

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA No. 203 of 2020 (O&M)

Date of decision: 13.02.2020

Manpreet Singh

... Appellant

Versus

The Punjab and Haryana High Court, Chandigarh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE

HON'BLE MR. JUSTICE ARUN PALLI, JUDGE

Present: Mr. Atul Lakhanpal, Sr. Advocate, with
Mr. Sandeep Bansal, Advocate,
Mr. Arjun Lakhanpal, Advocate,
for the appellant.

ARUN PALLI, J. (ORAL)

This is an intra-court appeal, under Clause X of the Letters Patent, against a judgment and order dated 8.11.2019, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant has since been dismissed for it suffered from delay and laches.

In brief, the case set out by the appellant has been that process of recruitment to the post of Senior Scale Stenographer, on the establishment of this Court, was initiated in the year 2013. The appellant competed for selection. He appeared in the shorthand-cum-typing as also the computer proficiency test on 6.4.2014. The result was declared on 22.5.2014, but he failed to qualify. Subsequently, he was permitted to inspect his answer sheet of the dictated paragraph of shorthand-cum-typing test. Upon which, it transpired that in total, the appellant had committed 16 mistakes, of which 4

related to misspelling of proper noun/noun: **Gurdwara (spelt by the appellant as Gurudawara)**. Being aggrieved, he even moved the authorities vide a representation dated 16.9.2014, which too was rejected. However, it was owing to the order dated 14.2.2018, passed in a connected writ petition, i.e. **CWP No. 18893 of 2015 (Rajender Kumar Vs. Punjab and Haryana High Court, Chandigarh and others)**, he learnt that the guidelines/instructions in terms whereof the respondents themselves had evolved a criteria to evaluate the candidates' dictation note: misspelling of proper noun and unfamiliar names could not be termed as mistakes, but were rather to be ignored. Thus, in the given situation, the appellant could, at best, be said to have committed 12 mistakes, i.e. $16-4=12$. And, for the last selected candidate, in his category, had committed 15 mistakes, he was entitled to be appointed as Senior Scale Stenographer from the date the other selected candidates were appointed. However, the writ petition filed by him was dismissed, for, even though the cause of action had accrued to the petitioner in the year 2014, but he approached this Court vide a writ petition in the year 2018, i.e. after an unexplained delay of 4 years. Thus this appeal.

We have heard learned senior counsel for the appellant and perused the records.

Concededly, the selection results were declared on 22.5.2014, and the appellant was shown to have failed. Pursuant to his request, he was permitted to inspect the answer sheet of the dictation note, whereupon, he even moved a representation dated 16.9.2014, that was rejected vide order dated 1.10.2014. Thus, the cause of action, if any, had accrued to the appellant in May/October, 2014. Needless to assert, if the appellant was, in

any manner, aggrieved owing to his non-selection, he could resort to the remedies as were admissible, however, he chose not to, and the process of selection attained finality. The plea, that at no stage, he was made aware of the criteria evolved for selection is equally erroneous, for nothing stopped the appellant from seeking the requisite information in the year 2014 itself. Rather, a copy of the instructions/criteria appended with the writ petition as Annexure P-7, reveals that it was, in fact, a communication, vide which the respondents on 9.7.2014, had furnished the information qua the criteria to be followed for selection to Rajender Kumar, i.e. petitioner in CWP No. 18893 of 2015. Thus, the reliance placed upon an interim order dated 14.2.2018, passed in **Rajender Kumar's case (supra)**, would also not enure to the advantage of the appellant either, for the petitioner therein had approached this Court instantly in the year 2015 itself. Likewise, the explanation sought to be tendered by the appellant to justify the delay and laches in approaching this Court: *while shifting his house from Mohali to Kharar, he had misplaced the letter dated 1.10.2014 (Annexure P-5), vide which his representation was rejected, but after four years later, with his persistent efforts, he could trace out the same in the month of July 2018 and thus filed the writ petition at the earliest*, is apparently incredible and lacks conviction. Not just that, the writ petition filed by **Rajender Kumar (supra)**, was allowed the same day, i.e. 8.9.2019, and by the same Court, that dismissed the petition filed by the appellant vide impugned judgment. And, analysis of the said decision reveals that *albeit* the petition filed by the appellant herein was initially tagged with the petition preferred by **Rajender Kumar (supra)**, but, owing to the delay and laches it suffered from, it was

de-linked, vide a formal order dated 20.9.2019. It would rather be apposite, at this juncture, to refer to the observations recorded in paragraph Nos. 6 and 17 of the decision rendered in **Rajender Kumar (supra)**, which read thus:-

6. *“A word on the fate of CWPs 14753 and 20141 of 2018 mentioned in the proceedings of the Committee is necessary. They stand dismissed by separate orders dictated in Court on 08.11.2019 after hearing the parties declining relief in both of them. That was on the ground of delay and laches and upon the bar of limitation coming in because the selection of the year 2014 was challenged in 2018 after inordinate and unexplained delay. While the present petitioner was prompt in approaching Court to nurse his grouse and for the vindication of his rights.*

17. *However, no other candidate from the selection process-2014 of the subject category post will be permitted to litigate after the date of dismissal of CWPs 14753 and 20141 of 2018 seeking re-evaluation or change of score claiming appointment to the post of Senior Scale Stenographer after a passage of over five years of the selection process becoming a dead ball. Their rights, if any, stand extinguished by efflux of time and bar of limitation freezing in repose. After all, the petitioner has been agitating for a declaration of his rights since 2015 by approaching this Court for relief without any delay.”*

In the given situation, the petition filed by the appellant, post passing of the order dated 14.2.2018, after a gross, inordinate and unexplained delay of 4 years, was nothing but speculative and an afterthought. Likewise, the decisions of the Supreme Court in **Collector,**

Land Acquisition, Anantnag and another Vs. Mst. Katiji and others, AIR 1987, Supreme Court 1353 and Esha Bhattacharjee Vs. Managing Committee of Raghunathpur Nafar Academy and others, 2013 (4) RCR (Civil) 785, upon which reliance is being placed by the learned senior counsel has no bearing, owing to the factual position obtaining in the matter at hands. Further, and as recorded even by the learned Single Judge: pursuant to a subsequent selection, the appellant was appointed to the post of Steno Typist and on further promotion, was now working as Senior Scale Stenographer on the establishment of this Court.

In the wake of the above, we are dissuaded to interfere with the impugned judgment and order rendered by the learned Single Judge.

The appeal being bereft of merit is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

February 13, 2020
AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO