

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1360 of 2019

In
Civil Writ Jurisdiction Case No.19089 of 2008

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Pappu Kumar Son of Gopal Singh, Resident of Village-Barat, Police Station-Sitamarhi, District-Nawada.

... .. Appellant/s

Versus

1. The State of Bihar Bihar.
2. Deputy Inspector General, B.M.P. (Central Range), Patna.
3. Superintendent of Police, Bhojpur-cum-Chairman Central Circle Board-2, Patna.
4. Superintendent of Police, Patna-cum-Chairman Central Circle Board-1, Patna.
5. Commandant, B.M.P.-4, Patna.
6. Commandant, B.M.P.-20, Dumraon, Buxar.
7. Avinash Kumar, S/o Ganesh Jha, R/o Loknathpur, P.S. Dalsinghsarai, Dist-Samastipur.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Rajiv Roy, Sr. Advocate Mr. Rajendra Prasad Sah, Advocate
For the Respondent/s	:	Mr. Suman Kumar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
and
HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR)

Date : 15-03-2023

Re.: I.A. No. 1 of 2019

The present Interlocutory Application has been filed for condonation of delay of 3 days in preferring the present appeal.

For the reasons stated in this I.A., the delay in preferring the appeal is condoned.

The I.A. No. 1 of 2019 stands allowed.



L.P.A. No. 1360 of 2019

Heard Mr. Rajiv Roy, learned Senior Advocate for the appellants and Mr. Suman Kumar Jha, learned Advocate for the State.

The appellants had participated in the selection process against an advertisement of the year 2004, in which they were not awarded the requisite marks under the Sports category on the plea of their certificates requiring to be verified for its genuineness.

For no fault of the appellants, the verification process took longer time but no marks were awarded to them despite the finding that the certificates were genuine and that they deserved extra marks/concession in the merit-list under the Sports quota.

When nothing happened for about four years, they approached this Court *vide* CWJC No. 19089 of 2008 in the year 2008 only, but the matter was taken up for consideration only on 09.09.2019.

An illustrious case of systemic delay.

Nonetheless, the learned Single Judge on finding that the verification of the papers/documents offered by the appellants for claiming Sports quota may have been found to be true but those were not based on the correspondences made by the appellants with the authorities.



We fail to understand as to how Annexure 5 and 7, the report of the police officer certifying the genuineness of the certificates offered by the appellants would loose its validity even if it is not based on the correspondence made by the appellants.

Nonetheless, for the efflux of time which would have resulted in the appellants having become over-age and we having no idea whether any vacancy still continues or such quota is still prevalent, it would be difficult to dole out any benefit to the appellants, notwithstanding the fact that we are not in agreement with the opinion of the learned Single Judge.

We are thus left with no option but to consign the records of this case but with a heavy heart.

The appeal stands disposed of with the aforesaid observations.

(Ashutosh Kumar, J)

(Harish Kumar, J)

krishna/shivank

AFR/NAFR	NAFR
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