

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

119

2023:PHHC:060888

CWP-1386-2023

Date of decision: 28.04.2023

ARMINDER PAL SINGH

..Petitioner

Versus

STATE OF PUNJAB AND OTHERS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.C. Arora, Advocate
for the petitioner.

Mr. R.K. Kapoor, Addl. A.G. Punjab.

ANIL KSHETARPAL, J(Oral)

1. The petitioner prays for the issuance of a writ in the nature of mandamus to direct the respondents to issue him the appointment letter as Principal in the Government School, Punjab.

2. In order to comprehend the controversy involved, the following relevant facts, in brief, are required to be noticed:-

3. On 09.03.2019, 154 posts of Principals in Government Schools were sought to be filled by the direct recruits. The petitioner was an employee of the Punjab Information and Communication Technology Education Society (PICTES). The petitioner was deputed to teach as a computer faculty in Government Schools, Punjab. The selection was to be made on the basis of a written examination and interview. Though, the name of the petitioner was included in the list of candidates selected for the interview, however, the petitioner was declared ineligible and not allowed to participate in the interview which was held on 26.07.2019. There were 31 similar employees of PICTES who were declared ineligible. As many as 25 search employees of PICTES filed writ petitions. On the direction of the Court, they were provisionally allowed to participate in the interview process. Subsequently, on the instructions issued by the government, they were treated as eligible and consequently appointed. Most

of the appointment letters for the post Principal were issued in the month of August, 2020.

4. This writ petition has been filed in January, 2023. The petitioner claims for similar consideration as the State has already taken a decision to treat the employees of PICTES serving in the government schools as eligible for direct appointment as Principal.

5. On instructions from Sh. Nirmal Kumar, Senior Assistant, PPSE, Patiala, it has been brought to the notice of the Court that the entire selection and consequent appointments have already been made in the year 2020 and the matter was closed. After the appointment process ended, two more recruitment notices have been issued in the meanwhile.

6. Keeping in view the aforesaid facts, the question of delay assumes significance. The learned counsel representing the petitioner relies upon the judgments passed in **Gaurav Bhardwaj Vs. Punjab and Haryana High Court and others, 2019 (1) SLR 280** and **Capt. Manoj Kumar Vs. State of Haryana and others, 2016 (3) SCT 704**.

7. This Court has considered the submissions and carefully examined the judgments relied upon by the learned counsel representing the petitioner. It may be noticed that a Larger Bench of the Supreme Court in **State of Maharashtra Vs. Digambar (1995) 4 SCC 683**, has considered the matter of delay and concluded that the High Court acted improperly by issuing directions in exercise of its power vested under Article 226 of the Constitution of India without taking into account petitioner's disentitlement to such relief due to his blameworthy conduct in unreasonably delaying their claim.

8. The Writ Court exercises extraordinary jurisdiction in exercise of powers of judicial review. Though, there is no limitation period for invoking the writ jurisdiction, however, the objections of delay and laches are entertained and the Court may refuse to exercise jurisdiction after coming to the conclusion that

the claim in the writ petition is stale. To recapitulate the facts, the petitioner came to know of the stand of the State in July, 2019, particularly when in para 4 of the reply it has been stated that a list of 31 identically situated computer faculty candidates was published vide public notice dated 23.07.2019. The petitioner does not dispute that fact, however, the learned counsel representing the petitioner contends that when 25 similarly situated candidates were provisionally interviewed on the direction of the Court, no notice was given to the petitioner.

9. This Court has considered the submissions of the learned counsel representing the petitioner, however, finds no substance therein. The selection process to fill up the civil posts is required to be concluded expeditiously. The process cannot be kept open till eternity. In this case, the State has already issued two subsequent recruitment notices. The writ petition has been filed after a delay of nearly 3 and ½ years.

10. In view of the judgment passed by the Supreme Court in *Digambar's case (supra)*, the judgments relied upon by the learned counsel representing the petitioner cannot be relied upon.

11. In view of the aforesaid facts and discussion, the present petition is dismissed.

12. All the pending miscellaneous applications, if any, are also disposed of.

April 28th, 2023

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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*