



2025:PHHC:092540



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

232

Date of decision: 23.07.2025

**CWP-12131-2022**

KAPIL SAINI

.....Petitioner

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

**CWP-26949-2022**

VIKRAM AND OTHERS

.....Petitioners

VERSUS

STATE OF HARYANA AND ANOTHER

.....Respondents

**CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ**

\*\*\*\*\*

Present: - Mr. Jasbir Mor, Advocate  
for the petitioners.

Mr. Vivek Chauhan, Addl. A.G. Haryana.

\*\*\*\*\*

**VINOD S. BHARDWAJ, J. (Oral)**

Raising identical issues, both these writ petitions are being decided by a common judgment. Facts in brief are however being referred to from *CWP-26949-2022* titled as “*Vikram and others versus State of Haryana and another*”.



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-2-

2. Prayer made in the said writ petitions is for directing the respondents to issue notices to the candidates selected in final selection list dated 06.06.2020 on the post of Junior Engineer (Civil) for verification of the documents of their undertaking/certificates/affidavits etc. before their recommendation is made for appointment. It is further prayed that the Commission be directed to make a comparison of the biometric signatures of the short-listed candidates for selection, on the post of Junior Engineer (Civil) on their OMR Sheets with the specimen signatures having been obtained, to ascertain as to whether the candidate who applied actually, appeared for the written test or not in terms of judgments of this Court, and in order to oust the menace of large scale impersonation in various written exams being conducted by the respondent-Haryana Staff Selection Commission.

3. At the outset, learned Counsel contends that in so far as his prayer for verification of the affidavits/undertaking submitted by the candidates for availing benefit of 05 marks under the socio-economic criteria is concerned, the same is rendered infructuous since the said clause has already been set aside by the Division Bench of this Court and the recommendation list is to be finalized afresh. However, the issue pertaining to measures directed to be implemented to uproot malpractices in the examination need to be adhered to before making the recommendation.

4. Counsel appearing on behalf of the petitioners thus contends that he confines his prayer in the present writ petitions only to the aforesaid extent that the necessary verification of the candidates, in terms of the



2025:PHHC:092540



**CWP-12131-2022 and CWP-26949-2022**

-3-

directions issued by this Court in its judgment dated 04.08.2017 passed in ***CWP-14519 of 2017*** titled as ***“Rajesh Kumar versus State of Haryana and others”*** as reviewed vide order dated 30.07.2018 before making a final recommendation.

5. Counsel contends that the petitioners being eligible for the post of Junior Engineer had submitted their application for the post of Junior Engineer (Civil) under their respective categories consequent upon Advertisement No. 10 of 2019 dated 15.06.2019. The petitioners were issued the Admit Card on 19.08.2019 whereupon they appeared in the common written test conducted by the respondent-Haryana Staff Selection Commission for all the categories of the post of Junior Engineer for different Departments/Nigams. The written test was conducted on 01.09.2019 and in the result declared on 21.09.2019, the petitioners cleared the written test for the above said post. In the result so declared, it was specifically mentioned that the scrutiny of the documents shall be undertaken by the Commission and in the event of any discrepancy or non-appearance of a candidate, no further opportunity shall be granted. The said scrutiny of documents was to be conducted from 14.10.2019 to 16.10.2019 and 19.10.2019. A revised schedule for scrutiny of the documents was thereafter published by the Commission whereupon the final result was declared by the Haryana Staff Selection Commission on 06.06.2020. The marks secured by the petitioners and their position in the merit list is tabulated as under:-

| <i>Sr. No</i> | <i>Petitioner Name</i> | <i>Roll No.</i> | <i>Cate<br/>gory</i> | <i>Written<br/>marks+Socio<br/>Economic<br/>criteria<br/>marks</i> | <i>Main<br/>cut-off</i> | <i>Waitin<br/>g cut-ff</i> | <i>Status</i> |
|---------------|------------------------|-----------------|----------------------|--------------------------------------------------------------------|-------------------------|----------------------------|---------------|
|               |                        |                 |                      |                                                                    |                         |                            |               |



