

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 2916 of 2015
Date of decision: March 17, 2015

Girraj Singh

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Jagdish Manchanda, Advocate
for the petitioner.

Amit Rawal, J (oral).

The challenge in the present writ petition is to the Order dated 22.7.2009 (Annexure P-5) whereby the petitioner has not been selected to the post of Assistant Engineer (Civil). The petitioner has pleaded that he is a superior candidate as having secured 189 marks whereas the selected candidates have secured lesser marks in the written examination. The petitioner is stated to have secured an information under the Right To Information Act, 2005 vide (Annexure P-16) in September, 2009 and approached this Court vide CWP No. 694 of 2010 which was ordered to be dismissed as withdrawn vide order dated 18.1.2010 as the petitioner had not obtained the complete information under the Right to Information Act, 2005 vide Annexure P-21 on 21.2.2013. The information sought vide Annexure P-16 had only been in respect of marks obtained by different categories of candidates. The petitioner

had not sought the details of break up of the marks. The petitioner again applied for the information under the Right to Information Act, 2005 vide Annexure P-22 and same has been supplied on 7.3.2014.

Learned counsel appearing on behalf of the petitioner has contended that from the perusal of the information supplied vide Annexure P-22 the candidates selected under the BC category have obtained lesser marks in the written examination whereas obtained higher marks in viva voce. The petitioner has obtained more marks in the written examination i.e. 172 marks and 17 marks in viva voce.

However, in order to lend support to the aforementioned argument that the petitioner is more meritorious than the selected candidates, no comparison chart or record has been annexed or extracted in the writ petition, the aforementioned information has still not been obtained by the petitioner, therefore the same obviously been not pleaded in the writ petition.

At this stage, learned counsel for the petitioner has made a statement that the petitioner may be given liberty to withdraw the writ petition with liberty to file a fresh after obtaining information with regard to the aforementioned observations.

The statement of the learned counsel made on behalf of the petitioner appears to be innocuous but this Court cannot remain oblivious to the fact that 2009 appointment has been challenged in the year 2015 and prima facie the writ petition would be hit by the doctrine of delay and laches yet this Court would not come in the way of the petitioner in seeking the liberty to withdraw the writ

petition.

The writ petition is ordered to be withdrawn with liberty to file a fresh in case the petitioner is able to obtain better information and plead the same.

(AMIT RAWAL)
JUDGE

March 17, 2015
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