

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.375 of 2021

In
Civil Writ Jurisdiction Case No.21883 of 2013

=====

Arun Kumar Son of Ram Briksha Prasad Resident of Village-Bansibigha,
P.O.-Sisama, District-Nawada.

... .. Appellant/s

Versus

1. The State of Bihar through the Chief Secretary Government of Bihar, Patna.
2. The D.G. Cum I.G. of Police, Bihar, Patna.
3. The D.I.G. of Police, Magadh Range, Gaya
4. The S.P. Nawada.
5. S/o Kuldip Prasad Yadav R/o-Village-Dumari, P.O.-Hisua, District-Nawada.

... .. Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. Satish Kumar Sinha
For the Respondent/s	:	Mr. Lalit Kishore
		Ms. Anu Priyadarshni
		Mr. Raj Bansh Dubey

=====

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

5 04-12-2023 In the present L.P.A., appellant has assailed the order dated 11.07.2017 passed in CWJC No. 21883 of 2013. There is enormous delay of three years and 316 days in filing the present L.P.A petition.

2. Perusal of the records, sufficient cause has not been made out so as to condone the enormous delay. That apart, matter relates to selection and appointment to the post of Constable. In such matters, candidates must be alert in getting



his/her grievances redressed at the earliest.

3. By virtue of certain judicial orders like in LPA No. 831 of 2009 and CWJC No. 126 of 2013, this Court had directed the concerned authorities to consider the grievance of the litigants in those litigations insofar as accommodating them against non-joining seats which have not been filled up. This principle is not available to the appellant as on today in view of later judicial pronouncement that if any vacancy occurred due to non-joining of selected and appointed candidate, in that event, such vacancy is required to be carried forward to the next recruitment. In other words, there is no right accrued in favour of such of those candidates whose names are reflected in the select list.

4. Learned counsel for the appellant submitted that appellant has secured more marks than selected and appointed candidates. If it is so, in the writ petition appellant should have impleaded such of those candidates who have secured lesser marks than the appellant and to seek cancellation of their selection and appointment.

5. In the absence of such impleading of the candidates who have secured lesser marks and in not questioning their selection and appointment, the aforementioned contention of the



appellant do not merit. In view of these facts and circumstances,
present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Ramesh Chand Malviya, J)

GAURAV S./-

U			
---	--	--	--

