



CNR: KAHC010083872024

NC: 2026:KHC:45209
WP No. 5428 of 2024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

WRIT PETITION NO. 5428 OF 2024 (S-RES)

BETWEEN:

SRI. DEVARAJU ARASU
S/O. SRI. NARAYANA ARAS,
AGED ABOUT 53 YEARS,
RESIDING AT ALAMBAGIRI NILAYA,
5TH CROSS, SHAMBULINGESHWARA LAYOUT,
CHOLANAYAKANAHALLI,
R.T. NAGAR,
BENGALURU-560 032.

...PETITIONER

(BY SRI. RAJESHA SHETTIGARA., ADVOCATE)

AND:

1. STATE OF KARNATAKA
THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
DEPARTMENT OF KARNATAKA VETERINARY ANIMAL
AND FISHERIES DEPARTMENT,
4TH FLOOR, VIKASA SOUDHA,
BENGALURU-560 001.
2. THE VICE CHANCELLOR
KARNATAKA VETERINARY ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
NANDINAGAR, P.B. NO. 6,
BIDAR-585 401,
KARNATAKA.

Digitally
signed by
SHILPABAI S
Location:
HIGH COURT
OF
KARNATAKA



NC: 2026:KHC:45209
WP No. 5428 of 2024

CNR: KAHC010083872024

3. THE REGISTRAR
KARNATAKA VETERINARY ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
HEBBALA,
BENGALURU-560 024.
4. THE DEAN
VETERINARY COLLEGE,
HEBBAL,
BENGALURU-560 024,
KARNATAKA.
5. SMT. GIRIJA BALEKAI
D/O. SHANKARAPPA,
MAJOR,
WORKING S DIPLOMA IN PHARMACY,
KARNATAKA VETERINARY ANIMAL AND FISHERIES
SCIENCES UNIVERSITY,
HEBBALA,
BENGALURU-560 024.

...RESPONDENTS

(BY SMT. ASHWINI PATIL, AGA FOR R1
SRI. PRASHANTH S, ADVOCATE FOR R2 TO R4 (VK NOT FILED)
SMT. VAISHALI HEGDE, ADVOCATE FOR R2 & R3
SRI. VIJAYA KUMAR, ADVOCATE FOR R5)

THIS WP IS FILED UNDER ARTICLE 226 OF THE
CONSTITUTION OF INDIA PRAYING TO DIRECT THE
RESPONDENT NO.2 TO CONSIDER THE REPRESENTATION
DATED 27/10/2021 AS PER ANNEXURE-A SUBMITTED BY THE
PETITIONER AND DIRECT THE RESPONDENTS TO CONDUCT
ENQUIRY ABOUT ILLEGAL APPOINTMENT OBTAINED BY
RESPONDENT NO.5 AT THE AGE OF 44 YEARS 6 MONTHS.
ISSUE A WRIT IN THE NATURE OF QUO WARRANTO OR ANY
OTHER APPROPRIATE WRIT PROHIBITING THE 5TH
RESPONDENT FROM EXERCISING THE DUTIES AS THE
DIPLOMA IN PHARMACY IN 4TH RESPONDENT UNIVERSITY.



CNR: KAHC010083872024

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

1. The petitioner has filed this writ petition seeking following reliefs:

- (a) "To issue a writ in the nature of the mandamus to direct respondent No.2 to consider the representation dated 27/10/2021 as per Annexure-A submitted by the petitioner and direct the respondents to conduct enquiry about illegal appointment obtained by respondent No.5 at the age of 44 years 6 months;
- (b) issue a writ in the nature of *quo warranto* or any other appropriate writ prohibiting the 5th respondent from exercising the duties as the diploma in pharmacy in 4th respondent university.



CNR: KAHC010083872024

- (c) To grant such other relief or reliefs as this Hon'ble Court may be pleased to grant in the facts and circumstances of the case to meet the ends of justice."
2. The petitioner restricts his claim only in respect of prayer (a) i.e., for a mandamus directing respondent No.2 to consider the representation dated 27.10.2021 vide Annexure-A, wherein the petitioner has requested respondents to conduct an enquiry about the illegal appointment obtained by respondent No.5 at the age of 44 years 6 months.
 3. Respondent No.5 was appointed vide order dated 22.07.2013. The petitioner submitted a representation questioning the same after a lapse of more than eight years from the date of appointment of respondent No.5.
 4. Though the representation was made in the year 2021, the petitioner has not taken any steps to see



CNR: KAHC010083872024

as to whether respondent No.2 has considered the representation and passed an order.

5. The petitioner has filed this writ petition on 07.02.2024 i.e., after a lapse of more than 2 years from the date of submitting the representation. The petitioner after submitting the representation kept quiet for more than 2 years. There is an inordinate delay in approaching the Court seeking for a writ of mandamus directing respondent No.2 to consider the representation vide Annexure-A. The petitioner has not shown sufficient cause for filing the writ petition at a belated stage.

6. The Hon'ble Apex Court in the case of ***Chennai Metropolitan Water Supply and Sewerage Board and others versus T.T. Murali Babu¹***, has held in paragraph No.16 as follows:

¹ (2014) 4 Supreme Court Cases 108



CNR: KAHC010083872024

NC: 2026:KHC:45209
WP No. 5428 of 2024

"16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the *lis* at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant — a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of



CNR: KAHC010083872024

time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.”

7. From a bare reading of paragraph No.16, the Apex Court has held that the doctrine of delay and laches should not be lightly brushed aside and also further held that belated approach gains more significance, as the respondent being absolutely careless to his duty and further held that the Court is not expected to give indulgence to such indolent persons—who compete with “*Kumbhakarna*” or for that matter “*Rip Vank Winkle*”.
8. The Apex Court in the case of ***Shivamma (dead) by LRs v. Karnataka Housing Board***², held in paragraph No.261 as follows:

“**261.** Thus, for the reasons aforesaid, the impugned order of the High Court deserves to be set

² 2025 SCC OnLine 1969



CNR: KAHC010083872024

NC: 2026:KHC:45209
WP No. 5428 of 2024

aside. Before we proceed to close this judgment, we deem it appropriate to make it abundantly clear that administrative lethargy and laxity can never stand as a sufficient ground for condonation of delay, and **we want to convey an emphatic message to all the High Courts that delays shall not be condoned on frivolous and superficial grounds, until a proper case of sufficient cause is made out,** wherein the State-machinery is able to establish that it acted with *bona fides* and remained vigilant all throughout. Procedure is a handmaid to justice, as is famously said. But courts, and more particularly the constitutional courts, ought not to obviate the procedure for a litigating State agency, who also equally suffer the bars of limitation from pursuing litigations due to its own lackadaisical attitude."

(emphasis supplied)



CNR: KAHC010083872024

9. In the instant case, as there is a delay of more than 2 years in approaching this Court, following the mandate laid down by the Hon'ble Apex Court in the aforesaid cases, the writ petition is liable to be dismissed only on the ground of delay and laches.
10. In the result, I proceed to pass the following order:

ORDER

- (i) The writ petition is ***dismissed*** on the ground of delay and laches.
- (ii) In view of the dismissal of the petition, pending interlocutory applications, if any, do not survive for consideration and are accordingly disposed of.

**Sd/-
(ASHOK S.KINAGI)
JUDGE**

RK
List No.: 1 Sl No.: 25