

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.119 of 2020

In
Civil Writ Jurisdiction Case No.10644 of 2012

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Rajeev Kumar, Son of Late Ganpati Ram, Resident of Drainage Colony, P.O. Udakishunganj, P.S. Udakishunganj, District Madhepura.

... .. Appellant.

Versus

1. The State of Bihar.
2. The District Magistrate, Madhepura.
3. The District Accounts Officer, Madhepura.
4. The Deputy Collector, District Establishment, Madhepura.
5. The Bihar Public Service Commission through its Chairman, Bailey Road, Patna.

... .. Respondents.

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Appearance :

For the Appellant : Mr. Anant Kumar-1, Advocate.
For the State : Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 17-12-2024

The present L.P.A. No.119 of 2020 is arising out of the order dated 07.01.2020 passed in C.W.J.C. No.10644 of 2012.

2. Grievance of the appellant is relating to selection and appointment to the post of Lower Division Clerk. The process of recruitment was undertaken by the Bihar Public Service Commission. In paragraph-5 of the order dated 07.01.2020 passed in C.W.J.C. No.10644 of 2012 of the learned Single Judge, it is observed that in filing C.W.J.C., there is inordinate delay of about nine years. Taking note of delay and laches issue



dealt by the learned Single Judge, there is no infirmity in the order of the learned Single Judge dated 07.01.2020 passed in C.W.J.C. No.10644 of 2012.

3. The Hon'ble Supreme Court time and again held that in respect of selection and appointment and promotion, aggrieved person is required to knock the door of the Court within a reasonable period of six months from the date of cause of action accrued. On this issue in the case of **P.S. Sadasivaswamy Versus State of T.N**, reported in **AIR 1974 Supreme Court 2271**, it is held that litigant should approach at the earliest point of time. That apart, before entertaining writ petition, Writ Court is required to examine the delay and laches in the light of the decision of the Hon'ble Supreme Court in the case of **State of Jammu and Kashmir Versus R.K. Zalpuri**, reported in **AIR 2016 Supreme Court 3006**. In paragraph-20, it is held as under:

“20.Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation v. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;



- (b) the petition reveals all material facts;
- (c) the petitioner has any alternative or effective remedy for the resolution of the dispute;
- (d) person invoking the jurisdiction is guilty of unexplained delay and laches;
- (e) ex facie barred by any laws of limitation;
- (f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

Underline Supplied.

4. The order of the learned Single Judge dated 07.01.2020 passed in C.W.J.C. No.10644 of 2012 is in terms of the aforementioned decisions (cited supra) insofar as delay and laches is concerned. Hence, the appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 07.01.2020 passed in C.W.J.C. No.10644 of 2012.

5. Accordingly, the present L.P.A. No.119 of 2020 stands dismissed. Pending Interlocutory Application(s), if any, stand disposed of.

(P. B. Bajanthri, J)

(S. B. Pd. Singh, J)

P.S./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.01.2025.
Transmission Date	NA

