

(2014) 09 P&H CK 0103
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 18578 of 2014

Shilpa Taneja

APPELLANT

Vs

State of Haryana and Others

RESPONDENT

Date of Decision : 09-09-2014

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2015) 177 PLR 280

Hon'ble Judges : Tejinder Singh Dhindsa, J

Bench : Single Bench

Advocate : Jasbir Singh Mor and Harender Singh, Advocates for the Appellant

Judgement

Tejinder Singh Dhindsa, J.—The Haryana School Teachers Selection Board issued advertisement dated 08.11.2012 at Annexure P-4 inviting applications for recruitment of 8763 posts of Primary Teachers in the Education Department State of Haryana. The instant petition has been filed praying for issuance of a writ certiorari for quashing such advertisement dated 08.11.2012 to the extent that it requires prospective candidates to have qualified the STET from the State of Haryana itself. Apparently, the present petitioner had qualified the eligibility test from the State of Rajasthan.

2. During the course of arguments, counsel would concede that the process of selection initiated in terms of the advertisement dated 08.11.2012 has proceeded to the extent that applications submitted by the eligible candidates were duly processed and thereafter, even an interview had been conducted.

3. To over come the hurdle of delay and to explain as to why the petitioner has approached the writ Court in the month of September, 2014 in relation to an offending stipulation contained in the advertisement issued in November, 2012, counsel would submit that the petitioner had been filing representations repeatedly but the same had not evoked any positive response. That apart, counsel would argue that similarly situated candidates had approached this Court

and have been permitted to appear in the interview for the posts in question on provisional basis. Counsel would argue that the petitioner is vested with a right to claim parity with the such teachers/candidates.

4. Having heard the learned counsel for the petitioner at length, this Court, is of the considered view that the claim raised in the instant petition is highly belated.

5. The cause of action, if any, had accrued to the petitioner on the date of issuance of the advertisement itself i.e. on 08.11.2012. The petitioner having submitted representation immediately and the same having not been responded favourably, it was obligatory upon her to have approached the writ Court without any further delay. Even the submission as regards certain other candidates who were similarly situated and having been given the interim relief would be of no consequence. The petitioner would not be permitted to gain any impetus on account of filing of writ petitions at the hands of candidates who were vigilant with regard to their rights and had approached the writ Court without any delay. The petitioner, who was clearly sleeping over her rights, has acted in the capacity of a fence sitter.

6. Under the facts and circumstances noticed hereinabove, the prayer made and raised in the instant petition cannot be entertained at this stage. There is inordinate delay in having approached this Court invoking the extra ordinary jurisdiction of this Court under Articles 226 and 227 of the Constitution of India. Writ petition is, accordingly, dismissed.