

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15122 of 2006

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Sudha Devi, wife of late Jatadhari Prasad, resident of Village-Pirapur, P.S.-
Jandaha, District-Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Science and Technology, Govt. of Bihar, Patna.
2. The Secretary, Department of Science and Technology, Govt. of Bihar, Patna.
3. The Director, Department of Science and Technology, Govt. of Bihar, Patna.
4. The Principal, Govt. Polytechnic Barauni, Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

2 05-01-2015 The petitioner is aggrieved by the order dated 06.11.1996 (Annexure-1) issued under the signature of the Under Secretary, Department of Science and Technology, Government of Bihar, Patna, whereby the order of suspension passed against one Sri Jatadhari Prasad, the husband of the petitioner, posted as Junior Instructor, Government Polytechnic, Barauni, was revoked and it was directed that he shall not be paid anything else except the subsistence allowance already paid for the period of his suspension from 31.05.1994 to 06.11.1996. The petitioner has also prayed for certain consequential benefits.

The husband of the petitioner namely, Jatadhari Prasad, the delinquent, died in harness on 30.05.1998, as per the averments made in paragraph 14 of the writ petition. Admittedly, the delinquent during his lifetime did not challenge the impugned order dated 06.11.1996 (Annexure-1). In fact, in view of the aforesaid order dated 06.11.1996, he joined the post and started

discharging his duties. After more than eight years of death of the delinquent employee, the present writ petition was filed by his widow on 07.12.2006 assailing the validity of the impugned order dated 06.11.1996. No valid explanation has been furnished by the petitioner for approaching this Court after such a long delay.

Apparently, the present writ petition suffers from delay and laches. If the delinquent employee decided to accept the finality of the impugned order dated 06.11.1996 and did not challenge its validity during his lifetime, then his widow cannot be permitted to challenge its validity after more than eight years of his death.

In the aforesaid facts and circumstances, the reliefs sought for on behalf of the petitioner are completely misconceived and cannot be granted.

In the result, the writ petition has to fail and is, accordingly, dismissed, but without costs.

(Birendra Prasad Verma, J)

Arvind/-

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