

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5959 of 2020

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1. Nashima Khatoon Wife of Jalaluddin, Resident of Village-Mohamari, Dhantola, Ward No. 1, P.S. Dighal Bank, District-Kishanganj.
 2. Tala Hembram, Son of Late Babua Hembram, Resident of Village-Jadu Tola, Dhantola, P.S. Dighal Bank, District-Kishanganj.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Human Resources Development Department, Govt. of Bihar, Patna.
3. The Director, Mass Education, Government of Bihar.
4. The District Education Officer, Kishanganj.
5. The District Mass Education Officer, Kishanganj.
6. The District Programme Officer (Literacy), Kishanganj.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar
For the Respondent/s : Mr. Bijay Bhushan Prasad, AC to Sc13

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

Date : 13-12-2021

Heard learned counsels for the parties.

2. In the instant petition, petitioners have prayed for
following reliefs:

“(i) That this is an application for issuance of a writ in the nature of mandamus directing and commanding the respondents to absorb/rehabilitate the petitioners giving them same and similar/equitable treatment as has been given/ is going to be given to the similar situate instructors of the non-formal education scheme and for a direction to the respondents to give same and similar equitable treatment is being given to the other similar situated persons and not



debar the petitioners on the ground that the petitioners were not writ petitioners earlier and/or for issuance of a writ/order/direction for which the petitioner may be found legally entitled to under the facts and circumstances stated herein above.”

3. Petitioners are stated to have been appointed on *ad hoc* basis during the period from 1989 to 2001. The petitioners have sought for absorbing or extending identical benefit to that of ***Sheo Bhajan Prasad Diwakar Vs. State of Bihar & Ors.*** reported in ***2012(3) PLJR*** decided in CWJC No. 8418 of 2010. Aforesaid decision was rendered on 21.04.2011. The petitioners have kept quite from 2001 to 2011 and further from 2011 to 2020 in seeking extension of benefit on par with the aforesaid decision rendered on 21.04.2011; on the ground of delay and laches, the present petition is liable to be rejected. 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; (*underline emphasized*)

(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. One of the principle laid down is before entertaining a writ petition it is to be examined whether petitioner has approached belatedly or is there any delay and laches since there is no explanation from the year 2011. Hence petitioners have not made out case.

5. In the light of aforesaid principle laid down by the Apex Court, the present petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
Uploading Date	
Transmission Date	

