

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17870 of 2017

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Vidya Bhushan Singh S/o Late Janakdeo Singh, resident of Village- Saichani,
P.O.- Chainpur, P.S.- Raghunathpur, District- Siwan.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Champaran Region, Bettiah.
4. The Chairman, Selection Board-cum-DIG, Tirhut Division, Muzaffarpur.
5. The Superintendent of Police, East Champaran, Motihari.
6. The Chairman, Police Selection Board-cum, S.P. East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate
For the Respondent/s : Mr. Sheo Shankar Prasad, SC 8

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 17-12-2021

Heard learned counsel for the parties through virtual court proceedings.

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

- “(i) For issuance of an appropriate writ/s, order/s, direction/s upon the respondents to re-appoint the petitioner as Constable in Bihar Police, after quashing order dated 09.08.2011 contained in Memo no. 1391/Conf. Passed by respondent no. 4 whereby and under the petitioner’s case for re-appointment as Constable has been rejected, even though the Hon’ble Court directed the respondents to consider the case of the petitioner but not compare him with the fresher.
- (ii) For issuance of an appropriate writ/s, order/s, direction/s to the respondents for treating the service of



the petitioner on continuity as similarly situated persons who approached the Hon'ble Court after being dismissed from service, has been re-inducted in the service and is continuing.

(iii) For issuance of an appropriate writ/s, order/s, direction/s to the respondents to give all consequential benefits to the petitioner after his re-appointment as Constable.

(iv) To pass such other order or orders as your lordships may deem fit in the facts and circumstances of the case.”

The petitioner has questioned the validity of the order dated 09.08.2011 with reference to memo No. 1391 of the 4th Respondent whereas the present petition is filed in the year 2017 after lapse of nearly six years. There is a delay and laches on the part of the petitioner in seeking quashing of order dated 09.08.2011. The Apex Court in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in ***AIR 2016 SC 3006 paragraph-20*** has held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, 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 question 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”*

In the light of aforesaid decision of the Apex Court and matter relates to appointment to the post of Constable, hence, petitioner has not made out a case on the ground of delay and laches.

Writ petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20.12.2021
Transmission Date	NA

