

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6586 of 2020

1. Md. Ushman Ansari Son of Md. Siddque Ansari, Resident of Village Khapra, P.O. and P.S. Akorhigola, District Rohtas at Sasaram.
2. Krishna Singh, Son of Sri Moti Lal Singh, Resident of Laxman Bigha, P.S. Indrapuri District Rohtas at Sasaram.

... .. Petitioner/s

Versus

1. The State of Bihar through Principal Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Engineer in Chief cum Chief Engineer, Road Construction Department, Govt. of Bihar, Patna.
3. The Superintending Engineer, Road Construction Department Bhojpur Circle Ara, District- Ara.
4. The Executive Engineer, Road Construction Department, District- Ara.
5. The District Magistrate Cum Collector, Ara, District Ara.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar No. 1, Advocate
For the Respondent/s : Mr. (Paag2)

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

Date : 20-12-2021

In the instant petition, petitioners have prayed for the following relief/reliefs:

“That by the present writ petition, the poor and helpless petitioners craves indulgence before this Hon’ble Court for disposal of the present writ petition in terms of the two orders passed in Exaltedly similarly situated cases, vide order dated 25.07.2007 passed in C.W.J.C. No. 11776/2006 (Sanjay Kumar and others Versus The State of Bohar and others) contained in Annexure-1 and order dated 02.12.2010 passed in C.W.J.C. No. 7772/2006 (Prem Prakash Singh and another Versus The State of Bihar and others) contained in Annexure-2 because case of these two petitioners are exactly similar to the cases of the petitioners of aforementioned two cases contained in Annexure-1 and 2 as they have been terminated by the same letter contained in Annexure-5.



And further for issuance of any other writ or writs, direction or directions as it may be deemed fit and proper to the facts and circumstances of this case.”

Petitioners’ services were terminated on 17.08.1995. Similarly situated persons have approached this Court and orders were passed in favour of petitioners’ colleague on 25.07.2007 in C.W.J.C. No. 11776 of 2006. Thereafter, C.W.J.C. No. 7772 of 2006, decided on 02.12.2010 in respect of similarly situated persons. The petitioners are fence sitter as is evident from the record that they have submitted representation for the first time on 10.02.2012. Thereafter, he has not approached this Court for about eight years. Therefore, the present petition is hopelessly barred by limitation and laches in terms of the Apex Court decision in the case of ***State of Jammu and Kashmir V/s. R.K. Zalpuri and others*** reported in ***AIR 2016 SC 3006 paragraph-20*** has held as under:

“20. Having stated thus, it is useful to refer to a passage from *City and Industrial Development Corporation V/s. Dosu Aardeshir Bhiwandiwalla and others* {(2009) 1 SCC 168}, 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 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question 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”*

Accordingly, petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	23.12.2021
Transmission Date	

