

105.

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

CWP-14082-2021

Date of Decision: 16.03.2022

CHARANJEET KAUR

.... Petitioner

Versus

STATE OF PUNJAB AND ORS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kanwaljeet Singh Brar, Advocate,
for the petitioner.

Mr. C.L. Pawar, Senior DAG, 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 for her appointment as Female Constable in the District Police Cadre at Bhatinda in preference to other candidates who could not qualify the initial physical efficiency test pursuant to advertisement dated 03.10.2011 (Annexure P-1).

2. Briefly stated, in response to advertisement dated 03.10.2011 (Annexure P-1) whereby 600 posts of Female Constables were advertised in the District Police Cadre, Bathinda, the petitioner applied for the same. The manner for selection was physical measurement test, physical efficiency test and then interview. 13500 female candidates appeared for the physical efficiency test and only 365 female candidates were able to qualify the same.

Then all the candidates, who qualified the test, including the petitioner were called for the interview, however, the same was cancelled. Petitioner was again called for the interview on 22.11.2011, but this time too, interview was cancelled and it was informed that all those candidates who have qualified the physical efficiency test, their names shall be published in the Punjabi Ajit and in other newspapers and the date of interview shall also be mentioned. Later on, the petitioner came to know that the candidates, who had not qualified the physical efficiency test, were called for the physical efficiency test by relaxing the norms, by making them calls at their numbers given in their respective application forms being their favorites, and the result was published in the Daily Ajit and other newspapers wherein 2000 candidates were declared to have qualified the physical efficiency test. However, the petitioner was never called for the interview.

3. Learned counsel for the petitioner would argue that without any corrigendum in the newspaper regarding relaxing the norms for the physical efficiency test, the candidates, who were not able to qualify the physical efficiency test, were called through their contact numbers given in their application forms. The petitioner who had earlier qualified the physical efficiency test was never called for the interview.

4. I have heard learned counsel for the petitioner.

5. The grievance of the petitioner is that she, being eligible for the post of Female Constable and despite having passed the required physical efficiency test, was never called for the interview which was published on 26.11.2011 (Annexure P-5).

6. 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.

7. In the present case, the petitioner is agitating a claim of the year 2011. Now after 11 years, she cannot be permitted to agitate a stale claim. The present petition was filed in the year 2021. Nothing has been brought on the record to establish as to how her candidature has been ignored by appointing persons less meritorious to her. A general statement has been made that the selection is arbitrary and illegal. As regards the argument that the similarly situated petitioners filed CWP No.773 of 2012 before this Court and they were ultimately given appointments, would be of no benefit to the petitioner as they were vigilant and approached this Court in the year 2012.

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

(JAISHREE THAKUR)
JUDGE

16.03.2022

sanjeev

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