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-4-

|     |              |            |     | <i>Experience<br/>marks=Total<br/>marks</i> |    |    |                                                                                                                                         |
|-----|--------------|------------|-----|---------------------------------------------|----|----|-----------------------------------------------------------------------------------------------------------------------------------------|
| 1.  | Vikram       | 1019108552 | BCA | 52+05=57                                    | 58 | 57 | Selected in Waiting List                                                                                                                |
| 2.  | Deepak Saini | 1019109381 | BCB | 57+00=57                                    | 59 | 58 | Lesser Marks                                                                                                                            |
| 3.  | Rajan        | 1019119023 | BCA | 53+05=58                                    | 58 | 57 | Selected in Waiting List                                                                                                                |
| 4.  | Mandeep      | 1019144455 | BCA | 52+05=57                                    | 58 | 57 | Not selected due to younger in age<br>DOB of Petitioner:<br>15.10.1994<br><br>DOB of Last Selected Candidate in waiting<br>02.05.1993   |
| 5.  | Yogesh Kumar | 1019128699 | BCA | 57+00=57                                    | 58 | 57 | Not Selected due to younger in age<br><br>DOB of Petitioner:<br>28.08.1996<br><br>DOB of Last Selected Candidate :02.05.1993            |
| 6.  | Vikram Kumar | 1019144816 | BCB | 58+00=58                                    | 59 | 58 | Selected in Waiting List                                                                                                                |
| 7.  | Neeraj       | 1019143969 | EWS | 60+00=60                                    | 60 | 60 | Selected in Waiting List                                                                                                                |
| 8.  | Rajesh       | 1019165122 | BCB | 53+05=58                                    | 59 | 58 | Not Selected due to younger in age<br><br>DOB of Petitioner:<br>01.03.1998<br><br>DOB of Last Selected Candidate in waiting :22.12.1995 |
| 9.  | Rakesh Kumar | 1019114246 | SC  | 50+05=55                                    | 56 | 55 | Selected in Waiting List                                                                                                                |
| 10. | Ankit        | 1019141012 | BCA | 52+05=57                                    | 58 | 57 | Selected in Waiting List                                                                                                                |
| 11. | Mukesh Kumar | 1019137722 | GEN | 62+00=62                                    | 63 | 63 | Lesser Marks                                                                                                                            |
| 12. | Sahab Singh  | 1019104669 | SC  | 49+05=54                                    | 56 | 55 | Lesser Marks                                                                                                                            |



2025:PHHC:092540



**CWP-12131-2022 and CWP-26949-2022**

-5-

|     |              |            |     |          |    |    |                                                                                                                                            |
|-----|--------------|------------|-----|----------|----|----|--------------------------------------------------------------------------------------------------------------------------------------------|
| 13. | Naresh Kumar | 1019130880 | SC  | 50+05=55 | 56 | 55 | Selected in Waiting List                                                                                                                   |
| 14. | Aman Kumar   | 1019144821 | GEN | 57+05=62 | 63 | 63 | Lesser Marks                                                                                                                               |
| 15. | Anup         | 1019124514 | EWS | 55+05=60 | 60 | 60 | Not Selected due to younger in age<br><br>DOB of Petitioner:<br>31.08.1998<br><br>DOB of Last Selected Candidate in waiting<br>:14.01.1998 |

6. He contends that as per the declared result, some of the petitioners cleared the selection process while others are in the waiting list and some of them have been declared unselected. He submits that a number of selected candidates had claimed 05 marks for no government job in the family/orphan category etc. but the appointment orders were issued without verification of the certificates of the said candidates. The law also mandates that the Selection Commission also verifies the authenticity of the candidates who actually appeared for the exams before making a recommendation.

