

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

108

**CWP No.2656 of 2021
Decided on : 05.02.2021**

Dr. Amit

... Petitioner

Versus

State of Haryana and others

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Aditya Yadav, Advocate for the petitioner.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The petitioner in the present writ petition filed under Articles 226/227 of the Constitution of India, seeks quashing of the impugned list/letter (Annexure P-4) vide which he has been declared ineligible on the post of Lecturer in the subject of Applied Arts, whereby his case has been rejected as he had not qualified UGC NET.

A perusal of the pleadings would go on to show that the advertisement was issued on 30.01.2013 (Annexure P-1) and two lecturers were appointed on 17.08.2013. The case of the petitioner is that only two posts out of four were filled and remaining posts are still lying vacant.

Counsel was asked to explain the delay in filing of the writ petition, to which he stated that a decision has now been taken on 31.12.2020 (Annexure P-8) by the Lokayukta, on the complaint filed by father of the petitioner and, therefore, cause of action as such has revived.

A perusal of the said order would go on to show that the petitioner's father Rattan Singh had filed complaints regarding illegal selection/appointments against the then Principal Secretaries, Technical

Education, Haryana, which have now been filed for the reasons given therein. The said complaint as such for the separate cause of action, which had been filed by father of the petitioner cannot revive the limitation and, therefore, challenge to the selection process which was initiated 8 years ago, cannot as such be initiated by the petitioner at this belated stage.

It is the settled principle that the writ Court would not invoke its extra-ordinary jurisdiction under Article 226 of the Constitution of India at the asking. Even otherwise it is always open to the respondents to advertise the said post afresh, keeping in view the latest educational qualifications, so that fresh applications can be invited from the persons who have now qualified in the intervening period. The petitioner has no indefeasible right as such to be appointed against the earlier advertisement and only has a right of consideration, which had been declined at that point of time.

Resultantly, there is no merit in the present writ petition and the same stands dismissed in limine.

FEBRUARY 05, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No