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

CWP No.24788 of 2015 (O&M)

Date of Decision: 08.05.2018

MANDIP SINGH

..... Petitioner

Versus

THE STATE OF PUNJAB AND ANOTHER

..... Respondents

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Vikram Bali, Advocate for the petitioner.

Mr. Manoj Bajaj, Additional Advocate General, Punjab.

JASWANT SINGH, J. (ORAL)

The School Education, Department of Punjab issued an advertisement dated 23.09.2009 (**Annexure P-2/1**) for appointment of 2106 vocational Masters/Mistresses including 78 posts in the stream of Basic Financial Services. The petitioner belongs to the Scheduled Caste (R&O) Category and had competed against the 08 posts reserved out of the said 78. After the selection process, the selection list/waiting list was issued in July 2011 and the petitioner based on his secured merit was placed at Serial No.3 of the waiting list.

The present writ petition has been filed, seeking a mandamus for appointing the petitioner as vocational Master in the stream of Basic Financial Service against the one unfilled vacancy out of the 08 advertised in the Scheduled Caste (R&O) Category.

It is pleaded that the candidates at Serial Nos.1 & 2 of the waiting list had joined as vocational Masters in the stream of Taxation Practise pursuant to the same advertisement and selection process and thereby the petitioner being next in merit was entitled to be appointed.

Upon notice, a reply has been filed, wherein the factual position with regard to the availability of one advertised vacancy in the said category and the petitioner being next in merit available for appointment against that post is not disputed, however, it is asserted that the writ petition was liable to be dismissed on the ground of delay and laches as the selection and appointment process stood completed in the year 2011 and the writ petition had been filed after a period of almost 4 years, that apart the department had undertaken a subsequent selection process by way of issuing an advertisement in the year 2012 whereby 5178 posts of vocational Masters/Mistresses were advertised.

After scrutinizing the arguments raised on behalf of the parties and the pleadings, this Court finds that the relief claimed cannot be granted by this Court on the ground of delay of more than 04 years. Thus, the relief would be barred by law of limitation. That apart, due to the undertaking of the fresh selection process for the post of vocational Masters/Mistresses in the year 2012, the relief also be barred by laches. Still further, it is settled principle of law that selection and waiting list has a life at the most 01 year and, therefore, the waiting list has to be considered to have lapsed by the year 2012.

At the time of hearing, learned State Counsel, on instructions from Shri Sarbjeet Singh, Legal Assistant, office of DPI (S.E.), Punjab,

submits that factually the waiting list in question was scrapped vide order dated 09.08.2013, and therefore, whatever the limited right petitioner had lapsed.

In view of the above, no case for interference in the writ petition is made out, the same is liable to be dismissed.

Dismissed.

May 08, 2018
'rajneesh'

(JASWANT SINGH)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No