7. In so far as the issue of allotment of a weightage of 05 marks for socio-economic criteria is concerned, the same was set aside by the Division Bench in the matter of “*Neeraj versus State of Haryana*” bearing CWP-16904 of 2021 decided on 22.05.2025. The Notification issued by the Government dated 11.06.2019 was held to be in violation of Articles 14, 15 and 16 of the Constitution of India, was declared to be ultra vires and was thus set aside. In the said judgment the Division Bench has quashed the socio-economic criteria and the marks awarded for the same by relying on



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-6-

judgment dated 31.05.2024 passed in ***CWP-1563-2024*** titled “***Sukriti Malik versus State of Haryana and others***”. The operative part of the directions issued by the Division Bench in its judgment dated 22.05.2025 reads thus:-

- A. *The State would be required to publish a revised result and on the basis of the revised result, the candidates who are found to be meritorious, would be entitled to be considered for appointment for the concerned posts which were advertised in the year 2019.*
- B. *Those candidates, who have already been appointed, if they fall in the said merit would continue to perform their duties.*
- C. *Those appointees, who are going to be ousted on account of the revised merit list, shall be allowed to continue against future posts and in this regard, the State Government may conduct an exercise of finding out vacancies for them. If no vacancies are available, they will be allowed to continue on ad hoc basis till vacancies are made available. Their appointments would be treated from the date the vacancies are so made available and would have no claim on the posts which were advertised vide advertisement in 2019. The power is being exercised to save such appointments as there was no fault of such persons, who have already appointed and have been working for years now.*



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-7-

- D. The candidates, who are placed in the revised merit, will be treated as senior to those whose appointments have been saved although not falling in the merit.*
- E. The new incumbents, who would be selected on account of the revised merit list, would be entitled to claim their appointments from the date the similarly situated other candidates were appointed with all consequential benefits of seniority and pay parity. However, their salary would be fixed notionally from the date others were appointed till the date they join the post.*
- F. The exercise shall be conducted within the period of three months.*

8. He contends that in compliance to the above, the result has to be revised and to the said extent that the prayer for verification of documents/undertakings for the socio-economic marks, as a pre-condition for issuing appointment, is rendered infructuous at this stage.

9. He contends that the issue pertaining to large-scale malpractices being resorted to in the written exams conducted by the Staff Selection Commission came up for consideration of this Court and various directions and guidelines for maintaining the sanctity of the selection process were issued vide judgment dated 04.08.2017 in the matter of ***CWP-14519-2017*** titled as ***“Rajesh Kumar versus State of Haryana and others”***. A review application RA-CW-462 of 2017 was filed by the respondent-Haryana Staff Selection Commission. The prayer made in



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-8-

the said review was that the requirement of carrying out the process of comparison of finger prints/thumb impressions with the database be dispensed with for the ongoing selection process. Vide order of 30.07.2018, the said review was disposed of with the following directions:-

*“He, therefore submits that digital biometrics having been made compulsory in the HTET as also by the HSSC for any examination, only since November, 2017, comparison with the data base of the Unique Identification Authority of India cannot be made prior to that.*

7. (a) *Consequently, this review application as regards the relief sought by the petitioner qua the ongoing selection process for the posts of PGT English has to be dismissed, with the order dated 04.08.2017, disposing of the writ petition also modified to the extent that qua all on ongoing processes of selection by the Commission, where the HTET has been taken by the candidates concerned prior to November, 2017, finger print matching need not be done by the Commission, unless it develops a methodology to do so on its own, but all selection processes where the HTET-2017 is the base test/criteria for selection (as regards those candidates who had taken the test from November, 2017 onwards), the finger print matching exercise shall be done as has been given in the affidavit of the Chairperson, Haryana Staff Selection Commission.*

(b) As regards other selection processes where the selection is not for teachers, the comparison of





2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-9-

*finger prints would be done by the HSSC with the Aadhar cards of the candidates, to establish the true identity of each candidate.*

*(c) This would of course be subject to final orders to be passed by the Supreme Court as regards mandatory reference to Aadhar cards for different purposes by the Government. If the the mandatory linkage/usage of Aadhar cards is not approved by the Supreme Court in respect of selection processes, naturally this order shall be treated to have been overruled.*

