

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7874 of 2021

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Ramchandra Prasad son of Sinheshwar Prasad resident of Village- Ratnupur,
Post Alinagar, P.S. Suryagarha, District- Lakhisarai.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Rural Work Department, Government of Bihar, Patna.
2. The Engineer in Chief, Rural Work Department, Bihar, Patna.
3. The Chief Engineer, Rural Work Department, Work Anchal, Munger.
4. The Executive Engineer, Rural Work Department, Work Division, Jamui- 2.
5. The Block Development Officer, Katoriya, District Banka.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha
For the Respondent/s : Mr.

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

Date : 11-02-2022

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

2. State counsel accept notice for respondents.

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

“1. That this writ application is
being filed by the petitioner who is Junior
Engineer at work Division, Jamui-2, Rural
Work Department, for issuance of mandamus
to the respondents for payment of his salary
since 1.11.2008 to 31.1.2012, 2. 1.6.2015 to
31.8.2015 and all the allowance as per
statutory guide line of the department which
petitioner is entitled and further issue



appropriate writ/writs, order/orders, direction/directions to the respondents as your Lordships may deem fit in the interest of justice.”

4. Petitioner being Junior Engineer, wrote several letters in seeking salary for the period from 01.11.2008 to 31.01.2012, which is stated to have not been extended by the concerned respondent. He had cause of action in the year 2008-12 whereas the present petition is presented in the year 2021 without assigning reasons and explaining the delay.

5. Having regard to the status of the petitioner that he was a Junior Engineer, it was not appropriate to condone the delay and laches on his part in examining whether petitioner is entitled to salary from 01.11.2008 to 31.01.2012 or not in the light of Apex Court’s decision 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.”

6. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	24.02.2022
Transmission Date	

