

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.598 of 2018

In
Civil Writ Jurisdiction Case No.18382 of 2009

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1. The State of Bihar, through the Principal Secretary, Agriculture Department, Govt. of Bihar, New Secretariat, Patna.
 2. The Director of Agriculture Govt. of Bihar, New Secretariat, Patna.
 3. The Joint Director, Agriculture (Education), Agriculture Service Govt. of Bihar.
 4. The District Agriculture Officer, Sitamarhi, District-Sitamarhi.
 5. The District Magistrate-Cum-Collector, Sitamarhi.

... .. Appellant/s

Versus

1. Ram Kishore Singh, Son of Shri Raj Mangal Singh, R/O Vill Prem Nagar, Tola Malikana, P.O. Prem Nagar, P.S.Runni Saidpur, Distt-Sitamarhi.
2. Md. Nausahd Ali Ansari, Son of Sri Abdul Rashid Ansari, R/O Vill Punaura, Ola Bhorha, P.S. Dumara, Distt-Sitamarhi.
3. Pravin Kumar Son of Sri Ramashray Prasad, R/o Vill Bhorha, P.S. Belsand, Distt. Sitamarhi.
4. Navin Kumar, Son of Shri Bashisth Singh, R/o Vill Dhanushi P.S. Runi Saidpur, Distt. Sitamarhi.
5. Shyam Gupta, Son of late Deep Narain Shah, R/o Vill- Kokna, P.S. Sitamarhi, District- Sitamarhi.
6. Vinod Rai, Son of Sri Ram Chandra Rai, R/o Vill Panchhor, P.S. Riga, Distt. Sitamarhi.
7. Maiser Alam, Son of Md. Sadique, R/o Vill Riga, P.S. Riga, Distt. Sitamarhi.
8. Arun Kumar Singh, Son of Shri Bishwa Nath Singh, R/o of At and P.O. Sahargama, P.S. Parihar, Distt. Sitamarhi.
9. Himachal Prasad, Son of Shri Rajeshwar Prasad Chaurasia, R/o Vill- Sirasia Bazar, P.S. Parihar, District- Sitamarhi.
10. Pramod Kumar Parasun, Son of Sri Mahendra Singh, R/o Vill Narsama, P.O. Rewas, P.S. Riga, District- Sitamarhi.
11. Rabindra Kumar Choudhary, Son of Sri Surajdeo Choudhary, R/o Vill Baghari, P.S. Sursand, Distt. Sitamarhi.
12. Ajay Kumar, Son of Jai Narain Mishra, R/o Vill Dharnarhi, P.S. Surand, Distt. Sitamarhi.
13. Shailendra Kumar Singh, Son of Sri Deo Narain Singh, R/o Vil Singrahia, P.S. Sahiara, District- Sitamarhi.
14. Yogendra Ram, Son of Sri Ram Charitar Ram, R/o Vill and P.O. Shahbazpur Via Riga, P.S. Riga, Distt. Sitamarhi.
15. Vinay Kumar Singh, Son of Sri Tej Narain Singh, R/o Vill Bakhri, P.S.



Surshand, Distt. Sitamarhi.

16. Jitendra Prasad, Son of Shri Raj Mangal Prasad, R/o Vill Bishunpur, P.S. Dumra, District- Sitamarhi.
17. Ganga Shah, Son of Sri Ran Nandan Shah, R/o Vill Pachhanaur, P.S. Belsand, Distt. Sitamarhi.
18. Devendra Prasad, Son of Sri Narain Rai, R/o Vill Choupar, P.S. Nanpur, Distt. Sitamarhi.
19. Janardan Lai Karn, Son of Sri Chandra Shekhar lal R/o Vill Pokhar Bhinda, P.S. Pupuri, Distt. Sitamarhi.
20. Dharendra Kumar Jha, Son of late Devikant Jha, R/o Village and P.O. Manik Chowk, P.S. Runisaidpur, Distt. Sitamarhi.
21. Ram Naresh Shah, Son of Sri Radha Krishna Singh, R/o Village Madhurapur, P.S. Baorgania, District- Sitamarhi.
22. Bansh Bahadur Mohto Son of Sri Parichhan Mahto, R/o Vill Ram Nagara, P.S. Mesorganj, Distt. Sitamarhi.
23. Ram Karan Paswan, Son of Sri Ram Lakhan Paswan, R/o Vill- Bhimpur, P.S. Runisaidpur, Distt. Sitamarhi.
24. Maheshwar Choudhary, Son of Surat Baitha, R/o Vill Riga,P.S. Riga, Distt. Sitamarhi.
25. Ram Surat Singh, Son of Sri Ramavatar Singh, R/o Vill Ram Nagar Riga,P.S. Riga, Distt. Sitamarhi.
26. Shiv Nath Ram, Son of Sri Sonfi Ram, R/o Vill Riga,P.S. Riga, Distt. Sitamarhi.
27. Shiv Kumar, Son of Sri Asharfi Prasad, R/o Vill Riga,P.S. Riga, Distt. Sitamarhi.
28. Arjun Singh, Son of Sri Ram Nandan Singh, R/o Vill- Majhaura, P.S. Riga, Distt. Sitamarhi.
29. Sheo Pujan Singh, Son of Jamuna Singh, R/o Vill Bishanpur, P.S. Mesourganj, Distt. Sitamarhi.
30. Ram Sewak Ram, Son of Sri Mahendra Ram, R/O Vill Dhobauli, P.S.Dumra,Distt-Sitamarhi
31. Rabindra Kumar, Son of not known , At Present Working As Block Agriculture Officer, Andharadhadhi, Distt-Madhubani
32. Parbhu Ram, Son of not known, At Present Working As Block Agriculture Officer In The Office Of Sub-Divisional Agriculture Office, Sitamarhi West -1, Distt-Sitamarhi
33. Mohit Chandra Paswan, Son of not known, At Present Working As Block Agriculture Officer, Bandara, Distt-Muzaffarpur
34. Ram Pukar Paswan, Son of not known, At Present Working As Block Agriculture Officer, Patedhi Belsar, Distt-Vaishali
35. Ram Das Ram, Son of not known, At Present Working As Assistant Agriculture Officer, District Agriculture Office, Distt-Sheohar
36. Lallan Prasad, Son of not known, At Present Working As Block Officer,



