

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6537 of 2021

Mukesh Kumar Singh son of Late Rameshwar Prasad Singh, Village and Post- Amari, P.S.- Dharahara, District- Munger, at present resident of Railway Quarter No. 693/A, Aadarsh Colony, Khagaul, P.S.- Khagaul, District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar, through the Commissioner-cum-Principal Secretary, Rural Development Department, Government of Bihar, Patna
2. The Secretary, Rural Development Department, Government of Bihar, Patna
3. The Joint Secretary, Rural Development Department, Government of Bihar, Patna
4. The District Programme Convener-cum- District Magistrate, Begusarai, District- Begausarai.
5. The Director, NEP, DRDA, Begusarai, District- Begusarai
6. The Deputy Development Commissioner, Begusarai, District- Begusarai
7. The Programme Officer, Block Begusarai Sadar, Begusarai, District- Begusarai

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat
For the Respondent/s : Mr. Ravindra Kumar Sharma

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

Date : 22-02-2022

Heard learned counsels for the parties.

In the instant petition, petitioner has sought for following reliefs:

“(i) For issuance of an appropriate writ/writs in the nature of mandamus commanding and directing the respondents to Quash and set-aside the order dated 23.02.2016 in memo No. 262936 issued by the respondent Secretary by which appeal of petitioner to re-instate him in service has been rejected.

(ii) For issuance of an appropriate direction to quash and set-aside order dated 06.06.2015 contained in letter No. 762 and other dated 24.01.2014 contained in letter No. 1556 issued by the respondent District



Magistrate, Begusarai by which service of petitioner as Junior Engineer (Contractual basis) has been terminated.

(iii) For issuance of a direction to the respondents to Re-instate the services of petitioner as Junior Engineer in Rural District Rural Development Authority, Begusarai and pay him back wages, as for

For MANEREGA work of financial year 2008-2009 the Programme Officer Smt. Veena Kumari and Assistant Engineer Shiv Shankar Sundaram, and the petitioner were given show-cause and services of all the three were terminated by the District Magistrate, Begusarai

In appeal the respondent Secretary has been pleased to Reinstate them in the year 2014 to Veena Kumar and in 2015 to said Shiv Shankar Sundaram but in the year 2016, for same charge the appeal of petitioner has been rejected.”

Petitioner’s grievance is arisen out of Junior Engineer (contractual basis). His services were terminated on 06.06.2015 pursuant to the letter dated 24.01.2014 of the District Magistrate, Begusarai and thereafter his appeal was rejected by the Respondent-Secretary. The petitioner has not explained delay and laches from 06.06.2015 to this date in the entire pleadings of the petition. Moreover, petitioner was appointed as Junior Engineer on contractual basis. He has also not apprised this Court that he has a vested right for the post of Junior Engineer (contractual basis).

Apex Court decision in the case of State 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;
- (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.”

One of the principle laid down in the aforesaid decision is before entertaining a petition under Article 226 of the Constitution, Court has to examine delay and laches. Petitioner has not explained delay and laches from 2016 to 2021. Therefore, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

rakhi/-

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Uploading Date	
Transmission Date	

