

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7447 of 2016

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Pramod Kumar son of Ram Babu Sao, resident of Village- Pareo, P.S. Bihta, District- Patna.

.... Petitioner

Versus

1. The State of Bihar through District Magistrate, Patna.
2. The District Education Officer, Patna.
3. The Chief Programme Co-ordinator, District Public Education Committee, Patna.
4. The Block Education Officer, Bihta, District- Patna.
5. The Chief Programme Samanvayak, District Public Education Committee, Patna.
6. The District Education Officer, Nawada.
7. The District Programme Officer (Literacy), Nawada.
8. Santeeta Kumari, D/o Suresh Pandey, resident of Village and P.O. Pareo, P.S. Bihta, District- Patna.

.... Respondents

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Appearance :

For the Petitioner/s : None

For the Respondent/s : Mr. Raj Kishore Roy, GP 18

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

2 05-07-2018 None appears on behalf of the petitioner. Mr. Raj Kishore Roy, learned GP 18 appears for the State.

Perused the records.

The petitioner has questioned an order dated 05.01.2013 of the Chief Programme Co-ordinator, District Public Education Committee, in connection with appointment of 'Prerak' whereby taking note of the merit position of the private respondent and the marks secured by her at 52.78, a direction was issued to correct the error and appoint her in place of the petitioner who was



found to have secured 43.77 marks. A copy of the order is impugned at Annexure-3 and it is following the direction that an appointment order was issued in favour of the private respondent on the post of “Prerak” vide memo no. 85 dated 04.02.2013 at Annexure-4. Surprisingly even though the petitioner has questioned the direction given by the Chief Programme Co-ordinator at Annexure-3, the order of the appointment of the private respondent at Annexure-4 has not been put to challenge.

Mr. Raj Kishore Roy, learned GP 18 in reference to the appointment order submits that it was valid only until 31.03.2013 unless service tenure was extended which again was subject to continuation of Sakchhar Bharat Abhiyan Programme of the Government of India. He further submits that since admittedly private respondent had secured higher marks than the writ petitioner that the error committed by the Selection Committee in overlooking the candidature of the private respondent was corrected and which suffers no infirmity.

I have gone through the pleadings of the writ petition and the reasons assigned by the Chief Programme Co-ordinator to recommend for appointment of the private respondent, which has not been contested on the reasons assigned.

Another aspect of the matter which this Court notices



is that although the order was issued on 05.01.2013 which was followed by an appointment order dated 04.02.2013, it is luxuriously after more than three years that the present writ petition has been filed which suffers from gross laches and delay and which is sought to be explained by the petitioner by his recourse under the Right to Information Act.

In my opinion, once the petitioner was in the know of the order dated 05.01.2013 as well as the appointment order in favour of the private respondent, he ought to have been vigilant enough to move the appropriate forum against the action taken. Neither thus on merit nor on the laid back attitude of the petitioner that this Court is persuaded to interfere with the order under challenge.

The writ petition is dismissed.

(Jyoti Saran, J)

Archana/Surendra

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