

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4498 of 2021

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Baidnath Paswan S/o Sri Tihal Paswan R/o Belahi, P.O.- Ranipatti, P.S.-
Murliganj, District- Madhepura

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Home Department, Government of Bihar, patna
2. The District Magistrate, Madhepura
3. The Superintendent of Police, Madhepura
4. The Sub divisional Police Officer, Madhepura Sub division, District- Madhepura
5. The Circle Officer Murliganj, District- Madhepura
6. The Officer Incharge Murliganj Police station, District- Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Alok Kumar Singh, Advocate
For the Respondent/s : Mr. Manish Kumar, GP-4

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

Date : 31-03-2022

Heard the learned counsels for the parties.

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

“That this is an application on behalf of abovenamed petitioner for issuance of appropriate writ(s)/order(s)/direction to the Respondents for appropriate direction for consideration of the case of petitioner and issued direction for his appointment on the post of Choukidar as per the Government Circular. And any other relief (s) as per the facts and circumstances of the case.”

3. The aforesaid relief read with the cause of



action is in the month of June, 2014, the date on which petitioner's father attained age of superannuation and retired from service on 30th June, 2014. Petitioner's father is stated to have submitted representation on 31.01.2014 in seeking compassionate appointment to the petitioner. The same has not been considered. Therefore petitioner has present this petition after seven years from the date of cause of action. There is inordinate delay and laches on the part of the petitioner. The petitioner has not pleaded as to how overcome the delay and laches in the entire pleadings. Hence, the present petition is not maintainable on the ground of delay and laches and in the light of Apex Court's decision rendered 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 is 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. Accordingly, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
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