

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2855 of 2021

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Bipin Kumar, Son of Sri Kameshwar Paswan, Resident of Village- Kajichak,
P.O.- Ratanpur, District- Munger.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Principal Secretary, Home (Police), Department, Bihar, Patna.
3. The Principal Secretary, General Administration Department, Bihar, Patna.
4. The Director General of Police-cum-Inspector General of Police, Bihar, Patna.
5. The Additional Director General of Police, Head Quarter, Bihar, Patna.
6. The Inspector General of Police, Bhagalpur Zone, Bhagalpur.
7. The Inspector General of Police, (Welfare), Bihar, Patna.
8. The Deputy Inspector General of Police (Personnel), Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha, 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 : 28-01-2022

This matter is heard via video conferencing due to
circumstances prevailing on account of COVID-19 Pandemic.

2. Heard learned counsel for the parties.

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

“(I) To issue an appropriate order/s, direction/s including
a writ preferably in the nature of CERTIORARI for
quashing the order as contained in memo No. 330 P-2
dated 17-01-2002 passed by the respondent No.04
(Hereinafter referred to as Director General of Police-
cum-Inspector General of Police) Bihar, Patna whereby



and where under the petitioner has been given promotion to the post of Steno Sub-Inspector with effect from issuance of letter instead of 01-10-95 as such juniors to the petitioner have been given promotion to the said post w.e.f. 01-10-95.

(II) To quash the letter No. 648/P-2 dated 25-02-15 issued from the office of respondent No.7 (Hereinafter referred to as Inspector General of Police (Welfare), Bihar, Patna whereby and where under the claim of the petitioner for his promotion to the post of Steno Sub-Inspector w.e.f. 01-10-95 has been rejected having found services of the petitioner unsatisfactory not hence qualified for the promotion and affirmed order as contained in memo No.330 P2 dated 17-01-2002 by which the petitioner has been given promotion to the post in question from the issuance of such letter.

(III) To direct the respondent No. 04 to promote the petitioner to the rank Steno Sub-Inspector w.e.f. 01-10-95 and give inters seniority as such juniors to him have been considered for the same.

(IV) To direct the respondents to make the payment of monetary benefit and other admissible benefits w.e.f. 01-10-1995.

(V) To any other relief/s to which the petitioner may be found entitled in the facts and circumstances of the case.”

4. The petitioner had cause of action on 17.01.2002 and 25.02.2015 respectively for the purpose of seeking promotion to the post of Steno Sub-Inspector w.e.f. 01.10.1995.



5. There is enormous delay and laches on the part of the petitioner in presenting the present petition. The Apex Court in the case of **P.S. Sadasivaswamy vs The State of Tamil Nadu**, reported in **1975 SCR (2) 356** held that for the purpose of promotion one must approach within a period of six months.

6. In the present case, there is delay and laches for number of years and it is unexplained. That apart, the Apex Court decision in the case of *State of Jammu and Kashmir V/s. R.K.Zalpuri and others* reported in *AIR 2016 SC 3006* at paragraph-20 it is discussed delay and laches issue in not entertaining writ petition under 226 of the Constitution of India. Therefore, the present writ petition stands dismissed in the light of the principle laid down in the case of **P.S. Sadasivaswamy** (supra).

(P. B. Bajanthri, J)

uday/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.02.2022
Transmission Date	NA

