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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CWP-645-2019

Date of decision: 27.11.2019

Sanjay Kumar and others

.....Petitioners.

vs.

Haryana Staff Selection Commission

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE SANJAY KUMAR

Present: - Mr. Vivek Sharma, Advocate for the petitioners.

.....

Sanjay Kumar, J. (ORAL)

The prayer of the writ petitioners in this case reads as
under: -

'Civil Writ Petition under Articles 226/227 of the Constitution of India with a prayer that this Hon'ble Court may be pleased to issue a writ in the nature of certiorari for quashing the order dated 12.5.2016 (Annexure P-5) vide which the Respondent has considered the candidates for appointments to the post of Shift Attendants who are not having a basic qualification as per the advertisement.

It is further prayed that this Hon'ble Court may be pleased to issue a writ in the nature of mandamus directing the Respondent not to consider the candidates for appointment to the posts of Shift Attendant who are not having basic qualification as per the advertisement and then issue the merit list and accordingly considered the Petitioners for appointment to the post of Shift Attendant.

It is further prayed that this Hon'ble Court may be pleased to issue any other writ order or direction which this Hon'ble High Court may deem fit and proper under the peculiar facts and circumstances of the present case.

It is further prayed that during the pendency of the present writ petition, the Respondent be restrained from appointing the candidates qualified in lieu of impugned letter dated 12.5.2016 (Annexure P-5), in view of the facts and circumstances mentioned herein.'

Significantly, the primary challenge in this case is to the letter dated 12.5.2016 (Annexure P-5), whereby the Haryana Staff Selection Commission, Panchkula, made it known that persons who are holding the qualification of Polytechnic diploma/Higher degree were also allowed to apply for selection to the post of Shift Attendant in UHBVNL/HVBPNL/DHBVNL.

The petitioners do not explain as to why they did not take any steps to challenge the aforestated communication dating back to May, 2016, if they had any grievance therewith. After a lapse of over three years, they are now before this Court.

Further, the aforestated communication was issued in relation to Advertisement dated 20.2.2016 issued by the Haryana Staff Selection Committee, Panchkula. After such a long lapse of time, it would not be proper for this Court to entertain this writ petition as appointments would have been effected long ago on the strength of the aforestated Advertisement dated 20.2.2016, in all probability. The writ petition is therefore hit by delay and laches and is accordingly dismissed on that short ground.

No order as to costs.

(SANJAY KUMAR)
JUDGE

27.11.2019

preeti

whether speaking/non speaking

whether reportable/non reportable

yes/no

yes/no