

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.14112 of 2024**

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Kumar Jai Son of Sri Paras Nath Prasad Resident of Quarter No. C-11, Phase-02, Akashwani Colony, Chhajju Bagh, P.S.- Gandhi Maidan, Dist.- Patna-800001.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Information and Broadcasting, Government of India, Shastri Bhawan, Rajendra Prasad Path, New Delhi- 110001.
2. The Chief Executive Officer, Prasar Bharati (Broadcasting Corporation of India), Tower-C, Mandi House, Copernicus Marg, New Delhi- 110001.
3. The Addl. Director General (E.Trg.), Examination Controller/Competent Authority, National Academy of Broadcasting and Multimedia, Kingsway, Rosary School Rd., Radio Colony, New Delhi, Delhi- 110009.

... .. Respondent/s

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**Appearance :**

|                      |   |                                              |
|----------------------|---|----------------------------------------------|
| For the Petitioner/s | : | Mr. Nilesh Sinha, Advocate                   |
| For the Respondent/s | : | Dr. Krishna Nandan Singh, Sr. Advocate, ASGI |
|                      |   | Dr. Iti Suman, CGC                           |
|                      |   | Mr. Shivaditya Dhari Sinha, Advocate         |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 06-02-2025**

In the instant petition, petitioner has prayed for the following relief(s):-

*"(i) To quash the order dated 29.05.2024 passed by the Ld. Central Administrative Tribunal, Patna Bench, Patna in OA/158/2024 wherein the Hon'ble Member Judicial has been pleased to dismiss the OA in limine on account of delay in filing of the said case.*

*(ii) To further give such liberty to the petitioner to file a fresh case before the*



*Ld. Central Administrative Tribunal, Patna Bench, Patna in connection with the prayer made in the said case bearing OA/158/2024.*

*(iii) To grant any other relief to the petitioner which they are entitled to in the facts and circumstance of this case."*

2. Petitioner is a candidate for recruitment to the post of Cameraman Group-II pursuant to the Advertisement No. 01/2015 dated 27.11.2015. Earlier he had approached the Central Administrative Tribunal, Principal Bench, New Delhi in O.A. No. 3923 of 2018 along with M.A. No. 807 of 2023 and it was dismissed as withdrawn with liberty as prayed for. Resultantly, petitioner has presented O.A. No. 158 of 2024 before the Central Administrative Tribunal, Patna Bench, Patna. It is to be noted that in O.A. No. 3923 of 2018 along with M.A. No. 807/2023 petitioner grievance is in respect of communication dated 02.02.2016 in the light of Notification dated 27.11.2015. If the O.A. No. 524 of 2016 filed prior to 05.10.2016 in that event petitioner had every right to file miscellaneous application before CAT in assailing the communication/order dated 05.10.2016 which is the subject matter of O.A. No. 158 of 2024. Petitioner unnecessarily waited till disposal of O.A. No. 3923 of 2018 along with M.A. No. 807/2023 and it has been withdrawn at his instance. No doubt liberty has been granted. Such liberty is required to be



taken note of in accordance with law. Insofar as challenge to communication/order dated 05.10.2016 in O.A. No. 158 of 2024 has been filed. According to Administrative Tribunal Act, 1985 aggrieved person is required to approach CAT within one year from the date of cause of action accrued to the aggrieved person. If there is a delay in filing O.A. there is a provision to condone the delay under Section 21 of the Administrative Tribunal Act, 1985. Be that as it may, there is a delay of about six years insofar challenge to order/communication dated 05.10.2016 in the light of the fact that O.A. No. 158 of 2024 has been filed. CAT has taken note of delay in para 13 of its order dated 29.05.2024 passed in O.A. No. 158 of 2024.

3. Courts/Tribunals time and again held that in respect of selection, appointment, promotion and seniority aggrieved person must knock door of the judicial forum within a reasonable period of time. Hon'ble Supreme Court has also held the same in the case of **P.S. Sadasivaswamy vs. State of Tamil Nadu** reported in **AIR 1974 SC 2271** and **Ashok Kumar vs. State of Bihar** reported in **(2017) 4 SCC 357** delay would be hurdle. Having regard to the fact that subject matter of advertisement issued in the year, 2015 for the post of Cameraman Group-II has spent its force in the year 2016 itself. Therefore, it is not appropriate to entertain the



petitioner's grievance in the year, 2024 when he had a cause of action accrued in the year, 2017 with reference to communication/order dated 05.10.2016 if one year period of limitation is taken into consideration.

4. Accordingly, the present writ petition stands dismissed.

**(P. B. Bajanthri, J)**

**(Sunil Dutta Mishra, J)**

Vikash/-

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