

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 2335 of 2015

- Devi Singh Thakur S/o Shri Balram Singh Thakur Aged About 56 years Working As Lecturer (Sanskrit), Sahid Sanjay Yadav Govt. Higher Secondary School, Sanjay Nagar, Raipur, District Raipur Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through The Secretary, Education Department, Mahanadi Bhavan, Mantralaya, New Raipur, District Raipur Chhattisgarh
- Director Public Instructions, Raipur, District Raipur Chhattisgarh
- District Education Officer, Raipur, District Raipur Chhattisgarh
- Sunita Tiwari Working As Lecturer, Sahid Sanjay Yadav Govt. Higher Secondary School, Sanjay Nagar, Raipur Chhattisgarh

---- Respondent

For Petitioner	Shri Vimal Kumar Tonde, Advocate
For Respondent/State	Shri P. K. Bhaduri, GA

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board By

04/08/2015

1. The order under challenge is of the year 2012. Learned State counsel would submit, on instruction, that the petitioner has already been released to enable him to join at the transferred place, however, the petitioner has not submitted Joining.

2. The writ petition suffers from delay and laches. The Supreme Court in the matter of **Chennai Metropolitan Water Supply and Sewerage Board and others v. T.T. Murali Babu**¹ has held thus:-

“15. In *State of M.P. v. Nandlal Jaiswal* the Court observed that: (SCC p. 594, para 24)

“24. ... it is well settled that the power of the High Court to issue an appropriate writ under Article 226 of the Constitution is discretionary and the High Court in the exercise of its discretion does not ordinarily assist the tardy and the indolent or the acquiescent and the lethargic.”

It has been further stated therein that: (*Nandlal Jaiswal case*, SCC p. 594, para 24)

“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 causes injury to the lis.

1 (2014) 4 SCC 108

Since this petition suffers from inordinate and unexplained delay and laches, the writ petition is dismissed.

Sd/-

JUDGE

PRASHANT KUMAR MISHRA

Nirala