

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

CWP No.1387 of 2018(O&M)

Date of Decision:-07.08.2018

Satvir Kaur.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Har Naresh Singh Gill, Advocate for the Petitioner.

Mrs. Anu Chatrath Kapoor, Additional Advocate General,
Punjab assisted by Mr. Lalit Kishore Ghai, Assistant Director.

JASWANT SINGH, J.

Petitioner-Satvir Kaur has filed the instant writ petition seeking a writ in the nature of Mandamus for directing respondent no.2 to issue her appointment order/allotment of station for the posts of English Mistress under the General Category in pursuance to select list dated 17.11.2015 (P-1) issued by Department in pursuance to advertisement dated 09.09.2012 (P-9).

Learned Counsel for the petitioner has vehemently argued that petitioner had participated in the selection process for the post of English Mistress and was not declared successful in the first list published by respondent no.2-Director Public Instruction (SE) (hence forth referred to as DPI). However, in view of the fact that some candidates did not join,

therefore, vide letter dated 17.11.2015 (P-1), the respondent no.2-DPI (SE) issued another select list, whereby petitioner was shown at Serial No.62 for the post of English Mistress and was directed to come present for giving her choice station. However, in view of the fact that no public notice to this effect was ever issued, therefore, she could not come to know about the said select list Annexure P-1, till the time she received notice from this Court in CWP No.16896 of 2017 titled as “Jyoti Dhuria Vs. State of Punjab”, wherein petitioner was arrayed as respondent no.4. Thus, it is argued that the delay, if any, cannot be attributed to the petitioner, who was not aware about preparation of the select list Annexure P-1 and came to know about her selection through the aforesaid summons received from this Court. It is further submitted that in case petitioner did not come present for choice of her posting, it was duty of respondents to issue her the appointment letter by giving her any other place of posting. Thus, prayer has been made for allowing of the writ petition.

On the other hand, learned Counsel for the respondent-State has vehemently argued that the petitioner is not entitled for any relief whatsoever on the ground that the present petition is hit by principles of delay and laches . It is submitted that the petitioner indeed came within zone of consideration for appointment to the post of English Mistress and to this effect a public announcement was made on 17.11.2015 (P-1). Further, another announcement dated 07.05.2016 (R-2/IT) was made by the respondent no.2-DPI, granting petitioner and similarly situated candidates last opportunity for submitting their acceptance letter upto 16.05.2016. However, despite the said notice, petitioner did not come present and it is for the first time on 16.09.2017, that petitioner communicated with the

respondents. Thus, it is submitted that petitioner is estopped by her own act and conduct to raise a claim for appointment at this stage by filing instant writ petition. Consequently, prayer has been made for dismissal of the the instant writ petition.

I have learned Counsel for the parties at length and have also perused the paper book with their able assistance. However, I am of the view that present petition is devoid of any merit and same deserves to be dismissed.

Admittedly, the respondent no.2-Board published advertisement in the year 2012 for 5178 posts of Rural Associate Teachers in the Master Cadre in various subjects, which included 714 posts of English Masters/Mistresses. It is further not in dispute that after conducting the Recruitment Test, respondent no.2 published the first merit list somewhere in the middle of year 2015, whereby name of petitioner was not reflected as selected candidate. Thereafter, in view of the fact that many candidates did not join, the respondent no.2 issued another select list dated 17.11.2015 (P-1) through a public notice, calling next in merit candidates to submit their acceptance letters and state their choice of station. It is in this list that the name of the petitioner appears at serial no.62. Admittedly, respondent no.2, vide another public Notice dated 07.05.2016 granted last opportunity to all the candidates mentioned in select list Annexure P-1, to submit their acceptance letter upto 16.05.2016. The said notice is appended as Annexure R-1/T with the written statement of respondents and it is seen that same has been published in "The Tribune". However, it is only on 16.09.2017 that the petitioner agitated her grievance against respondents for the first time.

Thus, from the facts stated above, this Court is convinced that it is the petitioner who is at fault and not the respondents, as alleged. The allegations to the effect that the select list Annexure P-1 was not made public, is neither here nor there. Petitioner was applying for public employment and it is a matter of common knowledge, that the candidates are more upto date regarding declaration of result etc than any other person. It was for the petitioner to pursue with the respondent no.2-DPI and to keep a tab on the revised result declared by it, if any. Not only this, the notice dated 07.05.2016, which was published by respondent no.2-DPI in “The Tribune” clinches the issue against the petitioner, as the same was a public notice to people at large, especially in view of the fact that the said Newspaper is widely circulated in the State of Punjab. Therefore, it cannot be expected that petitioner was not aware about the select list Annexure P-1. At the most, she came to know about another select list dated 17.11.2015 through this public notice and was required to verify the said new list at that point of time.

The argument, that petitioner came to know about select list dated 17.11.2015 (P-1), after receipt of summons from this Court in another writ, is also without any merit and in fact a clever way to come out of the delay, which is squarely attributable to petitioner. Even if the said argument is accepted, still petitioner as observed earlier, is not entitled for any relief as she is to be blamed for her own lapses and not being upto date with the result of the recruitment examination conducted by the respondent no.2.

Consequently, this Court has no hesitation in dismissing the present petition, as the same has been preferred in the year 2018 i.e. after a gap of more than two years of accrual of cause of action, if any, and,

therefore, in view of the settled position of law that no merit list/waiting list survives for more than 1 year, claim made in the present petition is highly belated and thus, barred by principles of delay and laches.

Dismissed.

(JASWANT SINGH)
JUDGE

August 07, 2018
Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>