



LPA-2490-2024 (O&M)
Date of Decision: January 22, 2025

Versus

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MR. JUSTICE ALOK JAIN**

Mr. R.S. Pandher, Sr. DAG, Punjab.

LISA GILL, J.

1. Prayer in this appeal is for setting order dated 07.12.2003 whereby CWP-27517-2023 filed by present appellants (writ petitioners) has been dismissed on the ground of gross laches and delay.

2. Appellants (writ petitioners) filed CWP-27517-2023 for setting aside orders dated 22.10.2009 and 23.10.2009 attached collectively as Annexure P8, whereby their services had been terminated. Pursuant to advertisement dated 05.09.2007 inviting applications for recruitment to 9998 posts of ETT teachers, appellants applied for appointment to the post of ETT teachers (teaching fellows) in the State of Punjab. There was no recruitment test or interview. Merit list was prepared, counselling held and appointment

letters issued to writ petitioners in the month of May 2008. They joined at the posts in October 2008. They received notice dated 10.03.2009 raising an objection and a question mark on the experience certificates submitted by them, statedly found to be bogus on verification. Public notice was issued on 07.08.2009 in various newspapers directing all candidates, list of whom was published to appear before the Committee in respect to the fake/bogus experience certificates submitted by them. Services of appellants as well as number of such persons were terminated. Number of writ petitions were filed before this Court challenging similar orders of termination.

3. It is to be noted at this stage that writ petitioners did not challenge their termination orders at any point of time prior to filing of CWP-27517-2023. Some of the writ petitions filed in 2010 were disposed of in the year 2010 itself, with directions to respondents to consider the claim of candidates therein after determining the authenticity of certificates produced by them. It was directed that if certificates are found authentic, appointment be given and in case certificate is found to be bogus, claim of appointment be considered after excluding the marks for experience. Such dispensation was challenged by the State of Punjab and in one of the appeals i.e. LPA-9257-2010 filed by State, it was directed that in case, certificate submitted by the candidate is found to be bogus by the Committee, the candidate becomes disentitled to any benefit with regard to selection and appointment and that the matter should be taken to its logical conclusion with necessary action being taken against all concerned.

4. Present appellants (writ petitioners) after long years filed CWP-27517-2023 for setting aside impugned orders passed in October 2009

whereby their services had been terminated. It was asserted that certificates of petitioners were not bogus or fake and authenticity thereof had not been correctly determined before passing impugned orders. Learned Single Bench dismissed the writ petition filed by petitioners vide impugned order dated 07.12.2023 on the basis of delay and laches while observing that writ petition had been filed after almost 14 years of passing of impugned orders. Aggrieved therefrom, present appeal has been filed.

5. Learned counsel for appellants vehemently argues that some of the candidates have been reinstated in service by deducting marks awarded initially for experience certificates in question, therefore, writ petition filed by present appellants should not have been dismissed only on the basis of laches and delay. Number of candidates have been reinstated as narrated in writ petition. It is, thus, prayed that this appeal be allowed.

6. Learned counsel for the State (on advance notice), opposes the appeal while submitting that impugned order passed by learned Single Judge has been correctly passed after considering the facts and circumstances of the matter. It is, thus, prayed that this appeal be dismissed.

7. We have heard learned counsel for parties and have gone through the file with their able assistance.

8. It is a matter of record and in fact candidly conceded by learned counsel for appellants that no steps whatsoever were taken by appellants (writ petitioners) till the filing of writ petition for challenging their orders of termination admittedly passed in 2009. Reference to representations attached as Annexure P23 is of no avail to the appellants. Said representations are clearly undated and there is nothing on record to indicate as to how and by

which mode they were submitted. Furthermore, even if accepted that such representations were indeed submitted, it can be of no benefit to petitioners as mere repeated submission of representations cannot extend the cause of action.

9. Doubtlessly, there is no limitation for filing writ petition but at the same time it is a settled position that necessary steps should be taken within a reasonable time. Gainful reference in this regard can be made to judgments of Hon'ble the Supreme Court in **Bharat Coking Coal Ltd. and others vs. Shyam Kishore Singh (2020) 3 SCC 411; Union of India and others vs. N. Murugesan and others (2022) 2 SCC 25; State of Orissa and another vs. Laxmi Narayan Das (Dead) through LRs and others 2023 LiveLaw (SC) 527 and Bichitrananda Behera vs. State of Orissa and others 2023 AIR (SCC) 5064.**

10. It has been held by Hon'ble the Supreme Court in **Chairman, State Bank of India vs. M J James, (2022) 2 SCC 301** as under:-

“ What is a reasonable time is not to be put in a straitjacket formula or judicially codified in the form of days, etc. as it depends upon the facts and circumstances of each case. A right not exercised for a long time is nonexistent. Doctrine of delay and laches as well as acquiescence are applied to non-suit the litigants who approach the court /appellate authorities belatedly without any justifiable explanation for bringing action after unreasonable delay. In the present case, challenge to the order of dismissal from service by way of appeal was after four years and five months, which is certainly highly belated and beyond justifiable time. Without satisfactory explanation justifying the delay, it is difficult to hold that the appeal was preferred within a reasonable time.”

11. This position has been reiterated by Hon’ble the Supreme Court in the case of **Bichitrananda Behera** (supra).
12. In the given facts and circumstances, it is correctly held by learned Single Bench that writ petition filed by present appellants suffers from gross laches and delay. Appellants are clearly fencesitters and not entitled to any indulgence. There is nothing on record which explains the delay in taking necessary steps by the appellants at the relevant time. Arguments as raised before us are completely devoid of merit, hence rejected.
13. Learned counsel for appellants is unable to point out any illegality, infirmity or perversity in the impugned order dated 07.12.2003 passed by learned Single Bench.
14. No other argument has been addressed.
15. Appeal is, accordingly, dismissed with no order as to costs.

(LISA GILL)
JUDGE

(ALOK JAIN)
JUDGE

January 22, 2025
Rts

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No