

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.779 of 2011

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Vijay Kumar Das S/O Late Ram Bahadur Das Dariyapur , Birla Mandir Road,
Infront Of Khetan Super Market , P.S. Pirbahere , Distt. Patna

... .. Petitioner/s

Versus

1. The State Of Bihar through the Chief Secretary, Govt. of Bihar
2. The Principal Secretary Cum Commissioner, Forest And Environment Department , Govt. Of Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Ms. Shruti Sinha, Advocate
For the Respondent/s : Mr. N.K. Sinha, AAG 10

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

Date : 21-07-2022

Heard learned counsels for the parties.

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

“That this is an application for issuance of an appropriate writ order or direction for quashing office order of Environment and Forest Department, Govt. of Bihar as contained in Headquarter. 13/98-411 dated 31.01.2002 (annexure-1) whereby the petitioner was dismissed from the post of driver under Bihar and Orissa subordinate services discipline and appeals rules, 1935 violating principles of natural justice and spirit of service jurisprudence citing past unadjudicated charges and even order or Hon’ble Patna High Court without making available enquiry report and also for quashing of an appellate order contained in letter No. 13/98 part 3230 dated 13.11.04 whereby appeal has been decided in one sentence holding not worth reconsideration, contained in (Annexure-2) of this application and for grant of other



consequential benefits as the petitioner has been subjected to discrimination or for grant of any other relief or reliefs which this Hon'ble court may consider fit and proper under the circumstances of the case."

3. The present petition is presented in the year 2011 and inordinate delay of about six years has not been explained. Further, there is a laches on the part of the petitioner for the aforesaid period. 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** held as 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"

Underline Supplied



4. One of the principle laid down in the aforesaid deci-
sion is that before petition is entertained by a Court, Court has to
examine delay and laches in filing petition. Moreover, recently the
Apex Court in *State of Rajasthan and Others vs. Surji Devi* re-
ported in **(2022) 1 SCC 17**, it is held that belated challenge to the
dismissal/termination order should not be entertained. In the light
of these facts and circumstances, the present petition stands dis-
missed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	27.07.2022
Transmission Date	

