

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

**CWP No.26548 of 2015
Date of Decision:09.02.2016**

Sangeeta

... Petitioner

Versus

State of Punjab & Ors.

... Respondents

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

Present: Mr. Keshav Pratap Singh, Advocate
for the petitioner.

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

RAJIV NARAIN RAINA, J.(Oral)

1. It would not be prudent to permit the petitioner to call in question a selection made in 2002 in the present writ petition which apparently suffers from inordinate delay and laches and the rigour mortis of limitation which had set in long ago. Merely because the case of the petitioner approached this court earlier for directions where she was one of amongst four co-petitioners but was unable to obtain relief like three of her co-petitioners secured and her case was left to be considered by the authorities would also not extend the period of limitation if the period prescribed has expired already unless it was expressly exempted by the Bench. The subsequent sorties to this Court made by the petitioner also would not revive dead and stale claims which have expired. Courts have been guided

by the Supreme Court in the Constitution Bench authority in *State of M.P. v. Bhailal Bhai and others*, AIR 1964 SC 1006 that where the limitations have run out against the cause of action and a suit is barred, it would not be prudent for the Court to interfere in writ jurisdiction and the writ should ordinarily be declined. In a matter involving direct recruitment, limitations set in early and delay and laches are not necessarily required to be measured in terms of three years limitation for a suit but on different standards evolved in the writ jurisdiction where shorter periods may become relevant to whether interference is justified or not in a given case with third party rights settling and coming in the way of relief.

2. Complaints arising from a process of direct recruitment can be represented against to the authorities, but those representations are non-statutory in character and therefore the State is under no legal compulsion or bounden duty to decide them. Moral duty may not form legal basis of an action brought in a court of law claiming writ of mandamus or certiorari.

3. I therefore find no reason whatsoever much less cogent to interfere in this matter and would dismiss the petition as misconceived.

(RAJIV NARAIN RAINA)
JUDGE

09.02.2016
manju/M.Negi