

2025:PHHC:130608-DB



LPA-3403-2024 (O&M)

[208] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

LPA-3403-2024 (O&M)

Date of Decision : 19.09.2025

Rampal ... Appellant

versus

Union of India and others ... Respondents

Coram : **HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA**
HON'BLE MR. JUSTICE ROHIT KAPOOR

Present: Mr. Rajesh K. Kataria, Advocate
for the appellant. (Through V.C.)

Mr. Pankaj Multani, Senior DAG, Haryana
for respondent Nos. 2 to 4.

Mr. Ajay Kamboj, Advocate and
Mr. Amandeep Kamboj, Advocate
for respondent No.7.

Mr. Gurmandeep Brar, Advocate for
Mr. S.P.S. Aulakh, Advocate
for respondent No.8.

Ms. Saigeeta Srivastava, Advocate
for the respondent(s).

ASHWANI KUMAR MISHRA, J. (ORAL)

[1] This appeal arises out of an order passed by the learned Single Judge dated 25.10.2024, whereby the writ petition filed by the respondents came to be dismissed. It transpires that the writ petitioner got his name registered with the Employment Office, Panipat in the year 1992. He appeared for an interview and physical fitness test at Jawahar Navodyalaya, Naultha, District Panipat for the post of Chowkidar (Watchman). Six candidates including the writ petitioner were recommended to the school by the Employment Office. All the candidates participated in the interview as

well as physical test but the petitioner was not selected and instead respondent No.8 was appointed. The writ petition came to be filed in the year 2024, stating that various facts came to the knowledge of the petitioner in 2021, as per which, respondent No.8 was physically disabled and yet he was appointed on the post of Chowkidar in the year 2006. The petitioner claims to have conducted some inquiry, wherein he was informed by the selected candidate that the appointment was secured by bribing the officials and the Principal of the College was also involved.

[2] Learned Single Judge has taken note of the contentions advanced on behalf of the appellant-petitioner and has observed as under:-

“5. *“Learned Counsel for the petitioner has vehemently argued that the respondent No.8 was physically disabled and hence he was not qualified to be appointed to the post of Chowkidar as he could not clear the physical test.*

6. *Counsel for the petitioner has been asked to refer to the advertisement that had been issued and as to whether there was any requirement for physical fitness standards for a person. He is not in a position to refer to any such advertisement. He has also been confronted with the specific stand of the respondents that apart from the candidates who had been recommended by the Employment Office, Panipat, a notice had also been published in the School Notice Board and various other persons had participated in the interview process (as is evident from the response dated 20.03.2024 (Annexure P-11) even though not recommended by the Employment Office. He is not in a situation to dispute the same.*

7. *Further, Counsel for the petitioner has also been confronted with the fact as to how would any such argument about the respondent being held ineligible only on account of a physical disability could be a reason to discriminate him in view of the statutory mandate of the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act, 1995. He is not in a position to respond to the same.*

8. *A further question has been posed to the Counsel for the petitioner as to whether the disability can be equated to a person being unfit to perform a duty, he is also not in a position to respond to the said query. Finding that there is no such response forthcoming to the questions that have been put to him and also noticing that the appointment in question took place in the year 2006 and that the petitioner as well as respondent No.8 had actually participated in the selection process while the instant writ petition that is now being filed in the year 2024, I find that the writ petition is apparently barred by delay and laches.*

9. *Even otherwise, notwithstanding that the argument of the petitioner about fitness test is accepted, yet, a perusal of the Medical Certificate shows that the disability is in the nature of amputation of 'right little finger", which could not be a big impairment in physical fitness test. Besides, the merit list shows that respondent No.8 had been awarded a total of 97 marks whereas the marks of the petitioner are 69. Of the 10 candidates who appeared, there are 04 other candidates who are higher in merit than the petitioner. No one ever challenged the selection process or the result. The present petition has now been filed on the basis of conjectures and unsubstantiated by any evidence.*

10. *The present writ petition is accordingly dismissed in limine."*

[3] The judgment of the learned Single Judge, is assailed on the ground that the facts of the case have not been correctly examined. It is also submitted that the appointment of 8th respondent was on account of connivance between the respondents and ought to have been quashed.

[4] We have heard counsel for the parties and perused the material of record.

[5] It is not an issue that the recruitment on the post of Watchman was conducted in the year 2006. It was at that stage that respondent No.8 was selected and appointed. In the event, the appellant felt aggrieved by such selection, he ought to have challenged the recruitment within a reasonable period.

[6] Filing of the writ petition after nearly 16 years of recruitment will have to be adequately explained. The delay is sought to be explained by contending that in 2021, certain facts have come to the notice of the appellant. We are not much impressed by the explanation so furnished by the appellant inasmuch as the contention that he conducted an inquiry in which various facts were told to him by the selected candidate is merely a version of the appellant, which cannot constitute any basis or material for delayed approach to the Court. The contention that 8th respondent was not sponsored is also an aspect which would not require any consideration after such long lapse of time. The contention that various letters were sent by the appellant, calling for information also would not constitute sufficient basis to explain the inordinate delay in approaching the writ.

[7] Learned Single Judge has otherwise examined the matter and has drawn adverse inference against the appellant on account of the fact that he had himself participated in the selection and once he had failed to secure appointment in the year 2006, the filing of the writ petition in 2024 was grossly belated.

[8] Dismissed.

[9] All pending miscellaneous application(s), if any, stands *disposed off*.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

19.09.2025

'R. Sharma'

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