

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8051 of 2021

=====

Ramanand Ojha Son of Late Muninath Ojha Resident of Village- Semariya,
P.S.- Shahpur, District- Bhojpur, District- Bihar 802165.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Chief Secretary, Govt. of Bihar, Patna.
3. The Principal Secretary, Department of Home (Police), Govt. of Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Inspector General of Bihar Police, Bihar, Patna.
6. The Deputy Inspector General of Police, Darbhanga, Bihar.
7. The Superintendent of Police, Purnia (Bihar).

... .. Respondent/s

=====

Appearance :

For the Petitioner/s :

For the Respondent/s : Md. N.H. Khan (Sc1)

=====

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

Date : 14-02-2022

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

2. None appears for the petitioner.

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

“(i) To quash the order bearing departmental
proceeding No.13/05 dated 23.04.2006 passed by to
Respondent No. 6 the superintendent of Police 2, Purnia
whereby and whereunder the petitioner has been dismissed
from service.



(ii) For direction to the respondents to as per reinstate service to grant retiral and entire Economic benefits to the petitioner, who is in working more than 23 years service as constable in Bihar Police district Purnia since dated of dismissal i.e. 31.03.06.

(iii) For any other relief or reliefs as your lordships may deem fit and proper in the facts and circumstances of the case.”

4. Petitioner has questioned the validity of dismissal order dated 23.04.2006 passed by the Superintendent of Police – Respondent. The petitioner has not invoked the remedy of appeal and so also the present petition is hopelessly barred by limitation.

5. In respect of challenge to the dismissal order dated 23.04.2006, petitioner has a statutory remedy of appeal before the Appellate Authority. He has not exhausted such remedy. That apart the present petition is presented in the year 2021 challenging the order relates back to of the year 2006. Therefore, the petition is liable to be dismissed on the ground of delay and laches. Apex Court 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”

6. In the light of principles laid down by the Apex Court in the aforesaid decision, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

Underline Emphasized

