

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

**CWP No.16793 of 2013
Date of decision:17.3.2016**

Ravinder Kumar

... Petitioner

Versus

State of Punjab & ors.

... Respondents

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

Present: Mr. Parveen Kumar Garg, Advocate,
for the petitioner.

Mr. Inqulab Nagpal, AAG, Punjab.

Mr. Anupam Singla, Advocate,
for respondent No.2.

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

RAJIV NARAIN RAINA, J.(Oral)

Against denial of appointment in a recruitment process initiated and concluded in the year 2005, the petitioner filed a civil suit on October 31, 2006 challenging the selection which was decided on September 19, 2011 against the petitioner then by applying the doctrine of election of remedies his further remedy would lie before the civil court in its hierarchy as an available alternative remedy which is equally efficacious. If that remedy fails or succeeds, the injured party should not be allowed to change of track by resort to writ jurisdiction which is not a regular but an extraordinary and discretionary remedy provided by Article 226 of the Constitution for breach of fundamental rights etc. Failing in one remedy taken recourse to and then opting for another one is

indicative of forum shopping.

Hence, I am not inclined to exercise discretionary jurisdiction in favour of the petitioner so long he is not left without a remedy and when one which is a wholesome one is available elsewhere in the civil court.

Dismissed with the liberty.

(RAJIV NARAIN RAINA)

JUDGE

17.3.2016

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