*(d) Therefore, a report be filed by the Chairperson of the Commission, once the judgement of the Supreme Court, on the subject, is pronounced.*

*[Emphasis Supplied]*

10. It is contended that in terms of the aforesaid order in all selection processes that were initiated after the order dated 30.07.2018, the comparison of the finger prints/biometric was required to be done with the Aadhar Cards of the candidates to establish the true identity of each of them. It is also submitted that the aforesaid judgment has already attained finality and as a matter of fact, the Haryana Staff Selection Commission also issued a DNIT, inviting offers from interested companies to carry out the bio-metric attendance with devices and the manual bio-metric on the attendance sheet and OMR etc. The scope of the work as per the tender notice dated 26.09.2015 gives out the description of activity amongst others to be carried out by the Contractor and the same reads thus:-



2025:PHHC:092540



**CWP-12131-2022 and CWP-26949-2022**

-10-

| <i><b>Sr. No.</b></i> | <i><b>Activity</b></i>                                                                              | <i><b>Description of the activity</b></i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|-----------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>1.</i>             | <i>Biometric Attendance with device and Manual Biometric on the Attendance Sheet &amp; OMR etc.</i> | <i>1. Attendance Enrollment</i> <ul style="list-style-type: none"><li><i>• Capturing the Biometric Thumb impression of candidate and matching the demographic data with Software solution.</i></li><li><i>• Clearly visible photograph of candidate with facility of matching.</i></li><li><i>• Preparation and storage of data.</i></li><li><i>• Report in case of discrepancy during matching with earlier data</i></li><li><i>• Storage Data</i></li><li><i>• Transfer of data in Hard Disc/DVD to the Commission within two days duly authenticated.</i></li></ul> |

11. It is submitted that in terms of the directions as contained in the order dated 30.07.2018 passed in review, the Haryana Staff Selection Commission was mandated to carry out the process of verification of the candidates from the Biometrics obtained during selection process with Aadhar base, before making a recommendation and the said process could not have been delegated to the Government. It is argued that the thumb impressions are obtained by the Commission at different stages from the applicants i.e. at the time of submission of the application pursuant to the advertisement; on the OMR Sheet at the time of a candidate appearing in the written test/examination and obtained at the time when a shortlisted candidate appears for document verification. The thumb impressions obtained at these three different stages of examination process were directed to be compared to the biometrics with the Aadhar before the final result of declared candidates was to be published. He submits that notwithstanding



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-11-

the same, the respondents have made the recommendations by declaring the final result without ascertaining the correct identity of the candidates who appeared in the written exam conducted by the respondent-Haryana Staff Selection Commission.

12. He makes a reference to various other selection processes that had been initiated by the respondent viz. advertisement No. 3 of 2021; Advertisement No. 15 of 2019, Advertisement No.4 of 2020 etc. where the respondents implemented the process of bio-metric and facial verification before declaration of the final result of the candidates. Attention is also drawn to one such notice, in continuation of the notice of 13.05.2022 wherein it has been informed that in the event of any mismatch, the candidature of a candidate shall be cancelled and he would be debarred from future recruitment. The said condition reads thus:-

*“6) Thumb and facial biometric will also be carried out during scrutiny of documents of all candidates and in case of any mismatch their candidature will be cancelled and candidates will be debarred from future recruitments.”*

13. It is argued that even though the petitioner made a specific averment in Paras No. 18 and 22 that the process of document verification needs to be undertaken, yet, in the reply filed by the respondents, they have chosen to be evasive and non-committal as to whether such process has undertaken by them, which amounts to an admission of the pleading.

