

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6056 of 2023

Shyam Sunder Choudhary Son of Bindeshwar Choudhary, Resident of Shanti Nagar Chowk, Dumra Road, Near ITI, Dumra, District-Sitamarhi, PIN-843301.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Road Construction Department, Govt. of Bihar, Patna.
2. The Additional Chief Secretary, Road Construction Department, Government of Bihar, Patna.
3. Engineer-in-Chief, Road Construction Department, Government of Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Aishwarya Singh, Advocate

For the State : Mr. Uday Shankar Sharan Singh (GP- 19)

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-11-2024 Heard Mr. Aishwarya Singh, learned counsel appearing on behalf of the petitioner and Mr. Uday Shankar Sharan Singh (GP- 19) appearing on behalf of the State.

2. The petitioner in paragraph no.1 of the present writ petition has sought, *inter alia*, following relief(s), which is reproduced hereinafter:

“i) To direct the respondents to shift the date of promotion of petitioner on the post of Assistant Engineer from 14/02/2001 to 20/09/1996, i.e., from the date on which the result of AMIE Exam of the petitioner was declared.

(ii) To direct the respondents to grant consequential benefits to the petitioner for the period between 20/09/1996 to 14/02/2001, accrued to him on account of



shifting back of date of promotion on the post of Assistant Engineer.

(iii) To pass any other order/orders, for which the petitioner is legally found entitled in the facts and circumstances of the case.”

3. Learned counsel appearing on behalf of the State submits that a counter affidavit has been filed on behalf of the respondent nos. 2 and 3 and primarily objection has also been raised on the ground of delay and laches, considering the fact that the petitioner was promoted to the post of Assistant Engineer in the year 2001, but he has filed the present writ petition after a delay of more than 22 years, praying therein that his date of promotion should be from 20.09.1996 in place of 14.02.2001. It is submitted that the writ petition is fit to be dismissed on account of delay & laches.

4. Heard the parties.

5. The Apex Court in the case of ***Chennai Metropolitan Water Supply & Sewerage board V. T.T. Murali Babu***, reported in ***(2014) 4SCC 108*** has held in paragraph no.16, that delay causes injury and law doesn't permit to sleep and rise for availing protection of the Court, which is reproduced hereinafter :-

“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 scrutinize 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”

6. In light of the law laid down by the Apex Court in the case of ***Chennai Metropolitan Water Supply & Sewerage Board (supra)***, the present writ petition don't require any consideration.

7. I am of the opinion that the present writ petition cannot be entertained on the sole ground of delay and laches.

8. At this stage, learned counsel for the petitioner informs that the petitioner is on the verge of his superannuation, has filed the present writ petition for consideration of his due promotion effective from 20.09.1996 in place of 14.02.2001 and he seeks to avail remedy before the Additional Chief Secretary, Road Construction Department, Government of Bihar for redressal of his grievance(s).

9. The petitioner is free to avail remedy as desired by him.



10. With the aforesaid direction/observation, the present writ petition stands disposed of.

(Purnendu Singh, J)

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