

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.677 of 2024

In
Civil Writ Jurisdiction Case No.18682 of 2013

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Ram Kumar Son of Ramdil Singh, Resident of Village Sikaria, P.O. Madhusudanpur, P.S. Tekari, District Gaya (Bihar).

... .. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary (changed name Additional Chief Secretary), Home Department, Government of Bihar, Patna.
2. The Director General of Police, Government of Bihar, Patna.
3. The Divisional Inspector of Police, Sahabad Range, Dehri on Sone.
4. The President Sipahi Selection Board Shahabad Region-cum-Superintendent of Police, Bhojpur, Ara.
5. The Superintendent of Police, Gaya.
6. The Police Inspector, Tekari Police Station, Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Shiw Kumar Prabhakar, Advocate
For the Respondent/s : Dr. Anand Kumar, 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 : 21-04-2025

Re.- I.A. No. 1 of 2024

The learned counsel for the appellant presses the afore-noted interlocutory application for condoning the delay of 36 days in preferring this appeal.

2. For the reasons stated in the application, the



delay of 36 days in preferring this appeal is condoned.

3. I.A. No. 1 of 2024 stands allowed.

Re.- L.P.A. No. 677 of 2024

4. We have heard the learned counsel for the parties.

5. The appellant was selected for the post of constable, but was not given the appointment for the reason of a criminal case under Section 302 of the IPC remaining pending on the day of the consideration.

6. It is the contention of the appellant that he was acquitted a year later.

7. He had also filed a writ petition challenging the non-consideration of his name for being appointed merely on the ground that he was made accused in a criminal case. However, the writ petition referred to above was disposed off on 23.04.2024, refusing to grant any indulgence, which is the impugned judgment in this appeal.

8. The learned counsel for the appellant has



submitted that no sooner had the occasion arisen for him to come to this Court, he had knocked the doors of the forum but because of the things which were not under his control, it took almost 12 years for his case to be decided.

9. We do not appreciate the afore-noted logic of the late disposal of the writ petition for the reasons that he has stated nothing about his efforts to have the case uplisted any time, within a decade.

10. That apart, on the day of the consideration for appointment of the appellant against the vacant post of a constable, for which he was found to be suitable in all respects, he was an accused in a case of murder.

11. The judgment of acquittal came only a year later.

12. With the passage of time, the appellant has lost his claim to be accommodated in the service which, if conceded, would otherwise create problems with respect to seniority inter-se.

13. He does not also fall in the category of such



persons, who could be granted relief in accordance with the decision of the Supreme Court in ***Avtar Singh vs. Union of India, (2016) 8 SCC 471.***

14. We do not find any perversity in the judgment of the learned Single Judge.

15. Hence, we dismiss the same.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Manoj/Sujit-

AFR/NAFR	NAFR
CAV DATE	NA
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