

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22762 of 2019

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Gaurav Kumar S/o Narayan Prasad Ambasth Resident of Chitragupta Nagar,
Ward No. 28, District- Saharsa.

... .. Petitioner/s

Versus

1. The Honble High Court of Judicature at Patna through Registrar General, High Court, Patna.
2. Registrar General, High Court, Patna.
3. The Centralised Committee High Court, Patna through the Registrar General As member Secretary of Centralized Committee, High Court, Patna.
4. Members of the Co-ordination Committee Bihar, Patna through the Convenor of Co-ordination Committee.
5. Krishna Kant Tripathi District and Sessions Judge, Bihar, Patna, the Convenor, Co-ordination Committee, Bihar, Patna.
6. The Registrar (Administrative) High Court, Patna.
7. The State of Bihar Through the Law Secretary, Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Anil Kumar Mukund
For the Respondent/s	:	Mr. Gyan Prakash Ojha, GA7
		Mr. Gopal Krishna, AC to GA 7

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 28-01-2020 Heard learned Counsel for the petitioner and the

learned Counsel for the respondents.

The petitioner participated in the process of selection for appointment for the post of Clerk in the Subordinate Courts of Bihar. The petitioner, as per averments made in the writ petition, did not emerge successful in the result dated 26.9.2018. Much later to the declaration of result wherein 1681 candidates, other than the petitioner, have been declared successful for appointment, the petitioner has filed the present



writ petition on 19.11.2019 seeking quashing of appointment of 1681 candidates.

Resort to writ proceedings and exercise of jurisdiction under Article 226 of the Constitution of India is for those who are diligent of their rights. The law in this regard is well settled. The Apex Court in the case of *State of Uttranchal & ors vs Shiv Charan Singh Bhandari & ors* reported in *(2013) 12 SCC 179* is worth taking note of in view of the delay and casual manner in which writ proceedings in the instant case have been resorted to.

The writ petition has been filed about two months after declaration of result of 1681 candidates. Having been declared unsuccessful, the petitioner has sought to assail quashing of appointment of large number of successful candidates i.e. 1681 candidates. The concept of delay and laches in a writ proceeding is such that the delay has to be viewed coupled with laches. Accrual of third party rights in between is also a relevant consideration. In the instant case from declaration of result on 26.09.2018 till 19.11.2019 the petitioner has not raised any grievance whatsoever. In the meantime third party rights have also accrued in favour of 1681 candidates who were declared successful.



The writ petition has been filed seeking to undermine the third party right created in favour of 1681 candidates without even impleading them as party respondent in the instant writ petition. That apart the law is well settled that once the candidate has participated in the process of selection, it is not open for such a person to turn around and challenge the result having been declared unsuccessful.

The writ petition clearly suffers from delay and latches. The same is dismissed.

(Madhuresh Prasad, J)

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