

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16169 of 2007

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Krishna Prasad son of Late Ram Briksha Prasad, resident of village Habbipur, P.S. and Anchal Kako, District Jehanabad

.... Petitioner/s

Versus

1. The State of Bihar
2. The Commissioner, Vigilance, Bihar, Patna
3. The director General, Vigilance, Bihar, Patna
4. The District Magistrate, Patna
5. The Senior Superintendent of Police, Patna
6. The Director General, Home Guard, Bihar, Patna
7. The District Commandant, Home Guard, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prem Chandra Yadav, Advocate

For the Respondent/s : Mr. Vivekanand Singh, AC to GA 8

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 07-01-2015 Heard the parties.

The petitioner has approached this Court in the present proceeding under Article 226 of the Constitution of India with a prayer for quashing the order dated 31.05.1990/06.06.1990 (Annexure-1) issued by the respondent District Magistrate, Patna, whereby service of the petitioner as Home Guard Volunteer has been terminated.

The present writ petition was filed on 11.12.2007 i.e. after delay of 17 years from the date of the impugned order as contained in annexure-1. No valid explanation has been furnished by the petitioner for approaching this Court after such a long time. However, learned counsel appearing on behalf of the petitioner has drawn the attention of the Court towards the averment made in paragraph 11 of the writ petition, wherein it has been stated that the petitioner was reinstated vide Letter No. 3598 dated 24.04.1991 issued by the Deputy Superintendent, Vigilance and

Security, though, the aforesaid order dated 24.04.1991 has not been brought on record.

Though the present writ petition suffers from delay and laches of more than 17 years, since the service of the petitioner was terminated vide order dated 31.05.1990/ 06.06.1990 (Annexure-1), yet he has been reinstated in service by order dated 24.04.1991 as per his own claim as averred in paragraph 11 of the writ petition, therefore, this Court is of the opinion that the present writ petition is misconceived and has become infructuous. Consequently, the writ petition is dismissed, but without costs.

(Birendra Prasad Verma, J)

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