

***IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH***

**CWP No. 15152 of 2018
Date of Decision:-01.06.2018**

Madan Lal and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present:- Mr. Sunil Kumar Bhardwaj, Advocate
for the petitioners.

RAJIV NARAIN RAINA J.(Oral)

The petitioners have not been able to show how they are identically situated as those who covered by Annexures P-9, P-10 and P-11. As far as Annexure P-9 is concerned, it is dated 12.6.2014 and relates to Advertisement of 2012 in a recruitment process for filling up the posts of Post Graduate Teachers in the Education Department, Haryana. Therefore, parity with the order dated 12.6.2014 cannot be claimed by the reason of delay and laches.

As far as notice dated 30.4.2018 is concerned, that relates to the selection of PGTs. The noticees have been asked to furnish evidence of their teaching experience and to produce academic certificates for verification to claim appointments for which no further chance will be granted, thus it was notified. Annexure P-11 is an order dated 11.5.2018

which has been passed after the notice dated 30.4.2018 and refers to the directions of this Court in CWP No.18134 of 2013 in case titled 'Leela Ram and others vs. State of Haryana and others'. The persons mentioned at Sr. No.1 to 43 of the notice dated 11.5.2018 have been asked to present their credentials regarding the teaching experience as well as academic certificates/documents.

Admittedly, the petitioner was not party to CWP No.18134 of 2013 and therefore cannot rights to ride in the backs of claimants in that petition. By reason of the second direction of the Supreme Court in State of Uttar Pradesh and others vs. Arvind Kumar Srivastava and others, (2015) 1 SCC 347 explaining that those who sleep over the rights have lost their chance to relief. The petitioner would be seen to have waived his rights by not approaching the Court except by way of this petition as late as in May 2018. The Supreme Court in its second direction has carved out an exception to the general rule that ordinarily all persons similarly situated will be treated similarly but there is departure where person does not approach the Court in time and slumbers over his rights, then they are fence sitters.

Even after 2014 the petitioner took no steps to seek legal redress and now complains that extension of joining time was not given to him because of his family circumstances. In the matter of direct recruitment a person not joining within the stipulated time in he offer will be deemed to have given up his rights unless he approaches the appointing authority within the time allowed and elicits specific orders of the appointing

authority granting extension of time to enable him to accept the appointment but this is not the case here.

It is next contended that the petitioner has been making repeated representations for redressal of his grievance but on this the law is not in his favour because repeated representations do not cover up delay, laches and limitation, and therefore, I have no reason to issue a writ of mandamus to the State commanding it to offer appointment to the petitioner at this belated stage when his case is not demonstrably in parity with those mentioned in the aforesaid annexures. The directions issued and the administrative action taken were not in rem.

Accordingly, the petition is dismissed.

June 01, 2018
Vijay Asija/neenu

(**RAJIV NARAIN RAINA**)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No