

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

CWP No. 7290 of 2017

Date of decision:11.7.2017

Ram Niwas

... Petitioner

versus

State of Haryana and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Naveen Sharma, Advocate,
for the petitioner

...

AMOL RATTAN SINGH, J. (Oral)

By this petition, the petitioner challenges his non-selection for the post of Principal, HES-II, in a selection initiated in the year 2008, the result of which was declared in 2010, i.e. 7 years ago.

The petitioner earlier filed CWP No.18521 of 2010, which was admitted to be heard along with CWP No.6199 of 2008, titled as Suman Baghla and others vs. State of Haryana and others. Very obviously, it seems that the ground of challenge in that case was the criteria fixed by the respondent Commission/State for the selection to the post in question, which was also subject matter of challenge in CWP No.6485 of 2008, titled as Suresh Kumar and others vs. State of Haryana and others, decided on 9.1.2014. That writ petition was dismissed by the following order:-

“Another reason which disentitles the petitioners to the claim as made by them is that the challenge to the criteria at the stage when the selection has proceeded with in which the

petitioners have taken a chance and failed. They cannot be permitted to challenge the criteria at this stage as they should have agitated this cause at the initial stage. Having taken a chance, they cannot now be allowed to turn around and lay a challenge to it as they would be estopped to do so.

In view of the above, finding no merit in the present writ petitions, the same stand dismissed.”

In view of the above, the earlier writ petition filed by the petitioner (CWP No.18521 of 2010) was also dismissed on 23.5.2014. (In fact, the facts stated herein above have been taken from the order in that writ petition, dated 23.5.2017).

In the present petition, one ground of challenge, amongst others, is that the selected candidate, one Bhagwat Dayal (respondent no.5 herein), was selected even though he had an experience of only 6 years and 8 months against the required experience of 8 years.

Learned counsel for the petitioner submits that upon information received under the Right to Information Act, 2005, even the said Bhagwat Dayal has not been appointed to the said post, despite his selection 7 years ago.

Whether non-appointment of Bhagwat Dayal is due to the reason that his selection was found to be erroneous in view of his lack of experience or for any other reason, the fact remains that the petitioner has approached this Court in 2017, challenging the selection of respondent no.5, which actually took place in the year 2010. Secondly, the petitioner already having challenged the selection earlier in 2010 by way of CWP No.18521 of

2010, it was incumbent upon him to even challenge the selection of respondent no.5 herein, in that writ petition itself, by obtaining necessary information at that stage itself.

Consequently, I see no ground to entertain this petition after such a long period of 7 years, and it is therefore dismissed in limine.

However, if the said Bhagwat Dayal is now appointed to the post in question pursuant to the said selection itself, the petitioner would be at liberty to seek revival of this petition, by filing an appropriate application.

11.7.2017
pk

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No