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

CWP-12441-2026

Date of decision: 24.04.2026

Pawan Kumar

...Petitioner

Versus

State of Haryana and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR**Present:** Mr. Abhilaksh Grover, Advocate
for the petitioner.

Mr. Piyush Khanna, Addl.A.G., Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. The present civil writ petition has been filed under Articles 226/227 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of order dated 19.03.2026 (Annexure P-7). Further, for issuance of a writ in the nature of *mandamus* directing the respondents to consider the petitioner against the vacant posts of Technical Expert advertised by notice dated 12.01.2024 (Annexure P-1) and grant him opportunity to appear for the interview.

2. Learned counsel for the petitioner *inter alia* contends that respondent No.1 advertised 55 posts for engagement of Technical Experts on contractual basis on 12.01.2024 as discernible from Annexure P-1. The petitioner applied for the advertised post and was allotted application No.TECH-2021-000055 as evident from Annexure P-2. On 14.03.2024, the petitioner came to know that 44 persons have been appointed against the 55 vacancies. The petitioner made representations on 24.02.2025 (Annexure P-4)



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and 28.03.2025 (Annexure P-5) which remained unheeded prompting the petitioner to approach this Court by way of filing CWP No.32396 of 2025 titled as ***Pawan Kumar Vs. State of Haryana and another*** which was disposed of vide order dated 03.11.2025 (Annexure P-6) with a direction to the respondents to consider the representation and pass a speaking order after affording an opportunity of personal hearing.

2.2 In purported compliance, the respondents have passed the impugned speaking order on 19.03.2026 (Annexure P-7) rejecting the representations of the petitioner on the ground that he was not eligible. The speaking order is illegal and arbitrary and passed without proper application of mind. The respondents have acted in violation of the directions issued by this Court on 03.11.2025 (Annexure P-6) which directed a speaking order. Further, the rejection of the petitioner's candidature who was one of the short listed candidates in the merit list, despite existing of vacancies is discriminatory and violates the Articles 14 & 16 of the Constitution of India.

3. *Per contra*, learned State counsel submits that the Department of Urban Local Bodies, Haryana, invited applications for 55 posts of Technical Experts by issuing an advertisement dated 12.01.2024. Thereafter, a list of shortlisted candidates was published on the official website of the Department, informing the candidates to appear before the Selection Committee for document verification and interview on 24.02.2024 at 10:00 A.M. in the office of the Directorate of Urban Local Bodies, Haryana, Sector 4, Panchkula. It was further specifically mentioned in the said notice that in case candidates failed to appear for the interview on the scheduled date and time i.e. 24.02.2024 at 10:00



A.M., no further opportunity would be granted. Admittedly, the petitioner did not attend the document verification nor appear for the interview. Accordingly, he was not offered appointment due to his non-appearance before the Selection Committee. As such, the petitioner cannot, after a lapse of nearly one year, be permitted to seek extension of time and participate in the interview. The entire selection process has since been concluded, and the petitioner was not selected due to his own lapse.

4. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner participated in the selection process for 55 advertised posts of Technical Experts on a contractual basis in terms of the advertisement dated 12.01.2024 (Annexure P-1). The petitioner was one of the shortlisted candidates and a public notice was issued on the official website of the respondent-Department directing all shortlisted candidates to appear before the Selection Committee for document verification and interview on 24.02.2024 at 10:00 A.M. in the office of the Directorate of Urban Local Bodies, Haryana. It was further clearly stipulated in the said notice that in the event a candidate failed to appear for the interview on the scheduled date and time, no further opportunity would be granted. The petitioner remained indolent and as per his own pleadings, made representations only on 24.02.2025 and 28.03.2025, after a lapse of nearly one year. As such, this Court finds no ground to interfere at this stage.

5. It is trite law that the delay in approaching this Court under Article 226 of the Constitution of India may be condoned if sufficient cause is indicated or a reasonable explanation is provided for the same. However, the



facts of the matter at hand indicate otherwise. Learned counsel petitioner has failed to specify any compelling or extenuating circumstance which prevented him/her from approaching this Court for such a long time. Reference in this regard may be made to the judgment rendered by a three-Judge Bench of the Hon'ble Supreme Court in *Chairman/Managing Director, U.P. Power Corporation Limited and Others vs. Ram Gopal (2021) 13 SCC 225*, wherein, the following was held:

*“16. Whilst it is true that limitation does not strictly apply to proceedings under Articles 32 or 226 of the Constitution of India, nevertheless, such rights cannot be enforced after an unreasonable lapse of time. Consideration of unexplained delays and inordinate laches would always be relevant in writ actions, and writ courts naturally ought to be reluctant in exercising their discretionary jurisdiction to protect those who have slept over wrongs and allowed illegalities to fester. Fence-sitters cannot be allowed to barge into Courts and cry for their rights at their convenience, and vigilant citizens ought not to be treated alike with mere opportunists. On multiple occasions, it has been restated that there are implicit limitations of time within which writ remedies can be enforced. In *SS Balu v. State of Kerala*, this Court observed thus:*

“17. It is also well settled principle of law that "delay defeats equity". It is now a trite law that where the writ petitioner approaches the High Court after a long delay, reliefs prayed for may be denied to them on the ground of delay and laches irrespective of the fact that they are similarly situated to the other candidates who obtain the benefit of the judgment.”” (emphasis added)

6. Further, in *Mrinmoy Maity vs. Chhanda Koley and others 2024 AIR SC 2717*, the Hon'ble Supreme Court has categorically observed that the High Courts must factor in the delay, while exercising its discretionary powers under Article 226 of the Constitution of India. It was further opined that undue and unexplained delay may be reason enough to dismiss a petition as indolent litigants ought not to be encouraged by writ Courts.



7. In *State of Uttaranchal v. Shiv Charan Singh Bhandari*, (2013) 12 SCC 179, while considering the issue regarding delay and laches and referring to earlier judgments on the issue, a Two-Judge Bench of the Hon'ble Supreme Court opined that repeated representations made will not keep the issues alive. A stale or a dead issue/dispute cannot be got revived even if such a representation has either been decided by the authority or got decided by getting a direction from the court as the issue regarding delay and laches is to be decided with reference to original cause of action and not with reference to any such order passed. Delay and laches on the part of a government servant may deprive him of the benefit which had been given to others. Article 14 of the Constitution of India, in a situation of that nature, will not be attracted as it is well settled that law leans in favour of those who are alert and vigilant.

8. In *Union of India and others v. M. K. Sarkar*, (2010) 2 SCC 59, the Hon'ble Supreme Court has ruled that when a belated representation in regard to a 'stale' or 'dead' issue/dispute is considered and decided, in compliance with a direction by the court/tribunal to do so, the date of such decision cannot be considered as furnishing a fresh cause of action for reviving the 'dead' issue or time-barred dispute. The issue of limitation or delay and laches should be considered with reference to the original cause of action and not with reference to the date on which an order is passed in compliance with a Court's direction. Neither a court's direction to consider a representation issued without examining the merits, nor a decision given in compliance with such direction, will extend the limitation, or erase the delay and laches.

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9. In the present case, the Petitioner has approached this Court after a considerable lapse of time. Repeated representations will not keep the issues alive and no plausible explanation has been offered by learned counsel for the petitioner for the delay in filing the present petition.

10. In view of the discussion above, this Court does not find it appropriate to invoke its extraordinary writ jurisdiction under Article 226 of the Constitution of India. Accordingly, the present petition stands dismissed.

(HARPREET SINGH BRAR)
JUDGE

24.04.2026*Neha*

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