

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17088 of 2021

Dr. (Mrs.) Archana Sinha Wife of Navin Dhari Sinha Resident of 1/29, Vivekanand Vihar, North S.K. Puri, Boring Road, P.S.- North S.K. Puri, District- Patna- 800001 At present residing at House no 491, Vikas Puri, West Delhi, Delhi- 110018.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Department of Health, Govt. of Bihar, Patna.
2. The Principal Secretary, Department of Health, Govt. of Bihar, Patna.
3. The Secretary, Department of Health, Govt. of Bihar, Patna.
4. The Joint Secretary, Health Department, Govt. of Bihar, Patna.
5. The Deputy Secretary, Govt. of Bihar, Patna.
6. The Director-in-Chief, Health Services, Govt. of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.
For the Respondent/s : Mr. Ramadhar Singh ,GP-25
Mr. Harendra Kumar AC to GP-25

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 01-09-2023 1. Heard learned counsel for the petitioner and learned counsel for the State.

2. The writ application has been filed challenging the order of suspension said to have been issued on 25-10-1989 as contained in Annexure- P/13). The writ application has been filed in the year 2021. There cannot be a more glaring case of delay and latches than as is apparent from the instant writ application.

3. Having remained under suspension for decades, all of a sudden, the petitioner has realized that writ application has



to be filed. In between there is no averment in the writ petition that she has ever marked her attendance in the headquarters. There is also no averment that she has made any application for revocation of suspension. There is no material to justify decades of delay in filing the writ petition.

4. Such enormous delay can not be brushed aside lightly while exercising extraordinary and discretionary writ jurisdiction under Article 226 of the Constitution of India. In this connection, the Court would consider it apposite to take note of decision of the Hon'ble Apex Court in the case of ***Chennai Metropolitan Water Supply & Sewerage Board & Ors. Vs. T.T. Murali Babu*** reported in ***(2014) 4 SCC 108***:

“16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a



litigant — a litigant who has forgotten the basic norms, namely, “procrastination is the greatest thief of time” and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

17. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others. Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons — who compete with “Kumbhakarna” or for that matter “Rip Van Winkle”. In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold.”

5. The writ petition is accordingly dismissed.

(Madhuresh Prasad, J)

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