

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14000 of 2015

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Anil Kumar Yadav @ Anil Yadav son of Sri Murti Prasad Yadav, resident of
Mohalla- Lal Darwaza, Near Durga Asthan, P.S. Munger, District- Munger

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Govt. of Bihar, Patna
2. The Secretary, Department of Forest, Govt. of Bihar, Patna
3. The Divisional Forest Officer, Munger Forest Division, Munger
4. The District Forest Officer, Munger

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
For the Respondent/s : Mr. Prabhat Ranjan, A.C. to G.P.-6.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date : 20-12-2018

Heard learned counsel for the petitioner and counsel
appearing on behalf of the State.

In this case, the petitioner is claiming that he was discharging the duty as Night Guard and as per the petitioner, he was on the permanent post but the temporary status. But the authority has refused to regularize the service of the petitioner. The petitioner has been terminated from service on 14.06.2001 and thereafter he has approached this Court in C.W.J.C. No.9884 of 2001 and vide order dated 16.09.2008, this Court is allowed to withdraw his application with the liberty to raise his grievance before the competent Court. In pursuance of the order passed by this Court, the petitioner approached to the Forest Divisional Officer, Munger, Forest Division Munger who vide order No.4009 dated 31.12.2008 has rejected the claim of the petitioner. In the present application, the petitioner is challenging the



order of termination dated 14.06.2001 as well as the order dated 31.12.2008 which has been issued by the Divisional Forest Officer.

The State has taken plea that the present writ application is suffers from delay and laches as petitioner is challenging the order of termination dated 14.06.2001, i.e., after delay of about 17 years and he has challenged the order passed by Divisional Forest Officer after 7 years. Admittedly there is delay of 7 years from the last order passed by the Divisional Forest Officer and there is no explanation of delay. Counsel for the petitioner submits that even after three years, the State has failed to file the counter affidavit but this will not help the petitioner in any manner. It is the petitioner has to stand on its own strength not on the weakness of the State and this Court finds belatedly, this writ application has been filed.

Accordingly, this writ application is dismissed for delay and laches.

sanjeev/-

AFR/NAFR	NAFR
CAV DATE	NA
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(Shivaji Pandey, J)

