

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Appeal No. 94 of 2016**

Smt. Anjani Patel D/o Shri Chandrashekhar Patel, aged about 35 years, R/o village Tarapur, Post and Police Station Raigarh Tahsil and District Raigarh, Chhattisgarh.

---- Appellant

Versus

1. State of Chhattisgarh, Through the Secretary School Education Department, Mahanadi Mantralaya, New Raipur, District Raipur, Chhattisgarh.
2. The District Education Officer, Janjgir District Janjgir Champa Chhattisgarh
3. The Principal, Government Higher Secondary School, Kotmi, Block Dabhra, District Janjgir Champa Chhattisgarh.

---- Respondent

For Appellant	: Shri Ajay K. Barik, Advocate.
For Respondent/State	: Shri Prafull N Bharat, Additional Advocate General.

Hon'ble Shri Deepak Gupta, Chief Justice
Hon'ble Shri Sanjay K. Agrawal, J.

Order on Board

Per Deepak Gupta, Chief Justice

05/07/2016

1. This appeal by the writ petitioner is directed against the judgment dated 15.01.2016 whereby the learned Single Judge has rejected the writ petition filed by the writ petitioner mainly on the ground that the petition was highly belated. We are not going into the other aspects of the matter and are confining our discussion to delay and laches in filing the writ petition.

3. The father of the petitioner was working as Upper Division Teacher and unfortunately expired on 02.02.2009. Soon thereafter, on 30.04.2009, the petitioner filed an application for grant of compassionate appointment. This application was rejected on 16.06.2009 and the only ground for rejection was that since the petitioner was a married daughter, she was not entitled to

compassionate appointment under the rules.

4. This order may or may not be legally correct but the fact of the matter is that the petitioner slept over her rights for almost 4 1/2 years and writ petition challenging the order dated 16.06.2009 was filed on 12.02.2014 after four years and eight months approximately. In paragraph 7 of the petition, it is mentioned that after the order dated 16.06.2009 was passed, the petitioner approached the Department and also approached the higher authorities for correction of the wrong order and she was availing these remedies, therefore could not approach the Court. However, alongwith writ petition, not a single document has been annexed to show that she had approached the higher authorities after 16.06.2009 till the filing of the writ petition. Normally, this Court is reluctant to reject the petition on the ground of delay and laches. However, if the litigant is so indolent and slept over his or her rights, then the Court would not come his/her rescue.

5. The petition was hopeless barred under the principles of delay and laches. The learned Single Judge has exercised his discretion and rejected the writ petition on the ground of delay and laches.

6. We find no merit in the writ appeal. It is dismissed accordingly.

Sd/-
(Deepak Gupta)
CHIEF JUSTICE

Sd/-
(Sanjay K. Agrawal)
JUDGE