

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.169 of 2022

In
Civil Writ Jurisdiction Case No.6537 of 2021

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Mukesh Kumar Singh, son of Late Rameshwar Prasad Singh, Resident of Village and Post-Amari, P.S.-Dharahara, District-Munger at present resident of Railway Quarter No. 693/A, Aadarsh Colony, Khagaul, P.S.-Khagaul, Patna.

... .. Appellant/s

Versus

1. The State of Bihar through the Commissioner-cum-Principal Secretary, Rural Development Department, Government of Bihar, Patna.
2. The Secretary, Rural Development Department, Government of Bihar, Patna.
3. The Joint Secretary, Rural Development Department, Government of Bihar, Patna.
4. The District Programme Convenor-cum-District Magistrate, Begusarai.
5. The Director, NEP, DRDA, Begusarai.
6. The Deputy Development Commissioner, Begusarai, District-Begusarai.
7. The Programme Officer, Block Begusarai Sadar, Begusarai.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Prahalad Kumar Bhagat, Advocate
For the Respondent/s : Mr. P.K. Shahi, A.G.

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CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL JUDGMENT
(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date : 21-01-2025

Heard Mr. Prahalad Kumar Bhagat, learned

Advocate for the appellant.

2. The appellant, who served as a Junior Engineer on contractual basis has challenged the judgment dated



22.02.2022 passed by a learned Single Judge of this Court in C.W.J.C. No. 6537 of 2021.

3. His services were terminated on 06.06.2015, whereafter he preferred an appeal which too was rejected. He preferred the writ petition before this Court only in the year 2021.

4. The learned Single Judge after referring to the Supreme Court judgment in ***Jammu and Kashmir vs. R.K. Zalpuri, AIR 2016 SC 3006*** held that even though there is no fixed time limit in preferring a writ petitioner but while exercising jurisdiction under Article 226 of the Constitution of India, it is necessary to consider the fact that the person concerned has invoked the jurisdiction after undue delay and laches.

5. We have gone through the records of this case and have found that in an inquiry relating to Scheme No. 15/2008-09 of Panchayat Samiti under the Begusarai Block, it was found that there was gross illegalities committed in the completion of work; misuse of



Government funds and violations of the directions and guidelines of MGNREGA. Based on the aforementioned finding, a show-cause notice was issued to the appellant by the DRDA office. The reply of the appellant was not at all satisfactory.

6. There were serious allegations of defalcation of Government fund. An FIR also had been lodged in concerned police station against the appellant for preparing wrong estimate; defalcation of Government fund etc. The appellant was also found to have remained absent from his office without permission of the competent authority for two months after the lodging of FIR.

7. Nonetheless, following all procedures, even a second show-cause notice was issued to him to which he had replied but it was found to be without any substance.

8. We have taken note of the fact that under such circumstances, even on merits, the appellant has no case. The ground of laches on which his writ petition was dismissed also is highly justified.



10. There is no merit in this appeal and, therefore,
the same is dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

krishna/sujit

AFR/NAFR	NAFR
CAV DATE	NA
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