

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

CWP No.16842 of 2016 (O&M)

Date of Decision: 17.01.2017

Jagmeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. TPS Makkar, Advocate
for the petitioner.

JAISHREE THAKUR, J. (Oral)

The instant writ petition has been filed under Articles 226/227 of the Constitution of India for the issuance of a writ in the nature of mandamus seeking direction to the respondents-authorities to appoint the petitioner as Constable/Wireless Operator in the Punjab Police Telecommunication Branch.

In brief, the facts of the case are that in the month of June, 2006, an advertisement was issued by respondent No.3, inviting applications for 270 posts of Constable Wireless Operators/Messengers and 142 posts of Constable Technicians in the Punjab Police Telecommunication Branch. The petitioner herein applied for the post of Constable Wireless Operator. The candidature of the petitioner was rejected by the respondents-authorities on the ground that petitioner has not done his

computer course from a recognized institution ignoring the fact that “APSOFT COMPUTER EDUCATION” from where the petitioner has done his computer course, is registered by the Govt. of Punjab. It is alleged that there are number of other candidates, who also possessed the similar certificates of computer course, as possessed by the petitioner and such candidates have been selected and also given appointments. The petitioner has applied to the respondents-authorities under the RTI Act, seeking information in that regard and after receiving the information, the petitioner made a representation dated 06.04.2016 to the respondents-authorities seeking parity with the other candidates, so selected, but to no effect, hence the instant petition.

I have heard learned counsel for the petitioner and with his assistance perused the pleadings of the case.

In the instant petition, the case set up by the petitioner is that in the month of June, 2006, in response to an advertisement issued by respondent No.3, he applied for the post of Constable Wireless Operator, but his candidature was cancelled on account of the fact that petitioner has not done his computer course from a recognized institution. The grievance of the petitioner is that since the other candidates (respondents No.5 to 10), who also possessed the similar certificates of computer course, as possessed by him, have been selected and also given appointments, thereby, he has been discriminated in an unfair and unjust manner.

At the very outset, a query was put to learned counsel for the petitioner that as to how the present petition is maintainable, which has been filed after a delay of about 10 years, but no satisfactory reply has come

forward to this effect. Perusal of the pleadings even goes on to show that there is no mention as to when the candidature of the petitioner was rejected, as to when he came to know that the other candidates who were possessing the computer qualification similar to that of the petitioner have been selected and as to when he applied for information under RTI Act and received the information. No reason has been mentioned that as to why the petitioner remained silent during the period 2006 till 06.04.2016, on which date he moved the representation to respondent No.3.

The only fact which is mentioned in the petition is that after receiving the information under the RTI Act, he made a representation dated 06.04.2016, whereas, the posts for which the petitioner had applied were published way back in the month of June, 2006 i.e. almost 10 years back.

It is true that there is no period of limitation prescribed for filing the petition, but it is settled law that writ petition can be dismissed on the ground of delay/laches in filing the writ petition. Since the petitioner has not furnished any sufficient cause for not filing the writ petition during the above-said period of ten years, I am of the view that the writ petition is liable to be dismissed on the ground of delay/laches in filing the writ petition. Even on merits, there is no substance in the said challenge.

In view of the above, the petition in hand is hereby dismissed being devoid of any merits.

January 17, 2017
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No