

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

**102**

**CM-531-LPA-2020 in/and RA-LP-20-2020  
in LPA-1278-2016  
Date of decision: 08.04.2022**

Parminder Kaur & others

....Appellants

Vs.

State of Punjab & others

....Respondents

**CORAM: HON'BLE MR. JUSTICE G. S. SANDHAWALIA  
HON'BLE MR. JUSTICE B.S.WALIA**

Present:- Mr.Rakesh Sobti, Advocate, for the applicant-review/appellants.  
Mr.SPS Tinna, Addl.A.G., Punjab.

**G.S. SANDHAWALIA, J. (Oral):**

The present review petition has been filed along with application for condonation of delay of 281 days in filing the same, against the order dated 02.04.2018 (Annexure A-1).

The primary ground in the review petition filed is that similar writ petition have been allowed and other candidates have been granted the benefit of consideration against the advertisement dated 05.09.2007 for the post of Teaching Fellows. The judgment under review in principle upheld the order of the Learned Single Judge dated 02.06.2016 wherein it was also noticed that there was delay in approaching the Court and mere filing of the representations would not extend the period and the petitioners had waived their rights and it could not be enforced in law and the remedy was taken away by passage of time.

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
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**102                      CM-531-LPA-2020 in/and RA-LP-20-2020  
                                 in LPA-1278-2016**

-2-

The said view has not been interfered by the judgment which is sought to be reviewed, by noticing that the advertisement is of the year 2007 and the counselling took place in 2011 and in view of the litigation before this Court regarding awarding of marks of Middle and Matriculation and the rural areas clause the finalization had been delayed and eventually counselling was conducted in December, 2011. The writ petition was thereafter filed only in the year 2016 whereas writs of similarly situated persons had already been allowed in 2014 and 2016. Same was dismissed while placing reliance upon the law laid down by the Apex Court in **State of Madhya Pradesh Vs. Bhailal Bhai AIR 1964 SC 1006**, **P.S.Sadasivaswamy Vs. State of Tamil Nadu (1975) 1 SCC 152**, **Union of India & another Vs. M.M.Sarkar (2010) 2 SCC 1126** and **State of U.P. & others Vs. Arvind Kumar Srivastava & others 2015 (1) SCC 347**.

Reliance now placed upon the judgments passed by the Learned Single Benches of this Court in CWP-14735-2016 titled *Vibha Mahajan & another Vs. State of Punjab & others*, decided on 02.07.2019 (Annexure A-3), CWP-13967-2016 titled *Santosh Kaur & others Vs. State of Punjab & others*, decided on 16.01.2020 (Annexure A-4) and CWP-11461-2016 titled *Rajinder Kaur Vs. State of Punjab & others*, decided on 13.01.2020 (Annexure A-5) would not be a ground to review the judgment already passed since these orders have been passed subsequently. It is also to be noticed that it was brought to the notice of the Learned Single Judge that the vacant posts had been filled up in pursuance of the further advertisement dated 09.11.2015.

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AT CHANDIGARH**

**102                      CM-531-LPA-2020 in/and RA-LP-20-2020  
                                 in LPA-1278-2016**

**-3-**

Thus, it is apparent that any direction for consideration would adversely affect the interests of other persons who are seeking consideration under the fresh advertisement. It is settled principle that the appellants have no vested right of appointment and only a right of consideration. Once they had failed to approach this Court within reasonable time, their writ petition was dismissed and thereafter, the orders under review had also been passed. In such circumstances, we are of the considered opinion that the subsequent events would not be a ground to bring it within the purview of review jurisdiction. If such a procedure is to be adopted, all matters which have been decided would always have to be reopened on account of the subsequent events which take place.

Accordingly, in view of the above discussion, no ground is made out for condoning the delay and reviewing the order dated 02.04.2018 (Annexure A-1). Resultantly, the present review petition as well as application for condonation of delay in filing the same are dismissed.

**(G. S. SANDHAWALIA)  
JUDGE**

**(B.S.WALIA)  
JUDGE**

**APRIL 8, 2022**  
*sailesh*

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |