

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

CWP No.3968 of 2015

Date of decision: 13.03.2015

Balraj Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Ms. Gurleen Dhanoa, Advocate for
Mr. Sarabjit Singh Khaira, 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)

Writ in the nature of mandamus is prayed for, directing the respondents to call the petitioner for counselling for selection to the post of Library Restorer and thereafter, the petitioner be appointed as such.

It is averred that 281 posts of Library Restorer were advertised vide advertisement dated 23.09.2009 (Annexure P1). In response, petitioner applied for the post of Library Restorer (Non Teaching Staff) in the category of Ex-Servicemen BC. It is maintained that in the provisional list, Annexure P3, of the eligible candidates, that was published by the respondents, for calling the candidates for counselling, petitioner was placed at serial No.50. Further, dates i.e. 08.05.2010 & 10.05.2010, for counseling, were notified vide

an advertisement dated 21.04.2010 (Annexure P4). The case set out in the petition is that candidates from serial No.1 to 12 in the provisional list were called in the first counselling, that was slated to take place on 08.05.2010. This is also conceded that candidates from serial No.13 to 24 only were called for second counselling. As averred in the petition, petitioner was never called to participate in the counselling and understandably so. Concededly, petitioner was placed at serial No.50 in the provisional list and even the candidates above the petitioner i.e. from serial No.25 to 49 were also never called. It is also not the case of the petitioner that any candidate, who was below in order of merit than the petitioner, was called for counselling and his candidature was considered. Concededly, having not been called for counselling, petitioner never expressed his grievance vide any representation or otherwise, to the respondents. Ex facie, the instant petition has been instituted after a gross and inordinate delay of almost five years and that by itself is sufficient to dismiss the petition.

In the wake of the position, as set out above, the petition is not only inchoate but also devoid of merit. No case is made out to interfere in the exercise of power under Article 226 of the Constitution of India.

Dismissed in limine.

March 13, 2015
Rajan

(Arun Palli)
Judge

