

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.672 of 2021

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Jitendra Kumar Son of Ram Narayan Kuwar resident of Village- Sinuar
Gopal, P.O.- Kushothar, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Home Secretary, Department of Home, Government of Bihar, Patna.
3. Director General of Police, Government of Bihar, Patna.
4. The Inspector General, Bihar Military Police, Northern Area, Bihar, Patna.
5. The Commandant, Bihar Military Police- VII, Katihar.
6. The Superintendent of Police, Katihar.
7. B.S.E. Board, Patna through its Secretary.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar Kumar, Advocate
For the Respondent/s : Mr. Anil Kumar, AC to SC-8

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

Date : 04-04-2022

Heard the learned counsels for the parties.

In the present petition, petitioner has prayed for
following reliefs:-

“That this writ petition is being filed for passing same order because this petitioner and Samaun Nabi terminated from constable by same letter and Samaun Nabi filed C.W.J.C. No. 16292 of 2006 and this Hon’ble High Court allowed the writ petition and Samaun Nabi was directed to reinstate, hence this writ petition may be disposed of by same order because both were terminated by same letter and direct the Respondents to reinstitute of the petitioner the facts and circumstances of this case.”

The petitioner abandoned the service in the year
2005. In the result, respondent-department imposed the penalty of



termination on 16.12.2005 and launched a criminal proceedings against the petitioner on 17.12.2005 in filing F.I.R. in the jurisdiction Police Station on the score that the petitioner has obtained order of appointment by producing fake/false documents. Thereafter, petitioner did not agitated his right before the competent authority or before this Court. Similarly situated person is stated to have approached this Court in C.W.J.C. No. 16292 of 2006 and got an order in his favour. Thus, petitioner has presented the present petition in the year 2021. Petitioner has not explained delay and laches from the date of termination dated 16.12.2005. Even assuming that order of termination dated 16.12.2005 was not communicated to the petitioner still he could have approached this Court or the competent authority stating that he has not been communicated order of termination on the other hand he had abandoned the service. Just because similarly situated person got an order in his favour in the year 2006 the same shall not enure benefit to the petitioner, having regard to the conduct of the petitioner that he remained silent from the 2005 to 2021.

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.”

One of the principle laid down in the aforesaid decision is before entertaining a writ petition by the Court it is necessary to examine delay and laches, if any. In the present case delay and laches both are reflected. Therefore, the present petition stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

rakhi/-

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CAV DATE	
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