

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2622 of 2019

=====

Amrita Pritam D/o Juwan Dangi resident of Village- Ghugharitar, P.S-
Vishnupad, District- Gaya

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors through the Chief Secretary, Govt.of Bihar,
Patna
2. D.G. Police Bihar, Patna Bihar
3. Additional Director General (Head Quarter), Bihar, Patna Bihar
4. A.D.G.(wireless) Bihar,Patna Bihar
5. I.G. (Wireless),Bihar Patna Bihar
6. S.P (Wireless) Bihar, Patna Bihar
7. S.P Sitamarhi Bihar

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Ibrahim Kabir, Advocate
For the State	:	Ms. Babita Kumari

=====

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 25-11-2024 Heard Mr. Ibrahim Kabir, learned Advocate for the

petitioner and Ms. Babita Kumari, learned Advocate for the

State.

2. The petitioner is a constable posted in Sitamarhi
District, is aggrieved by the action of the respondent authorities
in not considering her case for absorption on the post of Literate
Constable(Operator) in Bihar Police Radio Organization despite
the fact that even though she had applied on 20.10.2014 by the
cut-off date of the filing of the application for absorption but she
was not considered because her application was forwarded by



the Superintendent of Police (Sitamarhi) on 13.02.2017 which is after the cut-off date in the advertisement.

3. Learned Advocate for the petitioner submitted that admittedly several posts of Literate Constable(Operator) are still vacant. However, on account of the delay in sending the verification report at the level of Superintendent of Police (Sitamarhi) she has been deprived to be considered for absorption on the post of Literate Constable(Operator). Similar instances have been shown where on account of laches on the part of the respondent authorities when the verification report could not be submitted within the time prescribed in the advertisement. The Court has interfered in the matter and directed to consider the claim of the petitioner.

4. Reliance has also been placed on a decision passed by this Court in the case of *Amit Kumar Vs. State of Bihar & Ors.* in *CWJC No. 1715 of 2019*, wherein, the Court has directed the petitioner to make a representation before the A.D.G. (Wireless Bihar, Patna) and on receipt of such representation he was directed to consider the case of the petitioner for absorption in the Bihar Police Radio Organization, Patna, in case it is found that it is feasible to do so. One another order of this Court has also been placed before this Court passed by the learned Co-



ordinate Bench in the case of *Chandan Kumar & Anr. Vs. The State of Bihar & Ors.* in *CWJC No. 13645 of 2017* which has also been disposed of in similar terms.

5. Learned Advocate for the State referring to the averments made in the counter affidavit though refuted the claim of the petitioner. However, she is not in a position to controvert the admitted facts that there was delay on the part of Superintendent of Police (Sitamarhi) in sending the verification report within the time prescribed in the advertisement.

6. In view of the submissions advanced on behalf of the advocate for the respective parties and considering the fact that in identical situation the Court taking note of the fact that on account of laches on the part of the concerned authorities in sending the verification report the petitioner cannot be faulted. This Court finds substance in this writ petition. Moreover, the posts are still vacant in wireless/information transmission, which is an important aspect of policing, no useful purpose would be served in keeping such posts vacant when the desirous applicants (Constables) working in various Districts Units.

7. This Court, in the circumstances, aforementioned, deems it apt and proper to dispose off the writ petition in the similar



terms of the order passed in ***CWJC No. 1715 of 2019***. The petitioner is directed to make a representation before the A.D.G. (Wireless, Bihar, Patna) within a period of four weeks from today. On receipt of such application the respondent authorities shall consider the claim of the petitioner on merit without taking into account the delay caused in sending the verification report, within a further period of twelve weeks and dispose of the same by a reasoned order.

8. The writ petition stands disposed off, with the aforesaid direction.

(Harish Kumar, J)

Harshita/-

U			
---	--	--	--

