

2024:PHHC:072142-DB



Neutral Citation No.

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(112)

LPA-1257-2024 (O&M)

Decided on : 21.05.2024

Satpal Kaur

.....Appellant(s)

Versus

State of Punjab & others

.....Respondent(s)

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

Present: Mr.Sukhdev Raj Kamboj, Advocate, for the appellant(s).

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

CM-3018-LPA-2024

1. Application for condoning the delay of 192 days in filing the present appeal is allowed in view of the averments made in the application duly supported by affidavit of the appellant. Delay of 192 days in filing the appeal is hereby condoned.

2. CM stands disposed of.

LPA-1257-2024 (O&M)

3. Consideration in the present appeal is to the judgment passed by the Learned Single Judge in CWP-20626-2023 which was dismissed on 25.09.2023.

4. The Learned Single Judge relied upon the judgment passed by the Co-ordinate Bench in CWP-22959-2016 titled *Gurjinder Singh & others Vs. State of Punjab & others* decided on 17.02.2023 (Annexure P-8) to submit that if there was any requirement of correction/modification of the order, the only remedy available was to seek review or correction of the same or by filing an appeal. It was observed in that case that the merit-list published had laid down the cut-off on 10.08.2020 and more than 7 years had elapsed when the recruitment notice had been issued in 2015. It was held that the said order would not give opportunity to other candidates who had never filed the writ petition in due time as the benefit of the order was only restricted to the petitioners in the said writ petition. The Learned Single Judge in Gurjinder Singh (supra) noticed that the recruitment notice was issued on 20.11.2015 and

30 candidates out of the 99 writ petitioners had secured the required cut-off marks and the remaining 69 candidates were lower in merit than the last selected General Category candidate who had been adjusted. Resultantly, directions were issued that the exercise be completed within a period of 6 weeks and appointment orders be issued to the petitioners.

5. The appellant apparently had never joined hands with the said writ petitioners and thereafter, served legal notice dated 12.06.2023 (Annexure P-10) claiming consideration for the post of Punjabi Mistress against the SC (R&O) category on the ground that there was an order dated 31.03.2023 (Annexure P-9) and the new cut-off was 176 marks. The respondents chose to reject the case of the appellant and thus she approached this Court by filing the writ petition, which as noticed above, had been dismissed.

6. A perusal of the order dated 31.03.2023 which was subject matter of challenge before the Learned Single Judge would go on to show that the recruitment process of 6060 posts of Masters Cadre had been initiated on 20.11.2015. On account of the judgment passed by the Apex Court in **Vikas Sankhala & others Vs. Vikas Kumar Aggarwal, (2017) 1 SCC 350** that the SC/BC candidates who had passed the Teachers Eligibility Test with 82 to 89 marks were to be considered under General Category on a condition that their merit should be higher than that of the last selected candidate of General Category, the recruitment process had been prolonged. In such circumstances, the Learned Single Judge had relied upon the said judgment and issued necessary directions. The Directorate of School Education, Punjab, taking a decision while complying with the order of the Learned Single Judge noticed that advertisement for the year 2017 for 3582 posts of Master Cadre and for the year 2020, for 3704 posts of Master Cadre and for the year 2021, for 2392 posts and 135 Backlog posts of Master Cadre had been issued. Thus, it was held that the recruitment process for the advertisement dated 20.11.2015 stood closed.

7. Apparently, the appellant was a fence-sitter and only on account of the judgment passed on 17.02.2023, woke up to agitate for her grievances. Similarly situated persons had approached this Court in the year 2016 in the lead case of Gurjinder Singh (supra) and thereafter, several writ petitions were tagged along and eventually 22 cases were disposed of. Certain other persons also from the years 2021-2022 got their matters clubbed along which were duly decided.

In such circumstances, the Learned Single Judge put a stop on the benefits given to the other candidates who had never filed the writ petition.

8. It is settled principle that recruitment process cannot go on forever. As noticed, there were as many as three recruitment process completed for the said posts thereafter and to direct consideration, at this point of time as prayed for, would lead to other selected candidates rights' being affected who had applied for the said posts and have been duly selected. It is settled principle that the writ jurisdiction has to be invoked at the earliest though there is no prescribed period of limitation. The appellant having chosen to sleep over her right cannot claim for the consideration as any such benefit now granted would open the 'Pandora's Box' as other candidates who had slept over their rights would also come forth.

9. In **Sankar Mondal Vs. State of West Bengal & others, 2022(2) ACJ (SC) 205**, the Apex Court held that in a recruitment process, a candidate cannot be permitted to approach for redressal at any stage of time. It was held that there has to be a closure to the process of recruitment and however genuine the grievance may be, the delay of 7 long years to initiate proceedings were sufficient to non-suit the appellant. It was further noticed that 24 years had passed since the advertisement had been issued and the appellant himself was about 45 years of age and therefore, the order of the Tribunal rejecting the Original Application was upheld and thus, the challenge on the ground that he had appeared in a select panel for the post of Sub-Assistant Engineer (Civil) had been repelled. The principle laid down in the said judgment would be squarely applicable to the present case.

10. Accordingly, in view of the above discussion, we are not inclined to interfere in the judgment passed by the Learned Single Judge. Resultantly, the present appeal is dismissed in limine. All pending application(s) also stand dismissed.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

21.05.2024
Sailesh

Whether speaking/reasoned : Yes
Whether Reportable : No