

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.731 of 2018

In
Civil Writ Jurisdiction Case No.7989 of 2018

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Ram Prakash Singh son of Late Ramotar Singh resident of Mohalla-
Sahjanand Nagar, Sita Sharan, Begusarai, Police Station- Muffasil, District-
Begusarai.

... .. Appellant/s

Versus

1. The State Of Bihar
2. Principal Secretary cum Secretary to Government, Human Resources
Development Department, Govt. of Bihar, New Secretariat Building, Bailey
Road, Patna.
3. The Chairman, Bihar School Examination Board, Patna.
4. The Secretary, Bihar School Examination Board, Patna.
5. Director, Bihar School Examination Board, Patna.
6. Examination Controller, Bihar School Examination Board, Patna.
7. The Head Master, Government Jeet Lal High School Naya Gaon Balahpur,
Begusarai, District- Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Ratan Kumar
For the Respondent/s : Mr.Ashutosh Ranjan Pandey

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL JUDGMENT
(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 28-06-2019

Heard learned counsel for the appellant.

The appellant has come up questioning the



correctness of the judgement dated 9th of May, 2018 on the ground that the learned Single Judge has committed an error in dismissing the writ petition on the ground of laches and has relied on the judgement in the case of **R.S. Deodhar & Ors. Vs. State of Maharashtra**, reported in **AIR 1974 SC 259** to contend that the Court must look into the facts and should not necessarily refuse to entertain a writ petition on the ground of laches. He has relied on paragraph-9 of the judgement to contend that the reason for delay in filing the petition should be reasonably construed, if there is a reasonable explanation for the delay.

There is no dispute with the aforesaid legal proposition, but the facts of this case are peculiar. The petitioner passed the High School Examinations in 1978. He alleges to have moved an application for correction of his date of birth in the year 1980, but there was no proof attached along with the writ petition in support of this averment. The second averment made in the writ petition is that an application was moved in the year 1999 along with a bank draft and in 2002 another application was moved and it is stated in paragraph-14 that on 14th January, 2003 the Secretary of the Board wrote a letter to the Principal of the institution for supply of the original school



register as also the original transfer certificate file.

Learned counsel submits that a response was given by the Principal of the institution which is Annexure-5/1 to the writ petition indicating the roll number and the fact of the examination having been passed by the petitioner, but it was categorically stated that the transfer certificate guard file is not available. A second notice was sent by the Secretary on 10th of June, 2003 to which a reply was given by the Principal that it was not possible to supply the said document as the entire school had been washed away in floods.

We have considered the submissions raised and perused the averments made in the writ petition and we find that the writ petition itself has been filed after 40 years. There is no explanation as to what prevented the petitioner from approaching the Court earlier even if notices had been issued in the year 2013. Apart from this, it is difficult to imagine that the information, if any, which was available could at all be tendered when the entire school had been washed away in floods. The entire exercise, therefore, undertaken by the petitioner is definitely barred by laches.

The judgement of the Supreme Court as relied on therefore does not come to the aid of the petitioner on the facts



of the present case.

The appeal is, accordingly, rejected.

(Amreshwar Pratap Sahi, CJ)

(Anjana Mishra, J)

Saif/-

AFR/NAFR	A.F.R.
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