

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

Sailesh Ranjan
2018.09.19 11:35
I attest to the accuracy and
integrity of this document

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CWP-23631-2018

Date of decision: 17.09.2018

Aakash Deep

....Petitioner

Versus

State of Punjab & others

...Respondents

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr.Ramesh Sindhar, Advocate, for the petitioner.

G.S. SANDHAWALIA, J. (Oral)

Petitioner challenges the order dated 18.07.2018 (Annexure P-7) passed by the Director, Public Instruction (Secondary Education) vide which it was held that the petitioner did not fulfill the requisite qualification as per the advertisement for PTI Teacher and therefore, he could not be considered.

Counsel for the petitioner has vehemently submitted that the benefit of the judgment of the Full Bench passed in **Manjit Singh Vs. State of Punjab 2011 (1) PLR 656** (Annexure P-6) has not been granted in as much as the higher qualification has to be taken into consideration.

It is not disputed that the posts were advertised in the year 2006-07 and the petitioner himself had been called in October, 2006 (Annexure P-2) for scrutiny of the documents. He chose not to agitate for his right at that point time. Merely because the judgment of the Full Bench was passed on 05.02.2010, in a petition filed in the year 2009 would not, as such, revive the cause of action for the petitioner. Merely because on an earlier occasion, he filed a writ petition which was disposed of, with direction to decide the representation, he cannot seek redressal of a stale claim, as such.

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It is settled principle that the selection process is to be completed within a short time and a decade old selection process cannot be reopened at such a belated stage. Though there is no limitation, as such, under Article 226 of the Constitution of India but the extraordinary writ jurisdiction is not liable to be exercised where the litigant has himself chosen to sleep over his rights.

Resultantly, in view of the above, the present writ petition is dismissed in limine on account of delay itself.

17.09.2018
Sailesh

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*