

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7778 of 2021

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Birendra Kumar Singh, S/o- Late Shiv Shankar Prasad, Resident of Village -
Chakwaza, P.S.- belshar, P.O.- Chakwaza Nagwa, Town and District- Vaishali.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary Department of Finance, Government of Bihar, Patna.
3. The Principal Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Secretary Institutional finance department (SansthiK Vitt Vibhag), Government of Bihar, Patna.
5. The Secretary Institutional Finance and Programme Implementation Department (SansthiK Vitt Vibhag and Karyakram Karyanwan Vibhag), Government of Bihar, Patna.
6. The secretary Project Planning (Project organization), Government of Bihar, Patna.
7. The Under Secretary Institutional Finance department (SansthiK Vitt Vibhag), Government of Bihar, Patna.
8. The Under Secretary department of Personnel and Administrative Reforms, Government of Bihar, Patna.
9. The Director cum Managing Director Project Organization and programme Implementation Project Planning and Institutional Finance Department, Government of Bihar, Patna.
10. The Director cum Deputy Secretary Institutional Finance and Programme Implementation Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar, Advocate
For the Respondent/s : Mr. Smt.Anuradha Singh (SC 21)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 15-12-2021



Heard learned counsels for respective parties.

In the instant petition, petitioner has prayed for the following reliefs:-

Petitioner has questioned the validity of Memo No. 140 dated 30.01.1989 in the guise of the order dated 21.07.1992 passed in CWJC No. 6939 of 1990. Petitioner is aged about 88 years as on the date of of present of this petition. This petitioner is stated to have been appointed as Typist and his services have been displaced and it was a subject matter of this litigation in CWJC No. 6939 of 1990. This Court passed the following orders:-

“In the circumstances, the appropriate order that should be passed is to direct the respondents to take step for regular appointment against the available vacant posts and in that event and at that stage to consider the case of the petitioner also for any such post for which he may be eligible in accordance with law.

The Petitioner will be entitled to the benefit of past satisfactory service in accordance with the Government Circulars.

This application is, accordingly, disposed of.”

The petitioner had cause of action in the year 1992. In these many years petitioner slept over the matter and he is least interested whether respondents have notified future vacancies after



21.07.1992, the date on which CWJC No. 6939 of 1990 was decided. That apart, he is aged about 58 years as on this day. Hon'ble Apex Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006** held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

(Emphasis supplied)



In the light of the aforesaid decision, the present
petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

Vikash/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	N/A

