

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-1730-2016 (O&M)

Date of Decision: September 07, 2016

Gursewak Singh

.....Appellant

Versus

State of Punjab and another

.....Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA**

Present: Mr.H.C.Arora, Advocate
for the appellant.

.....

SURYA KANT, J.

Notice of motion.

On our asking, Mr.Rajesh Bhardwaj, Deputy Advocate General,
Punjab, who is present in Court, accepts notice on behalf of the respondents.

It is not necessary to call upon the respondents to file any reply/affidavit.

The appellant challenges the order dated 22.08.2016 whereby learned Single Judge has dismissed his writ petition on the ground of delay and laches as the same was filed after two years of accruing the cause of action. The claim of the appellant pertains to the appointment on the post of Clerk. The appellant belongs to 'Backward Class Category' and he has got 50% marks. He alleges that in the 'General Category' candidates with 47.54% marks have been selected whereas such percentage in the case of

Backward Class has gone to 54.25% marks. On this premise he claims for inclusion of his name in the 'Open Category'.

Since the issue raised by the appellant, if found correct, is legally sustainable and the delay of two years in filing the writ petition cannot be said to be fatal in nature, more so as equities can be well balanced by a Writ Court. We, thus, allow this appeal without expressing any views on merits and set aside the order under appeal passed by learned Single Judge and remit the case for adjudication on merits. We are informed that similar matters including CWP No.12749 of 2014 are listed before learned Single Judge on 14.09.2016. Let the appellant's writ petition be also heard alongwith those cases on the date fixed.

(SURYA KANT)
JUDGE

September 07, 2016
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(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned
Whether Reportable

: Yes/No
: Yes/No