

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3685 of 2021

Abhishek Kumar Verma Son of Late Kailash Mahto Resident of Village-
Akoni, P.O. Shinhpur, P.S.- Fafna (Dhubhar), District- Balia (U.P.).

... .. Petitioner/s

Versus

1. The State of Bihar.
2. Director General of Police Bihar Sardar Ballabhbhai Patel Marg, Baily Road, Patna.
3. Inspector General of Police, Bhagalpur.
4. Deputy Inspector General of Police, Bhagalpur.
5. Senior Superintendent of Police, Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh
For the Respondent/s : Mr.Lalit Kishore (Ag)

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

Date : 31-01-2022

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. That though this Writ
petition begs following Writ/Writs,
order/orders, direction/direction.

(i) For direction to the
respondents to the respondents to appoint the
petitioner on the post of Constable on the
effect of 31.12.2013.

(ii) For direction to the
respondents to appoint the petitioner on pay
grade of Rs. 2000/- on the Post of constable.

(iii) For direction to the
respondents to pay a arrears of salary to the
petitioner on the effect of 31.12.2013.

(iv) For direction to the
Respondents to any other relief/relieves



which is entitled to the accordance with law.”

3. Petitioner had cause of action in the year 2013. Perusal of the pleadings, there is no explanation from 2013 to 2021 except pointing out certain Memos dated 17.06.2016 and representation/application dated 14.09.2019.

4. Apex Court 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.”

5. One of the principle laid down in the aforesaid decision is to entertain petition under Article 226 of the Constitution, one must satisfy delay and laches, if any.

6. In the present petition, petitioner has not explained



delay and laches from 2013 to 2021. Accordingly, the instant petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

rakhi/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

