

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(110) CM-981-LPA-2024 in/and
LPA-297-2024
Decided on : 09.02.2024

Sourabh Yadav and others

.....Appellant(s)

Versus

State of Haryana and another

.....Respondent(s)

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA,
ACTING CHIEF JUSTICE
HON'BLE MS.JUSTICE LAPITA BANERJI

Present: Ms. Asha Singh , Advocate for the applicant/appellants.
Mr. Deepak Balyan, Addl. AG, Haryana.

G.S. Sandhawalia, Acting Chief Justice (Oral)

CM-981-LPA-2024

Application for preponement from 10.05.2024, is allowed and case is taken up for hearing today itself.

CM stands disposed of.

LPA-297-2024

Consideration in the present letters patent appeal is to the order dated 04.01.2024 passed by the learned Single Judge in **CWP No.14 of 2024** filed by the appellants, whereby the writ petition was dismissed, keeping in view the judgment passed by the said Bench on an earlier occasion in **CWP No.15802 of 2023 ‘Monika and others Vs. State of Haryana and others’** decided on 25.07.2023.

2. Apparently, the relief which has been claimed in the writ petition before the learned Single Judge was for permission to apply provisionally for the posts of Post Graduate Teachers (PGT-Computer Science) vide recruitment Advertisement No.26/2023 dated 24.06.2023.

3. A perusal of the said advertisement would go on to show that the cut-off-date was 18.07.2023. The writ petitioners had filed the writ petition apparently much after the cut-off-date in the month of January, 2024. In the writ petition itself, it has been mentioned that the writ petitioners in CWP No.15126 of 2023 were permitted to apply provisionally for the post in question and in such circumstances the appellants also sought similar relief.

4. The learned Single Judge in the case of Monika (supra) has also dealt with the aspect of sacrosanctity of the cut-off date and that the last date for receiving applications/forms cannot be altered by the Court while exercising the powers under Article 226 of the Constitution of India. No right accrued to the appellants merely because some interim orders have been passed in other cases before the cut-off date, which would be clear from the interim order dated 17.07.2023 passed in **CWP No.15126 of 2023 ‘Renu Bala and others Vs. State of Haryana and others’**.

5. The writ petitioners in the earlier set of litigation were aware of their legal rights and had approached the Court challenging the terms and conditions. If the said course is to be permitted, no recruitment process can be completed, as the eligibility has to be seen on a particular date. It is settled principle of law if the writ petitioners are not eligible on the due date and did not agitate for their rights, uncertainty cannot be created in the recruitment process, which has been challenged on repeated occasions by the different set of persons, on different accounts.

6. Keeping in view the above, we are of the considered opinion that the learned Single Judge has decided the matter in proper manner and keeping in view the settled principles of law, no ground is made out to entertain the present appeal. Resultantly, the same is dismissed in limine.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

09.02.2024
Naveen

Whether speaking/reasoned :	Yes	
Whether Reportable :		No