14. Attention of this Court is also drawn to the affidavits that have been filed by the Haryana Staff Selection Commission, in the compliance



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-12-

report required to be filed by them in CWP-14519 of 2017 titled as ***Rajesh Kumar (supra)***, where vide additional affidavit dated 15.03.2023 (taken on record as Mark 'A'), the respondent-Commission has averred that the verification process has been undertaken by the Commission during the recruitment process of Group 'C; and Group 'D'. They have also acknowledged that the condition of verification of such data with Aadhar has already been upheld by the Hon'ble Supreme Court in the judgment dated 26.09.2018 passed in Writ Petition (Civil) No. 494 of 2012 titled as ***Justice K.S. Puttaswamy (Retd.) and another versus Union of India and others***".

The relevant extract of the said affidavit reads thus:-

*"5. That it is pertinent mention here that the Hon'ble Supreme Court of India has passed the judgment on Aadhar Act vide judgment dated 26.09.2018 in Writ Petition (Civil) No. 494 of 2012 titled as Justice K.S. Puttaswamy (Retd.) and Another Versus Union of India and others. The Hon'ble Apex court has observed as follows:*

*(a) That the Hon'ble Supreme Court upheld the validity of Aadhar Card and further stated that the Aadhar Act does not violate the right to privacy when a person agrees to share his biometric data. However, the Supreme Court barred the private companies from making use of aadhaar card for the purpose of KYC authentication. At the same time the Hon'ble Apex court held that aadhaar will still be in use for various other purposes which would include PAN card and ITR filing.*



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-13-

(b) *That while deciding the case of K S Puttaswamy v. Union of India, a five constitutional judge bench which was headed by the then Hon'ble Chief Justice of India Deepak Misra held that Aadhaar would be mandatory for the sake of filing of income tax returns and also for the allotment of Permanent account number (PAN). Hence, a tax-payer or a person in need of PAN card cannot shun from the aadhaar.*

(c) *The Hon'ble Supreme Court ruled that Aadhaar is no longer a requirement for the students appearing for CBSE, NEET and UGC etc. exams. In addition to this, the court also held that schools are no longer allowed to seek aadhaar for the purpose of admission.*

(d) *The Hon'ble Supreme Court, while delivering the judgment, went a step ahead and struck down Section 57 of Aadhaar Act and termed it unconstitutional. By undertaking this measure, the Supreme Court ensured that no private entity or company can now seek aadhar details from its employees.*

6. That it is further submitted that the Commission has already implemented the process regarding taking the finger-prints/thumb impression during the recruitment process of Group C & D posts in written examination, scrutiny of documents and interview. In the



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-14-

recruitment process of PGTs, thumb impressions of candidates were duly taken by the Commission.”

*Keeping in view of submissions made above, it is, therefore, respectfully prayed that the order in review application may kindly be modified in the interest of justice.*

15. It is pointed out that notwithstanding a specific affidavit filed by the respondents, in compliance to directions issued by this Court in the matter of ***Rajesh Kumar (supra)***, the respondents have chosen not to adhere to the directions issued by this Court and have failed to show that the said directions have been complied with in the present case. Learned Counsel for the petitioners submits that since the said process is required to be undertaken afresh by the respondents for compliance of the judgment of this Court in the matter of ***Neeraj (supra)***, it would thus only be expedient that the mandate of the judgment in the matter of ***Rajesh Kumar (supra)*** be also adhered to.

16. Counsel for the respondent-State of Haryana does not dispute the other factual assertions and places reliance on the averments contained in Para No.5 of the short reply filed by way of an affidavit by the Commission to contend that the process of recruitment had been done in accordance with the advertisement and instructions issued by the respondent-Commission from time to time. After selection is finalized, the recommendation has been made to the State and verification of the other essential documents falls within the domain of the respective department and the said aspect has been



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-15-

incorporated by them in the recommendation letter of the selected candidates. The same reads thus:-

*“5. That with regards to the contentions of the petitioner regarding verification of documents, it is submitted here that process of recruitment has been done in view of the advertisement and instructions issued by the respondent-Commission time to time. After selection, verification of socio-economic criteria and other essential documents falls in the domain of concerned Department and in the recommendation letter of the selected candidates it has been specifically mentioned that:*

