



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

LPA-1306-2025 (O&M)
Date of decision: 22.07.2025

Uday VeerAppellant

Versus

State of Haryana and othersRespondents

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ravinder Malik (Ravi), Advocate,
for the applicant-appellant.

Mr. Bhupender Singh, Addl. Advocate General, Haryana.

ASHWANI KUMAR MISHRA, J. (Oral)

CM-3210-LPA-2025

Delay of 03 days in re-filing the accompanying appeal has been satisfactorily explained. Accordingly, the application is allowed, and the delay of 03 days in re-filing the accompanying appeal is condoned.

LPA-1306-2025

1. This Letters Patent Appeal, arises out of an order dated 10.02.2025, rendered by the learned Single Judge, rejecting the claim of the appellant-petitioner for appointment to the post of Lower Division Clerk (LDC).

2. The learned Single Judge has taken note of the facts, and accordingly, non-suited the appellant, primarily on the ground that he approached this Court at a belated stage.



3. The facts, giving rise to the controversy at hand, lie in a narrow compass.

4. It is not disputed that the posts of LDC were duly advertised, pursuant to the advertisement dated 20.02.2016, and the final result was declared on 08.06.2019. However, on account of certain litigation, the result was revised thrice, by the authorities, in the year 2020. Initially, when the result was declared in 2019, the petitioner approached this Court by filing a writ petition, but eventually, the same was dismissed, as not pressed. Thereafter, he remained contended with the outcome of selection process, as no further challenge was made thereto. However, after expiry of five years, the writ petition was filed by the appellant-petitioner, claiming that few persons, lower in merit to him, were selected, and therefore, he was unjustly treated. In support of his claim, reliance is placed upon an order dated 29.05.2024, passed in **CWP-9702-2020 (Sujata Rani and others Vs. State of Haryana and others)**, and other connected matter, wherein, the learned Single Judge of this Court had issued a direction for consideration of claim of the petitioners therein, against the vacancies which might have come into existence.

5. The learned Single Judge, for the purpose of rejection of the claim of the appellant, has observed as under:-

“9. The petitioner is primarily claiming post on the ground that respondent, in terms of order dated 29.05.2024 of this Court, has adjusted those candidates who had secured lesser marks than him. The claim of petitioner at the first blush seems to be justified. However, this Court at this belated stage cannot direct respondent to revise result



and consider claim of petitioner on account of following reasons:-

(i) The final result was declared on 10.06.2019 and it was revised on 06.01.2020, 18.05.2020 and 13.11.2020. The petitioner remained silent from 2019 to 2024 and have approached this Court in 2025 when the things have already settled.

(ii) This Court while passing order dated 29.05.2024 in Sujata (supra) did not ask respondent to consider claim of even those persons who were not petitioners. The order was confined to petitioners.

(iii) As stated by State counsel, 77 candidates could be adjusted from 342 claimants as per order dated 29.05.2024 of this Court in Sujata (supra). There is no vacant post and during intervening period two more selection processes had already completed.”

6. Learned counsel for the appellant submits that the appellant is identically placed, as the petitioners in **Sujata (supra)**. Therefore, denial of the similar relief to the appellant would be discriminatory and arbitrary, on the part of the respondent-State.

7. The aforesaid prayer is opposed by the learned State counsel.

8. We have heard learned counsel for the parties and perused the material on record.

9. It is undisputed that the recruitment process was initiated in the year 2016, and the revised select list was, ultimately, published in the year 2020. However, in the revised select list, name of the appellant was not included. Therefore, in the event, the appellant felt aggrieved, the



cause of action, if any, did arise in the year 2020 itself, but he did not approach this Court. Surprisingly, after about five years, he approached this Court by filing the writ petition.

10. At the first blush, the plea of the appellant that the candidates, who were lower in merit than him, were selected, persuades us to examine the issue, but, on a careful scrutiny of the material on record, we are not inclined to accept his claim. The reason is not far to seek. Firstly, the appellant approached this Court by filing the writ petition, after about five years of the declaration of the revised result. Secondly, not only the recruitment process was concluded way back in the year 2020, but neither any of the selected candidates has been impleaded as party-respondent, nor the result was challenged. Moreover, in the interregnum, two subsequent recruitment processes had also been concluded.

11. In the peculiar facts and circumstances of the case, as noticed hereinabove, we find no illegality or perversity in the impugned judgment. Further, it is apparent that the appellant has raked up the issue of appointment, after expiry of five years, and during all this period, he remained a fence-sitter. In this regard, the law is well settled that fence-sitters, who have waived their rights for long and acquiesced to a state of things, would not be entitled to the benefit granted to other similarly situated persons, for they ceased to be similarly placed for the purposes of obligations in terms of Article 14 of the Constitution. In this regard, reliance is placed upon a decision of the Hon'ble Supreme Court in **State**



**of UP and others Vs. Arvind Kumar Srivastava and others, 2015 (1)
SCC 347,**

12. In the wake of the position sketched out above, we do not find any reason to dissuade with the conclusion drawn by the learned Single Judge. Accordingly, the appeal is dismissed.

**(ASHWANI KUMAR MISHRA)
JUDGE**

**(KULDEEP TIWARI)
JUDGE**

22.07.2025
Ak Sharma

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