

विधि सचिव

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Rt.No - 2551
23-6-04

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21 JUN 2004
पटना, बिहार

IN THE HIGH COURT OF JUDICATURE AT PATNA

C.W.J.C.No.13744 of 2003

Niranjan Kumar Dubey & ors. Vrs. The State of Bihar & others

For the Petitioners : Mr. Bishnu Kant Dubey, Advocate
For the State : Mr. R.B.N. Singh, J.C. to S.C. III
For B.P.S.C. : Mr. Devendra Kr. Sinha, Sr. Advocate
Mr. Anil Kr. Singh, Advocate
For State of Jharkhand: Mr. Shyam Kishore Sharma, Advocate

शुद्ध
2.22.04

16.04.2004

Heard learned counsel for the petitioners, J.C. to Standing Counsel No. III for the respondents, learned counsel for the Bihar Public Service Commission and also learned counsel for the State of Jharkhand.

24.6.04

The petitioners have prayed for issuance of a direction upon the respondents to appoint them on the post of Sub-Inspector of Police or to an equivalent post pursuant to advertisement no. 4/85.

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It is submitted by learned counsel for the petitioners that pursuant to advertisement no. 4/85, they had appeared in the examination conducted by the Bihar State Subordinate Service Selection Board which has subsequently been taken over by the Bihar Public Service Commission and they had secured requisite marks. It is further submitted that many similarly situated persons were appointed but the petitioners were not appointed even though the posts remained vacant.

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It appears that this writ application has been filed almost after 19 years of publication of advertisement no.4/85. The only plausible explanation given in the writ petition for this delay is that the petitioners went on representing the matter before the State authorities and after decision of the Cabinet to fill up posts, the petitioners have approached this Court by this writ application.

Learned counsel for the State with reference to the counter affidavit submits that the State Government had decided not to appoint anybody pursuant to advertisement no.4/85, in view of the direction issued by this Court in C.W.J.C.No.3280 of 1991.

Besides all these, it appears that posts of Sub-Inspector of Police have been advertised from time to time lastly being advertisement no.1/98. The advertisements aforesaid were issued to fill up left over vacancies and also for newly created posts and pursuant to these advertisements, several persons have been appointed. Now at this juncture, it would not be appropriate for this Court to issue any direction to the State authorities to fill up posts which were

11/1/1985
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Writ

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advertised in the year, 1985. More so, this writ application is liable to be dismissed on account of delay and laches on the part of the petitioners as they have approached this Court almost after 19 years.

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But this writ application is liable to be dismissed on well known maxim of law that the delay defeats equity.

Considering the facts and circumstances of the case, I do not find any merit in this application. It is, accordingly, dismissed.

Sd/- (Narayan Roy)

B.T.

Handwritten signature: Bisheshwar Rai

Handwritten date: 28.4.2011