

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Letters Patent Appeal No. 1117 of 2024 (O&M)

Date of Decision: 06.05.2024

Sharanjit SinghAppellant

versus

State of Punjab and anotherRespondents

CORAM: HON'BLE MR.JUSTICE G.S.SANDHAWALIA, ACTING CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL, JUDGE

Present : Mr. Sardavinder Goyal, Advocate (through v.c.) with
Mr. Rohit Duggal, Advocate, for the appellant.

Mr. Saurav Khurana, Addl. Advocate General, Punjab.

G.S.SANDHAWALIA, ACTING CHIEF JUSTICE (Oral)

CM No. 2696-LPA- 2024 & CM No. 697-LPA-2024

For the reasons mentioned in the applications, delay of 208 days in filing and 51 days in re-filing the appeal is condoned. Applications stand disposed of.

Main appeal

2. Challenge herein is to the order dated 26.05.2023 passed by the learned Single Judge whereby the writ petition No.2390 of 2023 filed by the appellant-petitioner regarding the selection of 7416 constables (male and female) in District Police Cadre and Armed Police Cadre of Punjab Police Services was dismissed. In similar circumstances, we had dismissed a Letters Patent Appeal No. 1973 of 2023 by noticing that the belated challenge in the year 2021 by the writ petitioner in that case would be a good reason as such for the learned Single Judge to dismiss the writ petition and also while noticing

that various interim orders had been passed between the years 2016 to 2018 the learned Single Judges. The relevant portion of the order reads as under:-

“5. We have gone through the paperbook. The defence of the State in the written statement is expressly clear that the writ petition was filed after a long time on 09.12.2021. The result had been declared on 26.10.2016 and the revised merit list was declared on 20.05.2017 and the Learned Single Judge had disposed of the cases on 05.07.2021 in the first batch. As noticed above, the present writ petition was thus filed only on 09.12.2021. Thus, by sheer efflux of time, the writ petition was time-barred. It is settled principle that recruitment process is to be challenged at the earliest and the other similarly situated persons had approached this Court immediately, as noticed earlier by us. Various interim orders had been passed on 06.12.2016, 17.05.2017, 04.12.2017, 05.02.2017, 12.02.2018 and 25.04.2018 by the Learned Single Judge’s while dealing with the said selection process. Rather on 06.12.2016, order had been passed that the selection and appointment of the Constables shall be subject to the decision of the writ petition.

6. In such circumstances, the reasoning given by the Learned Single Judge is justified that the belated attack to the selection process which had long culminated and had been upheld, could not be made after the decision passed by the Learned Single Judge on an earlier occasion on 05.07.2021, which, as noticed, had been upheld.”

3. In the present case, as noticed above, the situation is even more poor. The writ petition was filed only in the year 2023 and apparently the petitioner is a fence sitter who sat and watched the proceedings. In similar circumstances, the Apex Court in Special Leave Petition (Civil) Diary No. 27011/2022, while upholding the order passed in Letters Patent Appeal No. 961 of 2021, decided on 16.05.2022, regarding the same selection held as under:-

“Delay condoned.

We have heard Dr. Bharat Bhushan Prasoon, learned Senior Advocate, appearing for the petitioners.

We have gone through the impugned judgment and order passed by the High Court. As such, no interference of this Court is called for.

The prayer made on behalf of the petitioners to have the re-measurement of all the appointed candidates cannot be granted. It will not only open the pandora box but will affect all those persons who are appointed from the year 2016 onwards. We do not propose to re-open the appointments already made from the year 2016 onwards.

The Special Leave Petitions stand dismissed.”

4. In Special Leave to Appeal (C) No. 3173 of 2023 also while dealing with the same selection process in *Lovepreet Singh and another vs. Director General of Police and others*, the Apex Court choose not to interfere in the said order on 10.02.2023.
5. In such circumstances, we feel that the case of the appellant is not liable to be considered on the ground that he has also secured 23 marks but he was older in age and similar situated person also got same marks.
6. Accordingly, the appeal filed by the appellant is dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

06.05.2024
ravinder

Whether speaking/reasoned	√Yes/No
Whether reportable	√Yes/No