



239 IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

CWP-38944-2025  
Date of decision: 17.02.2026

KARTIK SAINI ....Petitioner  
Versus  
STATE OF HARYANA AND OTHERS ....Respondents

**CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**

Present: Mr. Vivek Salathia, Advocate  
for the petitioner.

Mr. Piyush Khanna, Addl. A.G., Haryana.

Ms. Preeti Chhikara, Advocate for  
Mr. Vikrant Pamboo, Advocate for respondent No.2.

Mr. Kanwal Goyal, Advocate  
for respondent No.3-HPSC.

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**HARPREET SINGH BRAR, J (Oral):**

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of *Certiorari* for quashing the Final Result of Selected Candidates dated 15.12.2025 (Annexure P-8) for the post of Assistant Environmental Engineer (Group-B) in Haryana Pollution Control Board in pursuance to advertisement No. 20/2025 (Annexure P-1). A further prayer has been made for issuance of a writ in the nature of mandamus directing the respondents to revise and re-declare the final result by including the name of the petitioner in the list of selected candidates.

2. The brief facts of the case are that Haryana Public Service Commission (respondent No.3) issued Advertisement No.20/2025 dated 13.08.2025 for filling up 29 posts of Assistant Environmental Engineer (Group-B) in Haryana State Pollution Control Board. The petitioner being



fully qualified, applied for the said vacancy under the BC-B category. The selection process comprised three stages: Screening Test, Subject Knowledge Test and Interview. The petitioner qualified the Screening Test and Subject Knowledge Test and was called for an interview. However, when the final result was declared on 15.12.2025, the name of the petitioner was not included in the list of selected candidates.

3. Learned counsel for the petitioner *inter alia* contends that, one Nikhil Yadav (Roll No.29116) belonging to BC-B category secured “58.86” marks in the final merit which is higher than the last selected General category candidate namely Abhimanyu Balyan who secured “53.09” marks. According to the petitioner, Nikhil Yadav ought to have been migrated to the General category and upon such migration, the petitioner who secured “40.61” marks and is next in merit in the BC-B category would have been selected. Learned Counsel has placed reliance upon the judgments in *Saurav Yadav vs. State of U.P., AIR 2021 (SC) 233* and the judgment of this Court in *Parmila vs. State of Haryana* (CWP No.23917 of 2023 decided on 08.01.2024) as affirmed in LPA No.329 of 2024 decided on 09.04.2025. Learned counsel further submits that **Annexure P-3**, which contains the scheme of examination and the selection and shortlisting criteria, clearly stipulates that the marks obtained in the screening test are not to be counted for the final selection, as the said test is meant only for shortlisting purposes. It is further provided that the final merit list is to be prepared by aggregating the marks obtained in the subject knowledge test and the interview/viva-voce. Since the candidate Nikhil Yadav had opted for relaxation only in the screening test, the result whereof does not impact the final merit list, thus any relaxation granted to



the said candidate is wholly inconsequential and immaterial to the final selection process, consequently he should have been migrated to the general category.

4. *Per contra*, learned counsel for respondent No.3 submitted that Nikhil Yadav had secured “56.86” marks in the Screening Test whereas the cut-off for General category was “61.8132.” He was selected for the next stage only under the BC-B category by availing the benefit of relaxation. Having availed relaxation at the Screening Test stage, he was not liable to be migrated to General category. Reliance has been placed upon the judgment of the Hon'ble Supreme Court in ***Union of India vs. G. Kiran & Ors.*** (Civil Appeal arising out of SLP (C) No.4743 of 2020 decided on 06.01.2026) and the judgment of this Court in ***Ajit Singh vs. State of Haryana, 2011 (20) SCT 243.***

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

6. The principal question that falls for consideration in this writ petition is whether a reserved category candidate who has availed relaxation at the Screening Test stage can be migrated to the General category on the basis of his performance in the subsequent stages of the selection process.

7. Considering the factual position, it is undisputed that in the Screening Test held on 02.11.2025, the cut-off for General category was “61.8132”. Nikhil Yadav secured “56.86” marks which was below the General category cut-off. He was shortlisted for the Subject Knowledge Test only under the BC-B category by availing the relaxed cut-off



applicable to his category. Thus, there is no manner of doubt that Nikhil Yadav availed the benefit of relaxation at the Screening Test stage.

