

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

Date of decision: 21.10.2016

CWP No.21827 of 2016

Jayawathi

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. S.S.Sahu, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J. (ORAL)

An advertisement for filling up the posts of Primary Teachers (Group C) was published in the year 2012 inviting applications from eligible candidates. The result of the selection was declared on 15.08.2014. The present writ petition has been filed in October, 2016 with the prayer that a direction be issued to the respondents to appoint the petitioner on merit. She admits that she appeared in the interview and produced her testimonials to the Interview Committee, but there is no proof regarding such presentation and this has become a disputed fact. The information supplied to the petitioner under the Right to Information Act, 2005 will not come in aid to the petitioner to overcome delay and laches in a direct recruitment process where every minute and day matters when third parties are settling down every day during the process of conclusion of selection, appointment and permitting joining on the advertised vacancies and posts. No credit worthy evidence is noticeable on record of this case showing that soon after the result was declared, the petitioner took prompt steps to ask the authorities in writing as to why she had not been selected and so many questions which

could be asked to embarrass the selection procedure. She did nothing of the kind and waited to move an application under the Right to Information Act on 22.07.2015, which is a about year after the declaration of result. The doctrine of laches postulates negligence in pursuing legal remedies without delay. The letter dated 08.04.2016 (Annex P-7) from the State Public Information Officer, Haryana Staff Selection Commission, Panchkula addressed to the petitioner states as follows:

“In compliance of First Appellant Authority order dated 15.03.2016 reference your application dated 22.07.2015 on the subject noted above.

2. It is **again** intimated that your candidature has been rejected due to not fulfill the education qualification. A copy of W/Chairman of HSTSB’s order/approval noting enclosed herewith.”

The word ‘again’ indicates that the information being supplied on request was intimated earlier to the petitioner that her candidature has been rejected for the reason that she did not fulfill the education qualification which was essential as per rules to secure an appointment. There is no refutation of this in the body of the petition to suggest that use of word ‘again’ is the untruth. It was for the petitioner to have gathered enough information from all angles before she approached this Court. If the petitioner had been intimated of her fate earlier and there is no pleading to the contrary to rebut the assertion in the letter, I fail to see there is any necessity for the court to make a roving inquiry in the matter and fish out material for or against the petitioner. In any case, disputed questions of fact are involved in this petition as to what transpired at the time of interview and, therefore, the petitioner can be relegated to her civil remedy before the Civil Court, if advised, which remedy is more wholesome in character and

amplitude than the summary proceedings under Article 226 of the Constitution. There is no explanation for the delay and reasons for meeting vice of laches of not electing remedy within reasonable time in a direct recruitment coming to standstill with appointments offered and accepted by the successful candidates.

For these reasons, I would not interfere in the matter and would dismiss the petition.

21.10.2016
Vimal

[RAJIV NARAIN RAINA]
JUDGE

Whether speaking/reasoned: *Yes*

Whether Reportable: *Yes*