

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9522 of 2021

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Raj Kumar Yadav @ Raj Kumar Son of Shri Bounu Yadav @ Shree Bounu Prasad Yadav @ Kallar Yadav Resident of Village-Ward No. 16, Jagir, Under gram Panchayat Paschimi Sahuriya P.O. Dhamsena, P.S. Saurbazar Dist-Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary Government of Bihar Patna.
2. The Director General of Bihar, Old Secretariat, Bihar Patna.
3. The Deputy Inspector of Police, Saharsa Range, Saharsa
4. The Chairman through Regional Board, Supaul.
5. The Superintendent of Police, Supaul.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh

For the Respondent/s : Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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

Date : 18-02-2022

The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. In the instant petition, petitioner has sought for following reliefs:

“i) For issuance of Writ/Writs, order/orders, direction/directions, In the nature of mandamus commanding the respondents to hold on inquiry/ the investigation into manner in which a large scale irregularities have been committed in the process of selection of Police Constable in the selection/appointment process which commence in 1998 in pursuant to Advertise No. 01/1998 and in which there is serious irregularities committed by the Selection committee during the selection process, and according to some of the candidate they have been appointed on the post of constable but the petitioner has not been appointed on the post of constable.



ii) For further prayed for issuance of necessary direction to the respondent in the present writ petition consequential step for issuance of necessary direction to the respondent in the present writ petition to take consequential step pursuant to such inquiry/ investigation to insure that only duly qualified candidate are appointed therefore the petitioner praying for direction upon the respondent to immediately appoint the petitioner on the post of constable in Bihar Police Department, because the petitioner qualified in all the test high jump, long jump, Chest measurement, written examination test etc. but the petitioner has not been appointed.

iii) For further any other relief/ reliefs direction/ directions may deem fit and proper in the fact and circumstances of this case.”

3. The matter relates to selection and appointment to the post of Constable in Bihar Police Department pursuant to Advertisement No. 01 of 1998. The present petition is presented in the year 2021.

4. Learned counsel for the petitioner has submitted that subject-matter of Advertisement No. 01 of 1998 was before this Court and the matter was taken up before the Hon’ble Supreme Court. Hon’ble Supreme Court is stated to have given certain direction for a fresh process of selection and appointment pursuant to Advertisement No. 01 of 1998.

5. Undisputedly, petitioner was not a party before the Hon’ble Supreme Court. However, he has not furnished copy of the judgment. He has not even pleaded in his petition.

6. In the light of these facts and circumstances and the fact that the present petition is hopelessly barred by limitation. Accordingly, the present petition stands dismissed in the light of Apex Court decision in the case of State 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.”

7. One of the principle laid down in the aforesaid decision is related to delay and laches. Petitioner has not explained delay and laches from the year 1998 to this date. Further delay and laches issue was taken note of in the case of ***State of Rajasthan & Ors. Vs. Surji Devi*** reported in ***(2022) 1 SCC 17*** (Para 6 to 9). In the light of the above facts, instant



petition is dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

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Uploading Date	
Transmission Date	

