

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

SMRITI
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CWP-18926-2015

Date of decision : February 05, 2019

Binder

...Petitioner

versus

State of Punjab and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Amit Dhawan, Advocate, for the petitioner.

Ms. Ambika Sood, DAG, Punjab.

Mr. Sanjeev Sharma, Advocate, for respondents No. 2 and 3.

Mr. Harit Sharma, Advocate, for respondent No.4.

ARUN MONGA, J. (ORAL)

The present writ petition has been filed for issuance of a writ in the nature of certiorari, *inter alia*, to quash the impugned Resolution No. 4 dated 04.10.2011 (Annexure P7) and also impugned order dated 09.01.2012 (Annexure P8) passed by respondent No.2-Market Committee, Shahkot, District Jalandhar.

2. The claim of the petitioner for selection to the post of Sewadar by respondent No.2-Market Committee, Shahkot, District Jalandhar was negated on the ground that the petitioner was over age and, in any case, as per the merit list prepared, pursuant to the selection process, he was placed at serial No.3. It is conceded case that the person in merit list at serial No.1 has been selected for the post of Sewadar. The merit list is not under challenge in the present writ petition.

3. At the very outset, learned counsel for the respondents contend that apart from the merit, the present petition is hit by delay and laches as the selection process was carried out pursuant to the advertisement dated 01.10.2011 (Annexure P-2) and employment notice dated 03.08.2011

(Annexure P3). The present writ petition was filed sometime in September 2015 after lapse of four years. They further contend that respondent No.4, who was selected, has been working as Sewadar since then and, therefore, the writ petition is liable to be dismissed on the ground of laches.

4. Having gone through the pleadings and the rival contentions raised by learned counsel for the parties, I am of the opinion that without going into the issue of delay and laches, even if the argument of the petitioner is accepted that his candidature has been wrongly rejected on the ground of age, he being concededly lower in merit cannot be granted the relief sought for by him.

5. Learned counsel for the petitioner argues that the petitioner was earlier pursuing his remedy before Punjab State Commission for Scheduled Castes and, therefore, justifies the delay in filing of the present writ petition. The petitioner, he contends, was earlier advised to seek remedy before the Punjab State Commission for Scheduled Castes. Vide letter dated 16.10.2014 (Annexure P9), the Commission had recommended that the case of the petitioner be reconsidered by giving relaxation of age and counting the experience for the period he served as Sewerman and Sewadar with respondent No.2-Market Committee, Shahkot, District Jalandhar. However, as already noted above, even if the benefit of age relaxation is granted to the petitioner, the claim cannot be considered in view of the fact that he is lower in merit.

6. Keeping in view the above, the present writ petition is dismissed. No order as to costs.

February 05, 2019

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(ARUN MONGA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No