

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

**CWP No.10701 of 2016
Date of decision: 26.5.2016**

Bhupinder Singh & ors.

... Petitioners

Versus

State of Punjab & ors.

... Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Parvesh Saini, Advocate,
for the petitioners.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

This petition is not maintainable against a cause of action relating back to the year 2006 when the advertisement was issued inviting applications for direct recruitment against vacancies in various categories of posts in the Punjab Education Department, including 175 posts of PTIs. The petitioner has not approached this Court earlier and therefore, cannot take advantage of orders passed in other cases in view of direction (2) in the Supreme Court judgment in State of Uttar Pradesh & ors. v. Arvind Kumar Srivastva & ors., 2015(1) SCC 347. The petition suffers not only from inordinate delay but unexplained laches. The petitioner is best described as a fence sitter. If the selection process initiated in 2006 concluded in 2012 even then the petition suffers from delay and laches when filed in 2016. If the petitioner had brought a suit in a civil court on the same cause of action, it would be barred by limitation. Where the bar of limitation has come into operation, the writ court would refuse to issue mandamus in view of the

law laid down by the Constitution Bench of the Supreme Court in State of Madhya Pradesh v. Bhailal Bhai, AIR 1964 SC 1006. For these reasons the petition fails and is hereby dismissed.

(RAJIV NARAIN RAINA)
JUDGE

26.5.2016
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