Tariyani, Distt-Sheohar

37. Dinesh Kumar Paswan, Son of not known, At Present Working As Agriculture Inspector Prakhetra, Distt-East Champaran At Motihari
38. Arun Kumar, Son of not known, At Present Working As Assistant Agriculture Officer , District Ariculture Office, Distt-Arwal
39. Hans Lal Ram, Son of not known , At Present Working As Block Agriculture Officer -Mehesi, Distt-Saharsa
40. Ram Chandra Ram, Son of not known, At Present Working As Block Agriculture Officer-Chausa,Distt-Madhepura
41. Vinod Kumar, Son of not known, At Present Working As Block Agriculture Offficer-Barharakothi, Disttt-Purnea
42. Jai Kumar Ram, Son of not known, At Present Working As Block Agriculture Officer -Hasanpur, Distt-Samastipur
43. Mahendra Kumar, Son of not known, At Present Working As Block Agriculture Officer-Rampur, Distt-Bhabhua
44. Rajesh Kumar, Son of not knowan, At Present Working As Block Agriculture Officer-Gamharia, Distt-Madhepura
45. Gopalji Prasad, Son of not known, At Present Working As Block Agriculture Officer-Sanjhauli, Distt-Rohtas Sasaram
46. Shree Nandji Ram, Son of not known, At Present Working As Block Agriculture Officer-Suryapura, Distt-Rohtas Sasaram
47. Thakur Prasad Paswan, Son of not known, At Present Working As Assistant Agriculture Officer , Disriect Agriculture Office, Distt-Bhabhua Kaimur
48. Mahesh Chaudhary, Son of not known, At Present Woeking As Block Agriculture Officer- Maskaur, Distt-Nawada
49. Chandra Bhushan Shahi, Son of not known, At Present Working As Block Agriculture Offficer-Pipradhi,Distt-Sheohar
50. Shree Prabhat Son of not known, At Present Working As Assistant Research Officer , Soil Testing Laboratory, Distt-Madhubani
51. Vinay Kumar, Son of not known, At Present Working As Block Agriculture Officer -Sheohar, Distt-Sheohar
52. Harun Rashid, Son of not known, At Present Working In District Agriculture Office, Muzaffarpur
53. Ashok Kumar Panjiar, Son of not known, At Present Working As Block Agriculture Officer , Kusheshwar Sthan, DarbhangaEast, Distt-Darbhanga
54. Muneshwar Prasad Singh, Son of not known, At Present Working As Assistant Sub Divisional Officer, Deputy Agriculture Inspector Farm Office, Soil Test Laboratory, Distt-Purnea
55. Nagendra Purbe, Son of not known , At Present Working As Assistant Agriculture Officer, Distt-Agriculture Office, Distt-Kishanganj.
56. Shami Kapur Das, Son of not known, At Present Working As Assistant Jute Extension Officer, Distt-Agriculture Office, Distt-Buxar
57. Jai Prakash Mishra, Son of not known, At Present Working As Assistant



