

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.305 of 2025

In
Civil Writ Jurisdiction Case No.724 of 2025

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Shankar Prasad Mandal, aged about 65 years, Male, Son of Late Kishan Mandal, Resident of Village - Kodwar, Post Office and Police Station - Ghogha, District- Bhagalpur.

... .. Appellant/s

Versus

1. The State of Bihar.
2. The Principal Secretary, Social Welfare Department, Government of Bihar, Patna.
3. The Director, Social Welfare Department, Government of Bihar, Patna.
4. The Additional Director, Social Welfare Department, Government of Bihar, Patna.
5. The Regional Deputy Director, Welfare, Bhagalpur.
6. The District Magistrate, Bhagalpur.
7. The District Welfare Officer, Bhagalpur.
8. The District Programme Officer (I.C.D.S.), Bhagalpur.
9. The Child Development Officer, Banka.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr. Diwakar Yadav, Advocate
For the State	:	Mr. Gyan Prakash Ojha, GA 7

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CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 25-09-2025

Re : I.A. No. 1 of 2025

Heard I.A. No. 1 of 2025 filed for condonation of delay of about 33 days in filing the present LPA No. 305 of 2025.

2. For the reasons stated in the application read with the affidavit, delay of about 33 days in filing the present appeal



stands condoned. I.A. No. 1 of 2025 is allowed.

3. Core issue involved in the present *lis* is whether appellant is entitled to have the benefit of salary from October, 1992 to December, 1992 and thereafter till 06.09.2001 or not ? He was holding the post of Clerk in the Social Welfare Department and attained age of superannuation in the year 2019. Writ petition was filed in the year 2025 for claiming the aforementioned relief of arrears of salary for the aforementioned period. The writ petition itself is hopelessly barred by limitation and laches. We are surprised and shocking how the appellant survived from the year 1992 to 2001 without salary.

4. Be that as it may, the Hon'ble Supreme Court in the case of *State of Jammu and Kashmir vs. R.K. Zalpuri and Others* reported in (2015) 15 SCC 602, Paragraph-20, it is held as under:

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corporation V/s.Dosu Aardeshir Bhiwandiwalla and others {(2009) 1 SCC 168}, wherein this Court while dwelling upon jurisdiction under Article 226 of the Constitution, has expressed thus:-

“The Court while exercising its jurisdiction under Article 226 is duty-bound to consider whether:

(a) Adjudication of writ petition involves any complex and disputed question 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”

Underline supplied

5. One of the issue decided by the Hon’ble Supreme Court is writ courts are require to examine delay and laches before entertaining the writ petition. In the light of these facts and circumstances present LPA No. 305 of 2025 stands dismissed.

(P. B. Bajanthri, CJ)

(Alok Kumar Sinha, J)

GAURAV S./-

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