

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16794 of 2016

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1. Vikram Kant Kumar Son of Anil Prasad Resident of Village-Mahima Chak, P.S.-
Harnaut, District-Nalanda

.... Petitioner/s

Versus

1. The State of Bihar
2. The Director General of Police, Bihar ,
3. The Additional Director General of Police (Headquarter), Patna
4. The Inspector General of Police, Central Zone, Patna
5. The Deputy Inspector General of Police, Patna
6. The Senior Superintendent of Police, Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vipin Kumar, Adv.
For the Respondent/s : Mr. Md. Nashrul Hoda Khan- SC1
Mr. Md. Irshad, A.C. to S.C.1

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 19-12-2017

Heard Mr. Vipin Kumar learned counsel for the petitioner and
Mr. Md. Irshad A.C. to S.C.1 for the State.

The petitioner seeks seniority with effect from 2007. The grievance of the petitioner is that while the selection process was initiated vide Advertisement No. 01 of 2004, the appointments were made in 2007 but the petitioner was denied appointment. The petitioner moved this Court through C.W.J.C.No.7788 of 2007 which was disposed vide Annexure 3 yet the relief was not forthcoming. This led to a second writ petition arising from C.W.J.C.No.16285 of 2007 which was disposed vide Annexure-4 and the grievance of the



petitioner was upheld with a direction to the respondents to consider his appointment. It is his case that the respondents yet did not abide by the directions and moved in Letters Patent Appeal to question the judgment which was dismissed on 13.01.2009 vide Annexure-5. It is thereafter and on threat of the contempt that the petitioner was appointed on the post of Constable on 19.6.2009.

In response to the delay in raising the issue of seniority with effect from 2007 after 9 years in the year 2016, it is submitted by Mr. Kumar that since the petitioner was subjected to a number of litigation by the respondents that he was under apprehension that he would be removed in case he raised any further contest and thus until completion of probation he did not choose to raise the issue of seniority. Mr. Vipin Kumar learned counsel for the petitioner however is not able to justify the laches of the petitioner in keeping quiet even after the confirmation of his service in the year, 2012. In fact, there is a representation of the petitioner claiming such seniority dated 8.3.2014 i.e. two years after his confirmation and it is 2 years thereafter that the petitioner has chosen to move this Court seeking a seniority from 2007, after a delay of 9 years.

The legal position as regarding determination, of seniority is well settled and no such issue can be permitted to be raised by any employee after a long lapse. In the present case it is after almost a



decade of appointment that such issue is being raised. The stand of the respondents in the counter affidavit is that the petitioner cannot be given a seniority from a date prior to his appointment on 19.6.2009.

Whether or not the petitioner did have a case on merits, this Court is not persuaded to enter into the same after such long lapse of time. The petitioner himself is to stand the blame, in sleeping over his cause. No indulgence is warranted.

The writ petition is disposed of.

(Jyoti Saran, J)

Bibhash/-

AFR/NAFR	NAFR
CAV DATE	NA
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