



LPA-1032-2026 (O&M) -1-

2026:PHHC:062520-DB



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

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**LPA-1032-2026 (O&M)
Date of decision: 23.04.2026**

BIRENDRA SINGH RAWAT

...APPELLANT

VERSUS

STATE OF PUNJAB AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present: Mr. Naveen S. Bhardwaj, Advocate,
Mr. Kishore Bhardwaj, Advocate and
Mr. Lokendra Singh, Advocate for the appellant.

Ms. Arundhati Kulshreshtha, AAG, Punjab.

JASGURPREET SINGH PURI, J. (Oral)

1. The present intra-court appeal has been filed by the appellant assailing the judgment dated 06.11.2025 passed by the learned Single Judge in CWP-20952-2025.

2. Learned counsel appearing on behalf of the appellant submitted that the appellant had applied for the post of Member of Punjab Human Rights Commission in pursuance of advertisement No.DPR/PB/18140 dated 29.10.2022 (Annexure P-1) and he applied for the same on 11.01.2023 (Annexure P-2). The aforesaid post of Member is governed by the Protection of Human Rights Act, 1993. Section 21 of the aforesaid Act provides for the constitution of the State Human Rights Commission and as per Clause 21(2)(c) one member is to be appointed



from amongst the persons having knowledge or practical experience in matters relating to human rights. Section 22 provides for the process of appointment of Chairperson and Members of the State Commission and further provides that the Chairperson and the Members shall be appointed by the Governor by warrant under his hand and seal on the basis of a Selection Committee.

3. Mr. Bhardwaj submitted that as per the aforesaid provisions, the competent authority is the Governor and the appointment is to be made after obtaining the recommendation of a Committee as provided in the aforesaid Section 22 itself. In pursuance thereof, a Selection Committee was constituted and the appellant was recommended by the said Selection Committee on 11.01.2024. No further process was undertaken. However, the respondents issued a fresh advertisement No.DPR/PB/2668/12/2025-26/657 vide Annexure P-7 on 28.06.2025 without any formal orders being passed by the competent authority. In the aforesaid second advertisement, which was under challenge in the writ petition, the process was initiated, in which the appellant did not participate. During the course of pleadings before the learned Single Judge, there was an interim order with regard to the further processing of the advertisement. At the time when the writ petition was filed, the respondents-State on the first date of hearing had supplied one letter and order to the Court as well as to the counsel of the appellant and the same were thereafter appended with the writ petition as Annexures P-8 and P-9. Annexure P-8 is a communication letter dated 26.09.2024, which was issued by the Governor's Secretariat Punjab Raj Bhavan, Chandigarh to



the Special Chief Secretary to Chief Minister, Punjab, stating that the file pertaining to the appointment of Member (Non Judicial), Punjab State Human Rights Commission, is being returned. Annexure P-9 is an order passed by the Chief Minister of Punjab with regard to the appointment of a Member (Non Judicial) to the effect that the matter has not been factified and that it has been so decided that the process of appointment of Member (Non Judicial) in the Punjab State Human Rights Commission may be initiated *de novo* and therefore, advertisement in this regard may be given in the leading newspapers immediately.

4. Learned counsel for the appellant submitted that the aforesaid action of the competent authority of the Governor's Secretariat in returning the recommendation of the Selection Committee were not in accordance with law because it was not a case of rejection of the candidature of the appellant and it also quoted the language of the aforesaid communication Annexure P-8 to show that it states "as desired", and therefore, the action of the competent authority is also not in accordance with law. He further submitted that there was no formal order passed rejecting the candidature of the appellant and therefore, no new advertisement should have been issued. He relied upon a judgment passed by Hon'ble Supreme Court in **R. S. Mittal Vs. Union of India, 1995(3) SCT 284** and contends that once the Selection Committee had recommended the name of the appellant, no fresh advertisement should have been issued during the pendency of the aforesaid recommendation and this judgment although referred before the learned Single Judge was not considered in a proper perspective and therefore, the impugned



judgment is liable to be set aside.

5. Learned counsel for the appellant submitted that after the dismissal of the writ petition, appointment of Member (Non Judicial) in the Punjab State Human Rights Commission has now been made on 24.11.2025 in pursuance to the fresh advertisement, which was under challenge before the learned Single Judge and because of this reason, the appellant has moved a separate application under Order 1 Rule 10 of CPC in the present appeal for impleading the duly selected candidate.

6. On the other hand, learned Assistant Advocate General, Punjab (AAG) submitted that it is factually correct that after the dismissal of the writ petition filed by the appellant, the vacancy has already been filled on 24.11.2025 and one Sh. Jitender Singh Shunty has been appointed as a Member (Non Judicial) in the Punjab State Human Rights Commission and therefore, the present appeal itself would become redundant and otherwise also academic in nature and on this ground, this appeal is liable to be dismissed.

