

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

LPA-2046-2019 (O&M)

Date of decision:- 16.01.2020

Parveen Kumar Khatodia

...Appellant

Versus

State of Haryana and others

...Respondents

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

Present:- Mr. Saurabh Dalal, Advocate,
for the appellant.

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RAVI SHANKER JHA, C.J. (ORAL)

This appeal has been filed against an order dated 15.10.2019 passed by the learned Single Judge dismissing the writ petition being CWP-27112-2019 filed by the petitioner (appellant herein) challenging the select list published by the Haryana School Teacher Selection Board in the year 2014.

The learned Single Judge dismissed the writ petition on the ground that the petition had been filed after an unexplained and unacceptable delay of five years.

Learned counsel for the appellant submits that the appellant's name was mentioned in a select list that was separately published for non-Mewat cadre (Category No. 1), whereas the appellant had applied for Mewat Cadre (Category No. 2) and, therefore, the appellant had no knowledge about the fact that his name had wrongly been mentioned in the other select list and it is only when the appellant came to know about it, he approached this Court by filing a writ petition. It is submitted that this explanation of the appellant has not been considered by the learned Single Judge and hence this appeal.

Having considered the contentions of learned counsel for the appellant, it is observed that the delay of five years in assailing the select list published in the year 2014 is not disputed. It is also an undisputed fact that the appellant had approached this Court by filing a writ petition in the year 2018, but the same was dismissed as withdrawn with liberty to file a properly constituted petition which was also filed after a long lapse of nine months.

In such circumstances, it is not possible to accept the explanation of the appellant that he had no knowledge or information about the select list or that inspite of challenging the publication, he had some reasonable cause for waiting for nine months to file a properly constituted petition. As the matter relates to recruitment and selection, which is over five years back, the delay in such cases is fatal as has been held by the Supreme Court in the case of *Karnataka Power Corporation Ltd., Chairman and Managing Director and another Vs K. Thangappan and another* (2006) 4 SCC 322, *The New Delhi Municipal Council Vs Pan Singh and others* (2007) 9 SCC 278, *Union of India and others Vs M.K. Sarkar* (2010) 2 SCC 59 and *State of Uttar Pradesh and others Vs Arvind Kumar Srivastava and others* (2015) 1 SCC 347.

We do not find any reason to interfere with the order passed by the learned Single Judge.

The appeal filed by the appellant being meritless is accordingly dismissed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(ARUN PALLI)
JUDGE

16.01.2020
Amodh

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No