

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.565 of 2022

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Satyendra Kumar Son of Late Ram Naresh Prasad, Resident of Village-Khedalpura, P.S.- Bihta, District - Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Department of Labour Resources, Labour Building, Bailey Road, Patna.
2. The Additional Chief Secretary, Department of Labour Resources, Labour Building, Bailey Road, Patna.
3. The Director, Employment and Training, Department of Labour, Government of Bihar, Patna.
4. The Principal-cum-Enquiry Officer, Industrial Training Institute, Jehanabad.
5. The Principal-cum-Presenting Officer, Industrial Training Institute, Ara (Bhojpur).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhilesh Dutta Verma
For the Respondent/s : Smt. Anuradha Singh (Sc21)

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

Date : 25-02-2022

The matter is heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

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

“That, the application is for issuance of writ in the nature of certiorari for quashing the order dated 19.08.2014 vide memo no. 1240 issued under the signature of Director, Employment and Training, Government of Bihar, Patna whereby and where under the services of the petitioner has been dismissed/terminated from his post and further for disposal of appeal which is pending before the Additional Chief Secretary/Principle Secretary, Department of Labour Resources, Government of Bihar for more than two years and also for the



reinstatement of the petitioner for his post on and from the date of termination i.e. on and from 19.08.2014 and also for payment of consequential benefit to the petitioner on and from the date of termination and also for payment of subsistence allowance on and from the date of judicial custody i.e. 14.02.2014 and for an appropriate direction/ order/orders/command/commands as may be deem fit and proper in the facts and circumstances of the case and also for any other relief/reliefs for which the petitioner may found entitled.”

3. The petitioner was dismissed from service on 19.08.2014. The petitioner is stated to have filed appeal against the order dated 19.08.2014 on 10.12.2019 before the Appellate Authority. The petitioner has not explained delay and laches from 2014 to 2019, therefore, the present petition cannot be entertained on the ground of delay and laches in the light of 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 which 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”

4. In the light of above facts and circumstances, on the ground of delay and laches, writ petition stands dismissed.

5. At this stage, learned counsel for the petitioner seeks permission to withdraw this petition.

6. Such statement is taken on record.

7. Accordingly, writ petition stands dismissed as withdrawn.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	04.03.2022
Transmission Date	

Underline Emphasized

