

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No.21935 of 2015
Date of Decision: 19.10.2015

Gurinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.K. Sharma Budhladawale, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

1. This petition has been filed under Articles 226 & 227 of the Constitution for a direction to the respondents to consider offering an appointment to the petitioner as a Constable in Punjab Police against the recruitment process 2010-11 to fill up the advertised vacancies by direct recruitment arising in District Tarn Taran. His grievance is that when his height was measured in the test of physical standards in the run up for selection and appointment his height was measured by the selectors at 6'-½" whereas he claims that his true height is 6'-2" and in terms of the criteria laid down in the advertisement awarding higher marks for taller height in a graded manner which is reflected in Annexures P-3/A and P-3/B he would have scored a few more points which might have improved his merit in the waiting list. Indisputable, the petitioner did not make it on merit amongst the advertised vacancies.

2. The petitioner's name is mentioned in the waiting list at Sr. No.4 where his height is recorded as 6'0.5". The date of publishing the select list/waiting list is not recorded in Annexure P-11 which is a list of selected candidates of all categories and the wait list. Nor is the date reflected in the text of the writ petition to measure delay in approaching court.

3. It is Mr. S.K. Sharma Budhladawale's contention that the first three candidates in the waiting list have secured appointment but the dates of their appointment are not known. The list of selected candidates Annexure P-11 has been obtained according to the petitioner through RTI Act, 2005. If the petitioner made an application under RTI Act on February 23, 2015 he made no effort to seek information with respect to the dates of appointment of the first three candidates in the waiting list as constables from the recruitment process 2010-11.

4. It is the petitioner's say that appointment was offered to the first three candidates in a clandestine manner. Even if that is so, no facts have been pleaded in the petition to ignite the jurisdiction of this Court at a distance of more than four years of the direct recruitment process and with the passage of time the claim of the petitioner has become stale and therefore the petition suffers from the vice of delay and laches in approaching the Court belatedly. If the only dispute was with respect to the height of the petitioner it could easily have been resolved well in time had the petitioner taken effective steps for redressing his grievance either before the superior authorities in the police department or by recourse to law. In direct recruitment appointments cannot brook delay as that would be against public interest and would defeat the very purpose of recruitment and in any

case, a waiting list cannot be operated after the passage of four years. It is trite law that a waiting list is not a source of recruitment and it can be operated only when a selected candidate does not accept the offer of appointment and leaves an unfilled vacancy otherwise a waiting list has no value and most certainly not after a lapse of 4 years when the recruitment process has become a dead ball.

5. No merit. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

19.10.2015
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