

119.

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

CWP-20719-2022

Date of Decision: 13.09.2022

PUSHWINDER SINGH

.... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

.... Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Parminder Singh, Advocate,
for the petitioner.

JAISHREE THAKUR.J (Oral)

The petitioner herein is seeking a writ in the nature of mandamus directing the respondents to consider his representations dated 05.07.2022 and 19.07.2022, Annexures P-5 and P-6, asking for the details of the Constables selected under the Scheduled Caste category, for the post of Male Constable, under advertisement dated 11.09.2010.

The brief facts of the case as pleaded are that pursuant to advertisement issued in the year 2010, Annexure P-1, the petitioner applied for the post of Male Constable in District Police Cadre, Bathinda, under the Scheduled Caste category. However, clause 4(b) of the advertisement stating that the Ex-servicemen shall be given relaxation in the upper age limit by 3 years and the period between discharge from defence and re-employment not exceeding 24 months, was challenged before this Court and it was ordered that no appointment in the District Police Cadre of Bathinda shall be made.

Ultimately, the said issue was decided vide judgment dated 19.11.2012 and the process of selection/recruitment was ordered to be finalized. Meanwhile, various contempt petitions were filed and the respondents issued appointment orders to candidates who secured upto 24 marks.

Learned counsel appearing on behalf of the petitioner would contend that the petitioner had scored 27 marks, which were more than the selected candidates, but he was kept in dark and denied appointment. Vide application dated 08.06.2022, the petitioner sought information under the RTI Act regarding his appointment as Male Constables in the year 2011. Vide letter dated 01.07.2022, he was furnished detailed information having secured 27 marks. Thereafter, he made representation dated 05.07.2022, Annexure P-5, before the Senior Superintendent of Police, Bathinda, respondent No.3, seeking complete list of candidates recruited on the total posts of 5726 of Punjab Police Constable. A similar representation, Annexure P-6, was also made on 19.07.2022 before Inspector General of Police, Bathinda.

After having heard learned counsel for the petitioner and gone through the paper book, this Court finds that this case pertains to the recruitment process of the year 2010. Recruitments were made in the year 2011 and the petitioner for the first time came to seek information under the RTI Act in the year 2022. He slept over the matter for about 11 years. If he had a grievance, he should have approached the appropriate forum at the relevant time. The petitioner cannot be entertained at this belated stage.

The law is well settled that one has to be vigilant regarding his rights. The doctrine of 'Delay or Laches' is 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. It is well settled law that though 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.

In view of above, this Court does not find any ground to entertain the instant writ petition. Consequently, the writ petition is dismissed.

(JAISHREE THAKUR)
JUDGE

13.09.2022
sanjeev

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