

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11426 of 2014

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Mithilesh Prasad Singh, S/o Sri Madan Singh, Resident of Village + P.O.- Pratap Pur, PS- Karja, Block- Marwan, District- Muzaffarpur presently posted as an Assistant Teacher in Urdu Middle School, Pakdi Pakadahi, Block- Marwan, District-Muzaffarpur

.... Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Home (Personnel) Department, Government of Bihar, Patna through the Principal Secretary
3. The Principal Secretary, Home (Personnel), Department, Government of Bihar
4. The District Magistrate, Muzaffarpur
5. The In-charge Deputy Collector, District Election Officer, Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. S. B. K. Manglam, Advocate
Ms. Anita Kumari, Advocate

For the Respondent/s : Mr. V. B. Prasad, AC to SC-13

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY

ORAL JUDGMENT

Date: 18-09-2018

Heard learned counsel for the petitioner and State.

2. From perusal of Annexure-3, it appears that the Deputy Collector incharge, District Election Office, Muzaffarpur has issued letter on 22.09.2006 directing the petitioner to provide the copy of the First Information Report, copy of the injury report, appointment letter etc. within a couple of days so that the case of the petitioner may be considered.

3. The petitioner has filed the present writ application on 08.07.2014 after nearly 8 years. The respondents have filed counter affidavit raising the grievance that the claim of the petitioner is



hopelessly and belatedly raised, since the petitioner himself has failed to provide the materials to the authorities for taking appropriate decision despite repeated request no indulgence can be granted.

4. In matters like the instant case where the petitioner has failed to extend cooperation to the concerned authorities for taking appropriate decision, no positive direction can be issued. However, liberty shall be available to the petitioner to provide the relevant materials including the documents mentioned in Annexure-3 and approach the concerned authorities, who will take appropriate decision on the merit of the claim of the petitioner. While taking decision, the respondent authorities shall not reject the claim of the petitioner on the ground that there is delay in submitting the documents. Appropriate decision in this regard must be taken by the respondent authorities within a period of four months from the date of receipt/production of a copy of this order.

5. With the aforesaid, the writ application stands disposed of.

(Anil Kumar Upadhyay, J)

Uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.09.2018
Transmission Date	

