

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9862 of 2019

Babool Kumar Son of Sri Sitaram Prasad Resident of Village Khalaspur, Post Gavay, P.S. Sheikhpura, District Sheikhpura

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General, Police Services, Govt. of Bihar, Patna.
2. The Director General, Fire Services, Police Department, Government of Bihar, Patna.
3. The State Fire Officer-cum-Director, Bihar, Patna
4. The Deputy Inspector General-cum- Deputy Commandant, Fire Services, Bihar, Patna
5. The Central Selection Board (Constable Recruitment) through its Chairman, Sri Sai Tara Complex, IAS Colony, Jawaharlal Nehru Marg, Patna
6. The Chairman, Central Board (Constable Recruitment), Sri Sai Tara Complex, IAS Colony, Jawaharlal Nehru Marg, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Pramod Kumar Singh, Adv.
For the Respondent/s	:	Mr. Saroj Sharma, AC to AAG-3
For the CSBC	:	Mr. Sanjay Pandey, Adv. Mr. Binod Kumar Mishra, Adv. Mr. Vivek Anand Amritesh, Adv.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 24-02-2021

The present writ petition has been filed for quashing the memo no. 648 dated 07.02.2019 issued by the Deputy Inspector General-cum-Deputy Commandant, Fire Services, whereby and whereunder the application of the petitioner for joining has been rejected as also for directing the respondents to accept the joining of the petitioner



on the post of Fireman since he has been duly selected and an appointment letter has also been issued pursuant to advertisement no. 02 / 2012.

2. The brief facts of the case are that an advertisement bearing advertisement no. 02 /2012 was issued inviting applications for appointment on the post of Fireman in the State of Bihar wherein the total number of vacancies were shown to be 953. The petitioner had filled up his application for being appointed on the post of Fireman under the OBC category, whereafter, the petitioner was issued admit card and he had appeared in the written examination on 15.12.2013 along with other candidates, whereupon the result was published on 15.04.2014, declaring 4765 candidates to be successful and the petitioner was also declared successful in the said written examination. The petitioner had then appeared in the screening test followed by physical efficiency test, which was held in between 23.05.2014 to 29.05.2014 at the Patna High School, Gardanibagh, Patna, pursuant whereof, 1113 candidates



including the petitioner herein were declared to be successful. Finally, the final result was published and 951 candidates including the petitioner herein were declared to have been selected. The petitioner was, thereafter called upon to appear on 24.09.2014 at the State Fire Office, Lodipur, Patna, vide letter dated 06.09.2014, whereupon the petitioner had appeared at the State Fire Office, Lodipur, Patna, with the relevant documents on 24.09.2014 and then the petitioner was asked to appear for the medical fitness test on 29.04.2015. The petitioner had passed the medical test successfully, whereafter the appointment letter dated 16.07.2015 was issued in favor of the petitioner by the State Fire Officer-cum-Director, Bihar, Patna, wherein it was stipulated that joining should be submitted by 17.07.2015 at the Fire Training Institute, Anandpur, Bihta (Patna).

3. The learned counsel for the petitioner has submitted that on account of ill health of the petitioner, the petitioner could not submit his joining by 17.07.2015 and he remained ill till end



of the year, 2018 and when he had approached the State Fire Officer, Patna, on 02.11.2018 for accepting his joining, his application was rejected vide memo no. 648 dated 07.02.2019 issued by the State Fire Officer, Patna on the ground that he had submitted his joining after a great delay of about 3 years 3 months and 15 days, hence, his joining could not be accepted, especially in view of Clause 3(15) of the resolution dated 16.07.2007, issued by the Personnel and Administrative Reforms Department, Government of Bihar, Patna, containing guidelines on the subject matter in question.

4. The learned counsel for the petitioner has submitted that on account of illness, the petitioner could not join despite him being declared to be a successful candidate, thus, some mercy is required to be shown, hence the respondents be directed to accept the joining of the petitioner.

5. Per contra, the learned counsel for the respondent-State has submitted that the petitioner had submitted his joining after a huge delay of 3



years 3 months and 15 days whereas at best, the date of joining can only be extended by a period of one month as per Clause 3 (15) of the aforesaid resolution dated 16.07.2007, thus, there is no merit in the case of the petitioner, hence the present writ petition is fit to be dismissed.

6. I have heard the learned counsel for the parties and gone through the materials available on record. At the outset, it would be relevant to reproduce Clause 3 (15) of the aforesaid resolution dated 16.07.2007 herein below:-

"उपर्युक्त कार्रवाइयों के बाद भर्ती हेतु अपेक्षित करवाई सक्षम नियुक्ति प्राधिकार द्वारा की जायेगी। भर्ती के क्रम में कार्मिक एवं प्रशासनिक सुधार विभाग के संकल्प संख्या 2082 दिनांक 01.04.2003 में निहित अनुदेशों का अनुपालन नियुक्ति प्राधिकार द्वारा सुनिश्चित किया जायेगा। योगदान करने के लिए अधिकतम एक माह का समय दिया जायेगा।"

7. This Court finds that the appointment letter was issued to the petitioner on 16.07.2015 and he had to submit his joining at the Fire Training Institute, Bihta, Anandpur, Bihta (Patna), by 17.07.2015 and at best, the said period could have been extended by a period of one month, so as to



enable the petitioner to join by 17.08.2015, but the petitioner failed to do so and after a huge delay of about 3 years 3 months and 15 days, he had filed a representation before the State Fire Officer, Patna on 02.11.2018 for accepting his joining, which has been rejected by the impugned order dated 07.02.2019. This Court is of the opinion that there has been inordinate delay on the part of the petitioner in submitting his joining and in case, the petitioner is permitted to join at this belated stage, the same would not only cause confusion and public inconvenience and bring, in its train, new injustices but it may also have the effect of inflicting not only hardship and inconvenience but also injustice on third parties.

This Court is also of the view that granting any relief to the petitioner at this stage would only encourage indiscipline and would also result in creation of inequalities and discrimination vis-a-vis similarly situated appointees, apart from perpetuating illegality. Another aspect of the matter is that the petitioner cannot be given



premium for his laches inasmuch as nothing had prevented the petitioner from approaching the respondent authorities, for extension of the date of joining, at the very inception i.e. pursuant to issuance of the appointment letter dated 16.07.2015 or before this Court earlier.

8. Having regard to the facts and circumstances of the case and considering the well-settled law that the parties should pursue their rights and remedies promptly and not sleep over their rights and remedies for an inordinate long time, it would be just, legal and appropriate not to interfere in the matter under the discretionary jurisdiction of this Court under Article 226 of the Constitution of India. Consequently, for the grounds mentioned herein above, this Court finds no merit in the present writ petition, hence, the same stands dismissed.

(Mohit Kumar Shah, J)

Ajay/-

AFR/NAFR	AFR
CAV DATE	NA
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Transmission Date	NA