- Jute Extension Officer, District Agriculture Office , Distt-Darbhanga
58. Ram Balak Singh, Son of not known, At Present Working As Assistant Agriculture Officer , District Agriculture Office, Distt-Jehanabad
 59. Md. Reyaz Ali, Son of not known, At Present Working As Block Agriculture Officer Andharathadhi, Distt-Madhubani
 60. Anil Kumar, Son of not known, At Present Working As Block Agriculture Officer-Nawanagar, Distt-Buxar
 61. Janki Raman Prasad, Son of not known, At Present Working As Assistant Sub Divisional Officer, Joint Agriculture Director Adoptive Research Distt-Patna
 62. Awadhesh Kumar, Son of not known , At Present Working As Block Agriculture Officer-Bhagwanpur, Distt-Vaishali
 63. Shatrughan Pandit, Son of not known, At Present Working As Assistant Jute Extension Officer, District Agriculture Office, Distt-Muzaffarpur
 64. Shambhu Singh, Son of not known, At Present Working As Technical Officer, Project Officers Office Diyara Development Mithapur, Distt. Patna.
 65. Rajesh Jha, Son of not known, At Present Working as Assistant Sub Divisional Officer, Deputy Agriculture Inspector(Farm) Office, Soil Test Laboratory, Distt. Saharsa.
 66. Kamaldeo Prasad, Son of not known, At Present Working As Block-Agriculture Officer- Lahladpur, Distt. Saran, Chhapra.
 67. Ratnesh Kumar, Son of not known, At Present Working As Block Agriculture Officer-Fenhara, Distt. East Champaran.
 68. Surya Prasad, Son of not known, At Present Working As Block Agriculture Officer Chakki, Distt. Buxar.
 69. Md. Nasim Ansari, Son of not known, At Present Working As Block Agriculture Officer Raghapur, Distt. Vaishali.
 70. Ajit Kumar, Son of not known, At Present Working As Block Agriculture Officer- Dariyapur, Distt. Saran, Chhapra.
 71. Rambabu Sha, Son of not known, At Present Working As Block Agriculture Officer Aadapur, Distt. East Champaran.
 72. Vivekanand Jha, Son of not Known, At Present Working As Block Agriculture Officer Banipatti, Distt. Madhubani.
 73. Ajay Kumar Jha Ajay, Son of not known, At Present Working As Block Agriculture Officer- Rahika, Distt. Madhubani.
 74. Vinod Kumar, Son of not known, At Present Working As Block Agriculture Officer- Chand, Distt. Bhabhua(Kaimur).
 75. Prem Nath Singh, Son of not known, At Present Working As Block Agriculture Officer- Muraul, Distt.- Muzaffarpur.
 76. Upendra Kumar, Son of not known, At Present Working As Block Agriculture Officer- Bankatwa, Distt. East Champaran.
 77. Bimalesh Kumar Mishra, Son of not known, At Present Working As Block Agriculture Officer- Harlakhi, Distt. Madhubani.



78. Md. Abulesh Anwar, Son of not known, At Present Working As Block Agriculture Officer (Leave Reserved), Joint Agriculture Director Office, Distt. Muzaffarpur.
79. Md. Quamre Alam, Son of not known, At Present Working As Block Agriculture Officer- Areraj, Distt. East Champaran.
80. Ajay Kumar Singh, Son of not known, At Present Working As Block Agriculture Officer- Lauriya, Distt. East Champaran.
81. Nasimuddin Ansari, Son of not known, C/o District Agriculture Officer East Champaran.
82. Shree Lal Prasad, Son of not known, At Present Working As Block Agriculture Officer- Hathuya, Distt. Gopalganj.
83. Md. Mustafa, Son of not Known, At Present Working As Assistant Sub Divisional Officer, Deputy Agriculture Inspector (Farm) Office, Soil Testing Laboratory, Distt. Saran, Chhapra.
84. Shree Krishnadeo Choudhary, Son of not known, At Present Working As Block Agriculture Officer Tilauthu, Distt. Rohtas, Sasaram.
85. Vinay Kumar, Son of not known, At Present Working As Block Agriculture Officer- Bagaha- I, Distt. West Champaran.
86. Arun Kumar Son of not Known, At Present Working As Block Agriculture Officer Nawada, Distt. Nawada.
87. Triveni Yadav, Son of not known, At Present Working As Block Agriculture Officer- Bathanaha, Distt.- Sitamarhi.
88. Jitendra Kumar, Son of not known, At Present Working As Block Agriculture Officer- Kalubahi, Distt. Madhubani.
89. Raj Bihari Harijan, Son of Not Known, At Present Working As Block Agriculture Officer- Hisua, Distt. Nawada.
90. Sahdeo Rai, Son of not Known, At Present Working As Block Agriculture Officer- Lakhanaur, Distt. Sitamarhi.
91. Ashok Kumar, Son of Not known, At Present Working As Block Agriculture Officer- Bairganiya, Distt. Sitamarhi.
92. Anil Kumar, Son of Not Known, At Present Working As Block Agriculture Officer- Bithan, West Champaran.
93. Rajesh Choudhary, Son of Not Known, At Present Working As Block Agriculture Officer- Dhanaruya, Distt. Patna.
94. Janardan Prasad Yadav, Son of Not Known, At Present Working As Block Agriculture Officer- Parsa, Distt. Saran, Chhapra.
95. Mithilesh Prasad, Son of Not Known, At Present Working As Block Agriculture Officer- Yogapatti, West Champaran.
96. Shyam Sundar Mishra, Son of Not Known, At Present Working As Block Agriculture Officer- Shifvajanagar, Distt. Samastipur.
97. Sanjay Kumar Sinha, Son of Not Known, Assistant Research Officer Soil Testing Laboratory, Distt. Munger.
98. Anil Kumar, Son of Not known, At Present Working As Block Agriculture Officer- Ghanshyampur, Distt. Darbhanga.



