

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4991 of 2012

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ABDUL RASHID Son Of Md. Ishaque Resident Of Village - Bhader Lalpur,
P.S.- Kahalgaon, District- Bhagalpur. Petitioner/s

Versus

The National Thermal Power Corporation Ltd. through its General Maanager,
at and P.S,-Kahalgaon. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kamal Kishore Mishra, Advocate

For the NTPC : Mr.Tuhin Shankar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL JUDGMENT

Date : 06-02-2024

Heard learned counsel appearing for the petitioner and

Mr.Tuhin Shankar, learned counsel appearing for the NTPC.

2. The present writ application has been filed for directing the respondents to give appointment to the petitioner on Class-IV post in the office of respondent-National Thermal Power Corporation Ltd., Kahalgaon, Bhagalpur.

3. Learned counsel for the petitioner submits that the petitioner is resident of the area i.e. Kahalgaon Thermal Power Project and the land of the petitioner was acquired by the State Govt. for the purpose of construction of the Kahalgaon Thermal Power Project and as per agreement between the State Govt. and the NTPC to the effect that Class IV job would be provided to one member of each family whose land has been acquired for the purpose of construction of the Kahalgaon Thermal Power Project. Learned counsel for the petitioner submits that before the petitioner could join the Class-IV post, the Corporation had issued



a show cause notice stating therein that the petitioner has produced the forged school leaving certificate for the purpose of training of Class-IV post in the NTPC, Kahalgaon.

4. Mr. Tuhin Shankar, learned counsel for the NTPC submits that it is admitted fact that the land of the petitioner was acquired for the purpose of the construction of National Thermal Power Project, Kahalgaon and as per scheme, the petitioner was required to submit his original certificate before the joining but the petitioner has filed a forged and fabricated school leaving certificate so the petitioner has denied for appointment on the post in question. Thereafter the petitioner has moved before this Hon'ble Court in CWJC No.7721 of 1993 which was disposed of on 24.01.1995 giving an opportunity to the petitioner to file a reply to the show cause and petitioner had never complied the order dated 24.01.1995 of this Court passed in CWJC No.7721 of 1993 and pursuant to the forged certificate submitted by the petitioner, an FIR has been instituted against the petitioner bearing Tr.No.211 of 2005 and the petitioner has been acquitted on the ground of want of evidence.

5. Learned counsel for the NTPC further submits that despite of indulgence granted by this Court the petitioner has never approached the NTPC till date and he has filed the present writ



application in the year 2012 and in fact the writ application was disposed of in the year 1995 and the present writ application has been filed in the 2012.

6. The petitioner should have approached this Hon'ble Court within reasonable period of time with reference to Limitation Act i.e. 3 years since there is no time limit of filing the writ petition. At the same time, it is necessary to take note of the laches on his part.

7. The Hon'ble Apex Court in the case of State of **Jammu & Kashmir vs. R.K. Zalpuri and others** reported in **AIR 2016 (SC) 3006** referred to paragraph 20 which is as follows:-

“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 is 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.”*

8. Paragraph 20 of the aforesaid judgment laid down general principals before entertaining the writ petition. The Writ Court is duty bound to examine delay as well as laches.

9. Accordingly, this writ petition stands dismissed on the ground of delay and laches.

(Rajesh Kumar Verma, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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