

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.8569 of 2017

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Vineet Bhushan Tripathi, Son of Kameshwar Tripathi, Resident of House No. 8 Ward No. 30, Jail Road, Tilka Manjhi, Bhagalpur, Police Station- Bhagalpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. The Union of India through the General Manager, East Central Railway, Hajipur, Bihar.
2. The General Manager, East Central Railway, Sonapur, Hajipur, Bihar.
3. The Senior Karmik Officer, (Recruitment), East Central Railway, Sonapur, Hajipur, Bihar.
4. The Chairman Railway Recruitment Board, Lichi Began, Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. M.P. Dixit, Adv.
Mr.S.K.Choudhary, Adv.
Mr.A.N. Jha, Adv.
For the Respondent/s : Mrs. Sudha Ambastha, Adv.

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)
Date: 22-08-2017

This Court is noticing ingenuity on behalf of the litigants that to cover up long delays they are taking recourse to Right to Information Act as if that can be savior for them if not a lifeline.

In many a cases including the present writ application a cause of action has been sought to be made out in relation to a recruitment initiated in the year 2010 and exercise completed in the year 2011 by filing an application under Right to Information Act in the year 2014 and then making out a case that the cause of action has



arisen from the date the information was supplied.

In the present case, there is another aspect which is glaring that even though the information in terms of Annexure-6 dated 28.04.2014 was provided by the Railway authorities the petitioner chose to wait for another three years to file an O.A. application seeking a direction upon the Railway authorities to appoint him on the post of Section Engineer (Electrical) in pursuance to an advertisement no.05 of 2010.

The Court therefore, after having gone through the facts as well as the order impugned dated 27.04.2017 passed in O.A. No.256 of 2017, is in agreement with the stand taken by the Tribunal that the petitioner obviously was not vigilant enough if not there is failure on his part to assert his right at the right time i.e. when his selection was not made in the year 2011. Since these appointments are public appointments on a public post and there is nothing hidden about such selections, the Right to Information Act was only a ploy to cover up the long gap, but unfortunately even that cannot be of any avail to the petitioner because there was no satisfactory explanation for waiting for another three years before moving the CAT.

Counsel for the petitioner tries to draw advantage of the observations made in CWJC No.23065 of 2013 decided by a Division Bench of the Patna High Court on 01.12.2015 where the Division



Bench opined that legal technicality should not come in the way if grave injustice appears to have been done.

We are of the considered opinion that it is not the system which has done grave injustice to the petitioner, but the petitioner has done injustice to himself by his own conduct. Therefore, the said principle may not come to the help of the present petitioner in overcoming the impediment created by him which has been taken note of by the Tribunal in dismissing the O.A. application.

We are satisfied that the Tribunal has not committed any error by refusing to exercise power in the given bundle of facts.

Writ has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

Arvind/-

(Rajeev Ranjan Prasad, J)

AFR/NAFR	AFR
CAV DATE	
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