

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WA No. 43 of 2019**

Smt. Khemlata W/o Shri Churaman Singh Sahu Aged About 31 Years R/o Village Bhanpur, Post Dhaneli, Police Station And Tahsil Gurur, District - Balod, Chhattisgarh.

---- Appellant**Versus**

1. State Of Chhattisgarh Through The Secretary, Panchayat And Rural Development Department, Mahanadi Bhawan, Mantralaya, New Raipur Chhattisgarh.
2. Secretary School Education Department, Mahanadi Bhawan, New Raipur Chhattisgarh.
3. The Collector Jagdalpur, District - Bastar, Chhattisgarh.
4. The Chief Executive Officer Zila Panchayat, Jagdalpur, District - Bastar, Chhattisgarh.
5. The Chief Executive Officer Janpad Panchayat, Bastanar, District - Bastar, Chhattisgarh.

---- Respondents

For Appellant : Shri Ashok Kumar Shukla, Advocate.
 For Respondent/State : Shri Siddharth Dubey, Deputy Government Advocate.

Hon'ble Shri Ajay Kumar Tripathi, Chief Justice
Hon'ble Shri Parth Prateem Sahu, Judge

Judgment on Board**23/01/2019****Per Ajay Kumar Tripathi, Chief Justice**

1. Heard counsel for the Appellant and the learned counsel for the State.
2. The primary reason why the learned Single Judge dismissed the writ application of the Appellant refusing to entertain the grievances against her non-selection or appointment on the post of Shiksha Karmi Grade-III was her decision not to raise the issue before the writ Court for nine years.

3. The selection related to the year 2009 itself. Only after nine years of delay and laches when all exercise had already been completed almost a decade ago, she chose to approach the writ Court.

4. Since exercise of power under Article 226 of the Constitution of India is discretionary and such delay and laches is fatal to the grant of such relief, therefore, dismissal of the writ application on that ground cannot be said to be erroneous. More so, nothing has been stated as to the reason for approaching the Court after such delay. Keeping in mind that such recruitment is not an ongoing process and if the litigant chose to sleep over his/her right, the Court will not allow settled position to be unsettled now.

5. The writ appeal has no merit. It is dismissed.

Sd/-

(Ajay Kumar Tripathi)
CHIEF JUSTICE

Sd/-

(Parth Prateem Sahu)
JUDGE