

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.744 of 2024

Manju Kumari Daughter of Jai Narayan Prasad , Wife of Ajit Kumar Resident
of Village and P.O.-Tengari, P.S.-Shiwaipatti, Distirct-Muzaffarpur.

... .. Petitioner/s

Versus

1. The State of Bihar through the Chief Secretary, Education Department, Bihar, Patna.
2. The Secretary Department of Primary and Adult Education, Biah, Patna.
3. The District Program Officer Establishment, East Champaran.
4. The Panchayat Secretary of Gram Panchayat Raj Pataura, Block-Pataura, District-East Champaran.
5. The Learned Presiding Officer, District Appellate authority, East Champaran.
6. Madhu Kumari daughter of Ram Chandra Prasad C/o Laldeo Prasad Resident of Village-Belhiya, P.O.-Jhaphan, P.S.-Ahiyapur, District-Muzafarpur and at Present Working as teacher at Primary School, Chaksayid Muhamud, of Panchayat Raj Bhakhri Nazir, Block-Mehsi, District-East Champaran, Motihar.
7. Urmila Kumari Wife of Ram Rup sah Resident of Village-Kodarkata Puran Tola, P.S.-Motipur, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Respondent/s : Mr. Government Pleader 17

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

6 09-09-2025 Heard the parties.

2. The challenge made in the present writ petition is the order dated 18.04.2019, passed by learned Presiding Officer, State Appellate Authority, Patna passed in Appeal No. 379 of 2017, as also the order dated 05.02.2013, passed by the District Teacher Appointment Appellate Authority, East Champaran in Case No. 275 of 2008/ 789 of 2011, by which the respondent no. 5 in the submission of the petitioner, without considering the fact has cancelled the appointment of the petitioner as



Panchayat Teacher of Gram Panchayat Raj Bakhri Nazir under Mahesi block in the district of East Champaran (Motihari). Challenge has also been made to a Letter No. 5 dated 14.02.2013, issued by the Panchayat Secretary, leading to termination of the petitioner from her services as Panchayat Teacher.

3. Though counter affidavits have been filed in the matter, however, this Court without going into the merit of the case finds that the impugned order of 2019 has been put to challenge after a delay of almost five years, hence before proceeding further, this issue of delay and laches is required to be considered first.

4. The law is well settled and there is a line of decisions, which reinforced that the delay and laches had immense significance and if the Court while exercising the extraordinary writ jurisdiction finds that the claims raised are stale in nature and the delay is unexplained on the part of the litigant, it deserve to be thrown overboard at the very threshold.

5. It would be worth benefiting to encapsulate the observation of the Apex Court in the case of ***City and Industrial Development Corporation Vs. Dosu Aardeshir Bhiwandiwalla & Ors., (2009) 1 SCC 168***, where the Apex Court has cautioned



that while dealing upon the jurisdiction under Article 226 of the Constitution, the Court 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. In case of ***Karnataka Power Corporation Limited through its Chairman and Managing Director & Anr. Vs. K. Thangappan & Anr., (2006) 4 SCC 322***, the Hon’ble Supreme Court has unequivocally observed that the High Court may refuse to invoke its extraordinary powers if there is such negligence or omission on the part of the applicant to assert his right as taken in conjunction with the lapse of time and other circumstances, causes prejudice to the opposite party. Similarly



in *Chennai Metropolitan Water Supply and Sewerage Board & Ors. Vs. T. T. Murali Babu, (2014) 4 SCC 108*, the Court has held ; as a Constitutional Court, it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinize whether the lis at a belated stage should be entertained or not. Be it noted, delay comes in the way of equity.

7. In the light of the aforesaid ruling, this Court also examined the averments made by the petitioner in the writ petition, however, there is no explanation with regard to the delay in approaching this Court after this belated stage. In view of the aforesaid fact, this Court does not find any reason or occasion to entertain the writ petition after such delay.

8. Accordingly, the writ petition stands dismissed on account of delay and laches.

(Harish Kumar, J)

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