

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(105) LPA-1973-2023 (O&M)
Date of decision : 22.04.2024

Jagtar SinghAppellant(s)
Versus

Director General of Police, Punjab & othersRespondent(s)

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

Present: Mr.Rahul Vohra, Advocate
Mr.Rohit Gupta, Advocate
Mr.Yatin Mehta, Advocate
for the appellant.

Mr.Saurav Khurana, Addl.A.G., Punjab.

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

CM-4939-LPA-2023

1. Application for condoning the delay of 139 days in filing the appeal is hereby condoned in view of the averments made in the application, duly supported by affidavit of the appellant. Delay of 139 days in filing the appeal is hereby condoned.

2. CM stands disposed of.

LPA-1973-2023 (O&M)

3. Consideration in the present appeal is to the judgment dated 26.05.2023 passed in CWP-25349-2021 which was dismissed along with bunch of cases lead case of which was CWP-2208-2017 titled *Jaimal Singh Vs. Director General of Police, Punjab, Chandigarh & another.*

4. The Learned Single Judge gave various reasons for dismissing the writ petitions and also the fact which weighed was on account of the fact that LPA-961-2021 titled *Gurcharan Singh & others Vs. State of Punjab & others*, was dismissed on 16.05.2022 by the Co-ordinate Bench headed by one of us (G.S.Sandhawalia J.) upholding the order of another Learned Single Judge dated 05.07.2021 wherein certain directions regarding measurement of height of candidates had been issued while keeping in mind the earlier decisions passed in CWP-23875-2016 titled *Sonu Singh Vs. State of Haryana & others*, decided on 21.11.2016.

3. It was accordingly noticed by the Learned Single Judge that once the issue stood decided regarding the selection process which had been initiated on 31.05.2016 for recruitment of 7416 Constables (Male and Female) in the District Police Cadre and Army Police Cadre, there would be no valid ground to interfere in the revision of the final selection list which order was further upheld by the Apex Court in SLP (C) No.3173-2023 titled *Lovepreet Singh & another Vs. Director General of Police & others* on 10.02.2023.

4. Counsel for the appellant has vehemently submitted that the appellant was given no opportunity for re-measurement and therefore, the Learned Single Judge did not take this aspect into consideration.

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.

7. Another reasoning for which we feel that the present appeal is bereft of merit is that in the reply filed, it has also been mentioned that the appellant had obtained 27 marks and is 1 mark below the cut-off for the District Police and Armed Police Forces for which the cut-off was 28 marks.

8. In such circumstances, no interference is called for in any manner at the hands of the person who had not litigated the matter within reasonable time. Resultantly, in view of the above discussion, the present appeal is hereby dismissed. All pending application(s) also stand dismissed.

(G.S. SANDHAWALIA)

ACTING CHIEF JUSTICE

22.04.2024

Sailesh

(LAPITA BANERJI)

JUDGE

Whether speaking/reasoned :	Yes	
Whether Reportable :		No