

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9353 of 2021

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Anil Kumar S/o Kapileshwar Yadav R/o Village- Chhapra Dhih, P.O.-
Kuardh, P.S.- Khajauli, Dist- Madhubani, present residing at Road No.-1,
Quarter No.12, Kazipur, Near Dinkar Golambar, Patna, Bihar- 800004.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar.
2. The Principal Secretary, General Administration Department, Government of Bihar, Patna.
3. The Additional Secretary, General Administration Department, Government of Bihar.
4. The Principal Secretary, Finance Department, Government of Bihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vishal Vikram Rana

For the Respondent/s : Mr. Lalit Kishore (AG)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

ORAL JUDGMENT

Date : 17-02-2022

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

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

*“i. To modify the notification issued in
Memo no.- 1506, 3919 and 14565
dated 30.01.2012, 14.03.2012 and
18.10.2012 respectively by which the
petitioner was posted on the post of
Assistant has been declared contrary
to the terms in the advertisement
dated 02.04.2011 by which the*



priorities to given to the candidates having outstanding sports career and prescribed educational qualification in the District Offices whereas similarly situated persons with lower or similar outstanding have been given posting in the offices notified under Bihar Secretariat clerical cadre service, whose pay scales are different apart from that being additional promotional avenues, which is not notified for District cadre clerical employed being violative of Article 14 of the Constitution of India.

ii. To direct the concerned respondents to produce all connected records for perusal of this Hon'ble Court.

iii. And for any other order/orders which may appear fit and proper in the facts of the present case."

The aforesaid relief relates back to the year 2012
whereas the present petition is presented in the year 2021,



therefore, the present petition is liable to be rejected on the ground of delay and laches. The Apex Court in the case of ***State of Jammu and Kashmir Vs. R.K. Zalpuri and others reported in AIR 2016 SC 3006***, Paragraph-20, which is held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation Vs. 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”.

One of the principle laid down in the aforesaid decision of the Apex Court is that before entertaining petition under Article 226 of the Constitution of India by the Writ Court, Writ Court has to examine delay and laches. Hence, the present case is squarely covered by the aforesaid decision on the point of delay and laches.

Accordingly, writ petition stands dismissed.

(P. B. Bajanthri, J)

Ankit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	23.02.2022
Transmission Date	NA

