

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3381 of 2023

Manohar Kumar Singh, Son of Sri Chhathu Singh, Resident of Village- Anar,
P.S.- Bihiya, District- Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through its Secretary, Home Department, New Delhi.
2. The Central Staff Selection Commission, through its Chairman, Lodhi Road, New Delhi.
3. The Deputy Director, Staff Selection Commission, Central Region, Luder, Allahabad- 21102.
4. The Regional Director (CR) SCC-8-AB, Bailey Road, Allahabad, U.P.
5. The Director General, Central Reserve Police Force, C.G.O. Complex, Lodhi Road, New Delhi.
6. The Additional Director General of Police, Central Reserve Police Force, Central Office Compound Block No. 1, Lodhi Road, New Delhi.
7. The Regional Director (ER) SSC, Government of India, Nizam Palace, Ist MSO Building (8th Floor) 234/4 (Acharaya J.C. Bose Road), Kolkata- 700020 (W.B.).
8. The Ministry of Home Affairs, Government of India through the Directorate General, Assam Rifles, Shillong.
9. The Deputy Inspector General (Recruitment), Directorate General Office, Central Reserve Police Force, East Block No. 7, Level- 04, Sector- 01, R.K. Puram, New Delhi- 110066.

... .. Respondent/s

Appearance :

For the Petitioner	:	Mr.Indu Bhushan, Advocate
For the Union of India	:	Mr.Awadhesh Kumar Pandey, Sr. CGC
		Mr.R.K.Sharma, CGC
		Mr.Lokesh, Advocate
For S.S.C.	:	Mr.Manoj Kumar Singh, CGC

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL JUDGMENT

Date : 01-08-2023

1. Heard learned counsel for the petitioner and learned counsel for the Union of India, as well as learned counsel for the respondent-Staff Selection Commission.

2. The petitioner participated in a process of



selection for Constable (GD) in the Central Armed Police Force. After participating in the process of selection by making his application from Ranchi as a domicile of the State of Jharkhand, as is apparent from Annexure-1, in the year 2013. The writ petition, however, has been filed in 2023 seeking a relief that he should be given an appointment letter in Assam Rifles.

3. Learned counsel for the petitioner sought an adjournment when the matter was taken up yesterday to ascertain the date of result which has not been pleaded in the writ petition. Upon instructions, he submits that the result is of 28.11.2013.

4. In respect of the result of 2013, writ petition has been filed ten years later seeking issuance of an appointment order based on rejection of a representation dated 20.10.2022.

5. The law in this regard is very well settled. For the purposes of delay and laches, the initial order has to be deemed as the cause of action. Filing of subsequent representations do not confer a fresh cause of action. The Hon'ble Apex Court in the judgment in the case of *Union of India and Others versus C. Girija and Others* reported in (2019) 15 SCC 633 has clearly laid down this proposition.

6. This court also finds that the writ application



has been filed without even enclosing copy of advertisement, so as to determine the issue raised by the petitioner whether he was entitled to be selected in Assam Rifles, or in the C.R.P.F. at Jharkhand, as has been communicated to him in the order rejecting his representation dated 20.10.2022. In the said communication, as also Annexure-1 of the writ petition, it is an admitted position that the petitioner had applied as a resident of Jharkhand as a candidate in the O.B.C. category. Petitioner had not obtained the cutoff marks fixed for being selected in his category. The pleadings thus in the writ petition are insufficient to determine this issue, as even the advertisement has not been placed on record to determine whether the domicile of the petitioner was a relevant factor, or not. The writ application is not only barred by delay but also by laches, which are apparent from the pleadings in the writ application.

7. The writ application is accordingly dismissed.

(Madhuresh Prasad, J)

shashank/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.08.2023
Transmission Date	NA

