
IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Civil Writ Petition No.22423 of 2011

Date of decision: 26.11.2015

Harpreet Kaur

...Petitioner

Versus

Govt. of Punjab and others

...Respondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA

Present: Mr. Abhishek Sharma, Advocate for the petitioner.

Mr. L.S.Virk, Addl. Advocate General, Punjab for
the respondents.

G.S.SANDHAWALIA, J. (Oral)

The present writ petition has been filed for seeking appointment on the basis of merit list of the freedom fighter category and that the petitioner being higher in merit has been ignored having secured 59.78 marks.

The State in its reply has categorical submitted that in pursuance of the advertisement dated 23.9.2009, seven posts for the category of freedom fighter were advertised. The list was prepared and the petitioner did not attend the counselling which was held on 16.7.2010 for the post of Hindi Mistress. Reference has been made to Annexure R/3 to show that there was a clause that any candidate who did not appear on the date would forfeit of his/her claim. Relevant clause reads as under:-

“Failure of any candidate to report personally with all complete original certificates/documents shall lead to forfeiture of his/her claim. The candidate must also bring the registration form (last edited, if any) affixed with recent passport size photograph duly attested.”

The said averment has not been denied by filing replication by the petitioner. Even otherwise, it would be clear that the petitioner did not at that stage represent against her non consideration or that she was not allowed to appear on 16.7.2010. The representation which has now been attached as Annexure P/5 is more than a year later on 6.10.2011. It is thus apparent that the petitioner could not at a belated stage turn around and say that she was not considered. If she had not been considered at initial

stage, she would have rushed to this Court in the year 2010 or her representation would have been submitted immediately thereafter.

In such circumstances though the petitioner was higher in merit but on account of her non appearance in the counselling, she was not considered. Accordingly, there is no scope for interference in exercise of jurisdiction under Article 226 of the Constitution of India.

The present writ petition is thus dismissed.

November 26, 2015
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(G.S.SANDHAWALIA)
Judge