

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 17046 of 2022

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Bharat Sah Son of Late Babulal Sah, Resident of Village - Dhobni Birta Tola,
Police Station - Sathi, Post Office - Danial Parsawna, District - West
Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Collector, West Champaran, Bettiah.
3. The Superintendent of Police, Bettiah, West Champaran.
4. The Sub-Divisional Officer, Narkatiyaganj, West Champaran.
5. The Dy. Collector Incharge, General Administ., Bettiah, West Champaran.
6. The Anchal Adhikari, Lauriya, West Champaran.
7. The Officer Incharge, Sathi Police Station, West Champaran.

... .. Respondent/s

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Appearance:

For the Petitioner/s	:	Mr. Lokesh, Advocate
For the State	:	Mr. P. K. Verma (Aag3)
		Mr. Suman Kumar Jha, AC to AAG-3

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL JUDGMENT

Date: 09-04-2024

The present writ petition has been filed for directing the respondents to appoint the petitioner on the post of Chaukidar/ Dafadar at Sathi Police Station, in the district of West Champaran.

2. The brief facts of the case, according to the petitioner, are that the petitioner has passed Class-X in the year 1993 and has been working on the post of Chaukidar at Sathi Police Station on oral assurance and in fact his case has also been



recommended by the Mukhiya, Gram Panchayat, Raj Dharampur for appointment on the post of Chaukidar. However, when no heed was being paid to his request, the petitioner had filed a writ petition bearing CWJC No. 6617 of 2010, which was disposed of vide order dated 06.01.2011, passed by a co-ordinate Bench of this Court with an observation that the petitioner may pursue his representation before the District Magistrate, West Champaran, Bettiah, whereafter the petitioner had filed a representation, however, the same has been rejected by the impugned order dated 08.08.2012, passed by the District Magistrate, West Champaran, Bettiah on the ground that the State Government has put a curb on direct appointment to the post of Chaukidar and moreover, there is no provision for direct appointment of Chaukidar.

3. *Per contra*, the learned counsel for the respondent-State has submitted that admittedly, there is no provision for making direct appointment on the post of Chaukidar and moreover, the State Government has also put a curb on appointment of Chaukidar by the mode of direct appointment, hence the petitioner cannot be appointed. It is also submitted that the petitioner has not challenged the impugned order dated 08.08.2012, hence no relief can be granted to him.



4. I have heard the learned counsel for the parties and perused the materials on record from which it is apparent that firstly, there is no provision for appointment of Chaukidar by the mode of direct recruitment and secondly, the State Government has put a ban on appointment of Chaukidar by direct recruitment, hence, no relief can be granted to the petitioner. Another aspect of the matter is that the petitioner has not challenged the order dated 08.08.2012, passed by the District Magistrate, West Champaran, whereby and whereunder the case of the petitioner for appointment on the post of Chaukidar has been rejected, hence the present writ petition is not maintainable, being barred by the principles of estoppel, waiver and acquiescence. Lastly, this Court finds that the present writ petition is also not maintainable on the ground of delay and laches on the part of the petitioner in approaching this Court, inasmuch as though his case for appointment on the post of Chaukidar was rejected way back in the year 2012 but he has moved this Court after an unexplained delay of about 10 years.

5. It is a settled law that while exercising extraordinary and equitable jurisdiction under Article 226 of the Constitution of India, the Constitutional Court, while protecting the rights of citizens, should simultaneously keep itself alive to primary



principle that when an aggrieved person, without adequate reason, approaches the Court belatedly, at his own leisure or pleasure, the writ Court is not required to grant any indulgence to such indolent person and on the ground of delay and laches alone, the writ Court ought to throw the petition overboard at the very threshold. Reference be had to the judgments rendered by the Hon'ble Apex Court in the following cases:-

“(i). ***Chennai Metropolitan Water Supply & Sewerage Board & Others vs. T.T.Murali Babu***, reported in (2014) 4 SCC 108.

(ii). ***State of Uttranchal & Anr. vs. Shiv Charan Singh Bhandari & Ors.***, reported in 2013 AIR SCW 6627.

(iii). ***C. Jacob vs. Director of Geology & Mining & Anr.***, reported in AIR 2009 SC 264.

(iv). ***State of Jammu & Kashmir vs. R.K. Zalpuri & Others***, reported in AIR 2016 SC 3006.

(v). ***State of Tamil Nadu vs. Seshachalam***, reported in (2007) 10 SCC 137.

6. Considering the facts and circumstances of the case and for the reasons mentioned in the forgoing paragraphs, this Court finds that the present writ petition is not maintainable, being barred by the principles of estoppel, waiver and acquiescence apart from the fact that even on merits the petitioner has got no



case. Moreover, the writ petition is fit to be dismissed on the ground of delay and laches as well, inasmuch as the petitioner has approached this Court belatedly after an unexplained delay of several years, in view of the well-settled principle of law laid down by the Hon’ble Apex Court in a catena of judgments, as referred to herein above in the preceding paragraphs, as also considering the maxim- “equity aids the vigilant and not those who slumber on their rights”. Thus, this Court is of the view that since the petitioner has not filed the present writ petition within a reasonable period of time, this Court is not under any legal obligation to entertain the writ petition, especially considering the fact that the petitioner has not offered any reason whatsoever, for the enormous delay which has taken place in approaching this Court, hence, the present writ petition stands dismissed on the ground of delay & laches as well as on merits.

(Mohit Kumar Shah, J)

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AFR/NAFR	NAFR
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