

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6987 of 2012

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Badal Kumar Bose S/O Late Kanhai Lal Bose Retired Junior Foreman,
Muzaffarpur Division, Bihar State Road Transport Corporation, At Present
Residing At C/O Sri Sapan Kumar Gupta, House No. 73, Thakur Mitya Gopal
Road, Ghosh Para, Pani Hatti, Kolkata- 700114, West Bengal

... .. Petitioner/s

Versus

1. The Administrator, Bihar State Road Transport Corporation,
Birchand Patel Path, Pariwahan Bhawan, Patna, Bihar
2. The Chief Of Administration Bihar State Road Transport Corporation,
Birchand Patel Path, Pariwahan Bhawan, Patna, Bihar
3. The Chief Mechanical Engineer Bihar State Road Transport Corporation,
Birchand Patel Path, Pariwahan Bhawan, Patna, Bihar
4. The Financial Advisor-Cum-Chief Account Officer Bihar State Road
Transport Corporation, Birchand Patel Path, Pariwahan Bhawan, Patna
5. The Divisional Manager Muzaffarpur Division, Bihar State Road Transport
Corporation, District- Muzaffarpur

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Satya Prakash Sinha, Advocate
	:	Mr. Mohit Kumar, Advocate
For the State	:	Mr. Saroj Kumar Sharma, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-02-2024 Heard Mr. Satya Prakash Sinha, learned counsel for

the petitioner and Mr. Saroj Kumar Sharma, learned counsel

appearing on behalf of the State.

2. Learned counsel for the petitioner submits that the
petitioner has retired from the service w.e.f. 31.07.2000 and he
has filed the present writ petition in the year, 2012 stating
therein that the date of birth of the petitioner should be treated
as 20.07.1948 instead of 20.07.1942.



3. Learned counsel for the State on the other hand vehemently opposes the prayer of the petitioner and submits that it appears from the pleading that the petitioner retired from the service w.e.f. 31.07.2000 but he has not approached this Hon'ble Court. Although, he had approached before authority concerned and after 12 years of retirement the petitioner approached this Hon'ble Court.

4. 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.

5. 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.”

6. 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.

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

(Rajesh Kumar Verma, J)

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