

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

CWP No. 28078-2018

Date of decision : 01.11.2018

Bir Singh

...Petitioner

versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Johan Kumar, Advocate
for the petitioner.

RITU BAHRI, J. (Oral)

Petitioner is seeking quashing of appointment of respondent No. 6 on the post of School Lecturer (History) in Government Senior Secondary School, Phaphrana, District Karnal.

In July, 2006, respondent No. 5 advertised invited applications in various subjects including one post of Guest School Lecturer (History) and the petitioner applied against the above post along with respondent No. 6. the petitioner was asked to join his duties on 18.10.2006 but the petitioner came to know later on that it was respondent No. 6 who was appointed pursuant to above advertisement despite the fact that respondent No. 6 was lower in merit than the petitioner. Thereafter, on an application filed by the petitioner, an enquiry was conducted on 19.05.2009 (Annexure P-5) against Sh. Dharampal Sharma by DEO Karnal wherein most of the charges levelled against him were proved to be correct including the irregularities and illegalities in the selection of Guest Teachers and

Lecturers. The appointment of respondent No. 6 was also held to be in violation of the Rules and instructions.

An enquiry was also conducted by Deputy Director and vide enquiry dated 21.05.2009, it was found that selection of Guest Teacher to be without merit and proper procedures. The petitioner then filed a complaint bearing No. 85-2012 before Hon'ble Lokayukta Haryana and vide order dated 17.12.2012, it was observed that respondent No. 6 was wrongly appointed and vide order dated 05.07.2013, Director, Secondary Education, Haryana terminated the services of respondent No. 6. This order was challenged by respondent No. 6 by impleading petitioner as party and the petitioner also filed a separate petition. This Court decided both cases together and vide order dated 06.07.2015, the petitions were dismissed. The matter again came up for hearing before Hon'ble Lokayukta Haryana and the petitioner submitted that he will approach this Court for redressal of his grievances and the Hon'ble Lokayukta passed order dated 12.01.2017.

Heard learned counsel for the parties.

It is not in dispute that the petitioner already approached this Court wherein this Court dismissed the petitions along with petition filed by the petitioner. Further the petitioner had already the knowledge of the enquiry dated 19.05.2009 and he has come to the Court after a gap of almost 09 years for quashing of appointment of respondent No. 6. Even though the case of the petitioner was pending before Hon'ble Lokayukta Haryana but he was also at liberty to approach this Court.

No ground is made out quashing of appointment of respondent

No. 6, as there is a huge delay in filing the present petition.

The writ petition is dismissed.

(RITU BAHRI)
JUDGE

01.11.2018
G Arora

Whether speaking/reasoned	Yes
Whether reportable	No