



2025:PHC:140790



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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CWP-28252-2025

Date of Decision: 13.10.2025

HARSH RAWAL

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Manjeet Singh, Advocate for the petitioner

Mr. Ashok Kumar Khubbar, Addl. A.G, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of order dated 08.09.2025 whereby his request to allow him to join as Constable has been rejected.

2. The petitioner pursuant to Advertisement dated 28.06.2024 applied for the post of Constable. He appeared and qualified Common Eligibility Test. He underwent physical measurement test. He also cleared physical screening test. He was shortlisted for knowledge test. He claims that due to party faction, nine co-villagers attacked his family. An FIR No.232 dated 26.09.2024, under Sections 115, 126, 190, 191(3) and 351 (2) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS') was registered at Police Station Sanoli, District Panipat against those persons. The Police registered cross FIR (FIR No. 234 dated 28.09.2024 under

Sections 109(1), 115, 190, 191(2), 191(3), 351(2) of BNS) at Police Station Sanoli, District Panipat against petitioner and his family members. Cross FIR was registered after two days of the incident. The petitioner filed *CRM-M-18856-2025* seeking setting aside of FIR No. 234 dated 28.09.2024 on the ground of compromise. This Court vide order dated 19.05.2025 set aside aforesaid FIR on the basis of compromise. The Haryana Staff Selection Commission released list of selected candidates on 17.10.2024. The validity period of list was one year. The jurisdictional police authorities on 11.11.2024 and 20.11.2024 intimated him about his selection and asked to join service. He was in judicial custody, thus, his family members sought extension. He also vide letter dated 07.03.2025 requested for extension. DGP sent his request letter to Superintendent of Police on 16.07.2025 with a direction to consider his case as per Rule 12.18 of Punjab Police Rules, 1934 (as applicable to State of Haryana) (in short 'PPR'). The Superintendent of Police-respondent No.3 has rejected his candidature on the ground that as per Government Instructions dated 13.09.2019, thirty days period is maximum period to join duty in case of fresh appointment. The petitioner despite reminders did not join duty within 30 days from the date of selection. As petitioner did not join within prescribed period, he cannot be permitted to join.

3. Learned State counsel submits that petitioner has not been denied appointment letter on the ground of his arrest or pending FIR whereas he cannot be permitted to join because he did not join within 30 days from the date of intimation. He was asked to join vide letter dated 20.11.2024. His father vide letter dated 07.03.2025 requested for

extension. Government has issued Instructions dated 13.09.2019 with respect to date of joining. As per said Instructions, maximum period to join is 30 days. The petitioner could not join within 30 days and cannot be permitted to join irrespective of any reason beyond 30 days. The respondent is bound by Instructions issued by State Government, thus, petitioner cannot be permitted to join.

4. I have heard learned counsel for the parties and perused the record of the case.

5. From the perusal of record, it is evident that petitioner applied for the post of Constable and qualified Common Eligibility Test. He cleared physical measurement and screening test. He was selected for the post. He came to be implicated in FIR dated 26.09.2024. The selection process concluded on 17.10.2024 i.e. date of declaration of result. He was asked to join vide letter dated 20.11.2024. At that point of time, he was in judicial custody. He was implicated in a cross case. There was fight between villagers belonging to two different political parties. First FIR was registered at the behest of family members of the petitioner and cross case was registered after two days against the petitioner and his family members. As it was case of political rivalry and misunderstanding, matter came to be amicably settled. The petitioner was released on bail vide order dated 01.04.2025 and this Court set aside FIR vide order dated 19.05.2025.

6. Rule 12.18 of PPR adverts to situation arising out of implication of a candidate in a criminal case. Learned State counsel has

conceded that case of petitioner is not covered by any negative situation contemplated by said Rule. He has been denied appointment on the sole ground that he did not join within 30 days from the date of appointment letter. The underpinning of impugned order is Instructions dated 13.09.2019 issued by Under Secretary, General Administration. The Instructions noticed in the impugned order are reproduced as below:-

“2. The matter has been reconsidered by Government and in supersession of all the above instructions, the policy on fixation of minimum and maximum joining time on first or subsequent appointment through HSSC or HPSC or any other approved Recruitment Agency shall be as under:-

- i. In case of fresh appointment of a candidate he may be allowed the maximum period of 30 days to join his new appointment.*
- ii. In case a candidate, who being already in service in a Private or Government Organization/Department, is not able to join within 30 days or for bona-fide reasons, the competent authority may, where the administrative requirements permit, allow suitable extension of time which should not however exceed three months irrespective of duration of validity of waiting list.*
- iii. For women candidates who are declared temporarily unfit on account of being pregnant, the joining time may be extended upto such period as is considered necessary provided not beyond six months from the date of confinement.*
- iv. If a candidate who is covered under (i), (ii) or (iii) above does not join duty within the period specified above, his/her selection made by the HSSC, HPSC or any other approved Recruitment Agency, will be deemed to have been cancelled without any further*

notice. Necessary provision in this regard should be made by the Appointing Authorities at the time of issuance of appointment letter.

- v. *Where the joining time is to be extended in public interest due to short supply of candidates e.g. Doctors, Engineers, etc. the case may be sent to General Administration Department for extension beyond the period specified above.”*

7. The respondent has refused to allow petitioner to join service on the basis of aforesaid instructions. The instructions are not statutory in nature. Rule 12.18 of PPR governs the situation arising out of implication of a candidate in a criminal case. The petitioner's case is not covered by negative covenant of said Rule. It is settled proposition of law that instructions are binding on authorities, however, Courts are not bound by instructions. Rule 12.18(3) of PPR specifically deals with the situation in hand and does not prescribe 30 days period to join. In the absence of statutory provision, the instructions may be treated as directory instead of mandatory besides the fact that departmental instructions are not binding upon Courts. This Court is of the considered opinion that period of 30 days prescribed in the instructions cannot be mechanically applied. The difficulty of the candidate must be considered holistically and pragmatically. The instructions cannot be treated as sacrosanct to deny substantive benefit of appointment. It is well known fact that there is scarcity of job in the country. The petitioner has cleared rigorous selection process, thus, it would not be just and fair to deny him job opportunity on account of procedural lapse/delay.

8. In the wake of above factual position, this Court is of the considered opinion that impugned order deserves to be set aside and accordingly set aside. The respondent is hereby directed to issue appointment letter to the petitioner within two weeks from today and permit him to join subject to compliance of other terms and conditions of the appointment letter.

9. Allowed.

10. Pending application(s), if any, stands disposed of.

(JAGMOHAN BANSAL)
JUDGE

October 13, 2025
Deepak DPA

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No