

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

CWP No.13182 of 2014
Date of decision: 22.07.2015

Satvinder Kumar

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Vinod Kumar, Advocate for the petitioner.

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?

ARUN PALLI J. (Oral)

A writ in the nature of certiorari is prayed for, so as to quash the action of the respondents for not selecting the petitioner for the post of Math master despite being eligible. And a direction is also sought to the respondents to consider and appoint the petitioner against the said post in the Backward Class category.

Pursuant to an advertisement No.2/October, 2006, respondent No.2 invited applications to fill up various posts of Masters/Mistress in varied subjects including Math master. Petitioner being eligible purports to have applied and competed. He was assigned registration No.7412 under BC Category. Purportedly, petitioner secured 65.67% marks. However, in the final merit list published by the respondents of the eligible candidates, for appointment as

Masters/Mistress in Maths on 28.11.2006, the name of the petitioner was not reflected. Petitioner, post declaration of result allege to have represented to the respondents on 28.11.2006 through an email for verification of the documents and to rectify the mistake, if any, at the end of the respondents. The said email was purportedly responded to by the respondents and the petitioner was conveyed to wait the final communication. But nothing was ever conveyed to the petitioner. So much so, petitioner again sent another email to the respondents on 04.12.2006, but that too evoked no response. Since December, 2006, for a period of 6 long years, the petitioner chose to remain quiet, where after he purports to have served a legal notice dated 30.08.2012 (Annexure P6). Neither did he represent to the respondents nor availed the remedies admissible to him in law. Thus, the cause of action had accrued to the petitioner on 28.11.2006 when the final merit list was published and his name was not reflected in the list of eligible candidates for appointment. Or in any case when the respondents never responded to his representation dated 04.12.2006. Needless to assert, after over six years, even an ordinary civil suit, under the general common law, would have been barred by time. Thus, a notice served by the petitioner on 30.08.2012 (Annexure P6) was hardly of any consequence, and, in fact was an attempt to revive the old, stale and a settled claim, which in any case had become

barred by time. Further, notice dated 30.08.2012 was responded to by the Director, C-DAC, vide letter dated 24.09.2012 (Annexure P7) and it was clarified that the role of C-DAC was only to prepare the provisional merit list on the basis of the online data filled by the candidates. And the scrutiny of the documents, rejection, selection and issuance of appointment letters was done by the Department of DPI(s) i.e. appointing authority. Even post this letter in September, 2012, the petitioner chose to remain silent for almost two years and then filed this petition in July, 2014. Petition in hand suffers from gross, inordinate and unexplained delay. And is speculative in nature.

That being so, no interference is warranted under Article 226 of the Constitution of India. Petition is dismissed being barred by delay and laches.

July 22, 2015
Rajan

(Arun Palli)
Judge