

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPS No. 848 of 2017

- Ku. Chameli Painkra D/o Nalsai Painkra, Aged About 22 Years R/o 29 Rajpur Uparpara, Lailunga Rajpur, Police Station Lailunga, Distt. Raigarh (Chhattisgarh)

---- Petitioner

Versus

1. State Of Chhattisgarh Through The District Commandant Civilian Guard Nagar Sena, Raigarh, Distt. Raigarh (Chhattisgarh)
2. Divisional Commandant, Nagar Sena, Bilaspur Division/ Surguja Division (Chhattisgarh)
3. Superintendent Of Police, Raigarh, District Raigarh (Chhattisgarh).

---- Respondents

For Petitioner	:	Shri Awadh Tripathi, Advocate
For Respondents/State	:	Shri Prasoon Bhaduri, Govt. Advocate

Hon'ble Shri Justice P. Sam Koshy

Order on Board

20.02.2017

1. The present petition has been filed against the order dated 18.07.2014 (Annexure P/1) by which the candidature of the petitioner for appointment in the post of female civilian guard has been rejected on the ground that she has not attained the age as required.
2. This Court is not inclined to go into the merits of the case on the only ground that the petition suffers from delay and laches. The impugned order passed on 18.07.2014 is sought to be reconsidered by filing this petition on 02.02.2017 i.e. more than after 2½ years from the date of passing of the impugned order. So far as the issue of delay and laches is concerned, the law has been well settled by series of

judgment rendered by the Supreme Court. In one of the recent decisions the Supreme Court in the case of **Chennai Metropolitan Water Supply and Sewerage Board and Others, 2014 (4) SCC 108** has in para 15, 16 & 17 held as under :

“15. In *State of M.P. and others etc. etc. v. Nandlal Jaiswal and others etc. etc.*, (1986) 4 SCC 556, the Court observed that : (SCC p. 594, para 24)

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

“24. ... If there is inordinate delay on the part of the petitioner in filing a 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.”

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 scrutinize whether the lis at a belated stage should be entertained or not.

17. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such

delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."

3. In view of the aforesaid, this Court is not inclined to entertain the writ petition. Accordingly, the petition is dismissed on the ground of delay and laches.

Sd/-
(P. Sam Koshy)
JUDGE