

HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

LPA-618-2017 (O&M)

Date of Decision: April 24, 2017

Surjit Singh

.....Appellant

Versus

Union of India and others

.....Respondents

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

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|----|---|---------|
| 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.Jagdish Manchanda, Advocate
for the appellant.

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SURYA KANT, J.

The instant Letters Patent Appeal assails the order dated February 28, 2017 whereby learned Single Judge has dismissed the appellant's writ petition, seeking a direction for his appointment to the post of Constable (General Duty) in ITBP.

[2] The appellant competed for recruitment as Constable (General Duty) in ITBP in the year 2011. He qualified 'Physically Efficiency Test' and 'Physical Standard Test' but in the written examination he scored 35 marks whereas the marks of the last selected candidate in 'OBC' category were 39. The appellant was consequently not selected. The recruitment process was finalised in the year 2012. It appears that initially the appellant filed a writ petition in Delhi High Court which was withdrawn for want of territorial jurisdiction. He chose to approach this Court only in the year

2016 and by that time the original record had been weeded out.

[3] Learned Single Judge, in these circumstances, has dismissed the writ petition on the ground of delay and laches as well as keeping in view the fact that the appellant was lower in merit than the last selected candidate in 'OBC' category.

[4] We have heard learned counsel for the appellant who insists that the original record ought to have been produced. We are, however, not impressed by the contention. The Staff Selection Commission passed a self speaking order dated March 26, 2015 (Annexure P-8) in which details of the marks obtained by the last selected candidate and the appellant are disclosed. In the written statement also a categorical stand to the same has been taken. There is no reason to disbelieve the authorities. The appellant cannot insist for production of the record when the respondents have already disclosed that the record was weeded out as per their instructions after expiry of prescribed period.

[5] No case to interfere with the order under appeal is made out.

[6] Dismissed.

[7] However, the appellant may approach the learned Single Judge and make out a case for refund of the cost amount which he was asked to deposit.

**(SURYA KANT)
JUDGE**

April 24, 2017

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**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned ?

Yes/No

2. Whether reportable ?

Yes/No