

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6570 of 2016

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1. Dilip Kumar Mishra, son of Sri Neelambar Mishra, Resident of village- Ranipur, P.S.-Sadar, District- Darbhanga.
 2. Bechan Yadav, son of Kusheshwar Yadav, resident of village- Akour, P.S.- Benipatti, District- Madhubani.

... .. Petitioners

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Home, Government of Bihar, Patna.
3. The D.G. of Police, Bihar, Patna.
4. The S.P., Nawada.
5. The S.P., Saran.
6. The S.P., Darbhanga.

... .. Respondents

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Appearance :

For the Petitioners : Ms. Shruti Sinha, Advocate
For the Respondents : Mr. Kinkar Kumar, S.C. 27

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 16-08-2021

Heard learned counsel for the petitioners and
learned counsel for the respondents through video conference.

2. The present writ petition has been filed *“for issuance of an appropriate writ order or direction for commanding the respondents to take decision regarding reappointment of the petitioners on the post of constables under the provisions of Bihar State Litigation Policy, 2011 Section 4C(1) which is under consideration since 2015 but till date the decision has not been taken and petitioner has not been appointed as the case of the*



petitioners and several others who were also dismissed with them but later reappointed are similar and thus as per the said policy the same benefit should be extended to the petitioners and they also should be reappointed as not doing so will be highly illegal, arbitrary and bad in law and further for a direction to the respondents to reappoint the petitioners in service as they have served for more than 10 years without any complaint of any kind from any quarter regarding their efficiency or physical ability and in the facts and circumstances of this case and also in equity with all consequential benefits or for any other order or orders which this Hon'ble Court may deem fit and proper under the circumstances of the case."

3. At the very outset, a preliminary objection has been raised on behalf of the respondents with regard to delay and laches on the part of the petitioners in approaching this Court.

4. It appears that the petitioners along with some other constables of Bihar Police were dismissed from the service in the year 2003 on the orders of the Police Headquarters on the ground that their appointment was not made in accordance with the provisions contained in Police Manual Rules 661 and 663 and Appendix-72 and Police Order No.202/88. The present writ petition has been filed in the year 2016 after lapse of about thirteen years.



5. Learned counsel for the petitioners has sought to explain the delay, submitting that the matter was alive in the concerned department and litigation was going on by other similarly situated persons. The petitioners had also filed a representation before the Director General of Police, Bihar, Patna, on 24.07.2012 (Annexure-7) which has yet to be disposed of and the petitioners have not been granted relief.

6. Learned counsel for the petitioners has also relied on judgments passed in the case of other similarly situated persons (Annexure- 9 series) namely, *C.W.J.C. No.5192 of 2003 (Digambar Kumar Choudhary vs. The State of Bihar & Ors.)*, *C.W.J.C. No.5422 of 2003 (Satyendra Narain @ Satyendra Narain Singh & Anr. vs. The State of Bihar & Ors.)* and *C.W.J.C. No.8471 of 2003 (Nag Narain Rai vs. The State of Bihar & Ors.)*.

7. Having heard learned counsel for the parties, this Court finds merit in the preliminary objection raised by the respondents. It is not in dispute that the petitioners were dismissed from service as far back as in the year 2003. No doubt the petitioners have filed a representation before the Director General of Police, Bihar, Patna (Annexure-7) but even that has been preferred after a lapse of about nine years since dismissal. The orders passed in the case of similarly situated persons, relied upon by the petitioners (Annexure-9 series), were all in relation to the writ petitions filed by them in the year 2003 itself. I am,



therefore, of the view that the petitioners have not explained the inordinate delay in approaching this Court as late in the year 2016 and as such, I am not inclined to interfere in the matter.

8. The writ petition, accordingly, stands dismissed.

(Vikash Jain, J)

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AFR/NAFR	N.A.F.R.
CAV DATE	N/A
Uploading Date	17.08.2021
Transmission Date	N/A

