

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

CWP-PIL-32-2020

Date of decision: 06.03.2020

Hitesh Kumar

... Petitioner

Versus

Government of Haryana and others

... Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA,
CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Rakesh Kumar, Advocate,
for the petitioner.

RAVI SHANKER JHA, CHIEF JUSTICE (Oral)

This petition has been filed by way of a Public Interest Litigation, seeking a writ in the nature of Mandamus to remove respondent No.5. (Shaileshwar Kaushik) from the post of Assistant Professor in Pt. Jawahar Lal Nehru Government Post Graduate College, Faridabad, by declaring his appointment/reinstatement as *void ab initio*.

At the very outset, this Court has questioned learned counsel for the petitioner regarding maintainability of this petition, seeking a Mandamus to quash an appointment in a Public Interest Litigation.

Learned counsel for the petitioner submits that appointment of respondent No.5 was patently illegal, in view of the decisions of the Supreme Court in **Bhanu Pratap Vs. State of Haryana and others** (passed in Civil Appeal No. 6205 of 2011 on August 2, 2011) [Annexure P-6], **District Collector and Chairman Vizianagaram (Social Welfare) Vs. M. Tripura Sundari Devi**, (1990) SCC (3) 655 [Annexure P-7], **Avtar Singh Vs. Union of India and others**, (passed in Special Leave Petition (s) No. 20525/2011 on

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July 21, 2016 [Annexure P-8], and Avtar Singh Vs. Union of India and others (passed in Civil Appeal No. 18798/2017 on November 15, 2017) [Annexure P-9].

From a perusal of the petition, it is evident that respondent No.5 was appointed on 26.8.2004, whereas, this petition, by way of a Public Interest Litigation, has been filed in the year 2020, i.e. after 16 years of the appointment. There is nothing on record to indicate that the petitioner was either a participant or an applicant for the post in question. The judgments relied upon by learned counsel for the petitioner relate to the cases that had been filed either by the interested candidates or by the applicants, or have been rendered with reference to the cases where the issues referred to the Larger Bench was relating to the effect of suppression of information and material by a person, while entering into service. Thus, the judgments do not relate to the maintainability of a Public Interest Litigation and that too after 16 years of the appointment.

In the circumstances, we do not find any reason to entertain this petition in the form of Public Interest Litigation and the same is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

March 06, 2020

AK Sharma

Whether speaking / reasoned: YES
Whether Reportable: NO