99. Girija Nandan Ram, Son of Not Known, At Present Working As Block Agriculture Officer- Aghaura, Distt. Kaimur, Bhabhua.
100. Abhishek Kumar, Son of Not Known, At Present Working As Block Agriculture Officer- Chhaurahi, Distt. Begusarai.
101. Kailash Choudhary, Son of Not Known, At Present Working As Block Agriculture Officer- Birpur, Begusarai.
102. Rajeshwar Ram, Son of Not Known, At Present Working As Block Agriculture Officer- Ghadpura, Distt. Begusarai.
103. Vijay Rajak, Son of Not Known, At Present Working As Block Agriculture Officer- Tekari, Distt. Gaya.
104. Amarendra Kumar Son of Not Known, At Present Working As Block Agriculture Officer- Karakat, Distt. Rohtas,Sasaram.
105. Guru Charan Choudhary, Son of Not Known, At Present Working As Block Agriculture Officer Matihani, Begusarai.
106. Om Prakash Son of Not Known, At Present Working As Block Agriculture Officer- Khodavanpur, Distt.- Begusarai.
107. Umesh Prasad, Son of Not Known, At Present Working As Block Agriculture Officer- Barauni, Distt. Begusarai.
108. Ramdeo Paswan, Son of Not Known, At Present Working As Block Agriculture Officer- Teghara, Begusarai.
109. Chandra Bhushan Paswan, Son of Not Known, At Present Working As Block Agriculture Officer- Baliya, Begusarai.
110. Saryug Ravidas, Son of Not Known, At Present Working As Block Agriculture Officer- Dharhara, Distt. Munger.
111. Ganauri Prasad, Son of Not Known, At Present Working As Block Agriculture Officer- Chanan, Distt. Lakhisarai.
112. Harihar Paswan, Son of Not Known, At Present Working As Block Agriculture Officer- Ramgardh, Distt. Lakhisarai.
113. Indradeo Das, Son of Not Known, At Present Working As Block Agriculture Officer Ghat Kutumba, Distt. Shekhapura.
114. Ishwari Ram, Son of Not Known, At Present Working As Block Agriculture Officer- Ariyari, Distt. Shekhpura.
115. Satyendra Chaudhary, Son of Not Known, At Present Working As Block Agriculture Officer- Gurua, Distt. Gaya.
116. Madhusudan Rajak, Son of Not Known, At Present Working As Block Agriculture Officer-Patarghat, Distt. Saharsa.
117. Devanand Rajak, Son of Not Known, At Present Working As Block Agriculture Officer- Bhabhua At Bhabhua, Distt. Bhabhua.
118. Bindeshwar Ram, Son of Not Known, At Present Working As Block Agriculture Officer- Rafiganj, Distt. Aurangabad.
119. Arvind Ravidas, Son of Not Known, At Present Working As Block Agriculture Officer- Goh, Distt. Aurangabad.
120. Manohar Lal, Son of Not Known, At Present Working As Block Agriculture



Officer- Navinagar, Distt. Aurangabad.

