

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Letters Patent Appeal No. 1710 of 2015 (O&M)
Date of decision: 5.4.2016

Sushil Sharma and others

.. Appellants

v.

State of Haryana and others

.. Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Sunil Kumar Bhardwaj, Advocate for the appellants.

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Rajesh Bindal J.

The writ petition filed by the appellants having been dismissed by the learned Single Judge, the order has been impugned by filing the present intra-court appeal. Along with the appeal, applications seeking condonation of delay of 27 days in re-filing and 610 days in filing thereof have also been filed.

The appellants filed the writ petition praying for issuance of a writ of quo-warranto claiming that Sanskrit Teachers appointed in pursuance to the advertisement dated 14.11.1999 did not possess requisite qualifications. It is not in dispute that selections were finalised in the year 2000. The writ petition for the first time was filed by the appellants in the year 2006. The appellants as such were not aggrieved against their non-selection. Some candidates, who possessed alternate qualifications as prescribed in the advertisement, filed petitions in this court in the year 2000, wherein certain interim directions were issued. The writ petitions were finally disposed of on 14.7.2005 permitting the petitioners therein, whose

appointment is now sought to be challenged, to withdraw their petitions. It could not be disputed that the private respondents, who have been appointed more than 15 years back and have even been promoted to the next higher post during interregnum, possessed the qualifications, which are prescribed in the Rules as alternate to be invoked in case the candidates possessing the qualifications otherwise prescribed in the Rules were not available. If the appellants claim that they possess the qualifications so prescribed and should have been appointed, they should have invoked jurisdiction of the court in the year 2000, when selections were finalised. They filed writ petition in the year 2006, which was highly belated. The learned Single Judge, while appreciating all the contentions raised including the delay, dismissed the writ petition filed by the appellants.

For the reasons mentioned above and concurring with the reasons recorded by the learned Single Judge, we do not find any merit in the present appeal. The same is, accordingly, dismissed. Consequently, the applications for condonation of delay in filing and re-filing the appeal are also dismissed.

(Rajesh Bindal)
Judge

(Harinder Singh Sidhu)
Judge

5.4.2016
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