

HIGH COURT OF CHHATTISGARH AT BILASPURWPS No. 710 of 2018

Reshma Singh (Meshram) D/o Shri I.B. Singh, Aged About 34 Years,
And Wife Of Shri Tikendra Meshram, Ex. B.R. P. (Samaveshi Shiksha)
Rajiv Gandhi Shiksha Mission, Kabirdham And R/o Near Pani Tanki,
Bazar Chowk, Sahaspur Lohara, Ward No. 11, District Kabirdham
Chhattisgarh.

---Petitioner

Versus

1. State Of Chhattisgarh, Through The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh.
2. Mission Director , Rajeev Gandhi Shiksha Mission, Chhattisgarh, Raipur Chhattisgarh.
3. Collector Cum District Mission Director, Rajeev Gandhi Shiksha Mission, Kabirdham District Kabirdham Chhattisgarh.
4. District Education Officer Cum District Project Coordinator, Rajeev Gandhi Shiksha Mission, Kabirdham District Kabirdham Chhattisgarh.
5. Chief Executive Officer, Zila Panchayat, Kabirdham Chhattisgarh.

---Respondents

For Petitioner	:	Shri Animesh Verma, Advocate.
For State	:	Shri Anand Dadariya, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/01/2018

1. Present Writ Petition has been filed assailing the order dated 06/08/2015 passed by the District Education Officer and District Project Coordinator, Rajiv Gandhi Shiksha Mission, Kabirdham (C.G.).
2. Vide the said impugned order, the registration of the petitioner stood cancelled on the ground that, the petitioner's certificate was not registered at the rehabilitation counsel of India.

3. The counsel for the petitioner submits that, the petitioner had the registration with the rehabilitation counsel of India, but inadvertently, a wrong registration number was provided which on verification was found to be not that of the petitioner which lead to the issuance of the present Writ Petition. He further submits that, subsequently, on an application for rectification, the error stood rectified and proper registration number has been granted and therefore the petitioner's case may be reconsidered by the respondents.

4. What is pertinent to take note is the fact that, the impugned order passed on 06/08/2015 is sought to be reconsidered by filing this petition in January-2018 i.e. after about 2 ½ years from the date of passing of the impugned order. For all these 2 ½ years delay, the counsel for the petitioner submits that, he has been making periodical requests to the authorities concerned. Further it is submitted that, similarly placed person filed a Writ Petition before this court vide a bunch of Writ Petitions, the leading amongst which was WPS No.1572/2017 which stood decided on 07/11/2017 where the Writ Petition were allowed and thereafter the petitioner has now filed the present Writ Petition for a similar order.

5. 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 decision, 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.”

6. In view of the aforesaid judgment of the Supreme court, this Court is of the opinion that, the present petition apparently suffers from delay and laches.

7. However, since the contention of the petitioner is that, the petitioner has subsequently got the requisite certificate rectified from the rehabilitation counsel of India. Hence if at all if, the petitioner moves an appropriate application in this regard before the competent authority for consideration of his claim, the claim should be considered on merits without being in any manner influenced by annexure-P/1 dated 06/08/2015.

8. Accordingly, the Writ Petition stands disposed off.

**Sd/-
(P. Sam Koshy)
JUDGE**

Sumit