

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

**CWP No. 27529 OF 2017
DATE OF DECISION : 09.07.2019**

Ashok Kumar and another

...Petitioners

versus

Union of India and others

...Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Jitender Malik, Advocate,
for the petitioners.

Mr. Anil Chawla, Advocate,
for the respondents.

ARUN MONGA, J.(ORAL)

Challenge herein is to the non-selection of the petitioners for recruitment to the post of Constable (General Duty). Pursuant to an advertisement dated 05.02.2011 (Annexure P-1), the petitioners were subjected to written, physical and medical examination.

2. Learned counsel for the petitioners states that they qualified the written as well as physical test and were also declared fit. However, they were not appointed despite the fact that the last selected candidate has lower marks than the petitioners. The petitioners have more aggregate marks than the last selected candidate, is not in dispute herein.

3. In the return filed by learned counsel for respondent-Union of India, it has been categorically stated that owing to wrong entry of data by the Data Entry Operator in the computer, the petitioners were wrongly shown as having been found fit in the medical examination. He further submits that on the correct entry of the data into the computer, when the result was revised, it was found that the petitioners were medically unfit.

4. Be that as it may, without commenting on the merits of rival contentions of learned counsel for the parties, it may be noted that the selection process carried out pursuant to advertisement published in the year 2011 was finalized in the year 2012 and yet the petitioners filed the instant writ petition in the year 2017.

5. Learned counsel for respondent-Union of India submits that records of every selection are preserved only for a limited period and therefore, the claim of the petitioners that they were declared medically fit cannot be verified at this stage.

6. In view of delay and laches and by sheer efflux of time, the relief sought by the petitioners in respect of selection and appointment to the post of Constable (G.D) cannot be gone into at this stage in the present proceedings in extra-ordinary writ jurisdiction.

7. The writ petition is accordingly dismissed with the observations that in case the respondents are able to retrieve the records of petitioners they may take a sympathetic view with

regard to contentions of the petitioners of having successfully qualified the written/physical examination as well as their having been declared medically fit and pass appropriate orders in accordance with law.

JULY 09, 2019
shalini

(ARUN MONGA)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No