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**HIGH COURT OF CHHATTISGARH, BILASPUR****WPS No. 1248 of 2015**

- Rakesh Kumar Mishra S/O Shri Ramlakhan Mishra Aged About 38 years Working As Shiksha Karmi Grade-III, Govt. Primary School, Kotadol, Block Bharatpur, District Korea (Chhattisgarh) , R/O Village & Post Janakpur, Near Tahsil Lal Bangla, District- Korea, (Chhattisgarh)

**---- Petitioner****Versus**

1. State Of Chhattisgarh Through: The Secretary, Panchayat And Rural Development Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur, (Chhattisgarh)
2. Collector, Korea, District Korea, (Chhattisgarh)
3. Deputy Director Of Education, Korea, District Korea, (Chhattisgarh)
4. Janpad Panchayat Bharatpur (Janakpur), Through Its Chief Executive Officer, Janpad Panchayat, Korea, District Korea, (Chhattisgarh)
5. Assistant Commissioner, Tribal Development, Korea, District Korea, (Chhattisgarh)

**---- Respondents**


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| For Petitioner       | : | Shri KS Pawar, Advocate                |
| For Respondent/State | : | Shri Shashank Thakur, GA for the State |

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**Hon'ble Shri Justice Prashant Kumar Mishra****Order On Board****10/04/2015**

Heard learned counsel for the parties.

1. This petition under Article 226 of the Constitution of India has been preferred seeking a direction to the respondents to consider and decide his representation by implementing the order Annexure P-3, rendered by the

Madhya Pradesh High Court on 26-3-1998.

2. Admittedly, the petitioner was appointed as Shiksha Karmi Grade-III for one academic session in the year 1996 and thereafter he is not continuing in the service. This petition is itself filed after about 17 years from the date of accrual of cause of action.

3. The Supreme Court in **Chennai Metropolitan Water Supply and Sewerage Board and Others v. T.T. Murali Babu**<sup>1</sup>, after relying on its decision rendered in **State of M.P. v. Nandlal Jaiswal**<sup>2</sup>, held thus at para 15 & 16 :

“15.                               xxx     xxx     xxx  
                                      xxx     xxx     xxx  
                                      xxx     xxx     xxx

“24. ... If there is inordinate delay on the part of the petitioner in filing a writ petition and such delay is not satisfactorily explained, the High Court may decline to intervene and grant relief in the exercise of its writ jurisdiction.”

Emphasis was laid on the principle of delay and laches stating that resort to the extraordinary remedy under the writ jurisdiction at a belated stage is likely to cause confusion and public inconvenience and bring in injustice.

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

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1 (2014) 4 SCC 108

2 (1986) 4 SCC 566

causes injury to the lis.”

4. Accordingly, the writ petition is dismissed.

JUDGE

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