8. A screening test, when placed at the threshold of a multi-stage selection process, operates as a filtering mechanism or a gateway, without clearing which a candidate cannot progress to the subsequent stages of examination and interview. It thus constitutes a mandatory eligibility sieve, and not a mere formality. Any relaxation granted at the screening stage directly confers a tangible and decisive advantage, as it enables a candidate to cross the threshold and gain access to the subsequent stages of selection. Even if no relaxation is availed at later stages, the fact remains that the candidate could reach the next level only because of the initial relaxation, without which he could have been eliminated at the threshold itself. In such a scenario, the contention that the screening test is of no consequence, merely because its marks are not carried forward to the final merit list, is fundamentally misconceived.

9. The question whether a reserved category candidate who avails relaxation at any stage of the examination can thereafter claim allocation against an unreserved vacancy has been authoritatively settled by the Hon'ble Supreme Court in its recent judgment in ***Union of India vs. G. Kiran & Ors.*** 2026 INSC 15 decided on 06.01.2026), wherein while speaking through Justice J.K. Maheshwari, the Hon'ble Apex Court observed that:-

*"22. In the above context, the word 'any' is relatable to relaxations or concessions either in 'eligibility' or any 'selection criteria'. It further qualifies that such relaxation/concession can be availed at 'any stage of examination' having relevance to Rule 1 which indicates that all candidates would be required to qualify the Preliminary Examination in order to appear in the Main*



*Examination. Therefore, the proviso throw light by focusing on the issue of relaxations and concessions in eligibility or selection criteria at any stage of examination."*

*"27. Rule 14(i) deals with preparation of merit list after a written and interview for personality test. Thereafter, it deals with recommending the candidates against unreserved vacancies applying general standards with reference to number of unreserved vacancies. Rule 14(ii) deals with the situation for the candidates of SC, ST and OBC where discretion has been conferred upon UPSC to grant relaxed standards to the fittest of these candidates for selection to the service. While dealing with those relaxed standards, it has been made clear in proviso that the candidates of SC, ST and OBC recommended without resorting to 'any', 'relaxation' or 'concession' in 'eligibility' or 'selection criteria' at 'any stage of examination' may be adjusted against the vacancies of unreserved category. **The natural corollary to the above makes it clear those reserved category candidates who have availed of any relaxation or concession at 'any stage of the examination' are not eligible to be adjusted against unreserved vacancies.**"*

*"32.....The Court affirming the proposition of law stated that **once relaxation has been taken by a reserved category candidate, they cannot be considered for unreserved vacancies.** Inescapably, the aforesaid judgement also strengthens the view taken by us herein-above interpreting the rules that **if a reserved category candidate takes benefit of relaxation though at initial stage, it will effectively amount to taking relaxation even at the final stage of the selection process because without giving relaxation to him, he was not in a position to participate in the Main examination** and to set forth his claim of cadre allocation."*

*"36. In the facts of the present case, the General category cut-off for the Preliminary Examination was fixed at 267. Respondent No. 1 secured 247.18 marks. Had the Respondent No. 1 been put against the general standard, his candidature would have been terminated at the first stage i.e., the Preliminary Examination. His candidature succeeded in the first stage of the examination because of the relaxed standards allowed in the Preliminary Examination for SC candidates i.e. 233 marks. After availing the benefit of this relaxation for admission to the Main Examination, Respondent No. 1 cannot subsequently claim to have been selected on 'General Standard' merely due to his performance in the subsequent stages surpassed the general standard. Therefore, if a candidate who has*



*resorted a relaxation at any stage of examination, would not fall within the purview of the proviso to Rule 14(ii) of the Exam Rules, 2013 and in that situation, for the purpose of the applicable Policy for cadre allocation, he would not fall within the list of candidates selected on 'General Standard' claiming General Insider vacancy of home state cadre as insider candidate..*

*"37. In light of the above exposition of law, we are of the opinion that in the present fact situation, the 'General Insider' vacancy in Karnataka was rightfully allocated to Respondent No. 3, who qualified the Preliminary Examination, Main Examination, and Interview on general standard. It is needless to say, **Respondent No. 1, having qualified the Preliminary Examination availing 'relaxed standard', becoming eligible for the Main Examination must be considered against the reserved vacancies only and cannot be considered on general/unreserved vacancies for the purpose of cadre allocation.**"*

(emphasis added)

10. The Hon'ble Supreme Court in *G. Kiran's case (supra)* has clearly held that a reserved category candidate who avails relaxation at any stage of the examination, including the preliminary/screening stage, cannot thereafter claim allocation against an unreserved vacancy. The preliminary examination, though qualifying in nature, is an integral stage of the examination process and availing relaxed standards at that stage disentitles the candidate from being treated as selected on "General Standards".

