

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

CWP No.14059 of 2016

Date of decision: 8 .8.2016

Ravi Kumar

... Petitioner

Versus

State of Haryana & ors.

... Respondents

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

Present: Ms. Sonia G. Singh, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

1. Pursuing remedies under the Right to Information Act, 2005 (for short 'the Act') to collect material and spending three years in the chase for supply of information would not make legal ground to ignore inordinate delay or explain laches in approaching Court in bringing challenge to appointments made by direct recruitment, in which the petitioner unsuccessfully competed and the result of which selection process was declared in the year 2013 and appointments accordingly made. It appears to this Court that the remedy provided by the 2005 Act does not operate like Section 14 of the Limitation Act, 1963 as an exception to bar of limitation and delay caused in pursuing remedy bona fide in the wrong forum. It is trite that no relief is obtainable under the 2005 Act against a selection for which role it is neither built nor has machinery for except to direct and enforce supply of information sought in writing by fine. In the present case, the petitioner failed to secure direct recruitment on merit to the post of Assistant Engineer (Mechanical) in

PWD (B&R), Haryana under the reserved scheduled caste category. The interviews were held on June 30, 2013 against advertisement No.1, dated June 8, 2012. The petitioner prays that the appointment of the 4th respondent be set aside. Even if the appointment is set aside, even then the petitioner can get no relief by way of directions to the respondents to appoint him as an Assistant Engineer (Mechanical). The petitioner had only a right of consideration which was not denied to him. In any case, three years have gone by and there is no sufficient cause whatsoever pleaded in the petition explaining laches involved in this petition brought in mid 2016. It is well settled that in the matter of direct recruitments and appointments to the public posts, the approach to the Court should be within a reasonable time and delay is almost fatal to the action, unless the courts find gross violation of fundamental rights which require correction or where the entire selection is challenged on grounds of corruption, nepotism etc. or vitiated by fraud. I would not, therefore, entertain this petition filed after inordinate delay and unexplained laches.

No merit. Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

8.8.2016

monika

Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No