

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1236 of 2021

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Md. Noor Alam @ Nur Alam, Son of Late Abdul Jabbar, Resident of Badi Ibrahimpur, P.S. Sabour, District Bhagalpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director Animal Husbandry Department, Government of Bihar, Patna.
2. The Secretary to Commissioner, Purnea Division, Purnea.
3. The The Director, Animal Husbandry, Bihar, Patna.
4. The Regional Director, Animal Husbandry, Purnea Division, Purnea.
5. The Artificial breeding Officer-cum-Micro Intensive Block Development Officer, Katihar.
6. The Veterinary Surgeon, Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajit Kumar Singh, Advocate
For the Respondent/s : Mr. Lalit Kishore (AG)

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

2 17-01-2022 The matter is heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

In the instant application, the petitioner has prayed for the following reliefs:-

i. For issuance of a writ in the nature of certiorari or an appropriate writ for quashing the office order passed in Memo No. 1162 dated 24.07.1998 issued under the signature of Secretary to Commissioner, Purnea Division, Purnea, the respondent no.2 whereby and whereunder he has been pleased to cancel the promotion of Class-3 Post (Petitioner) and revert back to him (Petitioner) to Class-4 Post.



ii. For issuance of a writ in the nature of certiorari for quashing the order dated 1.12.1998 by which the petitioner has been ordered to join their respective post of Class-4 at District Animal Husbandry Office, Purnea.

iii. For issuance of a writ in the nature of mandamus or an appropriate writ to put the petitioner on the same post of Class-3 post on which he was earlier promoted since 1.1.1994.

iv. For issuance of a writ in the nature of mandamus or any consequential relief for payment of Assured Career Progress Scheme which the petitioner is legally entitled.

v. For pass such other order or orders as your lordship may deem fit and proper in the facts and circumstances of the case.

The petitioner had cause of action in the year 1998 whereas the present writ petition is filed in the year 2021 but there is inordinate delay and laches on the part of the petitioner in questioning the order dated 24.7.1998, therefore, the present writ petition is hopelessly barred by limitation. The 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*** has 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”

One of the principle laid down in the aforesaid decision is relating to examination of delay and latches while entertaining the petition under Article 226 of the Constitution of India. Thus, the petitioner has not made out a case on the ground of delay and latches, hence this petition stands dismissed.

(P. B. Bajanthri, J)

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