

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (S) No. 299 of 2011**

Rajendra Singh Mahesh S/o Shri Mandun Singh aged about 43 years R/o village Kenutola P.O. Semarkachar Tehsil and P.S. Kansabel District Jashpur Chhattisgarh.

---- Petitioner**Versus**

1. State of Chhattisgarh through Secretary Department of Panchayat and Rural Development D.K.S. Bhawan Mantralaya Raipur Chhattisgarh.
2. Zila Panchayat through Chief Executive Officer Jashpur District Jashpur Chhattisgarh

---- Respondents

For Petitioner	: Shri Pawan Shrivastava, Advocate.
For Respondents	: Shri Yashwant Singh Thakur, Deputy Advocate General.

Hon'ble Shri Navin Sinha, Chief Justice**Order on Board****25/02/2016**

1. Heard Learned Counsel for the Petitioner and the State.
2. Admitted facts which emerge are that the Respondents published an advertisement on 11.1.2008 for appointment on the post of Shiksha Karmi Grade-II. The Petitioner who belongs to Other Backward Category applied in response to the same expecting age relaxation *inter alia* on the ground that he was entitled to an additional benefit of two years under a Circular dated 2.6.2008 apart from general five years relaxation to the Reserved Category. He was called for counselling as early as June-July, 2008 and became aware that he was not to be granted the benefit of age relaxation as claimed.

3. The submission of the Petitioner that he represented thereafter does not appeal to the Court. In service matters especially relating to appointment, there is always an urgency and the aggrieved must approach the Court in due time before third party rights accrue by appointment. If the Petitioner could have represented but filed the present writ petition only in December, 2010, there has to be some explanation why he did not approach the Court in due time. It has been held repeatedly that mere filing of representations is not sufficient explanation for delay unless a legal remedy was being pursued.

4. Learned Counsel for the State informs that after the advertisement dated 11.1.2008 there have been two subsequent recruitments also by separate advertisements.

5. In the facts and circumstances of the case, the Petitioner has only himself to blame for not having approached the Court in time.

6. The writ petition is dismissed on grounds of delay and laches.

Sd/-
(Navin Sinha)
CHIEF JUSTICE