

**(2025) 12 P&H CK 0025**

**Punjab And Haryana HC**

**Case No:** Civil Writ Petition No. 21433 Of 2023

Karanbir Singh Deyea Vsv State  
Of Punjab And Others

APPELLANT

Vs

RESPONDENT

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**Date of Decision:** Dec. 12, 2025

**Acts Referred:**

- Constitution Of India, 1950-Article 226, 227

**Hon'ble Judges:** Jagmohan Bansal, J

**Bench:** Single Bench

**Advocate:** Sanjeev Sharma, Vikram Vir Sharda, Aman Dhir

**Final Decision:** Dismissed

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### **Judgement**

Jagmohan Bansal, J

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of provisional merit list dated 25.05.2023 for the post of Sub-Inspector in the Technical and Support Services Cadre qua Open Source Intelligence (OSINT) specialization advertised vide advertisement No.7 of 2021 dated 09.09.2021.

2. The State of Punjab vide Advertisement No.07 of 2021 dated 09.09.2021 invited applications for 267 posts of Sub-Inspectors (Group C) in Technical and Support Services Cadre. In the advertisement, four domains were specified which were sub-divided into three groups and an applicant could apply for maximum one domain and three specializations/functions. The petitioner applied in the specialization of OSINT Analysis in Group-1. Pursuant to recruitment process having been conducted, result was declared on 25.05.2023, however, name of the petitioner did not figure in the list of successful candidates.

3. Learned Senior counsel for the petitioner submits that petitioner pursuant to Advertisement No.7 of 2021 dated 09.09.2021 applied for the post of Sub-Inspector under Reserved Category i.e. SC (R&O). He applied against Information Technology Domain and OSINT specialization. He scored 68.142 marks. There were 15 posts under aforesaid specialization. The respondent has recruited 14 Ex-Servicemen candidates. One seat is still lying vacant. He has been denied post on the ground that he did not possess certificate of minimum one year diploma/course in OSINT/related platform. The petitioner is having diploma in computer applications. Lovely Professional University (LPU) vide communication dated 06.12.2022 has confirmed that diploma possessed by the petitioner is equal to OSINT specialization. It has further certified that diploma in computer applications of LPU-Distance Education can be considered to be mapped with the corresponding programmes under OSINT Analysis domain. The last selected candidate under OSINT Analysis domain had secured 22.03 marks whereas petitioners marks are 68.142. The mechanism of inter-domain and specialization utilization of post was not disclosed in the advertisement.

4. Arguments of learned senior counsel for the petitioner are: -

i. The respondent has rejected petitioners claim on the ground that he is not possessing one year diploma in OSINT/related platform. He has obtained certificate from LPU which confirms that he is possessing one year diploma in related platform. As per information obtained under Right to Information Act, 2005, there is no college/university which is organizing one year diploma/course in OSINT. Honble Supreme Court in Laxmikant Sharma v. State of Madhya Pradesh and others, 2025 SCC OnLine SC 2712 has recently held that nomenclature of the degree/course cannot be basis to reject claim of the candidate. The curriculum must be considered.

ii. There were 15 posts ear-marked for OSINT specialization and respondent has selected 14 candidates, thus, one seat is still lying vacant and petitioner being eligible may be accommodated.

iii. As per advertisement, a candidate could apply for one domain and three specializations. No candidate could be selected in a domain other than applied for. The respondent is wrongly claiming adjustment/selection of candidates in domain other than applied for. Stand of the petitioner is vindicated by Clause 9.3.3 of the advertisement.

iv. The respondent made a convoluted mechanism to determine merit of candidates under different domains and specializations. The said mechanism could not be used to deny benefit to meritorious candidates. The petitioner has scored 68.142 marks whereas marks of last elected candidate in OSINT specialization are 22.03.

5. Per contra, learned State counsel submits that Clause 9.3.3 of the advertisement relates to selection of candidates for Phase-II Test. It has no bearing with reservation and final selection of candidates. The question of final selection and

reservation is answered by Clause 9.6 and particularly 9.6.2 of the advertisement. The petitioner may be covered by judgment of Honble Supreme Court in Laxmikant Sharma (supra), however, he cannot be selected because posts earmarked under OSINT specialization stand filled up. These posts have been occupied by Ex-Servicemen candidates who were not supposed to possess diploma/course of OSINT. The last selected candidate who secured 22.03 marks belongs to Ex-Servicemen Category. The petitioner belongs to SC (R&O-Male). In his category, the seats were filled up under other domains, thus, he could not be considered under OSINT specialization. As per public notice dated 19.07.2016 issued by University Grants Commission, in case of employment or promotion, equivalence is decided by the employing organization.

6. I have heard the arguments of learned counsel for both sides and perused the record with their able assistance.

7. The petitioner is claiming that respondent has rejected his claim on the ground that he is not possessing one year diploma in OSINT/related platform. He has obtained certificate from LPU which confirms that he is possessing one year diploma in related platform. As per certificate of LPU, the petitioner is possessing one year diploma in OSINT/related platforms. He is not claiming equivalence. The stand of respondent could be justified had the petitioner claimed equivalence whereas he is claiming that he is possessing requisite diploma/course. Case of petitioner is squarely covered by judgment of Honble Supreme Court in Laxmikant Sharma (supra) where the Court has held that insisting solely on the title of the degree, without considering the actual curriculum, amounts to elevating form over substance. The law does not compel such an interpretation. The requisite degree must be understood contextually and purposively.

