

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

CWP No.12089 of 2015  
Date of decision: 15.07.2015

Gurmail Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN PALLI**

Present: Mr. LS Sidhu, Advocate for the petitioner.

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1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

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**ARUN PALLI J.** (Oral)

A writ in the nature of mandamus is prayed for, so as to direct respondents No.1 & 2, to select the petitioner as Vocational Master (Electrical) in the category; SC (M&B) being higher in merit than respondents No.3 & 4. In the year 2009, Punjab Government advertised 7654 posts of teachers including 86 posts of Vocational Teacher (Electrical). Petitioner, who purports to be fully eligible, applied for the post of Vocational Teacher (Electrical) being Scheduled Castes candidate (Majbi Sikh). In the list of SC category, issued by the department, name of petitioner was reflected at serial No.22 and the registration number assigned to him was 30014049. On 07.12.2010, the petitioner was called for verification of relevant documents/certificates at Mohali. In

the representation dated 26.12.2014 (Annexure P9), petitioner concedes that his name was reflected in the list of ineligible candidates that was uploaded on the website of the department. Though, no date is mentioned in the petition as to when this information was uploaded by the department and noticed by the petitioner. However, learned counsel for the petitioner, on instructions, submits that the petitioner had acquired knowledge as regards his ineligibility in the year 2011. Fact remains, despite having known that he was no longer in the zone of consideration being eligible, he chose to remain silent for a period of four years. Subsequently, in response to the information sought by the petitioner, he was informed by the department, vide letter dated 21.01.2015, that as he had not attached the requisite domicile certificate, he was declared ineligible. Admittedly, the petitioner did not append his domicile certificate along with his application form and that is how, vide representation dated 26.12.2014 (Annexure P9), he requested the authorities to re-consider his candidature as he was now sending the attested copy of the said certificate. Ex facie, the cause of action had accrued to the petitioner in the year 2010 and at best in the year 2011, once he was declared ineligible and his name was shown in the list of ineligible candidates that was uploaded by the department on its website. A period of four years has gone by. Thus, the petition in hand suffers from gross, inordinate and

unexplained delay. Subsequent information that was provided to the petitioner by the department in January 2015 would not extend the cause of action as he always knew, since 2011, that he had already been pronounced ineligible. That being so, no interference in the extraordinary jurisdiction, under Article 226 of the Constitution of India, is warranted. Petition is dismissed in limine being barred by delay and laches.

July 15 2015  
Rajan

**( Arun Palli )**  
**Judge**