

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

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CWP-12830-2020

Date of Decision: 31.08.2020.

Suman Lata Yadov and others

....Petitioners.

Versus

State of Haryana and others

....Respondents.

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Sandeep Thakan, Advocate for the petitioners.

Suvir Sehgal, J.

This matter has been taken up for hearing through video conferencing due to Covid-19 pandemic.

The instant petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of certiorari for quashing of impugned order, Annexure P6, passed by the respondents, vide which the candidature of the petitioners has been rejected and candidates similarly situated as the petitioners have been appointed to the post of JBT teachers. The petitioners have further sought issuance of a writ of mandamus directing the respondents to offer them appointment on the post of JBT teachers in pursuance to advertisement No.2/2012 dated 08.11.2012, Annexure P1, as posts are lying vacant.

Facts, in brief, are that the petitioners submitted applications Annexure P2, in response to advertisement No.2/2012 dated 08.11.2012, Annexure P1, issued by the Haryana Teachers Selection Board, Panchkula

for recruitment to 8763 posts of Primary Teacher (PRT)/JBT. The petitioners were called for scrutiny of documents but their candidature was rejected on the ground that the JBT diploma possessed by them had been issued after the cut off date, i.e., 08.12.2012, mentioned in the advertisement, Annexure P1. The petitioners approached this Court by filing CWP-381-2014 claiming that some similarly placed candidates have been considered by the Board. Vide order dated 14.01.2014, Annexure P5, this Court disposed of the writ petition with a direction to the Secretary, Haryana School Teachers Selection Board to consider and decide the representations of the petitioners. In compliance of the said order, the respondents passed the impugned order, Annexure P6.

Counsel for the petitioner has been heard. He has argued that vide letter dated 17.03.2020, Annexure P7, the petitioners received information under the Right to Information Act, 2005 which shows that some candidates have been selected despite the fact that they had acquired the eligibility qualification after the cut off date. He has placed reliance upon the appointment letter dated 22.02.2019, Annexure P8, of another candidate to submit that the selection process is going on even now.

During the course of hearing of this petition on 27.08.2020, the counsel was asked to inform the date on which the impugned order, Annexure P6, was passed by the respondents and as to when was it received by them, since pleadings to this effect were lacking. Today the counsel has apprised the Court that the date of the impugned order is 27.01.2014 and the same was received by the petitioners a few days thereafter. However, the counsel could not offer any explanation as to why the impugned order was

I have considered the submissions made by the counsel for the petitioner.

The cause of action, if any, arose to the petitioners in the year 2014. The petitioners have failed to show any reason as to why they did not approach this Court for the last more than six years. At this belated stage, when even a suit would be barred by limitation, no relief can be granted to the petitioners. The petition is barred on the principal of delay and laches, as the petitioners have not raised their claim, if any, within time.

Reliance can be placed upon the Constitution Bench judgment of the Hon'ble Supreme Court in **State of Madhya Pradesh Vs. Bhailal Bhai, AIR 1964 SC, 447**, wherein it has been observed as under:-

“It appears to us however that the maximum period fixed by the legislature as the time within which the relief by a suit in a civil Court must be brought may ordinarily be taken to be a reasonable standard by which delay in seeking remedy under Article 226 can be measured. The Court may consider the delay unreasonable even if it is less than the period of limitation prescribed for a civil action for the remedy, but where the delay is more than this period, it will almost always be proper for the Court to hold that it is unreasonable.”

The petition is thus liable to be dismissed on the ground of bar of limitation.

It deserves to be noticed that even the information received by the petitioners under the Right Information Act, 2005, does not show that the candidates whose names were mentioned during the course of arguments have been appointed in the selection process. Still further, the appointment

letter, Annexure P8, also does not help the petitioner as it is not clear therefrom that the said letter was issued in pursuance to the advertisement No.2/2012 dated 08.11.2012, Annexure P1.

Writ petition is accordingly dismissed in limine.

(SUVIR SEHGAL)
JUDGE

31.08.2020

komal

Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No