

**Sr. No. 111
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP No.8047 of 2016 (O&M)

Date of Decision: 25.07.2016

Gaurav Malik

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ravinder Singh Dhull, Advocate,
for the petitioner.

TEJINDER SINGH DHINDSA, J.(ORAL)

Petitioner has invoked the extraordinary writ jurisdiction of this Court under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari for quashing the selection and appointment of private respondents No.3 to 11 to the post of Deputy Superintendents of Jail under the Department of Home, State of Haryana.

The sole ground of challenge pressed by counsel during the course of hearing is that the selection of the private respondents is on account of favoritism and suffers from the vice of nepotism as each one of them is either related or closely associated/connected with some or the other political functionary.

Having heard counsel at length, this Court is of the considered view that the instant petition merits dismissal. Such view is being taken for the following reasons:-

In the first instance, it may be taken notice of that the recruitment process for appointment to the post of Deputy Superintendents of Jail in which the present petitioner himself was a participant culminated in the declaration of a result on 01.07.2013. It goes without saying that

appointment letters were issued soon thereafter. Pleadings on record are completely bereft of any justification explaining the delay of almost three years in having approached this Court in raising a challenge to such selection and appointment. During the course of arguments, Mr. R.S.Dhull, learned counsel would submit that information had been sought under the provisions of Right to Information Act and it was on account of such exercise of collecting relevant information that the delay has been caused. Such explanation cannot be accepted by this Court as a valid basis and ground to condone delay of 03 years. Delay in the present case would be construed as fatal.

There is yet another aspect of the matter.

Even though the petitioner is alleging favoritism and nepotism as also mala fides in the process of selection but none of the officials, political personalities and who had allegedly shown favour to the private respondents and as per petitioner had ensured their selection and appointment to the post in question have been impleaded as party respondents. The aspect and ground of malafides and favoritism as such cannot be gone into.

No interference in the matter is called for.

Petition is dismissed.

25.07.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**