

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

CWP No.25477 of 2015(O&M)

Date of Decision: **December 08, 2015**

Jasvir Suhag

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

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Present: - Mr.Vikas Kumar, Advocate
for the petitioner.

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HARINDER SINGH SIDHU, J.

The Rohtak Central Co-operative Bank Limited – respondent No.4 had issued an advertisement dated 26.6.2003 inviting applications for recruitment to the posts of Senior Accountant, Clerk/Cashier, Steno-typist,etc. in the respondent Bank. The petitioner applied for the post of Steno-typist and he appeared in the written examination conducted on 28.11.2004. He was successful in the written examination and was called for interview vide letter dated 16.12.2004 (Annexure P-1). He appeared for the interview on 24.12.2004, but the result of the said interview was not declared in view of the model code of conduct imposed by the Election Commission of India in view of commencement of election process for 11th Vidhan Sabha in the State of Haryana.

Some candidates, like the petitioner, who had participated in the selection process and had appeared in the interview filed CWP No.14530 of 2005 titled 'Vinita Sharma and others vs. State of Haryana and others' seeking directions for declaration of result and a Division Bench of this Court vide order dated 27.11.2006 admitted the petition for final hearing and directed that the posts in question shall not be re-advertised till further orders. The said writ petition has not been disposed of and still pending adjudication. Vide order dated 29.10.2014, the order dated 27.11.2006 was modified and it was directed that five posts shall remain reserved and all other posts shall stand liberated from the order dated 27.11.2006.

The petitioner was not a party in the above referred writ petition and has filed the instant writ petition seeking directions to the respondents to declare the result of the posts of Steno-typist.

It is contended that the petitioner was under a bonafide belief that as vide order dated 27.11.2006, the respondents had been restrained from re-advertising the posts till further orders, the petitioner would get benefit of any order passed in the said writ petition on the ground of parity. It is only after he learnt that the said interim order has been modified on 29.10.2014 and the direction against re-advertisement was limited to only the petitioners, who were five in number, that he realised that the order would not be applicable for him and, accordingly, he has filed the present petition.

Having heard Learned counsel for the petitioner, I am of

the view that it is too late in the day to entertain this petition.

The posts were advertised in the year 2003 and interviews were conducted in the year 2004. Thereafter, similarly situated candidates approached this Court by filing CWP No.14530 of 2005, mentioned above. The petitioner appears to be aware of the pendency of the said writ petition, but did not choose to get himself impleaded in the writ petition. Meanwhile, the interim order dated 27.11.2006 passed in CWP NO.14530 of 2005 was modified on 29.10.2014, in the manner, as referred to above. It was open to the petitioner to get himself impleaded in the said writ petition and plead against the order of modification.

In the above facts, in my opinion, no right would accrue to the petitioner after about 10 years of the interview, to seek a direction for declaration of the result. Judicial notice can also be taken of the fact that during the intervening period lakhs of other aspirants may have become eligible for those posts, which remained unfilled for over a decade and they cannot be denied a right to compete for the same.

Hence, finding no merit in the claim of the petitioner, the writ petition is dismissed in limine.

December 08, 2015

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**(HARINDER SINGH SIDHU)
JUDGE**