

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2956 of 2020

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Kamlesh Chaudhary, S/o Rajnandan Chaudhary, R/o Village-Indaut, Ward No. 3, P.O. Babhanbarui, P.S. Hilsa, Dist-Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Department of Education of Bihar, Patna.
2. The District Magistrate, Nalanda.
3. The District Education Officer, Nalanda.
4. The Block Education Officer, Nalanda.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Sinha, Advocate
For the Respondent/s : Mr.Madhaw Prasad Yadav, GP-23

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
and
HONOURABLE MR. JUSTICE SANJEEV PRAKASH
SHARMA

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE SUDHIR SINGH)

10 26-04-2022 Heard learned counsel for the petitioner and learned
counsel for the respondents.

The petitioner has sought for the following relief in
the present writ application:-

- (i) A direction upon the respondent authorities to
reinstate the petitioner on the post of ‘TolaSevak’
of Utthan Kednra, Block Hilsa, District Nalanda.

From the records, it appears that the petitioner was
engaged as a ‘TolaSevak’ at Utthan Kendra, Block Hilsa,
District Nalanda.



From perusal of the counter affidavit filed on behalf of the State, it is apparent that the petitioner had worked from 24.08.2009 to 08.09.2011. Thereafter the petitioner went on unauthorized leave and remained absent since 09.09.2011. The cause of action had arisen as back as in the year 2011. The present writ application has been preferred in the year 2020 after an inordinate delay of nine years. The Hon'ble Apex Court in the case of State of Jammu and Kashmir vs. R.K. Zalpuri reported in (2015) 15 SCC 602 has opined that the writ application can be dismissed on the ground of delay and laches.

In our considered opinion, there is no ground for entertaining the present writ application.

Accordingly, the writ application stands dismissed.

(Sudhir Singh, J)

(Sanjeev Prakash Sharma, J)

Narendra/-

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