121. Kapildeo Paswan, Son of Not Known, At Present Working As Block Agriculture Officer- Vaishali , Distt. Vaishali.
122. Shankar Ram, Son of Not Known, At Present Working As Block Agriculture Officer- Akharigola, Rohtas, Sasaram.
123. Ramadhar Choudhary, Son of Not Known, At Present Working As Block Agriculture Officer- Kesath, Distt. Buxar.
124. Ramdeo Ram, Son of Not Known, At Present Working As Block Agriculture Officer- Hilsha, Distt. Nalanda.
125. Mahendra Kumar, Son of Not Known, At Present Working As Block Agriculture Officer- Guraru, Distt. Gaya.
126. Dilip Rajak, Son of Not Known, At Present Working As Block Agriculture Officer- Madanpur, Aurangabad.
127. Surya Kumar Ram, Son of Not Known, At Present Working As Block Agriculture Officer- Tharthari, Nalanda.
128. Moti Ravidas Son of Not Known, At Present Working As Block Agriculture Officer- Ghosavari, Distt. Patna.
129. Mohas Das, Son of Not Known, At Present Working As Block Agriculture Officer- Mainatard, Distt. West Champaran, Motihari.
130. Awadhesh Kumar, Son of Not Known, At Present Working As Block Agriculture Officer- Dhauraiya, Banka.
131. Rajendra Chaudhary, Son of Not Known, At Present Working As Block Agriculture Officer- Bihpur, Distt. Bhagalpur.
132. Shailendra Prasad, Son of Not Known, At Present Working As Block Agriculture Officer- Modanganj, Distt. Jehanabad.
133. Chhotelal Choudhary, Son of Not Known, At Present Working As Block Agriculture Officer- Ratni Faridpur, Distt. Jehanabad.
134. Dilip Rajak Son of Not Known, At Present Working As Block Agriculture Officer- Suryagadha, Lakhisarai.
135. Jitendra Kumar Das, Son of Not Known, At Present Working As Block Agriculture Officer- Arwal, Distt. Arwal.
136. Sumeshwar Kumar Mehta, Son of Not Known, At Present Working As Block Agriculture Officer- Bodhgaya, Distt. Gaya.
137. Jaykant Rajak, Son of Not Known, At Present Working As Block Agriculture Officer-Dumriya, Distt. Gaya.
138. Saroj Kumar Mehta, Son of Not Known, At Present Working as Assistant Sub -Divisional Officer, Soil, Test Laboratory, Distt. Gaya.
139. Anil Choudhary, Son of Not Known, At Present Working As Block Agriculture Officer-Murha, Distt. Gaya.
140. Vijay Kumar Das, Son of Not Known, At Present Working As Block Agriculture Officer-Sonbhadra Vanshisurajpur, Distt- Arwal.
141. Suresh Rajbanshi, Son of Not Known, At Present Working As Block Agriculture Officer- Deo, Distt. Aurangabad.



142. Sanjay Kumar Son of Not Known, At Present Working As Block Agriculture Officer- Katarisarai, Distt. Nalanda.
143. Anuj Kumarn Sharma, Son of Not Known, At Present Working as Assistant Sub-Divisional Officer Deputy Agriculture Inspector (Farm)Office, Distt. Arrah.
144. Shok Paswan, Son of Not Known, At Present Working As Block Agriculture Officer-Athmalgola, Distt. Patna.
145. Vinod Ravidas, Son of Not Known, At Present Working As Block Agriculture Officer-Daudnagar, Distt. Aurangabad.
146. Kapil Kumar, Son of Not known, At Present Working As Block Agriculture Officer-- Kutumba, Distt. Aurangabad.
147. Sukhdeo Mehta, Son of Not Known, At Present Working As Block Agriculture Officer-- Wazirganj, Distt. Gaya.
148. Keshav Kumar Shahi, Son of Not Known, At Present Working As Block Agriculture Officer- Chiraiya, Distt. East Champaran.
149. Ramandand Das, Son of Not Known, At Present Working As Block Agriculture Officer-Harsidhi, Distt. East Champaran.
150. Dilip Kumar, Son of Not Known, At Present Working As Block Agriculture Officer- Bhitahan, Distt. West Champaran.
151. Prahlad Mishra, Son of Not Known, At Present Working As Assistant Sub Divisional Officer Soil Test Laboratory, Sitamarhi, Distt. Sitamarhi.
152. Jagdish Prasad Sinha, Son of Not Known, At Present working as Audio Visual and Superisior, Office of Deputy Assistant Director, (Information), Patna.
153. Arun Kumar Chaudhary, Son of Not Known, At Present Working as Assistant Sub- Divisional Officer, Joint Agriculture Director(Adoptive Research), Patna.
154. Ajay Kumar, Son of Not Known, At Present Working As Block Agriculture Officer-Sikata, Distt. West Champaran.
155. Vijay Kumar, Son of Not Known, At Present Working As Assistant Sub Divisional Officer Joint Agriculture , Director (Adoptive Research), Distt. Patna.
156. Urvashi Verma, Son of Not Known, At Present Working As Assistant Sub-Divisional Officer, Soil Test Laboratory, Purnea, Distt-Purnea
157. Nawal Kishore Singh, Father's Name Not Known, At Present Working As Assistant Sub-Divisional Officer Joint Agriculture, Director Adoptive Research, Distt.- Patna
158. Triloki Thakur, Father's Name Not Known, At Present Working As Block Agriculture Officer, Sonbarsha, Distt.- Sitamarhi
159. Rajdeo Ram, Father's Name Not Known, At Present Working As Block Agriculture Officer, Singhwara, Distt.- Darbhanga
160. Abhay Kumar Father's Name Not Known, At Present Working As Assistant Sub-Divisional Officer, Deputy Agriculture Director, Central Soil Test Laboratory, Patna, Distt.- Patna



161. Pran Nath Singh, Father's Name Not Known, At Present Working As Assistant Sub-Division Officer Soil Test Laboratory, Samastipur, Distt.- Samastipur.
162. Ajay Kumar Father's Name Not Known, At Present Working As Block Agriculture Officer, Banjariya, Distt.- East Champaran

