

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.894 of 2017
In
Civil Writ Jurisdiction Case No.9419 of 2013

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Md. Mojib Son Of Late Md. Nooruddin Resident Of Mohalla- Barari, Police
Station- Barari, District- Bhagalpur

... .. Appellant/s

Versus

1. The State Of Bihar Through Its The Secretary, Personnel And Administrative Reforms Department Old Secretariat, Bihar, Patna,
2. The Commissioner, Bhagalpur Division, Bhagalpur
3. The Deputy Collector (Establishment) Bhagalpur.
4. The District Magistrate, Bhagalpur
5. The Nazarat Deputy Collector, Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Najmul Hodda
For the Respondent/s : Mr. AC to AAG 3

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

5 16-05-2018 We are not satisfied with the reasons, which have been indicated in I. A. No. 4138 of 2017, for delay of 338 days. However, in the interest of the litigant, the said delay is condoned. Matter is thereafter taken up on merits.

The learned Single Judge while considering the claim of the present appellant for consideration of appointment on a class IV post in relation to a 1998 advertisement on which a panel was created in the year 2000, no direction can be issued for any consideration after almost 20 years of the exercise so



done. It was in this background, the learned Single Judge in his order dated 17.05.2016 stated the following reasons :

“Having considered the rival contention of the parties, merely the name of the petitioner was in the first list does not mean that his name is also standing in the second list. Petitioner has not produced any material to substantiate that in the second list his name is also standing and any person below him has been appointed. So far his claim is concerned that one Md. Safi Alam has been appointed as he has been shown to be at sl.no.120 but on perusal of the chart of merit list it appears that Md. Safi Alam is B.A whereas petitioner is only matric so much so his name is not there in second list. Counsel for the petitioner has shown office order dated 2.8.2013 showing placement of Md. Safi Alam where his qualification has been mentioned matric.

Be that as it may, undisputedly petitioner has approached this Court after laps of a decade without any explanation. Delay defeat the valid and legal right and this Court would not like to entertain the delayed writ petition where no proper explanation has been offered in the entire writ petition specially the matter is relating to the appointment of Class IV post. If the



petitioner was not conscious of his right to approach to the appropriate authority raising his grievance for non impalement of his name in the panel itself disentitled him of the relief.”

The writ application for the reasons indicated above was rightly dismissed.

There is no merit in the appeal. It is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

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