

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.147 of 2024

Surendra Mandal, son of Late Chandra Dev Mandal, resident of Ward No. 12,
Majhauriya Estate, Majhauria P.S. Bathnaha, District Sitamarhi, Bihar.

... .. Petitioner/s

Versus

1. The State of Bihar through Chief Secretary, Government of Bihar, Main Secretariat, Patna 800015, Bihar.
2. The Commissioner Tirhut Division Commissioner Office Muzaffarpur, Bihar.
3. The District Magistrate Collectorate Office Sitamarhi, District Sitamarhi, Bihar.
4. The Additional Collector Establishment Collectorate Office Sitamarhi, District Sitamarhi.
5. The Executive Magistrate, Collectorate Office Sitamarhi District Sitamarhi, Bihar.
6. The Block Development Officer Runisaidpur Block Office, District Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sujit Kumar Singh, Advocate
For the Respondent/s : Mr. Arvind Ujjwal, SC 4

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

3 19-07-2024 The petitioner has approached this Court under Article 226 of the Constitution challenging the order of dismissal from service passed by the departmental authority against him on 29th April 2005 vide Memo no. 289 and the appellate order dated 29th September 2008, passed in Service Appeal No. 33 of 2006, filed by him, affirming the order passed by the Collector.

2. The appellate order was passed in 2008 and the petitioner has approached this Court after a lapse of about 16



years. Only on the ground of delay and laches. The instant writ petition is not maintainable.

3. In the case of *Ex. Capt. Harish Uppal v. Union of India*, reported in *1994 Supp (2) SCC 195*, it is held by the Hon'ble Supreme Court that undue delay and laches ought to be considered while considering the maintainability of the writ petition as a Court of equity. It is the duty of the petitioner to seek equity at the earliest.

4. Since the petitioner approaches this Court after a lapse of about 16 years, the instant writ petition is held to be not maintainable and is accordingly, the same is dismissed.

(Bibek Chaudhuri, J)

Suraj Dubey/-

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