

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6888 of 2020**

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Kameshwar Paswan, Son of Late Binda Paswan, Resident of Village-  
Murarchak, P.S.-Shahpur, District-Patna.

... .. Petitioner/s

Versus

1. Food Corporation of India through Chief Managing Director, F.C.I.  
Brakhamba Lane, New Delhi.
2. The Executive Director, Food Corporation of India, East Zone, Kolkata.
3. The General Manager, Food Corporation of India, Exhibition Road, Patna.
4. The Area Manager, Food Corporation of India, Exhibition Road, Patna.
5. The Godown Manager, Food Corporation of India, Exhibition Road, Patna.
6. The Chief Labour Inspector, Food Corporation of India, Patna.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Raj Kishore Srivastava, Advocate  
For the Respondent/s : Mr. Prabhakar Tekriwal, Advocate

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

**Date : 22-12-2021**

Heard learned counsel for the respective parties.

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

“(I) To directing respondent (here in F.C.I.) to assessed the  
Date of Birth of the petitioner through the Medical  
Board.

(II) Further be pleased to directing the Respondent’s on the  
basis of Medical Board Examination Report, re-  
appointment in the service of the petitioner.”

3. The petitioner was stated to have been appointed with  
the respondent Corporation in the year 1984 and he has attained  
the age of superannuation in the month of September, 2009.



4. The petitioner has a grievance relating to date of birth.

In that regard he had already exhausted one round of litigation before this Court as is evident from Annexure-1 and it was decided on 17.12.2009 whereas the present petition is presented in the year 2020.

5. In the light of the aforesaid circumstances, the present petition is hopelessly barred by limitation and laches. The Apex Court in the case of ***State of Jammu and Kashmir V/s. R. K. Zalpuri and others***, reported in ***AIR 2016 SC 3006***. In para 20 it is 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”*



6. One of the principle laid down in the aforesaid decision is that before entertaining a writ petition delay and laches is required to be taken note of.

7. Thus, the petitioner has not made out a case. The writ petition stands dismissed.

**(P. B. Bajanthri, J)**

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