

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.518 of 2023

In

Civil Writ Jurisdiction Case No.23175 of 2019

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Devendra Prasad, Son of Laxmi Prasad, Resident of Village- Bhakh, P.S.-
Kathaia, District- Sheikhpura.

... .. Appellant/s

Versus

1. The State of Bihar through the Director General of Police, Bihar Sardar Patel Bhawan, Bailey Road, Patna.
2. The Director General of Police, Bihar, Sardar Patel Bhawan, Bailey Road, Patna.
3. The Superintendent of Police, Sheikhpura.

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Mishra, Advocate
Mr. Shashank Shekhar, Advocate
Mr. Mritunjay Kumar, Advocate
Mr. Shivpujan Sahay, Advocate
For the Respondent/s : Mr. Sanjay Kumar Ghosarvey, AC to AAG-3

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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 : 25-02-2025

Heard Mr. Awadhesh Kumar Mishra, the
learned Advocate for the appellant and Mr. Sanjay Kumar



Ghosarvey, the learned Advocate for the State.

2. The judgment passed by the learned Single Judge in C.W.J.C. No. 23175 of 2019, dated 19.07.2022, has been called in question.

3. By the afore-noted judgment, the prayer of the appellant for being reinstated in service has been rejected primarily on the ground of laches.

4. It appears that the appellant was appointed as a Constable in the year 1997 and served the Department for good many number of years. But his services were terminated on 16.09.2002 on discovery of the fact that his appointment was made *de hors* the Rules prescribed in the Bihar Police Manual [*refer to Rule 661 (b)*].

5. The selection of Constables was to be made from the list prepared by the Selection Board, but in the instant case, the appellant was appointed by the Superintendent of Police.

6. Against the order of termination, the



appellant had approached this Court after fourteen years in 2016 by preferring a writ petition bearing C.W.J.C. No. 14223 of 2016.

7. One of the grounds raised by the appellant before the learned Single Judge was that other appointees, with whom there were similar objections of their having been appointed by the Superintendent of Police, were reinstated in service by orders of the Court.

8. All such instances were taken note of by the learned Single Judge and it was found that those persons had come immediately or after some time of the termination order.

9. The learned Single Judge, quoting from ***U.P. Power Corporation Ltd. Vs. Ram Gopal : 2020 SC Online 101***, observed that it is a well settled principle of law that delay defeats equity. It is a trite law that where the writ petitioner approaches the High Court after long delay, reliefs prayed for may be denied on the ground of delay and laches, irrespective of the fact that there were



similarly situated persons who obtained the benefit of some judgments.

10. The learned Advocate for the appellant has also raised the issue that the delay has to be seen in the context of Bihar Litigation Policy, whereby the State had resolved not to continue with unnecessary litigation and if an order is passed *in personam* and the principle contained in such order could be applied *in rem*, there would be no necessity for the State to wait for individual applicants approaching the Government.

11. None of these grounds have weighed with us in making any interference with the judgment passed by the learned Single Judge.

12. The delay causes many inconveniences in its train, especially the lack of availability of records; the difficulty in reinstatement and computing the money which is to be paid on reinstatement to an employee whose services were terminated fourteen years ago. It is precisely for this reason that even as a public policy, such



delays are not to be condoned casually.

13. There is no merit in this appeal and it is, accordingly, dismissed.

14. Interlocutory application(s), if any, shall also stand dismissed.

(Ashutosh Kumar, ACJ)

(Partha Sarthy, J)

Manoj/Praveen-II

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