

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.8965 of 2011**

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Kailash Panjiyar S/O Late Jugeshwar Panjiyar, R/O Vllage - Barma, Post Office - Choraut, P.S. - Kupri, Distt. - Sitamahri, At Present Posted On The Post Of Panchayat Swak Secretary Belson Block, Distt. Sitamarhi

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Drector / Joint Director, Department Of Panchayat Raj, Govt. Of Bihar, Patna
3. The District Magistrate, Sitamarhi
4. The District Panchayat Officer, Sitamrhi
5. The District Accounts Officer, Sitamarhi
6. The Block Development Officer Beison, District - Sitamarhi
7. Raj Narayan Singh S/O Of Deo Nandan Bhagat, R/O Gram Panchayat-Koriya Rampur, Block - Nanpur, And At Present Posted On The Post Of Panchayat Sewak In Sursand Block, Distt. - Sitamarhi

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mithilesh Kumar, Advocate  
For the Respondent/s : Mr. Alok Ranjan, Ac to AAG-8

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

**Date : 23-08-2022**

Heard learned counsels for the parties.

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

**“1. That this is an application for issuance of an appropriate writ order or direction to the Respondent No. 3 to fix his seniority over his immediate junior person namely Raj Narayan Singh in the cadre of post of Panchayat Sewak and subsequently on the post of Panchayat Sewak giving all consequential benefits from the date of appointment from the date of his junior**



**since 4.10.1994 of the post of Panchayat Sewak and be further give direction after fixing his seniority from the date of his junior calculating the period of service 12 years, grant the benefit of first A.C.P. in the pay scale of Rs. 5000-8000/- (corresponding scale 9300-34800/-) taking into consideration of the order of this Hon'ble Court in the similar matter the order dated 17.3.2005 passed in C.W.J.C. No. 1211 of 2000 and the representation filed by the petitioner within the said relief is pending before Respondent No. 3 but only in the cases of the persons who have got the order from this Hon'ble Court they are granting said benefit."**

3. For the aforesaid relief, petitioner has not questioned the validity of selection and appointment of 7<sup>th</sup> Respondent- Raj Narayan Singh, who is stated to be junior to the petitioner in the feeder cadre- Dalpati. The petitioner has not questioned the order of appointment of 7<sup>th</sup> Respondent to the post of Panchayat Sewak dated 04.10.1994 and further he has not questioned the validity of the ranking assigned to Raj Narayan Singh (Respondent No. 7) in the seniority list of Panchayat Sewak. In the absence of challenge to the appointment of Raj Narayan Singh read with the seniority assigned to him in a particular seniority list the aforesaid relief sought by the petitioner is not maintainable. That apart, it is to be noted that cause of action accrued to the petitioner on



04.10.1994 as and when Raj Narayan Singh was appointed. Further he had cause of action on 11.10.2001, the date on which he was appointed to the post of Panchayat Sewak whereas the present petition is filed in the year 2011.

4. Apex Court in the case of *P.S. Sadasivaswamy Appellant V. State of T.N.* reported in *AIR 1974 SC 2271* wherein it is held that if an aggrieved person in respect of promotion and seniority must knock the door of the judicial forum within a period of six months from the date of cause of action accrued. Therefore, there is inordinate delay and laches on the part of petitioner in seeking relief of seniority etc.,

5. In the light of these facts and circumstances, petitioner has not made out a case.

6. Accordingly, the present writ petition stands dismissed without cost.

**(P. B. Bajanthri, J)**

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