11. The principle laid down in *G. Kiran's case (supra)* has been consistently followed in other judgments of the Hon'ble Supreme Court. In *Niravkumar Dilipbhai Makwana vs. Gujarat Public Service Commission, (2019) 7 SCC 383*, it was held as under:-

*"23. In the instant case, the State Government has framed policy for the grant of reservation in favour of SC/ST and OBC by the Circulars dated 21-1-2000 and 23-7-2004. The State Government has clarified that when a relaxed standard is applied in selecting a candidate for SC/ST, SEBC category in the age-limit, experience, qualification, permitting number of chances in the written examination, etc., then candidate of such category selected in the*



*said manner, shall have to be considered only against his/her reserved post. Such a candidate would be deemed as unavailable for consideration against unreserved post."*

*"34. There is also no merit in the submission of the learned counsel for the appellant that relaxation in age at the initial qualifying stage would not fall foul of the circulars. The distinction sought to be drawn between the preliminary and final examination is totally misconceived. **It is evident from the advertisement that a person who avails of an age relaxation at the initial stage will necessarily avail of the same relaxation even at the final stage. We are of the view that the age relaxation granted to the candidates belonging to SC/ST and SEBC category in the instant case is an incident of reservation under Article 16(4) of the Constitution of India.**"*

(emphasis added)

12. Similarly, in *Gaurav Pradhan vs. State of Rajasthan, (2018) 11 SCC 352*, the Hon'ble Supreme Court held that candidates belonging to SC/ST/OBC who had taken relaxation of age were not entitled to be migrated to unreserved vacancies.

13. The judgments relied upon by the learned counsel for the petitioner in *Saurav Yadav's case (supra)* is clearly distinguishable. As, the candidates there had not availed any relaxation or concession at any stage of the selection process. The principle of migration laid down in those judgments applies only to candidates who are selected on their own merit without any relaxation. This distinction has been clearly recognized by the Hon'ble Supreme Court in *G. Kiran's case (supra)*.

14. The reliance placed by the petitioner on the judgment of this Court in *Parmila's case (supra)* is also of no avail for the simple reason that the operation and effect of the Division Bench judgment dated 09.04.2025 in LPA No.329 of 2024 was stayed by the Hon'ble Supreme Court on 26.08.2025 in SLP (C) No.24552 of 2025 (Annexure P-15). The advertisement in the present case was issued on 13.08.2025 and the



selection process was conducted in November-December 2025. During this entire period, the *Parmila* judgment was under stay and therefore could not have been relied upon by the petitioner.

15. Even otherwise, the *Parmila (supra)* judgment dealt with the question of whether migration should be applied at the screening test stage or at the final stage. It did not overrule the fundamental condition that migration is permissible only for those candidates who have not availed any relaxation. The principle that a candidate who avails relaxation cannot be migrated remains unaffected even by *Parmila (supra)*.

16. It is also well settled that a candidate who participates in the selection process without any protest and is unsuccessful cannot subsequently challenge the process. The petitioner participated in all stages of the selection process - Screening Test, Subject Knowledge Test and Interview. He approached this Court only after being declared unsuccessful. Such a challenge is impermissible in law. In this regard the Hon'ble Apex Court in *Manish Kumar Shahi v. State of Bihar (2010) 12 SCC 576*, while speaking through Justice G.S Singhvi, observed that,

**“14. We also agree with the High Court that after having taken part in the process of selection knowing fully well that more than 19% marks have been earmarked for viva voce test, the petitioner is not entitled to challenge the criteria or process of selection. Surely, if the petitioner's name had appeared in the merit list, he would not have even dreamed of challenging the selection. The petitioner invoked jurisdiction of the High Court under Article 226 of the Constitution of India only after he found that his name does not figure in the merit list prepared by the Commission. This conduct of the petitioner clearly disentitles him from questioning the selection and the High Court did not commit any error by refusing to entertain the writ petition. Reference in this connection may be made to the judgments in *Madan Lal v. State of J. & K. (1995) 3 SCC 486*, *Marripati Nagaraja v. Government of Andhra Pradesh and others (2007) 11 SCC 522*, *Dhananjay Malik and others v. State of Uttaranchal and others (2008) 4 SCC 171*, *Amlan Jyoti Borooah v.***



*State of Assam (2009) 3 SCC 227 and K.A. Nagamani v. Indian Airlines and others (supra)."*