***“The selected candidates have not been medically examined and no special enquiry into their antecedents has been made. The documents pertaining to their Education Qualifications, Age, Caste/Category, Experiences and Universities etc. as claimed by them in the application form may please be got checked/verified from the issuing authorities Please refer to instructions issued by the Chief Secretary to Government, Haryana vide their letter no. 52/18/2018-3GSIII dated 07.06.2020 regarding verification of character and antecedents-relaxation thereof.. A copy of the appointment letter issued to the candidates may also be endorsed to the Commission.”***

17. Even though, the State Counsel sought some time to file an additional affidavit to respond to the specific argument of the petitioners as regards verification of the documents from the bio-metric data, however, I



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-16-

find that the said prayer is only an excuse to delay adjudication of the present writ petition since the specific averment contained in Para No.5, extracted above, shows that the said process has not been undertaken by the respondents and they have delegated the said task to the respective department to be undertaken at their own level. He is not in a position to dispute the directions issued by this Court in the case of ***Rajesh Kumar and Neeraj (Supra)***.

18. Even otherwise, the position in law is well settled that the reply has to be filed in detail to each and every averment and allegation that is contained in a plaint/pleading. In case the respondent-Department has chosen not to respond to the specific allegations in a detailed paragraph, there is no occasion as to why any such indulgence should be extended to the respondent-department at this juncture. The judgment reiterating the aforesaid law in the matter of the ***Thangam And Anr. vs Navamani Ammal reported as 2024 (4) SCC 247*** needs no reiteration. The relevant paras thereof read thus:-

*“24. In the absence of para-wise reply to the plaint, it becomes a roving inquiry for the Court to find out as to which line in some paragraph in the plaint is either admitted or denied in the written statement filed, as there is no specific admission or denial with reference to the allegation in different paragraphs.*

*25. Order 8 Rules 3 and 5CPC clearly provides for specific admission and denial of the pleadings in the plaint. A general or evasive denial is not treated as sufficient. Proviso to Order 8 Rule*





2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-17-

*5CPC provides that even the admitted facts may not be treated to be admitted, still in its discretion the Court may require those facts to be proved. This is an exception to the general rule. General rule is that the facts admitted, are not required to be proved.*

*26. The requirements of Order 8 Rules 3 and 5CPC are specific admission and denial of the pleadings in the plaint. The same would necessarily mean dealing with the allegations in the plaint para-wise. In the absence thereof, the respondent can always try to read one line from one paragraph and another from different paragraph in the written statement to make out his case of denial of the allegations in the plaint resulting in utter confusion.*

*27. In case the respondent-defendant wishes to take any preliminary objections, the same can be taken in a separate set of paragraphs specifically so as to enable the plaintiff/petitioner to respond to the same in the replication/rejoinder, if need be. The additional pleadings can also be raised in the written statement, if required. These facts specifically stated in a set of paragraphs will always give an opportunity to the plaintiff/petitioner to respond to the same. This in turn will enable the Court to properly comprehend the pleadings of the parties instead of digging the facts from the various paragraphs of the plaint and the written statement.*

*28. The issue regarding specific admission and denial of the pleadings was considered by this Court in Badat & Co. v. East India Trading*



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-18-

*Co. [Badat & Co. v. East India Trading Co., 1963 SCC OnLine SC 9 : AIR 1964 SC 538] While referring to Order 8 Rules 3 to 5 CPC it was opined that the aforesaid Rules formed an integrated Code dealing with the manner in which the pleadings are to be dealt with. Relevant parts of para 11 thereof are extracted below : (Badat case [Badat & Co. v. East India Trading Co., 1963 SCC OnLine SC 9 : AIR 1964 SC 538] , AIR pp. 544-45)*

