

LPA No.2477 of 2016 (O&M)

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

LPA No.2477 of 2016 (O&M)
Date of decision: 21.12.2016

Sandeep Kumar

....Appellant

Versus

The State of Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present: - Mr. Vishal Nehra, Advocate, for the appellant.

RAMENDRA JAIN, J.

Present Letters Patent Appeal under Clause X of the Letters Patent Act has been filed assailing the judgment dated 07.12.2016 whereby CWP No.25109 of 2016 filed by the appellant has been dismissed.

2. Put pithily, the respondents advertised for the recruitment to the post of male constables, general duty (GD) in Police Department, Haryana, vide Advt. No.08/2015 dated 19.07.2015. Appellant being well qualified and eligible, applied for the said post. He qualified the written test and was called for the scrutiny of documents from 20.10.2016 to 28.10.2016. On 13.10.2016 appellant was arrested in case FIR No.280 dated 29.06.2016 and was released on 08.11.2016, due to which he could not appear in the physical measurement test. On 16.11.2016, appellant submitted representation to the respondents-department, but no action was taken on the same. Appellant also submitted an application to the Chief Minister, Haryana for direction to the respondents to consider the appellant for scrutiny of documents and physical measurement test. When the appellant

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failed to get any relief from the respondents, he approached this Court under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of mandamus directing the respondents to conduct the physical measurement test of the appellant. The writ petition filed by the appellant has been dismissed vide order dated 07.12.2016. Hence, present appeal.

3. We have heard learned counsel for the appellant and perused the paper-book.

4. Present appeal is completely devoid of any merit. Admittedly, the appellant had the knowledge of the date of physical measurement test. Custody of the appellant in the criminal case does not give any right to him to appear in the said test after the due date. If the prayer of the appellant is allowed there will be no end to such type of litigation and the selection process. Learned Single Judge has rightly observed that *“recruitment cannot be delayed by Court interference, however good cause may be. The petitioner has missed the bus by embroiling himself in a criminal case and the past cannot be restored to him by way of writ petition.”*

5. We not find any illegality or perversity in the impugned judgment.

6. Dismissed.

(RAMENDRA JAIN)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

December 21, 2016
R.S.

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No