

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(107)

LPA-1636-2023 (O&M)

Decided on : 25.04.2024

Rozy Dhillon and others

.....Appellant(s)

Versus

State of Punjab and others

.....Respondent(s)

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

Present: Mr. Maninder Arora, Advocate and
Mr. Harshit Singh, Advocate for the appellant (s).

Mr. Saurav Khurana, Addl. AG, Punjab.

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

Second challenge has been raised to the order of learned Single Judge dated 29.09.2020 passed in CWP-15667-2020. Firstly, LPA-118-2023 had been filed, which was dismissed as withdrawn on 10.04.2023 with liberty to file an application to seek review before the learned Single Judge. RA-CW-210-2023 was dismissed on 07.07.2023 and, thereafter the present appeal has been filed on 18.09.2023. It is in such circumstances, the delay of 1054 days which has taken place is liable to be condoned. It is, accordingly, submitted that from the date when the review application was dismissed, the delay is much less, since the present appeal after the decision in the review application was filed only on 18.09.2023 and, thus, since only period of **30 days** is provided, delay is liable to be condoned. The explanation given is sufficient cause, since apparently the appellants were agitating for their grievances in accordance with law.

2. However, on merits we feel that there is no tangible reason for us to interfere in the selection process in question of Arts and Crafts Instructor, which was initiated on 01.03.2013. The appellants for the first time

approached the Writ Court after a span of 7 ½ years, which is the primary reason which weighed with the learned Single Judge while placing reliance upon the judgement of **State of Uttaranchal and another Vs. Sri Shiv Charan Singh Bhandari and others, (2013) 12 SCC 179** who did not go into the merits of the case and dismissed the writ petition in limine.

3. Counsel for the appellants has submitted that they were high in the merit and on account of delay as such and criminal prosecution against the recruiting agency, they were outstayed. Be that as it may, but the appellants can be safely termed as 'fence sitters'. We are informed that some candidates had filed writ petitions in the year 2013 itself and directions had been issued in various cases including **CWP-27994-2013 'Amandeep Singh Vs. State of Punjab and another'** on 21.08.2018.

4. In such circumstances, keeping in view the fact that selection process cannot be kept open for all times to come and, therefore, fresh advertisement would have been issued and posts would have been filled up in pursuance of the same. Thus, the learned Single Judge was well within his discretion not to exercise the extra-ordinary jurisdiction under Article 226 of the Constitution of India, on the principles laid down in the above said judgment.

5. Resultantly, we do not find any tangible reason to open up the Pandora's Box at this stage and the present letters patent appeal is hereby dismissed. All pending civil miscellaneous applications also stand disposed of.

(G.S. SANDHAWALIA)
ACTING CHIEF JUSTICE

(LAPITA BANERJI)
JUDGE

25.04.2024

Naveen

Whether speaking/reasoned :	Yes
Whether Reportable :	No