

HARVINDER SINGH AND ANOTHER **VERSUS** STATE OF PUNJAB
AND OTHERS

Present: Mr. Mohit Sadana, Advocate
for the applicants-petitioners.

The aforementioned **Review Application** has been filed alongwith an application bearing *CM No. 1400 of 2019* for condonation of delay of 40 (forty) days in filing the review application.

Learned counsel for the applicants-petitioners submits that the order dated 26.09.2018, dismissing the writ petition of the petitioners, needs to be recalled in view of the fact that it was not brought to the notice of the Court that the interim order dated 12.06.2017 (wrongly recorded as 21.06.2017) passed by a Division Bench of Meghalaya High Court, forming the basis of dismissal of the present writ petition, had been stayed by the Hon'ble Supreme Court on 04.09.2017. Thus, it is contended that the entire basis for dismissal of the writ petition being non-existent, entitles the recall of the order.

After hearing counsel for the applicants-petitioners, no ground for recalling/reviewing the order is made out.

It is a conceded fact that seventy-two (72) posts of School Librarians were advertised on 03.11.2012 by the Subordinate Selection Board, Punjab/respondent No. 2, and the final select list was published on 19.12.2014, wherein the name of the applicants-petitioners did not find mention. The reason for excluding the petitioners was that Two (02) Years

Diploma in Library Science obtained by them (petitioners) was from the CMJ University, Meghalaya during the session 2010-13, which were held to be invalid Diploma/Degrees by the State Government under Section 48 of the CMJ University Act, 2009. It is also not disputed that the petitioners had preferred the aforesaid writ petition claiming a right of appointment in the year 2018 i.e. after a lapse of more than three (03) years. It also cannot be disputed that the petitioners were held not entitled to any relief in view the petition being highly belated and barred of principle of delay and laches, as is apparent from the order dated 26.09.2018, apart from a decision on merits relying upon the interim order dated 12.06.2017 passed by a Division Bench. It is also not disputed that the order of the Hon'ble Supreme Court passed on 04.09.2017 *qua* merits was never brought to the notice of the Court, and therefore, would not entitle the applicants/petitioners to re-agitate the matter, by introducing a new fact, moreso, when the writ petition itself was barred by law of limitation.

Review application is dismissed.

Since the main review has been decided, no orders are required to be passed in the miscellaneous applications, the same stand disposed of.

(JASWANT SINGH)
JUDGE

March 08, 2019

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