

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2259 of 2023

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Rajeshwar Tanti Son of Jagdish Tanti, Resident of Vilage Bherdhari P.O.
Roopnagra P.S. Saharsa District Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of General Administration, Govt. of Bihar, Patna.
2. The District Magistarte, Saharsa.
3. The District Magistrate cum Chairman, District Selection Committee, Saharsa.
4. The Deputy Collector (Establishment), District Collectorate, Saharsa.
5. Anil Rajak Son of Suheshwar Rajak, Resident of New Colony P.S. Saharsa, District- Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Advocate
For the State	:	Mr. Md. Nadim Seraj, GP- 5

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 06-07-2023

1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The petitioner by the instant writ proceedings seeks quashing of an order dated 13.03.2018 by which private Respondent No.5 has been appointed against Group-D post. It is the petitioner's case that his legitimate claim has been ignored. He thus seeks a direction upon the respondent-



Authorities to appoint him on the Group-D post in place of private Respondent No.5 after quashing his appointment.

3. The writ petition has been filed about five years after private Respondent No.5 was appointed. The decision of the Selection Committee to appoint private Respondent No.5 is dated 13.03.2018 and copy of the same has been annexed to the writ petition.

4. In the writ petition, the petitioner has stated that appointment letter pursuant to decision of the Selection Committee is not available with the petitioner. He has also stated that he came to know about these facts in February, 2020 but could not pursue the matter because of Covid-19 pandemic related restrictions. He thus submits that he filed his representation for the first time on 22.09.2022.

5. This court is not impressed by the specious plea of the petitioner regarding Covid-19 restrictions. Decision of the Selection Committee to appoint private Respondent No.5 dated 13.03.2018 was available with the petitioner. Had the petitioner exercised due diligence, he would have either taken steps before the authorities for raising his grievance in respect of the same or challenged the appointment of private Respondent No.5. The plea regarding Covid-19 restrictions, which came



into existence much later, i.e. in March, 2020, is, therefore, clearly untenable.

6. This court, therefore, cannot brush aside the delay and laches on the part of petitioner in approaching this court claiming better rights in comparison to private Respondent No.5 and challenging his appointment on Group-D post after a period of five years. This court is not inclined to exercise extraordinary and equitable writ jurisdiction under Article 226 of the Constitution of India in favour of the petitioner as without adequate reasons, he has approached this court after a delay of five years at his own leisure or pleasure. Invocation of writ jurisdiction at this juncture would adversely impact the crystallized rights of private respondent no.5 whose appointment has attained finality. This court thus is not inclined to give indulgence to the petitioner who clearly has been indolent.

7. The conclusion of the court is founded on decision of the Hon'ble Apex Court in the case of ***Chennai Metropolitan Water Supply & Sewerage Board & Ors. vs. T.T. Murali Babu*** reported in ***(2014) 4 SCC 108***, more recently reiterated and followed in the case of ***Union of India & Ors. vs. N. Murugesan & Ors.*** reported in ***(2022) 2 SCC 25***.



8. In view of the above considerations, the writ application is dismissed.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	AFR
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