(emphasis added)

17. Reliance in this regard may also be placed on judgments of the Hon'ble Supreme Court in *G. Sarana vs. University of Lucknow, (1976) 3 SCC 585, Madan Lal vs. State of Jammu & Kashmir, (1995) 3 SCC 486* and *Sadananda Halo and Others v. Momtaz Ali Sheikhand Others (2008) 4 SCC 619.*

20. Further, at the foundation of the entire selection process and procedure, it would be appropriate to refer to the relevant clause in the advertisement itself. Clause 16.(ix) of the Advertisement No.20/2025 (Annexure P-1) reads as under:-

"It is clarified that only such SC/BC-A (Non Creamy Layer)/BC-B (Non Creamy Layer) candidates who are selected on the same standards as applied to General candidates shall not be adjusted against reserved vacancies. In other words, **when a relax standard is applied in selection of an SC/BC-A (Non Creamy Layer)/BC-B (Non Creamy Layer) candidate, e.g. in the age limit, experience, qualification, extended zone of consideration larger than what is provided for general category candidate etc. the SC/BC-A (Non Creamy Layer)/BC-B (Non Creamy Layer) candidates are to be counted against reserve vacancies. Such candidates would be deemed as unavailable for consideration against unreserved vacancies.**"

(emphasis added)

18. A bare perusal of the advertisement (Annexure P-1), clearly stipulates that **when a relax standard is applied in selection of a**



**candidate, such candidates would be deemed as unavailable for consideration against unreserved vacancies.** It is trite law that advertisement shall have the force of law and bind the parties, consequently the candidate Nikhil Yadav would be deemed to be unavailable for consideration against unreserved vacancies in terms of the Clause 16.(ix) of the Advertisement (Annexure P-1). Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in ***Sureshkumar Lalitkumar Patel & Ors. vs. State of Gujarat & Ors., 2023 INSC 145*** wherein it was held that an advertisement, made pursuant to a notification, binds the parties and has all the trappings of a statutory prescription. Reliance in this regard may also be placed on the judgments rendered by Full Benches of this court in ***Amardeep Singh Sahota v. State of Punjab, (1993) 4 SLR 673, Raj Singh v. Maharshi Dayanand University, 1994 (4) RSJ 289, Indu Gupta v. Director of Sports, Punjab 1999(4) S.C.T. 113.***

19. Even assuming without admitting that there was any error in the selection process, the petitioner has no vested right to appointment, as crystallized by the Constitutional Bench of the Hon'ble Apex Court in ***Tej Prakash Pathak & Ors. Vs. Rajasthan High Court 2024 INSC 847.*** Selection confers only a right of consideration and not a right to appointment. No arbitrariness, mala fide or statutory violation has been shown in the present case.

20. In view of the above discussion, the following principles of law emerge:-

- (i) A reserved category candidate who avails relaxation at any stage of the examination process, including the preliminary/screening



stage, cannot thereafter claim allocation against an unreserved vacancy.

(ii) The expression "any relaxation at any stage of the examination" includes relaxation in qualifying marks at the screening stage, even though such stage is qualifying in nature and marks obtained therein are not counted for final merit.

(iii) When a relaxed standard is applied in selecting a reserved category candidate, such candidate shall be counted against reserved vacancies and shall be deemed unavailable for consideration against unreserved vacancies.

(iv) The distinction sought to be drawn between preliminary and final examination for the purpose of migration is totally misconceived. A person who avails relaxation at the initial stage will necessarily avail the same relaxation even at the final stage.

(v) An advertisement has the force of law and binds the parties.

(vi) A candidate who participates in the selection process without protest and is unsuccessful cannot subsequently challenge the process.

(vii) A candidate has no vested right to appointment. Selection confers only a right of consideration, not appointment.

21. As such Nikhil Yadav had availed relaxation at the Screening Test stage by securing "56.86" marks against the General category cut-off of "61.8132". Having availed such relaxation, he was rightly treated as a BC-B candidate throughout the selection process and could not have been migrated to the General category. Consequently, the petitioner who secured



“40.61” marks and was the fourth candidate in the BC-B category merit list has no claim for selection against the three BC-B vacancies.

22. In view of the above the present petition is accordingly dismissed. No order as to costs.

**(HARPREET SINGH BRAR)**  
**JUDGE**

**17.02.2026**

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|---------------------------------|---------|
| 1. Whether speaking/ reasoned : | Yes /No |
| 2. Whether reportable :         | Yes /No |