

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.567 of 2021

In

Civil Writ Jurisdiction Case No.7009 of 2013

The State of Bihar through Principal Secretary, Education Department, New Secretariat, Patna.

... .. Appellant

Versus

1. Kameshwar Singh Darbhanga Sanskrit University Kameshwar Nagar, Darbhanga, District Darbhanga through Registrar Sri Sudhir Kumar Choudhary.
2. The Vice Chancellor, Kameshwar Singh Darbhanga University, Kameshwar Nagar, Darbhanga.
3. The Registrar, Kameshwar Singh Darbhanga University, Kameshwar Nagar, Darbhanga.
4. The Governing Body, Sarbjeet Sanskrit Upshastri Mahavidyalaya, Lahta, P.O. Lahta, P.S. Manigachhi, District Darbhanga through its Secretary.
5. The Secretary, Adhoc Governing Body, Sarbjeet Upshashtri Mahavidyalaya, Lahta, P.S. Manigachhi, District Darbhanga.
6. Sri Gunanand Jha, In-charge Principal, Sarbjeet Sanskrit Upshastri College, Lahata, P.O.-Lahta, P.S. Manigachhi, District-Darbhangha.
7. Gulab Jha, son of Sri Mahendra Jha, resident of Village-Lahta, P.O.-Lahta, P.S. Manigachhi, District-Darbhangha.

... .. Respondents

Appearance :

For the Appellant/s : Mr.Shashi Shekhar Tiwary (A.C. To A.A.G.10)
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

3 07-07-2022

In the instant petition, the appellant has assailed the order of learned Single Judge dated 12.5.2016 passed in C.W.J.C. No. 7009 of 2013 whereas the present LPA is presented in the year 2021. The Apex Court in the case of



Madhya Pradesh and Ors. Vrs. Bherulal reported in (2020) 10 SCC 654 and Jammu and Kashmir Vs. R. K. Zalpuri and others reported in AIR 2016 Supreme Court 3006 held as under:

“8. Looking to the period of delay and the casual manner in which the application has been worded, we consider appropriate to impose costs on the petitioner-State of RS. 25,000/- (Rupees twenty five thousand) to be deposited with the Mediation and Conciliation Project Committee. The amount be deposited in four weeks. The amount be recovered from the officers responsible for the delay in filing the special leave petition and a certificate of recovery of the said amount be also filed in this Court within the said period of time”.

“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.”

In the light principle laid down in the aforesaid decision, the present appeal stands dismissed on the ground of delay and laches.

(P. B. Bajanthri, J)

(Rajiv Roy, J)

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