

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6752 of 2018

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Jawahar Das Son of Late Bharat Lal Ravidas, Resident of Village- Pathara,
P.S.- Barahat, District- Banka.

... .. Petitioner/s

Versus

1. The State of Bihar through the Commissioner cum Secretary, Khan and Bhutatva Department, Bihar, Patna.
2. The Principal Secretary, Khan and Bhutatva Department, Bihar, Patna.
3. The Chairman of Bihar Public Service Commission, Bailey Road Patna Mine Department.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vibhakar Kumar, Adv.
For the Respondent/s	:	Mr. Prashant Pratap, GP2
For the BPSC	:	Mr. Sanjay Panday, Adv.
		Mr. Nishant Kumar Jha, Adv.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 23-01-2025 Heard Learned Counsel for the petitioner, Learned Counsel for the State and Learned Counsel for the BPSC.

2. Learned Counsel for the petitioner submits that the present writ petition has been filed for issuance of writ of mandamus directing the respondents to appoint/select the petitioner on the post of surveyor vide Advertisement No.06 of 1990 in which the petitioner has alleged to be qualified.

3. Learned Counsel for the State and BPSC raised preliminary objection and submits that the present writ petition is a frivolous one, due to the reason that in the year 2013, the petitioner has moved before this Hon'ble Court with the same



relief and on 17.01.2013, order was passed in C.W.J.C. No.1034 of 2013 by which the Hon'ble Court has dismissed the writ petition on merit stating that *"this writ application is wholly misconceived and the same is dismissed on the ground of latches and delay"* even though the petitioner has dare to file a fresh writ petition again.

4. In response thereof, counsel for the petitioner submits that in the year 2017, fresh cause of action has been arisen and only due to this reason, he has filed the present writ petition as the Chief Information Commissioner has passed the order under RTI, Act, 2005 *vide* Memo No.9907 dated 15.12.2017.

5. It transpires to this Court that the present application is absolutely frivolous and not maintainable due to the reason that earlier writ petition *i.e.*, C.W.J.C. No.1034 of 2013 was dismissed with the following observations which states as follows:-

"Heard learned counsel for the parties.

Having regard to the fact that the selection procedure was undertaken in the year 1990 and a panel was prepared in the year 1993, today, after twenty years of the cause of action, this



Court cannot entertain a writ application for issuance a direction to the respondents for appointing the petitioner on the post of Surveyor on the basis of such advertisement.

This writ application is wholly misconceived and the same is dismissed on the ground of laches and delay.

6. In this view of the matter, the present writ application stands dismissed, subject to cost of Rs.5,000/- imposed upon the counsel for the petitioner, which shall be deposited to the Patna High Court Legal Service Committee.

(Dr. Anshuman, J.)

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