7. Learned State Counsel submitted that the judgment passed by the learned Single Judge is a well reasoned judgment. She submitted that the grievance of the appellant before the learned Single Judge was with regard to the action of the respondents in not appointing him as a Member (Non Judicial) in pursuance of the earlier advertisement dated 29.10.2022 but at the very first instance, the respondent-State had submitted the copy of the letter dated 26.09.2024 (Annexure P-8) passed by the Governor's Secretariat as well as the copy of order dated 27.06.2025 (Annexure P-9) passed by the Chief Minister, Punjab, whereby, it was so decided that the



process of appointment be initiated *de novo* for issuance of this advertisement. She further submitted that the appellant although being supplied with the aforesaid two documents appended with the reply as Annexure R-1 and Annexure R-2 i.e. Annexures P-8 and P-9, respectively, but he never challenged the same. In the absence of challenge to the aforesaid orders which were passed, no such relief could have been granted to the appellant and therefore, on this ground also the present appeal is liable to be dismissed.

8. We have heard learned counsels for the parties.

9. The issue involved in the present appeal is as to whether it was incumbent upon the competent authority, who has accepted the recommendation of the Selection Committee and whether in the absence of a challenge to the communication sent by the Governor's Secretariat to the State through the Chief Minister for initiating the process *de novo* by issuing a fresh advertisement, any relief could have been granted to the appellant.

10. The appellant had applied for the aforesaid post of Member (Non Judicial) in the Punjab State Human Rights Commission only in pursuance of the advertisement dated 29.10.2022 and admittedly, he was recommended by the Selection Committee constituted under Section 22 of the aforesaid Act on 11.01.2024. The aforesaid was only recommendation which was made by the Selection Committee but the competent authority was the Governor of Punjab who was to appoint him as per the provision of sub-section (1) of Section 22 of the Act. However, vide Annexure P-8 the Governor had returned the same to the State of



Punjab on 26.09.2024. It was thereafter that the State of Punjab decided to start the process *de novo* and to issue a fresh advertisement in the leading newspapers. The aforesaid two documents which are vital i.e. Annexures P-8 and P-9 (which were appended with the reply to the writ petition as Annexures R-1 and R2) are reproduced as under:-

“Annexure P-8

***Subject:- Appointment of Member (Non Judicial)
Punjab State Human Rights Commission.***

Kindly refer to the subject cited above.

2. *As desired, the file no. 3/6/2013-3PB2(PF2) of Department of Home Affairs and Justice, Punjab regarding appointment of Member (Non-Judicial) Punjab State Human Rights Commission received through Chief Minister office diary no. 163, dated 11.01.2024, is being return herewith.*

*Sd/-
Under Secretary”*

“Annexure P-9

***Subject: Appointment of Member (Non Judicial) in
the Punjab State Human Rights Commission.***

As the matter has not been factified, so it has been decided that the process of appointment of Member (Non-Judicial) in the Punjab State Human Rights Commission may be Initiated de novo. So, the advertisement in this respect may be given in the leading newspapers immediately.

*Sd/-
Chief Minister”*

11. It is undisputed that the aforesaid documents were part of the reply as Annexures R-1 and R-2 filed by the State before the learned



Single Judge and the same were also appended by the appellant along with writ petition itself as Annexures P-8 and P-9, respectively. However, the appellant never chose to challenge the aforesaid documents i.e. the communication and the decision taken by the State of Punjab for initiating the proceedings *de novo* by advertising the same. It was an argument raised by learned counsel for the appellant that the action of the respondent-State was not in accordance with law because the appellant despite being recommended could not have been declined the appointment by the competent authority. However, the appellant never chose to challenge the action which was taken either vide Annexure P-8 or Annexure P-9. Furthermore, in the fresh advertisement which was issued in pursuance of Annexure P-9, the appellant admittedly did not participate in the selection process. Therefore, we are of the considered view that even otherwise, the entire matter has now become academic in nature since the post has been filled up by another person, namely, Jitender Singh Shunty and therefore, no interference can be made in the appellate jurisdiction.

12. The reliance placed by the learned counsel for the appellant on the judgment passed by Hon'ble Supreme Court in **R. S. Mittal's case (supra)** is misplaced because in the present case the recommendation which was made by the competent authority was returned back and in pursuance thereof, a fresh advertisement was issued on the basis of the conscious decision taken by the State of Punjab and the post is already filled up now.

13. In view of the above, we are of the considered view that in



the absence of any challenge to the aforesaid documents, no such relief could have been granted to the appellant before the learned Single Judge.

14. Not only this, after the dismissal of the writ petition, the aforesaid post of Member (Non Judicial) has already been filled up on 24.11.2025. It is a different matter that in the present appeal the appellant has moved a separate application under Order 1 Rule 10 of CPC for impleading the selected candidate but the same cannot be permitted in the appellate jurisdiction.

15. Consequently, we are of the considered view that the present appeal is devoid of any merit and the same is hereby dismissed.

16. Pending miscellaneous application(s), if any, shall also stand disposed of.

(JASGURPREET SINGH PURI)
JUDGE

(YASHVIR SINGH RATHOR)
JUDGE

23.04.2026
Vishal Vardhan

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