

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP No. 26980 of 2016

Date of decision: 23.12.2016

Dr. Sapna Kakkar

... Petitioner

Versus

State of Haryana & anr.

... Respondents

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

Present: Mr. KK Gupta, Advocate,
for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

This petition has been filed to claim post of Dental Surgeon Class II in the Health Department, Haryana, questioning the OMR Sheet, the question paper in the written examination together with the answer-keys. The advertisement was issued on November 25, 2013 and the screening test was held on July 6, 2014. She wrote the examination and pursued her remedies under the Right to Information Act, 2005 for supply of documents to help her to file a writ petition. The request to the State Information Commission, Haryana, was made under Right to Information Act by her for the first time on July 7, 2014. It is now 2½ years since the request was made and there is no dispute that the recruitment process has come to an end and appointments offered to the selected candidates. Searching for material under Right to Information Act, 2005, does not stop the running of limitation delay and laches. If the petitioner was depending on information to file the petition questioning the questions without the answer keys in hand, she still could have approached this Court and pressed for directions

to the respondents to achieve what she was unable to achieve under the Right to Information Act since this Court exercises jurisdiction of issuing writs of certiorari and can always order the State or the Commission to supply information, documents and material to the petitioner. Not having done that, this petition suffers from delay and laches. Laches is negligence in pursuing remedy for relief from where real relief can come, such as directions for appointment in an appropriate case. The remedy provided under Right to Information Act is not a relief based remedy where any of the appropriate writs can be exercised. The purpose is only to compel the department to supply information without making any comment. I would, therefore, not interfere in this matter at the belated stage in a direct recruitment and would dismiss the petition.

Dismissed.

(RAJIV NARAIN RAINA)
JUDGE

23.12.2016

monika

Whether speaking/reasoned *Yes*

Whether reportable *No*