

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6685 of 2016

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Dilip Kumar Sah, son of Sri Basant Prasad Sah, Resident of village- Ratanpur, P.S.
Amarpur, District- Banka.

.... Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Inspector General of Police, Bhagalpur.
3. The Deputy Inspector General of Police, Region- Bhagalpur.
4. The Senior Superintendent of Police, Bhagalpur, District- Bhagalpur.
5. The Police Recruitment Board through its Chairman cum Senior Superintendent of Police, Bhagalpur, District- Bhagalpur.
6. The Sergeant Major, Police Line, Bhagalpur, District- Bhagalpur.
7. The In Charge, Public Grievances Cell, Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Mishra, Adv.

For the Respondent/s : Mr. Ajay, GA-12.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN

ORAL JUDGMENT

Date: 23-07-2018

Heard the parties.

The petitioner seeks mandamus to the authorities of Home (Police) Department for his appointment as Constable pursuant to a selection process initiated vide Advertisement No.1 of 1998.

Two relevant aspects of the matter do not persuade this Court to grant indulgence namely:

- (a) It is 18 years since the advertisement was published in the year 1998 that the petitioner has luxuriously chosen to move in a writ jurisdiction. The writ petition is thus grossly belated and no amount of explanation can justify the delay of 18 years; and
- (b) Paragraph 5 of the counter affidavit does confirm that while



the last candidate selected in the Home Guard, BC quota for Banka District carried height of 179.5 centimeters, the height of the petitioner was only 175 centimeters. This is the reason assigned for non-selection of the petitioner.

Mr. Mishra, learned counsel appearing for the petitioner made a feeble attempt for adjournment because according to him, an imposter has been appointed against the post in the name of the petitioner, but even while making such submission, there is nothing on record to support the allegation.

In case, what Mr. Mishra, submits, is correct, then the petitioner has different remedies at his disposal but in so far as the case in hand is concerned, considering the delay as well as the reasons assigned by the respondents for non-selection of the petitioner at paragraph 5 of the counter affidavit, I am not persuaded to grant indulgence.

The writ petition is dismissed.

(Jyoti Saran, J)

SKPathak/Anjula

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.07.2018
Transmission Date	NA