... .. Respondent/s

with
Letters Patent Appeal No. 602 of 2018
In
Civil Writ Jurisdiction Case No.17531 of 2009

1. The State Of Bihar.
2. The Principal Secretary, Agriculture Deptt., Govt. of Bihar, Patna.
3. The Secretary, Agriculture Education Council, Bihar, Patna.
4. The Joint Secretary, Agriculture Deptt., Govt. of Bihar, Patna.
5. The Director, Agriculture Deptt. Govt. of Bihar, Patna.
6. The Deputy Director, Agriculture Education Mithapur Farm, Bihar, Patna.
7. The Collector, Town and Distt. Sitamarhi.
8. The District Agriculture Officer, Sitamarhi.
9. The Establishment Deputy Collector, Sitamarhi, Distt. - Sitamarhi.

... .. Appellant/s

Versus

1. Surya Mohan Jha, S/o Shri Sri Narain Jha R/o Vill. - Manik Chauk, P.S. - Runni Saidpur, Distt. - Sitamarhi.
2. Vinay Kant Pathak S/o Sri Surya Kant Pathak R/o Vill. - Bathnaha, P.S. - Bathnaha, Distt. - Sitamarhi.
3. Anand Kishore Sharan S/o Sri Raj Nandan Sharan R/o Vill. and P.S. Runni Saidpur, Distt. - Sitamarhi.
4. Chakradhar Jha S/o Late Kashi Nath Jha R/o Vill. - Manik Chauk, P.S. - Runni Saidpur, Distt. - Sitamarhi.
5. Chandra Bhushan Shahi S/o Shiv Sundar Shahi R/o Vill. - Panth Pakar, P.S. - Bathnaha, Distt. - Sitamarhi, At present posted as Block Agriculture Officer, Piprahi, Distt. - Sheohar.
6. Bimlesh Kumar Mishra S/o Sri Sarvjeet Mishra R/o Vill. - Sahbajpur, P.S. Riga, Distt. - Sitamarhi, at present posted as Block Agriculture Officer, Harlkahi, Distt. - Madhubani.

... .. Respondent/s

Appearance :

(In Letters Patent Appeal No. 598 of 2018)

For the Appellant/s : Mr. Raghwanand, G.A.11
Mr. Prabhat Kumar, AC to GA-11



For the Respondent/s : Mr.
(In Letters Patent Appeal No. 602 of 2018)
For the Appellant/s : Mr. Raghwanand, G.A.11
Mr. Prabhat Kumar, AC to GA-11
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 01-05-2024

Ref: I.A. No. 4067 of 2018 in L.P.A. No.598 of 2018 and I.A.

No. 02 of 2018 (4070 of 2018) in L.P.A. No. 602 of 2018

Heard I.A. No. 4067 of 2018 in L.P.A. No.598 of 2018 and I.A. No. 02 of 2018 (4070 of 2018) in L.P.A. No. 602 of 2018 for condonation of delay of about 03 years and 157 days insofar as filing of L.P.A. No. 598 of 2018 and L.P.A. No. 602 of 2018 in which order of the learned Single Judge dated 20.10.2014 passed in C.W.J.C. No. 18382 of 2009 and C.W.J.C. No. 17531 of 2009 are assailed. The aforesaid Interlocutory Applications are hopelessly drafted without indicating number of days of delay. In paragraph Nos. 01, 10 and 12 number of days have been left it blank. In fact, the office should have raised objection.

2. Be that as it may, sufficient cause has not been revealed so as to condone the enormous delay of 03 years and 157 days. Recently, Hon'ble Supreme Court in the case of



Mrinmoy Maity v. Chhanda Koley, reported in **2024 SCC OnLine SC 551**, elaborately considered in respect of delay in filing litigations. In para -10 to 14, it is held as under:-

“10. The discretion to be exercised would be with care and caution. If the delay which has occasioned in approaching the writ court is explained which would appeal to the conscience of the court, in such circumstances it cannot be gainsaid by the contesting party that for all times to come the delay is not to be condoned. There may be myriad circumstances which gives rise to the invoking of the extraordinary jurisdiction and it all depends on facts and circumstances of each case, same cannot be described in a straight jacket formula with mathematical precision. The ultimate discretion to be exercised by the writ court depends upon the facts that it has to travel or the terrain in which the facts have travelled.

