

In the High Court of Punjab and Haryana at Chandigarh

CWP No. 20437 of 2016 (O&M)
Date of Decision: February 16, 2018

Manoj Kumar

... Petitioner

Versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present: Mr. Sushil Bhardwaj, Advocate,
for the petitioner.

Mr. Pawan Kumar Longia, Advocate,
for the respondents-UOI.

P.B. Bajanthri, J. (Oral)

1. In the instant petition, petitioner has challenged the action of respondents in not selecting and appointing petitioner to the post of Constable under OBC category with reference to fact that last selected and appointed candidate under OBC category has secured 39 marks, whereas petitioner has secured 47 marks. Matter relating to selection and appointment relates back to of the year 2011, whereas present petition was presented in the month of September 2016. Thus there is a delay and laches on the part of petitioner insofar as challenging inaction of the respondents in not selecting him under OBC category.

2. Learned counsel for the petitioner submitted that petitioner had submitted application under RTI in the year 2016 and then he came to know that last selected candidate under OBC category has secured lesser

marks than the petitioner.

3. It is to be noted that petitioner has not impleaded last selected and appointed candidate under OBC category. Even on merit, if petitioner is more merited than the last selected candidate, in the absence of impleading him as a party, writ petition is not maintainable. Supreme Court in the case of *P.S. Sadasivaswamy vs. State of Tamil Nadu*, reported in *(1975) 1 SCC 152* has held that in respect of selection, appointment and promotion, one has to approach the Court within a reasonable period of one year. In the present case, there is a delay of nearly four years. Thus, petitioner has not made out a case.

5. Accordingly, present petition stands rejected.

February 16, 2018
vkd

[P.B. Bajanthri]
Judge

Whether reasoned / speaking : Yes

Whether reportable : No