

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.636 of 2019

In
Civil Writ Jurisdiction Case No.1845 of 2017

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Shailesh Kumar Manjhi S/o Mukhchand Manjhi Resident of Village-
Vishunpura Kothi, P.O. and P.S.- Sidhwaliya, Distt- Gopalganj.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Animal Husbandry Department, Govt. of Bihar, Patna.
3. The Director, Animal Husbandry Department, Govt. of Bihar, Patna.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Jitendra Kumar Shrivastwa, Advocate
For the Respondent/s : Mr. Md. Khurshid Alam (AAG-12)

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 09-01-2023

Heard learned counsels for the parties.

The present L.P.A. is filed against the order of
the learned Single Judge dated 18.04.2019 passed in C.W.J.C.
No. 1845 of 2017.

Core issue involved in the present L.P.A. is
whether appellant is entitled to regularization of his service in
the department of Animal Husbandry or not? The appellant is
stated to have worked during the intervening period from the
year 1988 to 1996. On the other hand he has filed C.W.J.C. No.
1845 of 2017 in the year 2017. In other words, he slept over the



matter for more than two decades with reference to cause of action accrued in the year 1996.

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 if 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 Apex Court’s decision is if writ petition is filed under Article 226 of the Constitution, Court is required to take note of unexplained



delay and laches.

Prima facie, in the present lis there is delay and laches on the part of the appellant, therefore, appellant has not made out a case so as to interfere with the order of the learned Single Judge dated 18.04.2019 passed in C.W.J.C. No. 1845 of 2017. Consequently there is no merit in the present L.P.A. Accordingly, the present L.P.A. stands dismissed.

(P. B. Bajanthri, J)

(Arun Kumar Jha, J)

rakhi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	13.01.2023
Transmission Date	NA