*“11. Order 7 of the Code of Civil Procedure prescribes, among others, that the plaintiff shall give in the plaint the facts constituting the cause of action and when it arose, and the facts showing that the court has jurisdiction. The object is to enable the defendant to ascertain from the plaint the necessary facts so that he may admit or deny them. Order 8 provides for the filing of a written statement, the particulars to be contained therein and the manner of doing so; ... These three rules form an integrated code dealing with the manner in which allegations of fact in the plaint should be traversed and the legal consequences flowing from its non-compliance. The written statement must deal specifically with each allegation of fact in the plaint and when a defendant denies any such fact, he must not do so evasively, but answer the point of substance. If his denial of a fact is not specific but evasive, the said fact shall be taken to be admitted. In such an event, the admission itself being proof, no other proof is necessary.”*



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-19-

*29. The matter was further considered by this Court in Lohia Properties (P) Ltd. v. Atmaram Kumar [Lohia Properties (P) Ltd. v. Atmaram Kumar, (1993) 4 SCC 6] after the 1976 Amendment Act in CPC whereby the existing Rule 5 of Order 8CPC was numbered as sub-rule (1) and three more sub-rules were added dealing with different situations where no written statement is filed. In paras 14 and 15 of the aforesaid judgment, the position of law as stated earlier was reiterated. The same are extracted below : (SCC pp. 8-9, paras 14-15)*

*“14. What is stated in the above is, what amounts to admitting a fact on a pleading while Rule 3 Order 8 requires that the defendant must deal specifically with each allegation of fact of which he does not admit the truth.*

*15. Rule 5 provides that every allegation of fact in the plaint, if not denied in the written statement shall be taken to be admitted by the defendant. What this rule says is, that any allegation of fact must either be denied specifically or by a necessary implication or there should be at least a statement that the fact is not admitted. If the plea is not taken in that manner, then the allegation shall be taken to be admitted.”*

19. Considering it from any angle and in light of the specific averment already contained in para No.5 of the short reply by way of an affidavit, I find that the prayer for grant of more time is nothing more than an excuse to avoid the inevitable.



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-20-

20. I have heard learned Counsel appearing on behalf of the respective parties and have gone through the documents available on record.

21. As the judgments passed by this Court dated 04.08.2017 and as reviewed on 30.07.2018 in the matter of Rajesh Kumar (supra) are not a subject matter of dispute and are binding upon the respondents, they were hence obligated to ensure compliance thereof. It is also evident from the undisputed documents on record that with respect to different advertisements and the results prepared, the bio-metric verification is being undertaken by the respondent-Commission, however, no explanation has been put forth as to why the said procedure has not been complied with in the present case of Junior Engineer (Civil) as well. The conduct of respondent –Haryana Staff Selection Commission in selectively applying the mandatory directions given by this Court in its order dated 04.08.2017 modified on 30.07.2018 thus appears to be lacking bona fide. It is also well established from the record that the respondent-Commission is not only fully cognizant and aware of the directions contained but has also implemented the said directions. No explanation, however, has come forth as to what was the basis for deviating from the procedure that was mandated by the judgment of this Court and was to be applied universally with respect to all selection processes being undertaken by the respondent.

22. It is also evident that the Haryana Staff Selection Commission has been filing affidavits before this Court which are contradictory. In the affidavit dated 15.03.2023, extracted earlier, filed in CWP-14519 of 2017, the respondent-Commission has stated that they have undertaken the



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-21-

process of document verification in respect of all the selection processes that have been undertaken, however, in the short reply filed by way of an affidavit, the said process has been ignored completely with respect to the selection process in dispute herein.

23. The respondents conveniently chose to be manipulative about the wording and posing as if verification of the documents and verification of the candidate is one process. While the verification of academic and other documents/undertaking given to establish eligibility and qualification for the post/category, the verification of the identity of the candidate could in no way have been undertaken by the Government.