8. There is another conundrum which needs to be answered. The respondent vehemently pleaded that petitioner cannot be offered claimed post because of mechanism adopted at the time of selection. The petitioner is comparing his marks with last selected candidate in OSINT function whereas reservation was not granted domain wise. The petitioner obtained 68.142 marks out of 200 whereas cut-off in his category irrespective of specialization/function was 99.615.

9. It is axiomatic in service jurisprudence that Courts must tread warily while advertizing with challenge to selection process. The selection process involves multiple stages and there is normally involvement of experts. It must be left to selection committee to select best of candidates as per their need. The Courts should not substitute opinion of selection committee. The Court can interfere if there is mala fide on the part of selection committee or there is violation of statutory provisions or fundamental rights.

10. The conceded position emerging from record is that the petitioner belongs to reserved category i.e. SC (R&O-Male). He participated in the selection process and

was not selected. The respondent has prepared combined merit list for the purpose of reservation. The respondent made sub-categorization of reserved categories. Seats meant for SC (R&O-Male) were fully occupied. Few unoccupied seats of other reserved categories were carried forward.

11. Paragraph 5.3 of the advertisement permits candidates to apply for more than one specialization/function. Every candidate was supposed to apply for one domain and one function, however, liberty was granted to apply for more than one function/specialization. This facilitated candidates to apply for more than one function/specialization and it increased their possibility of success. The said paragraph has no concern with preparation of merit list and reservation. It simply creates right to apply for different functions. Paragraph 5.3 of the advertisement reads as:

**5.3 Candidates are required to apply in minimum one Specialization/ Function. However, applying in multiple Specializations/ Functions may increase their chances of selection as the cut off for each Specialization/ Function may be different depending upon the number of candidates to be selected in that Specialization/ Function and the number of candidates applying for that Specialization/ Function.**

12. Paragraph 9.6 of the advertisement prescribes procedure for preparation of selection list. It provides that reservation roster shall be applied as per the State Government instructions on the combined merit list and not on the individual domain/specialization. It further provides that reservation category and/or domain/specialization as and when gets filled up, further selection to that reservation category and/or domain specialization shall be discontinued. The relevant extracts of Paragraph 9.6 of the advertisement read as: -

#### **9.6 Preparation of the Selection List**

**9.6.1 For preparation of Selection List, the Reservation roster shall be applied as per the State Government instructions on the combined merit list and not on the individual Domains/ Specializations.**

**The candidates shall be selected in their respective Reservation categories and shall be allocated to a particular Domain/ Specialization as per their overall merit prepared on the basis of aggregate marks of Test 1 and Test 2 as prepared in clause 9.5.1 hereinbefore.**

**9.6.2 As and when a Reservation Category and/ or Domain/ Specialization gets filled up completely, further selection to that Reservation Category and/ or Domain/ Specialization shall be discontinued.**

13. From the pleadings and arguments of learned counsel for the petitioner, nothing sort of favoritism can be culled out. The petitioner could not be selected because of convoluted mechanism adopted by respondent-State. The respondent,

at the same moment, advertised different domains as well as functions and granted liberty to applicants to apply for different functions. The respondent has prepared combined merit list for the purpose of reservation. The reservation has not been applied domain-wise or function-wise whereas reservation policy has been applied on the combined merit list. In that background, there was possibility that in a particular domain, no candidate belonging to a particular category is selected. The respondent has selected 145 candidates belonging to reserved category against 157 reserved posts. This indicates that respondent-State has collectively followed reservation policy and duly complied with mandate of Punjab Scheduled Caste and Backward Classes (Reservation in Service) Act, 2006. 12 reserved vacancies have been left vacant. These vacancies have not been filled up from General Category candidates and are carried forward for next recruitment process. The grievance of the petitioner has primarily emanated on account of his application in a particular domain or particular function.

In Para 9.6.2 of the advertisement, it was clearly mentioned that question of reservation and domain/specialization would run simultaneously. The respondent-State at every point of time was supposed to look at reservation as well as domain. In case, a candidate belonging to a reserved category is selected in one particular domain, it may result into depriving another candidate of said category from his seat in another domain/function e.g. if there is one seat for SC (sports) and two candidates apply under different domains, as soon as one candidate is selected in one domain, another would not be selected in another domain. Similarly, in a particular domain, majority candidates may be from a particular category due to non-availability of candidates of other categories.

14. From the above discussion, it comes out that the petitioner could not be non-suited for the applied post on the ground of diploma of one year, however, he was rightly rejected because he scored 68.142 marks whereas cut-off in his category was 99.615. On account of afore-stated convoluted selection mechanism of different domains and specializations/functions, the petitioner could not be selected in his domain though he scored more marks than last selected candidate in his domain. Other candidates though scored lesser marks than petitioner yet came to be selected in OSINT domain.

15. The petitioner has participated in the selection process and there is no illegality or arbitrariness on the part of the respondent-State. In the absence of prima facie illegality or arbitrariness, it would not be fair on the part of Court to interfere in the selection process.

16. In the wake of above discussion and findings, this Court is of the considered opinion that present petition deserves to be dismissed and accordingly dismissed.