

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10450 of 2024

Sunil Kumar, son of Umeshwar Prasad resident of Village - Rajpur, P.S.-
Bagen, District- Buxar, Presently residing at Ras Bihari Appartment, Kushai
Colony, Niwaranpur Ram Janki Mandir, Doranda, Ranchi, Jharkhand.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna.
2. The Law Secretary, Law Department, Govt. of Bihar, Patna.
3. The Honble High Court of Judicature at Patna, through its Registrar General.
4. The Registrar General, Honble High Court of Judicature at Patna, Patna.
5. Members of the Cordination Committee, Bihar, Patna through the Convener,
Co-ordination Committee.
6. The Convener, Co-ordiation Committee- cum- District and Sessions Judge,
Patna, Judges Court Road, Civil Court Road, Patna, P.O. Bankipur, District-
Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Ram Ishwar Prasad, Advocate
For the Patna High Court :		Mr. Piyush Lall, Advocate
For the State	:	Mr. Ramadhar Singh, GP-25

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

- 2 16-07-2024 1. By an advertisement, dated 7th of February, 2016,

the Office of the Convener, Co-ordination Committee, Patna-
cum-District and Sessions Judge, Patna invited online
applications for selection of 1681 posts in Grade-III Clerk as per
the reservation roster. On 26th of September, 2018, select list
was published. The petitioner, being a candidate of Backward
Class Category, was selected and his name was in the panel,
having secured 70.75 marks. As per the merit list, appointment
letter was issued in favour of 1681 candidates. However, 273
numbers of posts remained vacant because 273 candidates did



not join the service.

2. Some of the candidates, who might be appointed against the vacant posts, approached this Court by filing writ petition, praying for a direction to the Chairman of the Board to issue appointment letter in favour of them. The said writ petition was dismissed. Subsequently, the said candidates preferred Letters Patent Appeal before the Division Bench of this Court. The appeal was disposed of by a judgement, dated 19th of April, 2023, allowing the appeal with the following order: -

“20. Accordingly, the order of the learned Single dated 29.09.2022 passed in CWJC No. 6259 of 2019 and connected matters stands set aside. While allowing LPA No. 650 of 2022 (arising out of CWJC No. 6259 of 2019), LPA No. 657 of 2022 (arising out of CWJC No. 21219 of 2018), & LPA No. 661 of 2022 (arising out of CWJC No. 21219 of 2018) the concerned selecting/appointing authority is hereby directed to consider each of the petitioners name for the purpose of appointment to the post of Clerk against unfilled vacancies and anticipated vacancies during the relevant period of two years and necessary order of appointment shall be issued to each of the eligible petitioner within a period of three months from the date of receipt of this order. If any of the candidate is not suitable or eligible



in that event necessary speaking order shall be passed and communicated to such petitioner/s.”

3. After the decision, passed in L.P.A. No. 650 of 2022 and L.P.A. No. 727 of 2023, as many as 3 similarly situated candidates filed writ petitions which were registered as C.W.J.C. No. 1063 of 2024; C.W.J.C. No. 4175 of 2024; and C.W.J.C. No. 6342 of 2024. All the writ petitions were, however, dismissed on the ground of delay and laches, holding *inter alia*, that the litigants, who were sitting on the fence and waiting for the result of the litigation initiated by other litigants promptly, and only after a favourable result, has approached the Court to seek equality, should not be encroached / entertained.

4. The petitioner stands on the same footing. He was waiting on the fence from the year 2018 till the date of filing of the instant writ petition in the year 2024.

5. In the case of ***Ex. Capt. Harish Uppal v. Union of India***, reported in ***1994 SCC Supl. (2) 195***, the Hon'ble Supreme Court held as under: -

“8. The petitioner sought to contend that because of laches on his part, no third party rights have intervened and that by granting relief to the petitioner no other person's rights are going to be affected. He also cited certain decisions to that effect. This plea



ignores the fact that the said consideration is only one of the considerations which the court will take into account while determining whether a writ petition suffers from latches. It is not the only consideration. It is a well-settled policy of law that the parties should pursue their rights and remedies promptly and not sleep over their rights. That is the whole policy behind the Limitation Act and other rules of limitation. If they choose to sleep over their rights and remedies for an inordinately long time, the court may well choose to decline to interfere in its discretionary jurisdiction under Article 226 of the Constitution of India and that is what precisely the Delhi High Court has done. We cannot say that the High Court was not entitled to say so in its discretion.”

6. In the instant case, the petitioner is not entitled to get any relief because of delay and latches in approaching this Court for his relief.

7. The writ petition is, thus, considered and dismissed.

8. However, there shall be no order as to costs.

(Bibek Chaudhuri, J)

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