

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.301 of 2024

In
Civil Writ Jurisdiction Case No.1049 of 2024

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Guddu Kumar Son of Surendra Prasad, Resident of Village- Kaupa, Post-
Nad, P.S.- Sheosagar, District- Rohtas. Appellant/s

Versus

1. The State of Bihar through the Principal Secretary, Planning and Development Department, Govt. of Bihar, Patna.
2. The Deputy Secretary, Planning and Development Department, Govt. of Bihar, Patna.
3. The District Officer, Gaya.
4. The Executive Engineer, Land Area Engineering Organization, Work Division- 2, Sherghati, District- Gaya.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajendra Kumar Deo, Advocate
For the Respondent/s : Mr. Additional Advocate General-4

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE NANI TAGIA

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE NANI TAGIA)

Date : 03-12-2024

The present Letters Patent Appeal is directed against the judgment dated 22.02.2024 passed by the learned Single Judge in C.W.J.C. No. 1049 of 2024, whereby the writ petition filed by the petitioner / the appellant herein, has been dismissed on the ground of delay and laches in approaching the Court.

2. The appellant as writ petitioner had filed C.W.J.C. No. 1049 of 2024 challenging the order dated 02.02.2016 issued by the District Magistrate, Gaya, whereby the petitioner, who was the



Junior Engineer appointed on contract basis, has been terminated on account of financial irregularities committed by him.

3. On noticing that the writ petition was filed after 8 years of termination of the petitioner's service, the learned Single Judge dismissed the writ petition on the ground of delay and laches in approaching the Court by the petitioner.

4. We have perused the impugned judgment dated 22.02.2024 passed by the learned Single Judge in C.W.J.C. No. 1049 of 2024, whereby the learned Single Judge after having taken note of various decisions rendered by the Supreme Court as well as the maxim- "equity aids the vigilant and not those who slumber on their rights", has dismissed the writ petition by holding that there has been an enormous delay of 8 years in approaching the Court by the petitioner for redressal of his grievance.

5. Letters Patent Appeal, unlike civil or criminal appeals is an intra court appeal against the exercise of discretion by the learned Single Judge and is, therefore, said to be an appeal on principle. In an intra court appeal, the appellate court would not interfere with the exercise of discretion by the learned Single Judge and substitute its own discretion, except when the discretion has been shown to have been exercised either arbitrarily,



capriciously, perversely or where the court is found to have ignored the settled principles of law.

6. On going through the conclusion reached by the learned Single Judge in the impugned judgment dated 22.02.2024 passed in C.W.J.C. No. 1049 of 2024 that the petitioner was not vigilant and hence there was an enormous delay of 8 years in approaching the Court to challenge the order dated 02.02.2016, whereby his contractual employment as Junior Engineer was terminated by the District Magistrate, Gaya, we find it to be a plausible and possible view capable of being taken by the learned Single Judge in the facts and circumstances of the case.

7. Under the aforesaid circumstances, we find no reason to interfere with the discretion exercised by the learned Single Judge in dismissing the writ petition on the ground of delay and laches.

8. The Letters Patent Appeal stands dismissed on being found to be without merit.

(K. Vinod Chandran, CJ)

(Nani Tagia, J)

Narendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.12.2024
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