

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18461 of 2013

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Nawal Kishore Paswan Son Of Binda Paswan Resident Of Village - Nawada,
P.S. Chandi, District - Nalanda

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Collector, Nalanda
3. The Deputy Collector Incharge - Cum - Secretary Public Grievance Cell
Nalanda
4. The District Panchayati Raj Padadhikari, Nalanda
5. The Mukhiya Gram Panchayat Rukhai Block Chandi District - Nalanda
6. The Chairman Bihar Staff Selection Commission, Patna

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ebrahim Kabir, Adv. Ms. Shruti Sinha, Adv.
For the Respondent/s for the B.S.S.C.	:	Mr. Shankar Kumar, AC to AAG-7 Mr. S.S. Sundaram, Adv.

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**CORAM: HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA**

ORAL ORDER

2 19-01-2023 1. The petitioner has prayed the following reliefs:-

(1) For issuance of an appropriate writ order or
direction commanding the respondents to confirm the service of
the petitioner on the post of Dalpati in Gram Panchayat, Rukhai
Block Chandi, District-Nalanda and then to appoint him on the
post of Gram Sewak with all consequential benefits.

2. The writ petition has been filed in the year 2013.
From the facts which has been stated in the writ petition, the
petitioner submits that he was initially appointed on 11.02.1981
as a Dalpati (chowkidar) by the concerned panchayat. There is



no document to show that the petitioner has thereafter worked on the post and up to what date. However, he has placed on record a document annexure-2 a letter written by the District Panchayat Raj Officer on a purported enquiry being directed to be conducted by him, in relation to the complaint filed by the petitioner before the District Public Redressal of Complaint Officer. In the said letter, District Panchayat Raj Officer states about the petitioner having submitted that he was removed on 08.09.1992 and one Kamlesh Kumar was appointed as a Dalpati. Whereafter, he filed a complaint that he should have been appointed. Interestingly, the Panchayat Raj Officer in his conclusion mentions of the petitioner having worked even in the election duty in the year 1991 as well as 1996, whereas the petitioner himself admits that he was removed in the year 1992 and someone else was appointed as a Dalpati. The letter does not explain as to how the petitioner could have been working in the election in the year 1996 once he had already been removed in 1992.

3. This Court also agrees with the contention raised by the respondent in the counter affidavit that the petitioner could not have been appointed in the year 1981 as in 1981 as per the date of birth of the petitioner, he would have been only 15 years



and few months of age and was not entitled to be appointed by the concerned panchayat. There is no record to show that the petitioner ever worked after the year 1992. Even as per his own admission, if the last working of the petitioner is treated as in 1992 the writ petition having been filed in the year 2013 is highly belated i.e. after 21 years and no reasons has come forward for delay in filing of the writ petition.

4. The writ petition, is therefore, dismissed both on the ground of merit as well as on the ground of laches.

(Sanjeev Prakash Sharma, J)

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