

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5736 of 2020

Shankar Ray Son of Late Sant Lal Rai Resident of Village-Taki P.S.-Bheldi,
District-Saran (Chapra).

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Government of Bihar, Sachiwalya, Patna.
2. The Commissioner, Saran (Chapra).
3. The District Magistrate, Saran (Chapra).
4. The Superintendent Magistrate, Saran (Chapra).
5. The Sub Divisional Officer, Madhwra, Saran.
6. The Sub Divisional Police Officer, Saran Madhawra, Saran.
7. The Police Station Adhyaksh Bheldi.
8. The Circle Officer, Anchal Amnour, Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Singh
For the Respondent/s : Mr. Ajay Kumar AC to GP-4

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT

Date : 07-12-2021

Heard the learned counsels for the parties.

2. In the instant petition, petitioner has prayed for
following reliefs:-

“1. That the present writ petition craves indulgence of this Hon’ble Court. In representative capacity for issuance of writ in the nature of mandamus for terminate to service after two years without show cause notice issue in favour of petitioner. Petitioner has joining on 26.08.94 as Chawkidar post in nature of nominated by Chawkidar Santlala @ Santlal Rai on vacant post from remove Santlal as petitioner’s father terminated by Dy. S.P. Madhawra in work period. In this



circumstance petitioner had been harass by concern authority. But objection petition has no consider.

And further for issuance of writ or writs direction or directions as if may deem fit and proper to the facts and circumstances of this case.”

3. Undisputedly, the petitioner has joined the service to the post of Chaukidar on 26.08.1994 and his services were terminated in the year 1995 whereas the present petition is presented in the year 2020. The present petition is hopelessly barred by limitation as well as laches.

Apex Court in the case of *Jammu and Kashmir V. R.K. Zalpuri* reported in *AIR 2016 SC 3006* at para 20 held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V. Dosu Aardeshir Bhiwandiwalla and Others, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 if duty-bound to consider whether:

(a) adjudication of writ petition involves any complex and disputed questions of facts and whether they can be satisfactorily resolved;

(b) the petition reveals all material facts;

(c) the petitioner has



any alternative or effective remedy for the resolution of the dispute;

(d) person invoking the jurisdiction is guilty of unexplained delay and laches;

(e) ex facie barred by any laws of limitation;

(f) grant of relief is against public policy or barred by any valid law; and host of other factors.”

4. The principles laid down in the aforesaid decision of the Apex Court is before entertaining the petition under Article 226 of the Constitution. The Court must examine delay and laches.

5. In the light of aforesaid decision, petitioner has not made out a case on the ground of delay and laches. Accordingly, the petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
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