24. Undisputedly, the respondent-Commission obtained thumb impressions of the candidates at three stages i.e. at the time of submission of application form, secondly on the OMR sheets at the time of examination and thirdly at the time of document verification. All this data pertaining to the process of selection is in the possession of the respondent-Commission and the determination that no imposter appeared in the exam had to be done by the Commission to maintain sanctity of its own selection process. The entire process till declaration of final result being in possession of the Commission, the responsibility to over-see that a truly meritorious candidate appears in the exam is a duty to be discharged by the Commission.

25. Such concealment cannot be said to be an over-sight or failure of comprehension since its awareness by the Commission is established from the other selection processes of the Commission, clearly it was a mischievous attempt on the part of the Commission to deliberately choose



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-22-

misleading words to portray compliance despite being aware that the needful had not been done. It is indicative of the extent to which statutory bodies attempt to distort facts to defeat justice. The Courts generally tend to accept the affidavits filed by responsible officers, at their face value. The instant case, if at all, is an eye-opener that even responsible officers fail to line up to the confidence and trust which Courts repose on them. The Staff Selection Commission is ordained with a statutory task to make recruitment to Group 'C' & Group 'D' services. The marginalized segments of the society more often pin their hope on making it to that genre of posts. The large-scale public trust thus weighs upon such bodies and they are expected to have the strenuous shoulders to carry the burden and a strong spine to overcome external pressures and selfish interests. These constitutional as well as human values are the prime ingredient to ensure that right to equality and equality before law are not just a dead letter but are the soul behind constitutional objectives of equality.

26. Many a times, such faith gets eroded when large-scale malpractices and arbitrariness in action, lack of fairness and transparency are reflected. Officials vested with the responsibility have more often failed to protect the fairness in action or to rise in an hour of challenge.

27. *Prima facie*, the officials in the Haryana Staff Selection Commission are thus guilty of having committed a contempt of this Court and disobeying the specific directions issued, with impunity. Falling compliant by a mere incorporation of such condition, that had been fastened against the Haryana Staff Selection Commission, in the recommendation



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-23-

letter of the selection and to be discharged by the respondent State Government actually amounts to delegation of its own responsibility. Needless to mention that the obligation to carry out the bio-metric verification was not an executive decision but was consequent upon a judicial order. In the absence of any such authority having been conferred upon the Haryana Staff Selection Commission to sub delegate such functions to the State Government, it was never open to the Haryana Staff Selection Commission to wash its hands off from performance of the said obligation by mere incorporation of a clause in the letter of recommendation.

28. The aforesaid non-compliance is thus sufficient unto itself to direct the Commission to recall the final result already declared by them and to undertake the aforesaid exercise of carrying out verification in terms of the mandate as given in the judgment dated 30.07.2018 read with judgment dated 04.08.2017. In the present case, the respondent-Commission has already been directed by a Division Bench of this Court in the matter of ***Neeraj Kumar (supra)*** to carry out the aforesaid process afresh after deleting the benefit of socio-economic criteria and the weightage assigned. It is hence further directed that the aforesaid process of declaration of result shall be preceded by verification of the bio-metric data already collected by the respondents at different stages from the Aadhar to ascertain the identity of the candidates, from the Aadhar, in compliance of the judgment in the matter of ***Rajesh Kumar (Supra)***, before the same is declared. The **writ petitions are accordingly allowed** in above terms.



2025:PHHC:092540

**CWP-12131-2022 and CWP-26949-2022**

-24-

29. Since the facts noticed clearly demonstrate that the respondent Commission has committed a contempt of the orders passed by this Court which is established from the affidavit dated 15.03.2023 filed in the matter of ***Rajesh Kumar (supra)*** and the reply filed in CWP-26949-2022, let a Show Cause Notice as to why contempt of Court proceedings be not initiated against the Haryana Staff Selection Commission. A Show Cause Notice is thus directed to be served upon the Haryana Staff Selection Commission through its Secretary.

30. Let the matter be placed before Hon'ble the Chief Justice to list the contempt matter before an appropriate bench.

(VINOD S. BHARDWAJ)  
JUDGE

**JULY 23, 2025**  
*Vishal Sharma*

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No