

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 5912 of 2015(O&M)
Date of decision : June 30, 2015

Rajesh Kumari

..... Petitioner

Versus

State of Haryana and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Ravinder Bhangar, 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?

Amit Rawal, J (oral).
CM No. 7624 of 2015

C.M.is allowed.

Additional affidavit taken on record.

CWP No. 5912 of 2015

This case has come up for preliminary hearing on 31.3.2015 wherein this Court adjourned the matter on the request of the counsel to explain why the petition be not dismissed on ground of delay and laches.

Today an application has been filed for taking on record the additional affidavit wherein it has been mentioned that the petitioner had submitted an application for seeking information under RTI Act vide S.No.578 dated 18.12.2013. Though, copy of the application has not been annexed, but fact remains application was

also submitted after three years of the circulation of the selection list dated 9.9.2010.

The grievance of the petitioner in the present petition is for quashing of the criteria of selection (Annexure P-3) whereby State had appointed Anganwari workers in Village Baraut and as well as for appropriate directions to allow the petitioner to join at the post of Anganwari Worker during the first interview dated 24.9.2010 on the premise that the petitioner had obtained second division securing 52.83% marks in 10th Class and 57.60% marks in 12th class whereas respondent No.7 had obtained third division with 41.50% marks. The petitioner is stated to have made representation dated 7.7.2011, which according to him has not been decided so far.

Be that as it may, the fact remains that the life of waiting list is valid only for a period of one year. The petitioner has not given any explanation nor any attempt has been made to explain the delay and laches by placing on record additional affidavit stating therein that the petitioner has sought information under RTI on 18.12.2013 and thereafter on 28.5.2014.

Since the petitioner has already participated in the selection process and at this belated stage cannot be permitted to challenge the selection and seek appointment in view of the law laid down by the Hon'ble Supreme Court in **Madan Lal and others Vs. State of Jammu and Kashmir, 1995 (2) SCT 880** inasmuch as the result of interview test on merits cannot be challenged by a candidate who takes a chance to get selected at the said interview and who ultimately find himself to be unsuccessful.

It is a settled proposition of law as has been held in **Madan Lal's case (supra)** that the Court cannot sit as a Court of appeal and try to reassess the relative merits of the concerned candidates, who had been assessed at oral interview nor can the petitioners successfully urge before this Court that they were given less marks, through their performance was better.

The fact remains that the waiting list had expired much earlier and the petitioner slept over the matter over a period of four years and much water has flown during this period. Thus, the present writ petition has no merit as it would be hit by the doctrine akin to delay and laches.

Accordingly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

June 30 , 2015
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