

14.12.2020

Ct. No. 24

Item No. 30

pk.

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

WPA No. 8016 of 2020

Minnatul Ali Mollah & Ors.

-vs-

Union of India & Ors.

Ms. Indrani Gupta for the petitioners

Mr. Raj Deep Biswas,
Ms. Soma Chakraborty for the respondent nos. 1-4

The petitioners are allegedly aggrieved with the selection process initiated sometime in 2011-2012. Show cause notices were issued to the petitioners in the year 2012.

Now the petitioners allege that in spite of reply to the said show cause notices, steps were not taken by the authorities to consider their case on merits.

The learned advocate representing the respondents submits that the selection process is long over.

It appears from the submissions made on behalf of the petitioners that the selection process was initiated in the year 2011. Even though the petitioners were aggrieved with the steps taken by the authority in the selection process, they did not approach the court earlier, allegedly, due to paucity of fund.

Approaching the High Court after nearly nine years after the date when the cause of action arose, due to

paucity of fund, in my opinion, is not a valid ground to entertain a writ petition at such a delayed date.

It is true that there is no fixed time period for approaching the High Court under Article 226 of the Constitution of India but it is a matter of discretion to be exercised by the court. It is for the court to decide, upon examination of individual facts, whether or not to entertain an application if there is delay. The court ordinarily does not entertain an application where there is enormous delay and granting relief may unsettle things which are already settled due to passage of time. The instant writ petition is hopelessly barred by time.

I do not find the reason given by the petitioners to be a valid one to exercise my discretion and entertain the writ petition.

In view of the above, the writ petition fails and is hereby dismissed.

Urgent photostat certified copy of this order be supplied to the parties, if applied for, as early as possible.

(Amrita Sinha, J.)