

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.31 of 2022

In
Civil Writ Jurisdiction Case No.17870 of 2017

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Vidya Bhushan Singh S/o Late Janakdeo Singh Resident of Village- Saichani,
P.O.- Chainpur, P.S.- Raghunathpur, District- Siwan.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Director General of Police, Bihar, Patna.
3. The Deputy Inspector General of Police, Champaran Region, Bettiah.
4. The Chairman, Selection Board-cum-DIG, Tirhut Division, Muzaffarpur.
5. The Superintendent of Police, East Champaran, Motihari.
6. The Chairman, Police Selection Board-cum-S.P., East Champaran, Motihari.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Shravan Kumar, Sr. Advocate Mr. Sunil Kumar, Advocate Mr. Ram Kumar Singh, Advocate Ms. Monika Singh, Advocate
For the Respondent/s	:	Mr. Prabhat Kr. Verma (AAG 3) Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 04-02-2025

Heard Mr. Shravan Kumar, the learned Senior Advocate for the appellant and Mr. Sanjay Kumar Ghosarvey, the learned Advocate for the State.

2. The appellant was appointed as a Constable some times in the year 1992. The selection process was found to be not in accordance with the rule and, therefore, his services were



terminated after 11 years in 2003.

3. The appellant had come before this Court challenging his termination order, wherein a Bench of this Court, taking into consideration that he had put in 11 years of service in the constabulary and that his appointment was not based on any misrepresentation or fraud, directed that in case the Selection Board would still be continuing with the process of selection, then the case of the appellant would be considered giving age relaxation as also physical fitness relaxation because of the advancing age of the appellant.

4. The Selection Board considered the case of the appellant, but did not find him suitable for being taken in service.

5. The contention of the appellant is that the direction of this Court was not complied with in respect of relaxation to be considered regarding the physical fitness of the appellant as well as the experience gained by him in service for about 11 years.

6. Nonetheless, on the Selection Board having found him to be unfit, the appellant approached this Court after six years in 2017. This was the reason for the learned Single Judge in this instance to refuse to entertain the application of the



appellant.

7. We are in agreement with the opinion of the learned Single Judge that notwithstanding the fact that in writ petitions, the concept of limitation is not to be read in any narrow terms, but if a person invoking the jurisdiction is guilty of unexplained delay and laches, it ought be read against him.

8. Even on merits, we find the case of the appellant lagging for any consideration at this stage. We have also taken into account that by this time the appellant would be in his mid-fifties.

9. Finding no merit in this appeal, we dismiss it.

10. Interlocutory application(s), if any, shall also stand closed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Sujit/Krishna

AFR/NAFR	NAFR
CAV DATE	NA
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