

In the High Court of Punjab and Haryana at Chandigarh

**Civil Writ Petition No. 17400 of 2013
Date of Decision: 21.3.2016.**

Sushil Kumar

.....Petitioner

Versus

Union of India and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sushil Kamboj, Advocate
for the petitioner.

None for respondent No. 1.

Mr. Anand Chibber, Senior Advocate with
Ms. Riya Bansal, Advocate
for respondents No. 2 to 4.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of mandamus directing the respondents to appoint the petitioner on the post of Junior Accounts Clerk.

Case of the petitioner, in brief, is that respondent corporation had invited applications for the post of Junior Accounts Clerk. Petitioner being eligible had applied for the post of Junior Accounts Clerk in the category of Other Backward Class ('OBC' for short). Petitioner appeared in the written examination on 8.12.1996 and appeared for the interview on 9.12.1996. Petitioner submitted the photocopy of his degree as required by the corporation on 12.12.1996. However, petitioner was not issued the appointment letter. Petitioner had been submitting representations to the

respondent corporation from time to time but no action was taken on the said representations. Thereafter, petitioner sought information under the Right to Information Act, 2005 and came to know on 12.1.2013 that his name was duly mentioned in the selected list of candidates. However, petitioner was not issued the appointment letter. Hence, the present petition by the petitioner.

Learned counsel for the petitioner has submitted that, although, petitioner has successfully cleared the written examination as well as interview but he was not issued the appointment letter. As per Annexure P-7, name of the petitioner was duly mentioned in the selected candidates at serial No. 2 in OBC category. However, appointment letter was not issued to the petitioner.

Learned senior counsel for respondents No. 2 to 4 has submitted that the writ petition was liable to be dismissed as it had been filed after a gap of 16 years. Learned senior counsel has further submitted that in pursuance to Annexure R-2 dated 20.6.1997, the posts meant for OBC category were ordered to be notified again to the State Employment Exchange, Chandigarh laying down the prescribed qualification for 55% marks.

In the present case, petitioner had applied for the post of Junior Accounts Clerk advertised by the respondent corporation in the year 1996. Petitioner had appeared in the written examination on 8.12.1996 and in the interview on 9.12.1996. However, the present writ petition has been filed by the petitioner in July 2013. Thus, the writ petition is liable to be dismissed on account of delay and laches. Further, it is the case of the respondent corporation that relaxation in eligibility criteria to OBC

candidates had been wrongly given. In fact, all the OBC candidates, whose names had been recommended for appointment, had obtained less than 55% marks in B.Com and were not eligible for selection. Therefore, it was decided to scrap the appointment qua the OBC category and re-notify the OBC vacancies to the employment exchange for fresh recommendations in the OBC category without relaxation in the eligibility criteria. Consequently, the vacancies were re-notified to the employment exchange for recommendations of OBC candidates. The employment exchange accordingly recommended fresh names of OBC candidates satisfying the eligibility criteria and the said candidates were subjected to written test and interview and in consequence thereto, the selection committee made fresh recommendations vide Annexure R-3 dated 27.10.1997.

In view of the above facts, no ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

**(SABINA)
JUDGE**

March 21, 2016
Gurpreet