

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7662 of 2014

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1. Mirtunjay Kumar Verma son of Shree Naresh Mohan Prasad, Resident of village - Chenderi, P.O. AND P.S. Sahour, District - Bhagalpur At present Kalali Chowk, Sahour, P.S. Sahour, District - Bhagalpur
 2. Sudhakar Prasad Son of Late Bhola Prasad, Resident of village - Bhikenpur Bhatta Road, Beshari Ashatha, Gumti No. 2, Distt. - Bhagalpur

.... Petitioner/s

Versus

1. The State of Bihar through the SEcretary, Personal and Administrative Reforms Department, Old Secretariat, Bihar, Patna
2. The Commissioner, Bhagalpur
3. The Deputy Director (BSH), Bhagalpur
4. The District Magistrate, Bhagalpur
5. Nazarat Deputy Collector, Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dharendra Nath Jha

Mr. Janki Nandan Prasad

For the Respondent/s : Mr. S.Raza Ahmad, AAG-IX

Mr. Vishwambhar Prasad, AC to AAG-IX

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA

ORAL JUDGMENT

Date: 27-01-2015

Heard the parties.

The petitioners have filed the present writ petition seeking a direction to the respondents to appoint them on Class-IV posts on the basis of advertisement dated 02.12.2001.

It appears that the petitioners were earlier engaged on daily wage basis, but subsequently they were disengaged from that post. Admittedly, advertisement for appointment on class-IV post in the district of Bhagalpur was issued on 02.12.2001. Since then more than 13 years have elapsed. Selection process is said to have been completed long long ago as per the averments made in the counter-affidavit filed on behalf of the respondent no. 2, 4 and 5. Facts stated in the counter-affidavit have not been controverted by the petitioners by filing any rejoinder affidavit.

The writ petition suffers from delay and laches. If the petitioners were engaged on daily wage basis and were disengaged subsequently, then they do not have any legal right for their appointment on Class-IV post in view of the law laid down by a constitution Bench of the Hon'ble Apex Court in the case of **Secretary, State of Karnataka & Anr. V. Uma Devi (3) & Ors.** [(2006)4 SCC-1].

In the result, the writ petition has to fail and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

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