

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No.1364 of 2017 (O&M) in
CWP No.10567 of 2017
Date of Decision : 14.03.2018.

Ram Kumar Sharma

... Appellant

Versus

State of Haryana and another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BINDAL
HON'BLE MR. JUSTICE B.S.WALIA

Present: Mr. Sanjeev Kodan, Advocate
for the appellant.

B.S.WALIA, J.

1. Intra-court appeal has been filed against order dated 10.07.2017 dismissing the writ petition filed by the appellant seeking quashing of result declared by the Haryana Staff Selection Commission (for short 'the Commission') for the post of Primary Teacher in Ex.Serviceman (General Category).

2. The appellant had applied for the post in question under Ex.Serviceman (General Category) in response to advertisement No.2/2012 dated 08.11.2012 issued by the Commission in the year 2012. Total number of posts advertised were 9870, while 591 posts were advertised under Ex.Serviceman (General Category). Pursuant to the interview conducted and scrutiny of documents, the appellant received a letter from the Commission on 07.05.2014, rejecting his candidature on the ground that experience certificate attached with the application was neither counter signed by the Director of the respective State nor no objection certificate

was annexed with the application. As per the case set up by the appellant, on receipt of the aforesaid communication, he appeared before the Commission and removed the objections. However, on declaration of result thereof on 14.08.2014, the petitioner was not selected. The appellant claims to have sought information under the Right to Information Act, 2005. The same was claimed to have been supplied to him by the Commission on 30.09.2015. However, the writ petition was filed on 15.05.2017.

3. The Writ Court dismissed the writ petition on the ground that applying for information under the Right to Information Act after one year from the rejection of appellant's candidature on 07.05.2014, did not constitute sufficient cause so as not to have approached the Writ Court in time and that even if sufficient cause was accepted for any reason, even then, more than 1 year and 9 months had elapsed from the date of supply of information under the RTI Act by the Commission, besides, appointments to the post in question had already been made about three years ago.

4. Intra-court appeal has been filed inter alia on the ground that it was factually incorrect that the appellant had applied for information under RTI Act on 12.08.2015 as the appellant had sought information under the RTI Act on 19.09.2014 and it was only after filing of appeals on 11.11.2014, 04.03.2015 and 12.08.2015 that information was supplied by the authorities on 30.09.2015, therefore, it could not be said that the appellant was sleeping over the matter for 2 years and 11 months. Secondly, the selection made was under challenge before the High Court and it was only pursuant to the directions of the High Court that

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appointments were given in the month of May, 2017, whereafter, the appellant filed the writ petition on 15.05.2017, thus there was no delay in filing the writ petition.

5. We have considered the submissions made by learned counsel for the appellant and are of the view that since candidature of the appellant was rejected by the Commission on 07.05.2014 and the writ petition was filed on 15.05.2017 i.e. after a gap of more than 3 years, the writ petition is hit by delay and laches. Merely because the appellant was seeking information under the RTI Act or appointments had not been made due to the pendency of a writ petition before this Court and came to be made only in May, 2017, would not absolve the appellant of not having approached the Writ Court in time on account of rejection of his candidature on 07.05.2014 and the declaration of result on 14.08.2014 in which he was not shown as selected.

6. For the reasons recorded hereinabove, we do not find any reason to interfere with the order passed by the Writ Court. The appeal is accordingly dismissed.

(RAJESH BINDAL)
JUDGE

(B.S.WALIA)
JUDGE

14.03.2018
rajesh.k.khurana

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No