

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****CWP-2196-2019****Date of Decision: July 10, 2019****Amita Sharma****... Petitioner****vs.****State of Punjab and Others****.. Respondents****CORAM: HON'BLE MR. JUSTICE ARUN MONGA****Present :** Mr.Vijay Rana, Advocate
for the petitioner.Ms. Anu Chatrath, Senior Advocate, with
Ms. Ambika Bedi, A.A.G.Punjab

ARUN MONGA, J.(ORAL)

The challenge herein is to the selection process for appointment to the post of Teaching Fellow made in the year 2011 whereby the persons lower in the merit to the petitioner were given appointment. The petitioner, herein, for the first time, objected to her non-selection after having unsuccessfully participated in the selection process in the year 2017 by filing a writ petition bearing CWP-26298-2017 before this Court.

2. At the asking of the Court and on an advance service of copy of the petition, Ms. Anu Chatrath, Senior Advocate with Ms. Ambika Bedi, A.A.G.Punjab, appears on behalf of the respondent-State.

3. Learned Senior counsel representing the State submits that the petitioner having acquiesced for more than 06 years, at this stage, cannot challenge her non-selection. She further submits that even at the time of earlier writ petition, she never approached the department seeking mitigation of her grievance other than a legal notice dated 12.10.2017, which too is also after a period of almost 06 years of selection/counseling

having took place in the year 2011.

4. The apparent reason for filing the present writ petition seems to be selection of respondent No.5 i.e. Manish who is stated to be lower in merit having secured 65.25 merit marks as compared to 65.84 marks secured by the petitioner.

5. Learned senior counsel representing the respondent-State submits that respondent No.5 was given appointment under the order/direction of this Court in view of the decision rendered in CWP 25025-2014. It is only when respondent No.5 was given appointment that the petitioner woke up from her slumber and filed the present writ petition which is hopelessly barred by time and is not maintainable on account of delay and laches.

6. I am in agreement with the submission of learned Senior Counsel.

7. Ordinarily, the law of limitation may not be strictly applicable while exercising powers under Article 226 of Constitution of India, however, it would be sound and reasonable ground to decline extraordinary discretion vested under Article 226 of Constitution of India. In the event, the petitioner does not take timely and expeditious steps for mitigation of his/her grievance then he/she must suffer consequences thereof.

8. In the present case, no explanation, let alone any plausible explanation, has been given in the writ petition justifying the six long years of acquiescence by the petitioner.

9. Confronted with the situation, learned counsel for the petitioner submits that as per the information of the petitioner, the process of counseling is going on even today and there are posts which are still vacant

pursuant to the selection/counseling which took place in the year 2011. But the same is also belied by the impugned order itself wherein it has been clearly stated that there is no vacant posts in the category, under which the petitioner has sought her selection. The claim of the petitioner has, therefore, been rightly rejected vide impugned order.

10. Learned Senior counsel, on instructions, also submits that the assertion of learned counsel for the petitioner that the counseling is still going on is incorrect as the entire selection process has culminated and no such counseling is going on as contended by learned counsel for the petitioner.

11. In the premise, no ground to interfere is made out as the writ petition is barred by delay and laches. The same is, hereby, dismissed accordingly. No order as to costs.

July 10, 2019
smriti

(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No