

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.23 of 2022

In

Civil Writ Jurisdiction Case No.7778 of 2021

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Birendra Kumar Singh Son of Late Shiv Shankar Prasad Singh, Resident of
Village - Chakwaza, P.S. - Belshar, P.O. - Chakwaza Nagwa, Town and
District - Vaishali.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Patna.
2. The Principle Secretary, Department of Finance, Government of Bihar, Patna.
3. The Principle Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
4. The Secretary, Institutional Finance Department (Sanstik Vitt Vibhag), Government of Bihar, Patna.
5. The Secretary, Institutional Finance and Programme Implementation Department (Sanstik Vitt Vibhag and Karyakram Karyanwan Vibhag) Government of Bihar, Patna.
6. The Secretary, Project Planning (Project Organization), Government of Bihar, Patna.
7. The Under Secretary, Institutional Finance Department (Sanstik Vitt Vibhag), Government of Bihar, Patna.
8. The Under Secretary, Department of Personnel and Administrative Reforms, Government of Bihar, Patna.
9. The Director Cum Managing Director, Project Organization and Programme Implementation Project Planning and Institutional Finance Department Government of Bihar, Patna.
10. The Director Cum Deputy Secretary, Institutional Finance and Programme Implementation Government of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Navin Kumar, Advocate
For the Respondent/s : Mr.P.K. Shahi, AG

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 11-12-2023

The appellant is before this Court claiming



consideration for re-employment as a Typist on his earlier employment having been terminated. The learned Single Judge specifically noticed that in CWJC No. 6939 of 1990 dated 21.07.1992, there was a direction to the respondents to take steps for regular appointment against available vacant posts and in that circumstance, also to consider the case of the petitioner, if he is eligible in accordance with law. Admittedly, the appellant did not move any authorities or even this Court after that. If at all the authorities had been lax in complying with the directions issued, then there should have been a contempt case filed within one year. There was no contempt case filed nor a further writ petition filed for appointment, as directed in the earlier case.

2. The appellant has approached this Court in the year 2021 and the learned Single Judge noticed that he is already 58 years of age. As of now he will be 60 years of age which is the retirement age insofar as the State of Bihar is concerned. The learned Single has also noticed the case of *State of Jammu and Kashmir v. R.K. Zalpuri and others* reported in *AIR 2016 Supreme Court 3006*, when one of the valid grounds for not exercising the extraordinary remedy under Article 226 was the petitioner being guilty of unexplained delay and the



latches in invoking the jurisdiction.

3. We are of the opinion that the learned Single Judge had rightly dismissed the writ petition.

4. The L.P.A stands dismissed.

(K. Vinod Chandran, CJ)

(Rajiv Roy, J)

Anushka/-

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CAV DATE	
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