

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.156 of 2016**

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1. Ashok Kumar son of Jagdambi Prasad Yadav Resident of Village-Ekania , Po+P.s - Mansi, District Khagaria.
  2. Arun Kumar Son of late Manohar Yadav Resident of Village+PO-Tmut Parsa P.S. Murliganj, District Madhubani.

.... .... Petitioner/s

Versus

1. The State of Bihar, through the Principal Secretary Revenue & Land Reforms Department Government of Bihar, Patna.
2. The Director, Consolidation Ex -Revenue & Land Reforms Department Government of Bihar, Patna.
3. The District Magistrate, Saharsa, District Saharsa.
4. The D.C.L.R. Saharsa , District-Saharsa.
5. Md Khalique son of not know posted as Clerk at Chakbandi Office Jagdishpur District Bhojpur at Ara.
6. Shyam Prasad Yadav son of not known posted as Clerk at Chakbandi Office-Mohani, District Kaimur at Bhabhua.

.... .... Respondent/s

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**Appearance:**

For the Petitioner/s : Mr. Arun Kumar No. 1, Advocate

For the Respondent/s : Mr. Shashi Shekhar Sinha, A.C. to Ex. G.A.-6

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**CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN**  
**ORAL ORDER**

3      10-04-2017                      Heard Mr. Arun Kumar, learned counsel appearing for the petitioners and Mr. Shashi Shekhar Sinha, Assisting Counsel to G.A.-6 for the State.

The petitioners pray for issuance of a writ in the nature of mandamus commanding the respondents to appoint the petitioners on the post of Clerk pursuant to the advertisement so published on 06.6.2010 inviting applications for engagement on contract basis vide Annexure-1.

The application of the two petitioners is enclosed at



Annexure-2 & 3 with rectification thereto appearing at Annexure-4 & 5. The final result is at Annexure-9 published on 24.12.2014. The name of the petitioners not being present that they are before this Court.

A counter affidavit is being filed and in which it is stated that on receipt of the applications in response to the advertisement, such of the applicants whose application was found in order, their name was uploaded on the departmental website. It is stated in paragraph-7 of the counter affidavit that the name of the petitioners did not appear in the computerized list and for which they filed their objection. The Selection Committee considered the objection and found that the application form of the petitioners did not reach the Directorate within the prescribed date rather was belatedly received and thus was not considered. It is thereafter that final result was published, a copy of which is enclosed at Annexure-9 on 24.12.2014.

It is the argument of Mr. Arun Kumar in reference to a judgment of the Supreme Court reported in **1999 (1) PLJR SC 5 (State of Bihar vs. Kaushal Kishore)** that a delay due to postal vagaries cannot prove disadvantageous to an applicant for he has no control thereof. Learned counsel is right and the applicant could not have been denied a consideration on this ground



especially where the applications were to be forwarded by registered post but then the delay also lies with the petitioners. Their name did not figure in the list published by the Department and for which they filed objection but thereafter took no steps. The result was published as back as on 24.12.2014, yet the petitioners took no steps to raise their grievance and it is more than a year later that the present writ petition is filed. May be, if the petitioners would have approached soon after their names did not reflect in the computerized list published by the Department before the proper forum, the issue could have warranted indulgence, but considering the passage of time and the fact that the final result was published as back as on 24.12.2014, and the writ petition is filed more than a year late, I am not persuaded to grant indulgence at such stage.

The writ petition is disposed of.

**(Jyoti Saran, J)**

S.Sb/-

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