

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WRIT APPEAL No. 209 of 2017**

- Anil Lakda S/o Julius Lakda, Aged About 44 Years R/o Village Barabel, Tehsil Mainpat, District Surguja, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through Secretary Urban Administration And Development Department, Mahanadi Bhawan, New Raipur, Chhattisgarh.
2. Chief Municipal Officer, Municipal Corporation, Ambikapur, Distt. Surguja, (Chhattisgarh)
3. Selection Committee, Through President, Municipal Corporation, Ambikapur, Distt Surguja, (Chhattisgarh)
4. Parmeshwar Singh Paikra, S/o Amgasiya Singh, R/o Village Kewra, Post And Tehsil Lakhanpur, Distt Surguja, (Chhattisgarh)
5. Kailash Kumar, S/o Shambhuran, R/o Village Kudaridih, Kamleshwarpur, Mainpat Surguja, District Surguja, (Chhattisgarh)
6. Iliyas Minj, S/o Nakul, R/o Sadhbar (Haritikra), P.O. Mitthikala, Tehsil Ambikapur, Distt Surguja, (Chhattisgarh)

--- Respondents

For Appellant	:	Mr. Rakesh Pandey, Advocate
For Respondent-State	:	Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice
Hon'ble Shri Justice Sharad Kumar Gupta

Judgment on Board**Per Thottathil B. Radhakrishnan, Chief Justice****28.06.2017**

1. We have heard the learned Counsel for the Appellant and the learned State Panel Counsel.
2. The Appellant is the Writ Petitioner. He along with others were included

in the list of ineligible candidates when they applied for selection to the services of the Municipal Corporation. Such inclusion in the list of ineligible candidates was on the ground that those persons were unfit on account of overage. That decision was taken by the Municipal Corporation in August, 2013. The Writ Petition from which this appeal arises was filed on 16.02.2017 i.e. more than a period of 3½ years after the rejection of the candidature of the Appellant on ground of over age. The learned Single Judge, making reference to the different judgments extracted in paragraphs 3 to 8 in the impugned judgment, dismissed the Writ Petition holding that the case in hand is one in which there is inordinate delay and laches, and the Writ petition cannot be entertained. Having considered the materials we do not find that there is any illegality or jurisdictional error or impropriety in the learned Single Judge having held so. The discretion in the matter of exercise jurisdiction under Article 226 of the Constitution of India has been exercised on the basis of sound principles which are settled. Therefore, we do not find any ground to interfere with the impugned decision of the learned Single Judge.

3. In the aforesaid view of the matter we also do not see that any useful purpose would be served by condoning the of delay of 42 days in the instituting this Writ Appeal.
4. In the result, this Writ Appeal and the Application for condonation of delay are dismissed in limine.

Sd/-
(Thottathil B. Radhakrishnan)
Chief Justice

Sd/-
(Sharad Kumar Gupta)
Judge