*11. For filing of a writ petition, there is no doubt that no fixed period of limitation is prescribed. However, when the extraordinary jurisdiction of the writ court is invoked, it has to be seen as to whether within a reasonable time same has been invoked and even submitting of memorials would not revive the dead cause of action or resurrect the cause of action which has had a natural death. In such circumstances on the ground of delay and latches alone, the appeal ought to be dismissed or the applicant ought to be non-suited. If it is found that the writ petitioner is guilty of delay and latches, the High Court ought to dismiss the petition on that sole ground itself, in as much as the writ courts are not to indulge in permitting such indolent litigant to take advantage of his own wrong. It is true that there cannot be any waiver of fundamental right but while exercising discretionary jurisdiction under Article 226, the High Court will have to necessarily take into consideration the delay and latches on the part of the applicant in approaching a writ court. This Court in the case of **Tridip Kumar Dingal v. State***



of W.B., (2009) 1 SCC 768 has held to the following effect:

“56. We are unable to uphold the contention. It is no doubt true that there can be no waiver of fundamental right. But while exercising discretionary jurisdiction under Articles 32, 226, 227 or 136 of the Constitution, this Court takes into account certain factors and one of such considerations is delay and laches on the part of the applicant in approaching a writ court. It is well settled that power to issue a writ is discretionary. One of the grounds for refusing reliefs under Article 32 or 226 of the Constitution is that the petitioner is guilty of delay and laches.

57. If the petitioner wants to invoke jurisdiction of a writ court, he should come to the Court at the earliest reasonably possible opportunity. Inordinate delay in making the motion for a writ will indeed be a good ground for refusing to exercise such discretionary jurisdiction. The underlying object of this principle is not to encourage agitation of stale claims and exhumed matters which have already been disposed of or settled or where the rights of third parties have accrued in the meantime (vide State of M.P. v. Bhailal Bhai, [AIR 1964 SC 1006 : (1964) 6 SCR 261], Moon Mills Ltd. v. Industrial Court, [AIR 1967 SC 1450] and Bhoop Singh v. Union of India, [(1992) 3 SCC 136 : (1992) 21 ATC 675 : (1992) 2 SCR 969]). This principle applies even in case of an infringement of fundamental right (vide Tilokchand Motichand v. H.B. Munshi, [(1969) 1 SCC 110], Durga Prashad v. Chief Controller of Imports & Exports, [(1969) 1 SCC 185] and Rabindranath Bose v. Union of India, [(1970) 1 SCC 84]).

58. There is no upper limit and there is no lower limit as to when a person can approach a court. The question is one of discretion and has to be decided on the basis of facts before the court depending on and varying from case to case. It will depend upon what the breach of fundamental right and the remedy claimed are and when and how the



delay arose.”

12. It is apposite to take note of the dicta laid down by this Court in Karnataka Power Corportion Ltd. v. K. Thangappan, (2006) 4 SCC 322 whereunder it has been held that the High Court may refuse to exercise extraordinary jurisdiction if there is negligence or omissions on the part of the applicant to assert his right. It has been further held thereunder:

“6. Delay or laches is one of the factors which is to be borne in mind by the High Court when they exercise their discretionary powers under Article 226 of the Constitution. In an appropriate case the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Even where fundamental right is involved the matter is still within the discretion of the Court as pointed out in Durga Prashad v. Chief Controller of Imports and Exports, [(1969) 1 SCC 185 : AIR 1970 SC 769]. Of course, the discretion has to be exercised judicially and reasonably.

7. What was stated in this regard by Sir Barnes Peacock in Lindsay Petroleum Co. v. Prosper Armstrong Hurd, [[L.R.] 5 P.C. 221 : 22 WR 492] (PC at p. 239) was approved by this Court in Moon Mills Ltd. v. M.R. Meher, [AIR 1967 SC 1450] and Maharashtra SRTC v. Shri Balwant Regular Motor Service, [(1969) 1 SCR 808 : AIR 1969 SC 329]. Sir Barnes had stated:

“Now, the doctrine of laches in courts of equity is not an arbitrary or a technical doctrine. Where it would be practically unjust to give a remedy either because the party has, by his conduct done that which might fairly be regarded as equivalent to a waiver of it, or where by his conduct and neglect he has though perhaps not waiving that remedy, yet put the other party in a situation in which it would not be reasonable to place him if the remedy were afterwards



to be asserted, in either of these cases, lapse of time and delay are most material. But in every case, if an argument against relief, which otherwise would be just, is founded upon mere delay, that delay of course not amounting to a bar by any statute of limitation, the validity of that defence must be tried upon principles substantially equitable. Two circumstances always important in such cases are, the length of the delay and the nature of the acts done during the interval which might affect either party and cause a balance of justice or injustice in taking the one course or the other, so far as it relates to the remedy.”

