

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CWP No.26096 of 2016

Date of Decision:-20.02.2017

Barinder Pal Singh.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Gaurav Sharma, Advocate for
Mr. Amit Chopra, Advocate for the Petitioner.

JASWANT SINGH, J.(ORAL)

The petitioner possesses the qualification of 10+2 examination and Bachelor of Physical Education. He competed against the 849 posts of PTI advertised on 23.10.2006 vide advertisement P-3. The prescribed statutory qualifications for the posts are 10+2 and a Certificate of Physical Education (CPed). The petitioner concededly did not possess the statutorily prescribed qualification, however possessed a higher qualification in the same line i.e. Degree of BPed. In the selection and appointment made in the year 2008, the petitioner was considered ineligible due to non possessing of the prescribed qualification. A Full Bench of this Court on 5.3.2010 in Manjit Singh Vs. State of Punjab & Anr. decided that the persons with BPed/MPed qualification were to be considered as eligible as they possess a higher qualification in the same line.

The petitioner accordingly is praying for appointment as PTI based on his higher merit and a decision by this Court that they have to be considered eligible.

After hearing learned Counsel for the petitioner, no case for interference is warranted. Firstly, the petitioner had never challenged the initial advertisement or the action whereby he was declared ineligible. Secondly, even after decision in Manjit Singh's case, there is nothing on record to show that petitioner had ever filed any writ petition seeking to invoke his right of appointment at the relevant time. Now after a delay of more than 08 years of such appointments, the claim is severely hit by the principle of delay and laches.

Dismissed.

**(JASWANT SINGH)
JUDGE**

February 20, 2017
Vinay