

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1483 of 2018

In

Civil Writ Jurisdiction Case No.15706 of 2014

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Tapnath Ram S/o-late Barmeshwar ram, Resident of Sultanpur, P.O.- Sultanpur, Via-Maniar, P.S.-Bashdih Distirct-balia U.P. at Present Working as the Headmaster Ram Gobind Singh High School, Parsa, District-Patna now retired

... .. Appellant/s

Versus

1. The State Of Bihar The State Of Bihar through the Secretary, Secondary Education Department of HRD, Government of Bihar, Patna.
2. The Director Secondary Education, The Deptt. of HRD, Government of Bihar, Patna.
3. THE District Education Officer (D.E.O.) District- Siwan.
4. The Headmaster, Nationalised Practical High School, Sikatia(Maharajganj), Distt. Siwan.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Raghav Prasad No.1

Mr. D.K.Sinha, Sr. Adv.

For the State : Mr. Priyadarshi Matri Sharan, AC to AAG-15

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI

and

HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 26-07-2024

Ref: I.A. No. 01 of 2019

Heard I.A. No. 01 of 2019 for condonation of delay in filing LPA No. 1483 of 2019. Delay of about 28 days stands condoned for the reasons stated in application and affidavit. With the consent of the respective counsels LPA main matter is taken up for final disposal.

2. Grievance of the appellant is in respect of payment of arrears of salary from the month of April 1991 to March 2003 whereas



CWJC has been presented in the year 2014. Grievance is stale and it is more than one decade to two decade. In other words, grievance of the appellant is a stale claim. Hon'ble Supreme Court before entertaining any writ petition, one of the requirement is to examine delay and laches. No doubt, for filing writ petition delay would not be a hurdle at the same time laches is required to be taken into consideration in the light of Hon'ble Supreme Court decision in the case of *State of Jammu and Kashmir Vs. R.K. Zalpuri and Ors.* reported in *AIR 2016 Supreme Court 3006*. Accordingly, no interference is warranted insofar as order of the learned single judge dated 06.08.2018 passed in CWJC No. 15706 of 2014.

3. At this juncture, learned counsel for the appellant, Mr. D.K. Sinha, submitted that appellant had initially invoked remedy of writ jurisdiction in filing CWJC No. 4685 of 1986 and it was disposed on 10.01.2005. For prospective period payments have been made. However, before taking over the school whatever the arrears of the salary has not been disbursed. Even for the earlier period, the appellant should have approached this Court at least in the year 2008 if 3 years limitation is taken into consideration from the date of disposal of CWJC No. 4685 of 1986 decided on 10.01.2005. On the other hand, from 2008 to



2014, there is laches on the part of the appellant. Therefore, the
aforementioned submission stands rejected.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

vashudha/-

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

