

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-166-2017

Date of Decision: April 28, 2017

Seema

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR. JUSTICE SUDIP AHLUWALIA

- | | | |
|----|---|---------|
| 1. | To be referred to the Reporters or not? | Yes/No |
| 2. | Whether the judgment should be reported in the Digest? | Yes/No. |
| 3. | Whether Reporters of local papers may be allowed to see the judgment? | Yes/No |

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Present: Mr.Ram Niwas Bhardwaj, Advocate
for the appellant.

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SURYA KANT, J.

This Letters Patent Appeal is directed against the order dated 03.11.2016 whereby learned Single Judge has dismissed the appellant's writ petition challenging the selection to the post of Female Supervisor, which was advertised vide Advertisement No.1 of 2011.

[2] The grievance of the appellant before the learned Single Judge was that there were approximately 78 candidates who were lower than her in the academic merit but they were allowed to march over her on the basis of excessive marks awarded in the interview.

[3] Learned Single Judge has, however, declined to interfere with the selection firstly on the ground that the selection and appointment took place in the year 2013 whereas the writ petition was filed in November

and secondly, prescription of 33% marks for interview in selection process where there is no written examination, is permissible in law.

[4] We have heard learned counsel for the appellant at a considerable length and gone through the record.

[5] It is the conceded position that selection and appointment took place in the year 2013 whereas the writ petition was filed in the year 2016. Even if the writ petition was filed within the limitation prescribed for a civil suit, yet the writ Court can decline to interfere in exercise of its discretionary jurisdiction on the ground of delay and laches. In such like situation where third party rights are involved as the selected candidates have joined and altered their position, it is imperative upon the aggrieved candidate to approach the Court without loss of time.

[6] That apart, the appellant's plea that 33% marks for interview were highly excessive and arbitrary cannot be accepted in view of the principles laid down by the Hon'ble Supreme Court in Anzar Ahmad vs State of Bihar 1994 SCC (1) 150 and catena of decisions subsequent thereto.

[7] In this view of the matter, we decline to interfere with the order under appeal.

[8] Dismissed.

**(SURYA KANT)
JUDGE**

April 28, 2017
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**(SUDIP AHLUWALIA)
JUDGE**

- 1. Whether speaking/reasoned ?**
- 2. Whether reportable ?**

**Yes/No
Yes/No**