

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20148 of 2018

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1. Yogendra Yadav @ Yogendra Prasad Yadav and Ors Son of Late Shital Prasad @Late Sita Ram Yadav @Shital Yadav Resident of village-Akbar Nagar East Tola, Police Station-Akbar Nagar, District-Bhagalpur
 2. Surendra Mishra Son of Kapildeo Mishra Resident of village Sultanpur, Khushrupur District-Siwan
 3. Om Prakash Mishra Son of Sri Prayag Mishra Resident of village-Manjilshah, P.S.-Raghunathpur, District-Siwan
 4. Amod Kumar Singh Son of Tej Narayan Singh Resident of Village-Araya Tola, Police Station-Sabaur, District-Bhagalpur

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Inspector general Prison, Government of Bihar, Patna
3. The Jail Superintendent, Special Central Jail Bhagalpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sudish Kumar
For the Respondent/s : Mr.

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

Date : 25-01-2022

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

2. In the instant petition, petitioners have prayed for the following relief/reliefs:

“I) To issue a writ in the nature of Certiorari for quashing the Order dated 18.06.2012 vide Gyapank – Kara/Rtha O (Muko) 1-3/12-2633 passed by Inspector General Prison, Government of Bihar, Patna (Respondent No. 2) whereby and where under rejected the representation filed dated 24.11.2011 which was filed by the Petitioner No. 1.

II) To issue writ in the nature of Mandamus commanding the respondents to consider the case of petitioners for appointment as Jail warders in Bhagalpur



Special Central Jail against the vacant Sanctioned posts available.

III) To any other relief/reliefs for which the petitioners are entitled.”

3. In respect of challenge to the order dated 18.06.2012, the present petition is presented in the year 2018. There is no explanation in respect of delay in presenting the present petition for about six years, therefore, the present petition cannot be entertained in the light of Apex Court decision in the case of ***State of Jammu and Kashmir V/s. R.K.Zalpuri and others*** reported in **AIR 2016 SC 3006, Paragraph-20** which reads 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;

Underline Emphasized



(f) Grant of relief is against public policy or barred by any valid law; and host of other factors”

4. In the light of the aforesaid principle, on the ground of delay and laches, the present petition stands dismissed.

(P. B. Bajanthri, J)

GAURAV S./-

AFR/NAFR	
CAV DATE	
Uploading Date	28.01.2022
Transmission Date	

