

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8764 of 2021

1. Kundan Singh Son of Pran Mohan Singh R/o Village- Pathakchak, P.s.- Sikandera, District- Jamui, Bihar-811307, (Roll No. X0928)
2. Sushil Kumar Singh Son of Baliram Singh R/o Village- Khanethi, P.o.- Bhadaula, P.S.- Kudra, District- Kaimur (Bhabhua), Bihar-821108, Roll No. Y14246
3. Prashant Kumar Singh S/o Mithilesh Kumar Singh R/o Village- Dhadha, Dharha, P.s.- Ratanpura, District- Supaul, Bihar-852215, Roll No. S-04423
4. Ratnesh Kumar S/o Awadhesh Prasad Singh R/o Village- Pathakchak, Maricha, District- Jamui, Bihar-811307, Roll No. P07439
5. Gyaneshwar Kumar Tiwary Son of Triloki Nath Tiwary Resident of village- Pirojaha, P.s.- Sewrahi, District- Kushinagar State Uttarr Pradesh, Pin- 274406, Roll No. P25988
6. Raju Kumar S/o Alakhdev Singh R/o Village- Akauna, P.s.- Punpun, District- Patna, Roll No. P-28674
7. Sanjeet Kumar S/o Gupteshwar Sharma R/o Village- Newan Dihri, P.s.- Punpun, District- Patna, Bihar-804453, Roll No. P-4926
8. Prabhat Kumar S/o Jaleshwar Prasad Singh R/o Village- Akauna P.s.- Punpun, District- Patna, Bihar-804453 Roll No. P-20903
9. Shyam Babu Yadav S/o Phulena Yadav R/o Village- sultanpur, P.s.- Andar, District- Siwan, Bihar Roll No. C09053

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Department of Home, Government of Bihar, Patna
2. The Secretary, Department of Home, Govt. of Bihar, Patna
3. The Director General of Police, Bihar (Patna)
4. The Secretary, Department of General Administration Govt. of Bihar, (Patna)
5. The Chairman, Bihar Staff Selection Commission, (Patna)
6. The Secretary, Bihar Staff Selection Commission, (Patna)

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar
For the Respondent/s : Mr.Md.Nadim Seraj (Gp5)

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 15-02-2022

The matter is heard *via* video conferencing due to



circumstances prevailing on account of the COVID-19 pandemic.

2. State counsel accept notice for respondents.

3. In the instant petition, petitioners have prayed for following reliefs:

“(i) For issuance of writ in the nature of Mandamus or any other appropriate writ commanding the respondents authority to consider the claim of the petitioner for appointment on the post of Sub-Inspector under Advertisement No. 704/2004 in view of the liberty granted by the Hon’ble Supreme Court passed in C.A. No. 1240-41/2011 which was disposed off vide order dated 02.02.2011 with direction to the respondent organization to hold fresh examination for 299 posts with condition that those persons who were petitioners before Hon’ble High Court Patna would be given liberty to appear in Examination.

(ii) For issuance of direction to the respondent authorities to appoint the petitioners on the post of Sub Inspector as similarly situated 133 candidates have already joined.

(iii) To direct the respondent authorities to appoint the petitioners on the post of Sub-Inspector as several other candidates who have obtained less marks than the petitioners have already been appointed.

(iv) And/Or grant for any other relief or reliefs to which the petitioners may be found entitled to in course of hearing of this writ application.”

4. Matter relates to selection and appointment to the post of Sub-inspector pursuant to Advertisement No. 704/2004. Petitioners are relying on Apex Court’s decision passed in C.A.



No. 1240-41 of 2011 decided on 02.02.2011 in which petitioners have sought for a direction to hold fresh examination for 299 posts and sought for appearance in the examination. The aforesaid relief is hopelessly barred by limitation, delay and laches in so far as petitioners are concerned. Apex Court in the case of ***Jammu and Kashmir V. R.K. Zalpuri*** reported in ***AIR 2016 SC 3006*** at para 20 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.”

5. One of the principle laid down in the aforesaid Apex Court’s decision is writ petition under Article 226 of the



Constitution is required to be examined unexplained delay and laches. On this count, present petition stands dismissed that the petition is hopelessly barred by limitation, delay and laches.

6. At this stage, learned counsel for the petitioners pointed out Annexure-7 and 8. Even the order dated 25.02.2019. Petitioners have presented the petition in the month of March 2020. Thus, petitioners could not impress this Court that the present petition could be entertained in respect of selection of the year 2004 read with finality by the Apex Court on 02.02.2011 passed in C.A. No. 1240-41 of 2011.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

