

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

CWP No. 27024 of 2016 (O&M)
Date of decision: 18.3.2017

Ranji

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. OS Batalvi, Advocate,
for the petitioner.

JAISHREE THAKUR, J.

1. The petitioner herein seeks issuance of a writ in the nature of Mandamus directing the respondents to offer appointment to her as ETT/B.Ed teacher.

2. The petitioner applied for the post of ETT/B.Ed teacher pursuant to an advertisement dated 4.3.2006. It is contended that she appeared under the Backward Class category and the persons having lesser marks than her were offered appointment. Thereafter, the petitioner approached the authorities on several occasion, however, no appointment was offered to her, despite she being higher in merit and secured 132.09 marks in the Backward class category.

3. I have heard learned counsel for the petitioner and also perused the paper book.

4. The petitioner by way of instant writ petition is seeking

appointment to the post of ETT/B.Ed teacher, the advertisement for which was issued in the year 2006. There is inordinate delay in filing the instant writ petition, almost a period of 10 years. The reason for approaching this Court is that the petitioner had moved several representation to the Department concerned and it is only when no relief was given to her that the instant writ petition has been filed, is not a ground which is sustainable. It is well settled in law that fence sitter will not be entitled to claim a relief at belated stage. In **Shankara Co-op Housing Society Ltd. Vs. M. Prabhakar and Ors.** reported in (2011) 5 SCC 607, it has been held as under:-

*“It is now well settled that a person who seeks the intervention of the High Court under Article 226 should give a satisfactory explanation of his failure to assert his claim at an earlier date. The excuse for procrastination should find a place in the petition filed before the Court and the facts relied upon by him should be set out clearly in the body of the petition. **An excuse that he was agitating his claims before authorities by making repeated representations would not be satisfactory explanation for condoning the inordinate delay in approaching the Court.** If a litigant runs after a remedy not provided in the Statute or the statutory rules, it cannot be a satisfactory explanation for condoning the delay in approaching the Court.” (emphasis supplied).*

5. This Court is of the opinion that a person cannot be allowed to sit on the fence for such a long period. Any relief has to be sought within a reasonable time and at the earliest opportunity. The explanation given by petitioner does not appear to be plausible.

6. Therefore, the writ petition is dismissed on the ground of delay and latches.

18.3.2017
prem

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	No