

122.

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

CWP-7583-2022

Date of Decision: 08.04.2022

GURJEET PAL SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Jagraj Singh Khiva, Advocate,
for the petitioner.

Ms. Ambika Bedi, AAG, Punjab.

JAISHREE THAKUR.J

1. Through the instant writ petition filed under Articles 226/227 of the Constitution of India, the petitioner is seeking directions to the respondents to consider his candidature being fully eligible and qualified candidate for the post of Constable.

2. In brief, the facts are that vide advertisement dated 29.09.2011, 200 posts of Male Constables were advertised for District Mansa and the petitioner participated in the selection process under BC category. The petitioner was awarded 27 marks i.e. 13 marks for education qualification, 13 marks for height and 1 mark for interview. The grievance of the petitioner is that the candidates, who secured lesser marks than him, were selected by the respondents and he was ignored. He approached the respondents, but did not find any satisfactory response. Finding no other way, the petitioner

decided to file a writ petition before this Court and approached Mr. A.S. Cheema, Advocate for the same. The petitioner contacted his counsel occasionally and was informed by Mr. Cheema that the writ petition had been filed. Thereafter, the petitioner tried to contact his counsel, but could not contact him and later came to know that Mr. Cheema had left the profession and settled abroad. When the petitioner came in contact with the present counsel, he came to know that writ petition on behalf of the petitioner has not been filed. Only one writ petition i.e. CWP No.10060 of 2012 titled as *Sewak Singh Versus State of Punjab and others* had been filed by Mr. Cheema against the advertisement.

3. Counsel for the petitioner would contend that delay in filing the present petition is not intentional. He would submit that the petitioner secured 27 marks under the BC category and the other candidates, who belonged to General category and also secured 27 marks, were selected by the respondents by adopting pick and choose policy, but the petitioner being fully eligible and qualified candidate, was ignored without any reason.

4. I have heard learned counsel for the petitioner.

5. The law is well settled that one has to be vigilant regarding his rights. The doctrine of 'Delay or Laches' is thus an equitable doctrine. It is based on the maxim "Vigilantibus non dormientius aequitas subvenit" which means equity aids the vigilant and not the ones who sleep over their rights. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. Even if there is no period prescribed for filing the writ petition under Article 226 of the Constitution of India, yet

it should be filed within a reasonable time.

6. In the present case, the petitioner is agitating a claim of the year 2011. Now after 11 years, he cannot be permitted to agitate a stale claim. The present petition has been filed in March, 2022. As regards the argument that due to communication gap between the petitioner and his earlier counsel Mr. Cheema, he could not find out the status of the writ petition, such argument cannot be accepted. The writ petition is silent as to when he made an attempt to contact Mr. A.S. Cheema. Moreover, nothing has been brought on the record to establish as to how his candidature has been ignored by appointing persons less meritorious to him. A general statement has been made that the selection is made on the basis of pick and choose policy.

7. Consequently, the writ petition is dismissed on the grounds of delay and laches.

(JAISHREE THAKUR)
JUDGE

08.04.2022

sanjeev

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No