
(2013) 01 P&H CK 0084
In the Punjab And Haryana At Chandigarh
Case No : CWP No. 1921 of 2013

Sandeep Kumar and Others	Vs	APPELLANT
State of Haryana and Another		RESPONDENT

Date of Decision : 30-01-2013

Acts Referred:

Citation : (2013) 2 SCT 89

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : S.L. Bhardwaj, for the Respondent

Final Decision : Dismissed

Judgement

Tejinder Singh Dhindsa, J.—The instant writ petition has been filed praying for the issuance of a writ in the nature of mandamus seeking directions to the respondent-authorities to appoint the petitioners on the post of Constable in relation to an advertisement issued in the year 2004 for recruiting 819 Constables in the Haryana Police. A brief factual backdrop would be necessary, On 19.09.2004, 819 posts of Constables had been advertised to be recruited in the Haryana Police. The petitioners were applicants for the post of Constable in pursuance to such advertisement. The process of selection consisted of a physical efficiency test/physical measurements of all the candidates and the interviews thereafter were conducted on various dates between October, 2004 to December, 2004. The result of such selection process was declared on 19.12.2004. It has been pleaded that the names of all the petitioners were amongst the selected candidates. It so transpired that in pursuance to the result having been declared, 61 candidates joined as Constables. On 01.06.2005, the Government took a decision to annul the selection process of all such 819 selected Constables. At that point of time certain candidates, who had been selected, preferred CWP No. 9695 of 2005 in this Court and such writ petition was disposed of by a Division Bench vide order dated 27.10.2005 (Annexure P-3) in terms of taking a view that there were large scale complaints of bungling and

as such, the matter required to be enquired into by the Central Bureau of Investigation. As such, while disposing of the writ petition, the Division Bench referred the matter to the CBI to examine the sanctity of the selection process as also to examine the role of all those persons, who had conducted the selection. Apparently, in the year 2006, the CBI submitted a status report, whereby, it was opined that the selection was vitiated on account of various irregularities. At that stage, a civil miscellaneous application was moved in CWP No. 9695 of 2005, which already stood disposed of and on 04.12.2006 (Annexure P-6), it was noticed by the Division Bench of this Court that the copy of the enquiry report and status report submitted by the CBI had been taken cognizance of by the State and accordingly, show cause notices had been issued calling upon the erring officers to submit replies as to why disciplinary action be not initiated against them. Accordingly, the civil miscellaneous application was also disposed of in terms of holding that no further orders were required to be issued by this Court and the matter was to be decided in accordance with law against the erring officers by the State itself.

2. Counsel for the petitioners would contend that thereafter explanations had been sought by the State Government from the so called erring officers but no action till date had been taken against any of the members, who had conducted the selection process in relation to 819 posts of Constables that were advertised in the year 2004. Accordingly, an argument has been raised that the petitioners are vested with a right to be appointed to the post of Constables in pursuance to the initial selection process that had been conducted in the year 2004 itself and in which the petitioners had been duly selected, Counsel would further apprise this Court that CWP No. 1924 of 2007, which had been preferred by the similarly situated candidates, stands admitted and is pending final adjudication before this Court.

3. Having heard learned counsel for the petitioners at length, I find that the present writ petition merits dismissal. The petitioners admittedly were applicants in pursuance to the advertisement issued for recruitment to the post of Constables in the year 2004. Undoubtedly, they had participated in the process of selection and had been declared duly selected on 19.12.2004. Such selection process stood annulled by the State Government in terms of a decision taken on 01.06.2005. Accordingly, even the selection of the petitioners stood cancelled. The petitioners thereafter had not approached this Court since the year 2005. The fact that a CBI enquiry had been conducted and a report thereafter had been furnished, that such selection process suffers from a number of irregularities and such selection process, being not clean, also can not be lost sight of. The present petitioners can not gain any impetus from the fact that certain other candidates had chosen to approach this Court in the year 2007. Neither in the pleadings on record nor at the stage of arguments any explanation has come forth as regards inordinate delay of almost 8 years at the hands of the petitioners, who are raising a claim to be appointed as Constables in the present writ petition filed in the year 2013 pertaining to a process of selection that stood annulled in the year

2005 itself. The petitioners clearly had not been vigilant about their rights, if any. The present writ petition, accordingly, is dismissed.