8. *It would be appropriate to note certain decisions of this Court in which this aspect has been dealt with in relation to Article 32 of the Constitution. It is apparent that what has been stated as regards that article would apply, a fortiori, to Article 226. It was observed in Rabindranath Bose v. Union of India, [(1970) 1 SCC 84 : AIR 1970 SC 470] that no relief can be given to the petitioner who without any reasonable explanation approaches this Court under Article 32 after inordinate delay. It was stated that though Article 32 is itself a guaranteed right, it does not follow from this that it was the intention of the Constitution-makers that this Court should disregard all principles and grant relief in petitions filed after inordinate delay.*

9. *It was stated in State of M.P. v. Nandlal Jaiswal, [(1986) 4 SCC 566 : AIR 1987 SC 251] that the High Court in exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic. If there is inordinate delay on the part of the petitioner and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in exercise of its writ jurisdiction. It was stated that this rule is premised on a number of factors. The High Court does not ordinarily permit a belated resort to the extraordinary remedy because it is likely to cause confusion and public inconvenience*



and bring, in its train new injustices, and if writ jurisdiction is exercised after unreasonable delay, it may have the effect of inflicting not only hardship and inconvenience but also injustice on third parties. It was pointed out that when writ jurisdiction is invoked, unexplained delay coupled with the creation of third-party rights in the meantime is an important factor which also weighs with the High Court in deciding whether or not to exercise such jurisdiction.”

13. Reiterating the aspect of delay and laches would disentitle the discretionary relief being granted, this Court in the case of Chennai Metropolitan Water Supply & Sewerage Board v. T.T. Murali Babu, (2014) 4 SCC 108 has held:

“16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”

14. Having regard to the afore-stated principles of law enunciated herein above, when we turn our attention to facts on hand, it would not detain us for too long for accepting the plea of the



appellant in affirming the order of the Learned Single Judge and dismissing the writ petition on the ground of delay and laches. We say so for reasons more than one, firstly, it requires to be noticed that the writ petitioner was a rival applicant along with the appellant herein for grant of LPG distributorship and she along with the appellant herein, were found to be eligible and the appellant herein was held to be successful by virtue of draw of lots. This factual aspect would reflect that the writ petitioner was aware of all the developments including that of the allotment of distributorship having been made in favour of the appellant herein way back in 2014, yet did not challenge and only on acceptance of the alternate land offered by the appellant in March, 2017 and permitting him to construct the godown and the showroom. Same was challenged in the year 2017 and thereby the writ petitioner had allowed his right if at all if any to be drifted away or in other words acquiesced in the acts of the Corporation and as such on this short ground itself the appellant has to succeed. Secondly, another fact which has swayed in our mind to accept the plea of the appellant herein is that, undisputedly the appropriate government had felt the need of permitting the Oil Marketing Companies to be more flexible and as such modification to the guidelines had been brought about on 15.04.2015 whereby the applicants were permitted to offer alternate land where the land initially offered by them was found deficient or not suitable or change of the land, subject to specifications as laid down in the advertisement being met. There being no stiff opposition or strong resistance to the alternate land offered by the appellant herein not being as per the specifications indicated in the advertisement, we see no reason to substitute the court's view to that of the experts namely, the Corporation which has in its wisdom has exercised its discretion as is evident from the report filed in the form of affidavit by the territory manager (LPG)/BPCL whereunder it has been stated:

“13. On the basis of xxxxxxxxxxxxxxxxxxxxxxxx to



non-agricultural. In his application form the said Respondent no. 9 had provided the Land for godown at Plot No 3732, Khatian No LR 2585, 2586, 2587 JL No 34, Mouza Kolera, Jamalpur, Distt Burdwan admeasuring 33 decimal. The same was cleared based on Registered Lease Deed, which was found to have been genuine in all respects as confirmed by the ADSR Jamalpur.

16. The land offered by the successful candidate, namely the Respondent no. 9 was found to be eligible by relying on the abovementioned clauses, which determine eligibility of the land based on the status of ownership. The fact that the said land was a “Barga” land is not a material condition on the basis of which the Respondent no. 9's candidature could be cancelled.

24. Subsequently, FVC of the said newly offered land by the LOI holder, Respondent no. 9 was conducted and the same was found suitable for construction of LPG Godown. A letter being DGP : LPG OMP : Jamalpur dated 21.03.2017 was provided to the said LOI holder informing him that the alternate land provided is found suitable and therefore his request to construct LPG Godown in the said alternate land has been approved. A copy of the said letter dated 21.03.2017 is annexed hereto and is marked as “R-5”.

25. It is therefore submitted that the steps taken by the Respondent no. 3 in allowing the LOI holder, Respondent no. 9, to provide alternate land for construction of godown, have been in consonance. with the change in policies and no favoritism or nepotism, as suggested by the petitioner has been in play.

32. It is further clarified that the FVC conducted on the original land offered by the Respondent no. 9 was found to be satisfactory on all counts, and only on the basis of this, his request for provision of alternate land wall accepted.”

3. In the light of the aforementioned principle



insofar as condonation of delay is concerned, the appellants have not made out a case so as to condone the delay of about 03 years and 157 days in filing of L.P.A. No. 598 of 2018 and L.P.A. No. 602 of 2018.

4. Accordingly, I.A. No. 4067 of 2018 and I.A. No. 02 of 2018 (4070 of 2018) stands rejected. Consequently, L.P.A. No. 598 of 2018 and L.P.A. No. 602 of 2018 stands rejected. Pending I.A., if any, stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Manish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	02.05.2024
Transmission Date	N.A

