

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10995 of 2013

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Girjanandan Prasad Sinha Son of Late Shyam Kishore Narayan Sinha, resident of village - Gahilo, P.S. Jaidpur, District - Muzaffarpur, at present resident of Marai Road, P.S. Hajipur, District – Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar
2. The District Magistrate, Vaishali at Hajipur
3. The Deputy Collector, Establishment, Vaishali at Hajipur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr. Manoj Kumar Yadav

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 20-09-2016

Heard learned counsel for the petitioner and learned counsel for the State.

In this case, the petitioner is seeking the relief of Time Bound Promotion which has been rejected by the District Magistrate, Vaishali, vide order dated 4.3.2004, on the ground that the petitioner did not pass the Accounts examination and as such, he is not entitled to the aforesaid relief.

The counsel for the petitioner submits that the case of petitioner is squarely covered by the judgement reported in 2000 (4) P.L.J.R. 262 (Maheshwar Prasad Singh vs. State of Bihar [F.B.]) where the Court has interpreted the provisions of Rule 157 (3) (J) of the Bihar Boards Miscellaneous Rules and arrived to a finding that for

granting the promotion, no necessity of passing the final Accounts Examination during 1/5/1980 to 29/3/1982.

It is well known principle of law that delay defeats the legal right, as the order has been passed on 4.3.2004, even though this Court may have full sympathy for the petitioner, but on account of unexplained delay, this Court is unable to entertain this application and the same is, accordingly, dismissed for delay and laches.

(Shivaji Pandey, J)

Mahesh/-

AFR/NAFR	NAFR
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