

CM-12976-CWP-2023 in/and
CWP No.16745-2023(O&M)

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2023:PHHC:103936

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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CM-12976-CWP-2023 in/and
CWP No.16745-2023(O&M)
DECIDED ON: 10.08.2023

Kanchan Kumari

.....Petitioner

VERSUS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SANJEEV PRAKASH SHARMA

Present: Mr.H.C.Arora and
Ms. Sunaina, Advocates, for the petitioner.

Mr. Paramjit Batta, Addl. A.G.Punjab.

SANJEEV PRAKASH SHARMA, J (ORAL)

CM-12976-CWP-2023

Counsel for the applicant-petitioner prays for withdrawal of the
present application.

Dismissed as withdrawn.

CWP-16745-2023

1. The petitioner before this Court is claiming benefit of a judgment
passed in favour of similarly placed persons who sought appointment against
12 vacancies which were available and were directed to be appointed by this
Court vide its judgment dated 17.02.2016 passed in CWP No.21619 of 2013
titled as Jaspreet Kaur and others v. State of Punjab and others (Annexure P-7),
and also vide LPA No.560 of 2015 titled State of Punjab and others v. Mamta
Thakur (Annexure P-5).

2. By filing writ petition No. 10879 of 2016, the claim of the petitioners has been examined by the Distt. Education Officer, who vide impugned order dated 01.12.2022 has observed as under:-

“XXXX

It is also worth mentioning here that after the date of counseling dated 13/12/2011, efforts were made by some of the petitioners for appointment to the post of Teaching Fellow through Civil Writ Petition 26298 of 2017. According to the judgment dated 2/6/2016 given by the Hon'ble Punjab and Haryana High Court in Civil Writ petition 11597 of 2016 titled as, "Parminder Kaur and others Vs. Punjab State" based on Claim delay and Leaches of the petitioner, It is not necessary to consider for appointment to the post of Teaching Fellow. The claim Is liable to be rejected. The relevant part of the judgment in Civil Writ Petition No. 11597 of 2016 titled as "Parminder and others Vs. State is as follows: -

The petitioners appear to be devotees of the fictional protagonist, Rip Van Winkle. It is rather late to wake them from slumber. If they have not been able to reorganize their lives after surrender of rights, waiver and acquiescence for five to nine years, the Court will not come to their rescue. Their rights, if any, have become unenforceable in law. Their remedy taken away by passage of time. These are the axioms of direct recruitment processes which has become a dead ball ad where everyday's delay matters since the rights of candidates becoming eligible meanwhile cannot be ignored by virtue of mandates In Articles 14 and 16 of our Constitution which is just as much for them, If not more, as anyone else.

The petition relates to a defunct claim and is hereby dismissed at the threshold as not meriting admission for any further consideration.

In view of the above situation and after careful consideration of all the records, I, Rally Kumar Chabra, District Education Officer (EE.), Ferozepur, have come to the conclusion

that Neetu Sharma daughter of Mr. Sohan Lal, resident of Mohalla Wala, street no:1, Ferozepur City was given appointment letters to less meritorious candidates. It is clarified here that the petitioners involved In this case, had attended the counseling on 13.12.2011. Prior to this, the merit of the last candidate selected in the category of the petitioner was 66.07 and the merit of this petitioner was 65.96. Accordingly, these candidates did not fall in the selection zone. Apart from this, there is no vacancy of the concerned petitioners in this district. According to the records, till the civil writ petition filed by these petitioners from 13.12.2011 till the filing of civil writ petition, no efforts had been made by them to get appointment on the post of E.T.T. Therefore, according to the judgment dated 2/6/2016 given by the Hon'ble Punjab and Haryana High Court in Civil Writ petition 11597 of 2016 titled as, "Parminder Kaur and others Vs. Punjab State", it is not necessary to consider for the appointment to the post of E.T.T. on the ground of Delay and Leaches. Therefore, I reject the case of appointment of these petitioners as teaching fellows."

3. Learned counsel for the petitioner submits that the notice of counselling was issued subject to pending litigation and therefore, the petitioners were waiting for the result. However, this Court finds that the petitioners have not filed writ petition till the case was decided with respect to the other candidates who had approached timely this Court in 2013. They are the fence sitters who have been watching the game and have taken steps only after the game is over. Such fence standing persons ought not to be entertained by this Court as a petitioner is required to be vigilant about his rights. In the said order, Distt. Education Officer took into consideration all the aspects including the fact that there is no vacancy for the petitioners in the district and the selection process is already over long back.

4. In view thereof, the order passed by Distt. Education Officer does not warrant any interference. Writ petition is found to be without merits and accordingly dismissed.

10.08.2023
mamta

(SANJEEV PRAKASH SHARMA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No