxation in a qualifying examination merely enables entry of a candidate into the zone of consideration and cannot be treated as relaxation in the standard prescribed for qualifying the written examination if such relaxation does not affect the merit which has to be determined solely on the basis of performance in the main examination and the interview, if any.**

(ii) **A relaxation or concession in the qualifying examination merely creates a level playing field where no concession or relaxation is granted in the ultimate selection and the same is solely made on the basis of inter se merit.**

(iii) *If a candidate belonging to a reserved category, does not fulfil the essential eligibility criteria prescribed for a selection, he/she cannot be permitted to migrate to an open category.*

(iv) **Migration of a reserved category candidate who has availed of a concession/relaxation in qualifying examination depends on the Recruitment Rules or the employment notification. If such Recruitment Rules or employment notification permits such migration, the same is permissible.**

(v) **Such migration shall also be permissible if the Recruitment Rules or employment notification are either silent or do not expressly prohibit it.** xxx xxx
xxx

30. *It is pertinent to note that the decision of this Court in **Pradeep Kumar** has no application to the obtaining factual matrix for the reason that decision in **Pradeep Kumar (supra)** is an authority for the proposition that in case candidates belonging to reserved category do not fulfil the essential eligibility condition, they cannot be permitted to be appointed against the general vacancies. In **Pradeep Kumar (supra)**, the respondents neither belonged to the Other Backward Category notified by NCT of Delhi nor fulfilled the essential eligibility condition of securing 60% marks in CTET.*

31. *In the instant case, the requirement of obtaining 60% marks in TET is not an essential eligibility condition as the guidelines issued by the NCTE itself permits such relaxation. Such relaxation only enables a candidate belonging to reserved category to participate in TAIT. The inter se merit of the candidates including the respondents has solely been determined on the basis of performance in TAIT. Therefore, the Commissioner (Education), Government of Maharashtra erred in placing reliance on the decision of this Court in **Pradeep Kumar (supra)** and in issuing the consequential directions for preparation of the merit list. The Commissioner (Education) ought to have appreciated that Office Memorandum dated 04.04.2018 issued by Government of India (Ministry of Personnel, Public Grievances and Pension) applies in direct recruitments to Central Government jobs and services and, therefore, could not have been relied upon. The High*

Court also erred in placing reliance on the decision of this Court in **Pradeep Kumar (supra)**.

32. *The appellants who admittedly are more meritorious than the last selected candidate under the general category, cannot be excluded from consideration under the general category, in the absence of any express prohibition in the Recruitment Rules/notification. The relaxation in qualifying criteria only affects eligibility and not merit and migration is permissible in the absence of any prohibition. The decisions of this Court in Pradeep Kumar (supra), Union of India & Ors. v. Sajib Roy (supra) and Union of India v. G. Kiran & Ors. (supra) have no application to the obtaining factual matrix of these appeals, whereas, decisions of this Court in Jitendra Kumar Singh (supra) and Vikas Sankhala (supra) apply to the facts of these appeals. The appellants are entitled to migrate to general category."*

(Emphasis added)

18. It is a fundamental principle of service jurisprudence that where the field is occupied by statutory Rules, the rights, obligations and eligibility of the parties must be determined primarily with reference to the express provisions of such Rules. The general principles enunciated in judicial precedents may be pressed into service only where the governing Rules are silent, ambiguous or incapable of providing an answer to the controversy; they cannot be invoked to override, supplement or supplant an express and unambiguous statutory prescription. Thus, where the Rule-making authority has consciously laid down a specific and exhaustive eligibility criterion, the Court must give effect to the rule as it stands and cannot introduce, by judicial interpretation, an additional condition of eligibility or disqualification which finds no place in the statutory scheme.

19. A perusal of the NET score card of petitioner-Saurabh Verma, who hails from the State of Uttar Pradesh, as available at Page 78 of the paper book, indicates that he falls under the category of OBC (Non-Creamy Layer) and verifies that he has obtained the certification. However, the impugned rejection letter (Annexure P-9) issued by the respondent-HPSC to the petitioner-Saurabh Verma reads as follows:

"Subject: Recruitment to the posts of Assistant Professor (College Cadre) in the subject of Hindi in Higher Education Department, Haryana vide advt. No. 52/2024.

