



# HARYANA VIDYUT PRASARAN NIGAM LIMITED

Regd. Office : Shakti Bhawan, Plot No. C-4, Sector-6, Panchkula 134109

Corporate Identity Number : U40101HR1997SGC033683

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1. The CE/Admn., HVPNL, Panchkula.
2. The CE/IT, HVPNL, Panchkula.
3. The CE/TS, HVPNL, Panchkula.
4. The CE/TS, HVPNL, Hisar.
5. The CE/TS, HVPNL, Gurugram.
6. The CE/Op. DHBVN, Hisar.
7. The CE/Op. DHBVN, Delhi.
8. The CE/Admn., DHBVN, Hisar.
9. The CE/Op., UHBVN, Panchkula.
10. The CE/Op. UHBVN, Rohtak.
11. The CE/Admn., UHBVN, Panchkula.
12. The CE/Admn., HPGCL, Panchkula.

Memo No: 253 / LB-2(146A)

Dated: 26.12.2024

Subject: **CWP No. 13212 of 2021 titled as Manoj Kumar V/s State of Haryana & Ors.**

The aforesaid case came up for hearing on 22.10.2024 and the Hon'ble High Court vide judgment dated 22.10.2024 dismissed the same on the ground that candidate cannot challenge the advertisement and selection list after he himself participated and was not selected. The operative part of the judgment dated 22.10.2024 is reproduced here under:-

"10. Learned counsel for respondent: No.2 to 4 further submitted that even otherwise also the petitioner is not entitled to get any relief from this Court because of the reason that the petitioner after having participated in the selection process and after not being selected has challenged the advertisement and selection, which he cannot do especially in view of the law laid by Hon'ble Supreme Court in State of Uttar Pradesh versus Karunesh Kumar and others, 2022 SCC Online SC 1706, Ashok Kumar and another versus State of Bihar and others, (2017) 4 SCC 357 and Madras Institute of Development Studies and another versus K. Sivasubramaniyan and others, (2016) 1 SCC 454 and rather he is estopped from raising a challenge to the advertisement and the selection at this stage after he has not been selected by filing a writ petition and on this ground as well, the present writ petition is liable to be dismissed.

11. I have heard the learned counsels for the parties.

12. It is a case where the core issue involved is that the petitioner had passed the GATE 2020 examination and he was not a candidate of GATE 2019 examination. The grievance of the petitioner is that since the advertisement is of the year 2020, only those candidates should be considered for the 2020 advertisement who had cleared GATE 2020 examination and not GATE 2019 examination. However, the case of the respondents is that the reason as to why GATE 2019 candidates have also been considered was that the advertisement which was issued in the year 2019 was subsequently cancelled and in case those students who passed GATE 2019 examination are not considered, then it will prejudice the rights of hundreds of those students being taken out of the zone of consideration. One of the arguments which has also been raised by the learned Senior Counsel appearing on behalf of the petitioner was to make a bifurcation of 6:6 posts.

17. So far as the argument raised by the learned Senior Counsel appearing on behalf of the petitioner that two GATE examinations cannot be considered together is concerned, this Court would not go into the aforesaid issue in view of the fact that the present writ petition itself is not maintainable because the petitioner has challenged the advertisement and the selection after he himself participated in the selection process.

18. Even otherwise also, this Court after considering the law laid by Hon'ble Supreme Court is of the considered view that once the petitioner has himself participated in a selection process and was not selected, then he cannot turn around

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*and challenge the whole selection process and file a writ petition. In this regard also the present writ petition is not even maintainable and not sustainable.*

*19. Consequently, the present writ petition being devoid of any merit, is hereby dismissed."*

It is important judgment on issue that when the candidate himself participated in the selection process and was not selected then he cannot challenge the whole selection process. It is therefore, requested to circulate the judgment amongst the subordinate offices under your control for disposal of similarly situated case by placing reliance on the aforesaid judgment. A copy of judgment dated 22.10.2024 is enclosed herewith for ready reference.

DA/As above

*Rabin*  
ALO,

For O/o L.R. HPU, Panchkula

CC:-

1. The S.E./XEN/IT, UHBVN, HVPNL, HPGCL, DHBVN, Panchkula/Hisar are requested to upload the judgment dated 22.10.2024 on the website of their utility.
2. The Under Secy./GA, UHBVN, Panchkula.
3. Dy. District Attorney-I, HVPNL, Panchkula.
4. Dy. District Attorney-II, HVPNL, Panchkula.
5. Aman Dhiman, Legal Consultant, UHBVN, Panchkula.
6. Legal Consultant, HVPNL, Panchkula.
7. Legal Consultant, HPGCL, Panchkula.
8. Law Officer, HVPNL, Panchkula.
9. Law Officer, DHBVNL, Panchkula.
10. Law Officer, UHBVNL, Panchkula.
11. ALO-1 UHBVN, Panchkula.
12. ALO-2, UHBVN, Panchkula.
13. ALO-3, UHBVN, Panchkula.