

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9784 of 2020

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Soni Kumari @ Soni Devi W/o- Chandan Kumar Pandey Resident of Village-
Nadauva, P.S.- Dinara, Block- Dinara, Dist.- Rohtas.

... .. Petitioner/s

Versus

1. State of Bihar Through the Principal Secretary, Social Welfare Department,
Govt. of Bihar, Patna.
2. The Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
3. The Director ICDS, Patna.
4. District Magistrate Dist.- Rohtas.
5. The District Programme Officer (establishment) Dist.- Rohtas.
6. The Child Development Project Officer Block- Dinara, Dist.- Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Shankar Choubey
For the Respondent/s : Mr. Bipin Kumar, AC to SC-3

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL JUDGMENT
Date : 07-01-2022

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
following reliefs:

“1(I) That the present Writ
petition is being preferred for the issuance
of appropriate Writ/Writs, Order/Orders,
Direction/ Directions in the nature of Writ
of Mandamus directing and commanding
the respondent authorities to select and
appoint the petitioner on the post of
Aanganbari sevika in Aanganbari Center
Nadauva, Block-Dinana under
advertisement no 993 dated 3.11.2011
issued under seal and signature of the
District Programme Officer, Rohtas in
which the petitioner had applied for the



said post and was figured at Sl. no. 1 in the merit list but despite that the respondent authorities has not finalized the selection process till now without any rhyme and reasons. And for the other necessary relief/reliefs on the basis of the facts and circumstances of the case stated and enumerated hereinafter.”

3. Pursuant to the advertisement no. 993 dated 03.11.2011 for the post of Anganwari Sevika in Anganwari Centre Nadauva, Block-Dinara, petitioner has presented this petition. In support of the present petition, petitioner is relying on Annexure-3 and 4 dated 26.11.2014 and 21.02.2017 respectively. Further it is submitted that he had approached the Grievance Cell.

4. In the light of above facts and circumstances, it is a clear case of delay and laches on the part of the petitioner in not agitating his right with reference to the advertisement no. 993 dated 03.11.2011 within a reasonable period of three years.

5. 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 unde 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.” The above exercise shall be completed within a period of three months from the date of receipt of this order.

6. One of the principle laid down in the aforesaid decision is belated petition cannot be entertained under Article 226 of the Constitution with reference to laches on the part of the petitioner.

7. Accordingly, the instant petition stands dismissed.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
Uploading Date	
Transmission Date	

