

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19974 of 2019

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Mritunjay Kumar, S/o Late Hari Narayan, Resident of Sri Krishna Nagar, Rahika Tola, Araria Town, P.S.-Araria, P.O.-Araria, District-Araria at present posted as Additional Collector, Disaster Management, Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, General Administration Department, Govt. of Bihar, Patna.
3. The Deputy Secretary, General Administration Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Kamala Kant Upadhyay, Advocate
		Mr. Chandra Bhushan Das, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 14-11-2019 Heard learned counsel for the parties.

2. The petitioner is seeking a direction to consider his case for promotion to the rank of Joint Secretary to the Government of Bihar with effect from the date (18.06.2014), his juniors have been granted such promotion.

3. It is the petitioner's case that in the gradation-list of officers of Bihar Administrative Service, the petitioner's name figured at Serial No. 800, on the date when the Departmental Promotion Committee (DPC) had held its meeting. It is his case that on the date of meeting of the DPC neither the petitioner was placed under suspension nor any departmental proceeding was



initiated against him. It has been submitted by Mr. Kamla Kant Upadhyay, learned counsel on behalf of the petitioner that no criminal case was pending against him on or before the date when the DPC had held its meeting.

4. It has been argued that there existed no reason for the State Respondents not to have placed the petitioner's case for promotion before the DPC. It has been argued that non-consideration of the petitioner's case for promotion and grant of promotion to persons junior in the merit-list, without any valid reason, violates Articles 14 and 16 of the Constitution of India.

5. In response to a query made by this Court, as to why the petitioner has approached more than five years after the DPC had held its meeting in which the case of the petitioner was, according to him, erroneously not considered, learned counsel for the petitioner has submitted that the petitioner had been consistently approaching the authorities by making representations. One such representation dated 15.03.2019 has been brought on record by way of Annexure-4 to the writ application.

6. I have perused the pleadings in the writ application carefully. There is no averments at all in the writ application that immediately after the notification was issued on 18.06.2014,



promoting persons below in the seniority-list, or within a reasonable period, the petitioner raised any grievance before any authority. The first representation appears to have been filed by the petitioner in March, 2019. Thereafter the present writ application has been filed in September, 2019.

7. In my opinion, this writ application deserves to be dismissed on the sole ground of delay and laches in the absence of any justifiable explanation in the writ application for such delay. Things, which stood settled in 2014, cannot now be unsettled on the basis of plea which the petitioner is now taking more than five years after issuance of the notification in question.

8. This application is accordingly dismissed.

(Chakradhari Sharan Singh, J)

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