

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.282 of 2016
Arising out of
Civil Writ Jurisdiction Case No. 2482 of 2014**

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1. Yogendra Prasad Singh, S/O Late Baliram Singh, resident of Flat No. 48, Draupadi Apartment, P.O- Shastri Nagar, Patna- 800023
 2. Indradeo Thakur, S/O Late Ram Swaroop Thakur, Resident of Road No. 9B, Rajiv Nagar, P.O- Krishi Nagar, Patna- 800024
 3. Kamleshwar Roy, son of Sri Surya Narain Roy, Resident of Adarsh Path No. 5, Near Lal Babu Market, Noth Shastri Nagar, Patna- 800023
 4. Krishna Kumar Sinha, son of Late Ramcharitra Prasad, Resident of Road No. 3, Gandhi Murti, Patel Nagar, P.O- Shastri Nagar, Patna- 800023
 5. Birendra Kumar Sinha, son of Late Bhagwat Sahay, Resident of 2-B, Harsh Pratik Kutir, Akashbani Road, Khajpura, P.O- Veterinary College, Patna- 800014
 6. Ganga Prasad Gangesh, Son of Late Dasai Prasad, Resident of 203, Pavitra Apartment, D.V.C. Road, New Yarpur, Patna- 800001.
 7. Sheo Shankar Yadav S/O Late Khubi Yadav Resident of Village and Post- Matiyari, Balua Bazar, P.S- Balu Bazar, District- Supaul- 854339
 8. Bikram Lal son of Late Lal Bahadur Lal, Resident of K- 110, Peoples, Co- Operative Colony, Hanuman Nagar, P.O- Lohia Nagar, Patna- 800020
 9. Pankaj Kumar Singh, son of Late Seho Raj Singh, Trigun Dehri Patel Niwas, Near Sun Temple, Dehri On- Sone, District- Rohtas, 821307
 10. Hari Kishore Singh, son of Late Chandra Dev Singh, Resident of A/12, Anand Vihar, Anisabad, Patna- 800022.
 11. Dinesh Prasad, S/O Late Ram Govind Prasad Sharma C/O Suman Medicine Traders, Near Jai Hind Cinema, Dehri On- Sone, District- Rohtas 821307
 12. Raj Narain Prasad Verma, Son of Late Jai Mangal Prasad, Resident of Asha Niwas, Paras Singh Lane, Shastri Nagar, P.O- Ramana, Muzaffarpur- 842002.
 13. Bhartendu Prasad, son of Late Nabendu Prasad, Resident of Meena Manjir, Pashupati Lane, Club Road, Mithanpura, Muzaffarpur- 842002.
 14. Kaushal Kishore Prasad, son of Late Kamla Prasad Shrivastava, Resident of Mohalla- Koluharwa, Ward No. 2, in front of East House of Nakchhed Mahato, Government Middle School, Motihari, District- East Champaran.
 15. Kunj Bihari Prasad, Son of Late Shiri Mahto, Resident of C/O Satish Kumar, Indira Nagar, Vighrapur Road, Patna- 800001.

.... Appellant/s

Versus

1. The State of Bihar, through the Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
2. The Principal Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
3. The Deputy Secretary, Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
4. The Under Secretary (Establishment), Water Resources Department, Government of Bihar, Sinchai Bhawan, Patna.
5. The Principal Secretary, Department of Finance, Government of Bihar, Old Secretariat, Patna.
6. Ram Ayodhya Singh, S/o Late Jagdish Singh, Resident of Mohalla- Adarsh



Nagar, Mahadeva, P.O- Siwan, District- Siwan.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Advocate
Mr. Ram Kishore Singh, Advocate
For the Respondent/s : Miss. Archana Meenakchee, GP-6
Mr. Prabhat Ranjan, AC to GP-6

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)
Date: 17-01-2017

I.A. No.1074 of 2016

The application is for condonation of delay of 39 days in filing the Letters Patent Appeal.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the appellants have shown sufficient cause to seek condonation of delay of 39 days in filing the present Letters Patent Appeal.

3. Consequently, Interlocutory Application No. 1074 of 2016 is allowed and delay of 39 days in filing the Letters Patent Appeal is condoned.

4. I.A. No.1074 of 2016 stands disposed of.

L.P.A. No.282 of 2016

The challenge in the present Letters Patent Appeal is to an order dated 09.10.2015 passed by the learned Single Bench in C.W.J.C. No.2482 of 2014 whereby, the writ application was



dismissed on grounds of delay and laches. It was found that the writ application had been filed after 35 years to take benefit of a scheme notified in 1980-81.

2. Learned counsel for the appellants contends that there is no delay in invoking writ jurisdiction of the Court as the selection grade could be given on the basis of seniority list. Since the seniority list was finalized only in the year 2008 and thereafter the appellants have been submitting representations, therefore, it cannot be said that the appellants have invoked the writ jurisdiction of this Court after gross delay and laches.

3. Even if the argument of the appellants is to be accepted that seniority list was finalized in the year 2008, the right to claim selection grade in terms of the seniority list crystallized in the said year, still the writ petition was filed after more than six years.

4. Thus, the writ petition to claim selection grade on the basis of a scheme notified in the year 1980-81 and on the basis of seniority list finalized in the year 2008 suffer from gross delay and laches.

5. The plea of repeated representations does not condone the delay and laches in invoking writ jurisdiction of this Court. Writ jurisdiction of the Court can be invoked within a reasonable time after the right accrues to a litigant. The writ



jurisdiction is meant for the person who is vigilant and not for one who sleeps over his right.

6. In the present case, writ jurisdiction has been invoked much after the seniority list, from which right to selection grade accrues, was finalized in the year 2008 and, thus, we do not find any error in the order passed by the learned Single Bench which may warrant interference in the present Letters Patent Appeal.

7. The Letters Patent Appeal is dismissed.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

K.C.jha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	20.01.2017
Transmission Date	N/A