Sir/Madam, Kindly refer to your online application form for the posts cited as the subject. On checking/scrutiny of your online application form and documents to adjudge your eligibility, your candidature has found rejected due to the following reasons:-

1. *It was clearly mentioned in Clause 11 (vii) of the advertisement that:-*

"The reserved category candidates belonging to other States will compete against the posts meant for General/unreserved Category and will be considered as General/unreserved category candidates." Since you are a resident/domicile of Uttar Pradesh, therefore your candidature was considered in General/Unreserved category.

2. *Accordingly, you were required to fulfill the eligibility conditions of a General category candidate. However during document verification, it is noted that your NET Score card is 148 whereas cut off of General Category is 160. Since you have not cleared NET at*

par with General/UR category, therefore you do not fulfill the requirement of having cleared NET exam at par with General/UR category. Hence, your candidature UR/General category is rejected .No representation/correspondence in this regard will be entertained by the for Commission."

(Emphasis added)

20. Thus, it is clear that the respondent-HPSC has cancelled the candidature of the petitioners despite their having cleared the cut-off for the Subject Knowledge Test, solely for not having cleared NET against General/Unreserved cut-off, which is an arbitrary condition introduced subsequent to commencement of the selection process. In doing so, the respondent-HPSC has essentially barred other-State reserved category candidates from consideration in the selection process, which is expressly violative of Article 16 of the Constitution. At the risk of reiteration, it is clarified that NET-qualification merely makes a candidate eligible to be considered for the post of Assistant Professor. However, his/her selection would only be based on their performance in the actual selection process. In terms of the advertisement (*supra*) and the applicable Service Rules, the marks obtained in NET or the cut-off against which a candidate has qualified do not contribute to computation of the merit list. Thus, not only has the respondent-HPSC acted in an unconstitutional fashion by depriving other-State reserved category candidates from being considered against the advertisement (*supra*), it has also fallen in grave error by inserting the arbitrary condition regarding validity of NET certification and making it applicable retrospectively as the selection process had already commenced. The issue framed above, is therefore, answered accordingly.

CONCLUSION

21. At this juncture, it would be apposite to note that the petitioners in the present bunch of writ petitions broadly fall into **two** distinct categories, having regard to their domicile status, the category under which they have applied, and the nature of the NET certification possessed by them:

a. **Category I** comprises those petitioners who possess NET certification obtained on relaxed norms, and who fall within either of the following sub-categories:

- i. Petitioners who are domiciles of Haryana and had applied under the General/Unreserved category;
- ii. Petitioners who are not domiciles of Haryana and, though belonging to reserved categories, are competing in the open pool in terms of Clause 11(vii) of Advertisement (*supra*).

b. **Category II** comprises petitioners who are domiciles of Haryana, have applied under the General/Unreserved category, and possess NET certification obtained by securing marks equal to or above the cut-off prescribed for the General/Unreserved category. These petitioners seek exclusion from

consideration under the said category, of candidates possessing NET certification obtained by availing the benefit of relaxed norms.

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

a. Insofar as the petitioners falling under **Category I** are concerned:-

i. The impugned announcement dated 26.06.2025 (Annexure P-7) is quashed to the extent that it requires candidates covered thereby to demonstrate that they have qualified the NET against the cut-off prescribed for the General/Unreserved category, as a condition of being considered in that category.

ii. The rejection letters dated 07.01.2026 (Annexure P-9) are set aside to the extent they cancel the candidature of the respective petitioners merely for the reason of not having cleared NET against the cut-off determined for General/Unreserved category.

iii. Accordingly, the respondents/competent authorities are directed to consider the candidature of the petitioners falling under **Category I**. Needless to say that, in the event the petitioners are found eligible and fall within the zone of consideration, appointment letters shall be issued to them without any undue delay. They shall be entitled to all consequential notional benefits but shall not be entitled to any arrears of salary for the period during which they did not actually discharge duties. The respondents/competent authorities shall complete the aforesaid exercise within a period of **six weeks** from the date of receipt of a certified copy of this order.

b. Insofar as the petitioners falling under **Category II** are concerned, their prayer seeking a direction to respondent-HPSC to weed out candidates possessing NET certification obtained on relaxed norms from consideration under the General/Unreserved category runs contrary to the findings recorded hereinabove. Accordingly, no relief can be granted in these cases.

c. In case any grievance of any petitioner in the present bunch of petitioners, other than those falling within the aforementioned two categories, still survives, such petitioner shall be at liberty to submit an appropriate representation before the respondents/competent authority. Upon receipt thereof, the respondents/competent authority shall consider and decide the same by passing a reasoned and speaking order, within a period of four weeks from the date of receipt of such representation.

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

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