

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2024:PHHC:076631-DB



(108)

LPA-1339-2024 (O&M)
Decided on :29.05.2024

Shri Vishwakarma Skill University, Gurugram and another
.....Appellant(s)
Versus
Bharat Sharma and another
.....Respondent(s)

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

Present:- Mr. Hitesh Pandit, Advocate for the appellant.
Mr. Jasbir Mor, Advocate for respondent No.1.

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

CM-3191-LPA-2024

Application for condonation of delay of 33 days in filing the appeal, is allowed, in view of the averments made in the application, duly supported by affidavit. Delay of 33 days in filing the appeal is condoned.
CM stands disposed of.

LPA-1339-2024(O&M)

The present letters patent appeal is directed against the interim order dated 04.03.2024 whereby the writ petitioner/respondent No.1 herein had been directed to be allowed to join the post of Skill Instructor subject to final outcome of the writ petition. The learned Single Judge had given detailed reasons in the said order while exercising his extra-ordinary writ jurisdiction under Article 226/227 of the Constitution of India, since a mandamus was sought on account of the fact that the writ petitioner was at number one in the merit list. Apparently, the writ petitioner has the requisite experience certificate for 364 days. In spite of the appointment letter dated 25.03.2023 (Annexure P-10) he was not allowed to join by the present appellant, on account of not having requisite experience certificate of one year. The learned



Single Judge, thus, has observed that only on account of the fact there were 29 days in the month of February in the year 2020, the writ petitioner did not complete one year experience. The learned Single Judge, thus, found that he was one day short of the necessary one year experience.

2. Admittedly, after the notice of motion order passed on 04.03.2024, the appellants put in appearance on 10.05.2024 but did not complete pleadings and had taken time and matter has now been fixed for 25.09.2024. No application for modification of the order under challenge has been filed before the concerned Court. In such circumstances without having approached the concerned Court at the first instance, we are of the considered opinion that filing of the present appeal against the interim order at this stage would not be made out. It is always open to the appellants to complete the pleadings and then press for early hearing before the concerned Court. The basic principles as such of *prima facie* case in favour of the writ petitioner as such weighed with the learned Single Judge before passing of the impugned order.

4. Resultantly, we do not feel that it is a fit case to entertain the present appeal, since the appellants have not pressed for their remedy before the learned Single Judge at the first instance. Accordingly, there is no merit in the present appeal and same is hereby dismissed in *limine*. All pending civil miscellaneous application(s), if any, also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

29.05.2024
Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No