

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21319 of 2021

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Sweta Kumari @ Sweta Devi Daughter of Shri Paswan Resident of Village-
Paras Pakari Bazar, Police Station- Majhauriya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary General Administrative Department, Government of Bihar, Patna.
2. The Additional Mission Director, Bihar Administrative reforms Mission Society, Patna.
3. The District Magistrate, West Champaran at Bettiah.
4. The Executive Officer, Nagar Parishad, Bettiah, West Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anant Kumar Mishra, Adv
For the Respondent/s : Mr. N.H. Khan, SC-1

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 08-09-2023 1. Heard learned counsel for the petitioner and
learned counsel for respondents.

2. The Bihar Administrative Reform Mission had notified the “creation of holding in urban areas” to be one of the services under the Right to Services Act. For aiding in discharge of this function, IT assistants were employed on contract basis in the Nagar Parishad offices. At a later stage, the responsibility of creation of urban holding was de-notified from the Right to Services Act and, therefore, there was a conscious decision of the society to remove the IT assistants, who had been employed as above in the Nagar Parishad offices; to be adjusted in vacancies existing elsewhere under the society.



3. In terms of the decision of the society dated 2-1-2014, the petitioner was removed from Nagar Parishad, Bettiah on 25-1-2014.

4. The petitioner has filed this writ petition in the year 2021, nearly seven years thereafter. The claim is that he should also be absorbed or adjusted against vacancies existing elsewhere under the society, as has been done in the case of, one, Sanjeev Kumar Mishra, by order of the Collectorate, West-Champanan Bettiah, dated 9-3-2019 (Annexure-6).

5. The Court finds that the instant case is a glaring case of delay and latches. The right sought to be agitated by the petitioner is based on a decision of the society dated 2-1-2014. The petitioner is claiming parity with a beneficiary of the said decision, who had availed the benefit on 9-3-2019. The instant petition has been filed in December 2021.

6. The learned counsel for the petitioner submits that the petitioner has made a representation, copy of which is annexed as Annexure-7 to the writ petition.

7. Bare perusal of Annexure- 7 reveals that representation is not dated. There is also nothing on record to show that it was ever submitted or sent to the Authority. The representation, therefore, is not reliable.



8. Even if the representation is taken to be submitted before filing of the writ petition in the year 2021, the same would not give rise to a fresh cause of action. The cause of action has to be considered with effect from the decision of the respondent-Society dated 02-01-2014. Viewed thus, this Court is of the opinion that the petitioner is raising a stale claim. Such conclusion of the Court is founded on decision of the Apex Court in the Case of *Union of India & Ors. v. C. Girija & Ors.* reported in *(2019) 15 SCC 633*.

9. For the above noted reasons, this Court is not inclined to exercise writ jurisdiction under Article 226 of the Constitution of India in favour of petitioner.

10. Accordingly, writ petition is dismissed.

(Madhuresh Prasad, J)

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