

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9713 of 2025

Manju Devi wife of Rajeshwar Ram, D/o Ramfal Ram, resident of village -
Khaisa, Ward No.- 3, Panchayat- Khaisa Jamalpur, Police Station- Jamalpur,
Block - Kiratpur, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Social Welfare Department, Govt. of Bihar, Patna.
2. The District Magistrate, Darbhanga.
3. The Deputy Director, Welfare, Darbhanga Division, Darbhanga.
4. The Sub-Divisional Officer, Biraul, District- Darbhanga.
5. The District Welfare Officer, Darbhanga.
6. The Block Welfare Officer, Block- Kiratpur, District- Darbhanga.
7. The Block Welfare Officer (Head Office), Darbhanga.
8. The Branch Manager, Punjab National Bank, Marwari College Branch, District- Darbhanga.
9. The Mission Director Bihar Mahadalit Vikas Mission, IInd Floor, Block-3, Old Secretariate, Bihar, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Jha, Adv.
For the Respondent/s	:	Mr. Standing Counsel (23)
For the PNB	:	Mr. Mritunjay Kumar, Adv.
For the BMVM	:	Mr. Ranjeet Kumar Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 26-06-2025 Heard the parties.

2. The petitioner is aggrieved with the order dated 12.09.2019 contained in Memo No. 1926 passed by the Director, Bihar Mahadalit Vikas Mission vide Appeal No. 02 of 2019, whereby the order dated 12.07.2018 contained in Memo No. 1141 by which appointment of the petitioner as Vikas Mitra came to be terminated by respondent no. 5, District Welfare



Officer, Darbhanga stands affirmed. The very basis of challenge of the impugned order is the order passed by a Bench of this Court in CWJC No. 8823 of 2020, which came to be allowed vide order dated 11.07.2022.

3. Referring to the abovementioned decision, Mr. Sanjay Kumar Jha, learned Advocate for the petitioner submitted that on identical charge one *Babita @ Smt. Babita @ Smt. Babita Kumari* was subjected to enquiry, which led to her termination from the post of Vikas Mitra; that order of termination also stood affirmed by the appellate authority. However, both the orders were put to challenge before this Court in CWJC No. 8823 of 2020 and this Court having found the cancellation of the appointment of said *Babita @ Smt. Babita @ Smt. Babita Kumari*, based upon no evidence, has been pleased to set-aside the order of termination and the appellate order. It is the specific contention of the petitioner that the case of the petitioner is identical to said *Babita @ Smt. Babita @ Smt. Babita Kumari* and, as such, similar relief ought to be accorded to the petitioner. However, it is fairly submitted that against the order passed by the learned co-ordinate Bench of this Court, a letters patent appeal came to be preferred which is still pending consideration.



4. Learned Advocate for the respondents has defended the impugned order and made preliminary objection with regard to the delay and laches on the part of the petitioner.

5. Admittedly, the impugned order of cancellation of appointment came to be passed long back in the year 2018 and the appeal preferred by the petitioner also came to be rejected in the year 2019. It would also be pertinent to mention here that so far the post of Vikas Mitra is concerned, at the relevant time, the same was a contractual post and the petitioner was duly appointed for eleven months with stipulation that in case her services is found to be satisfactory, it would be extended for a further period of eleven months.

6. Normally, a belated service related claim will be rejected on the ground of delay and laches, where remedy is sought by filing a writ petition. However, with one exception if the wrong under challenge is a continuing wrong. Reference in this regard may be taken to a decision rendered by the Hon'ble Apex Court in the case of *Union of India & Ors. Vs. Tarsem Singh, (2008) 8 SCC 648*. It is the admitted position that if a writ jurisdiction is exercised after unreasonable delay, it may have effect of inflicting not only hardship and inconvenience to a person but also injustice to third party, in whose favour



interest has been accrued during the interregnum period.

7. Before parting with this case, it would be relevant to quote the legal principle as enunciated by the Hon'ble Supreme Court in the case of ***State of Uttar Pradesh and Ors. Vs. Arvind Kumar Srivastava and Ors., (2015) 1 SCC 347***, wherein the Court refused to extend the benefits to the indolent persons by treating them as fence sitter.

“22.1. The normal rule is that when a particular set of employees is given relief by the court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

22.2. However, this principle is subject to well-recognised exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of



the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.”

8. In view of the settled legal position and considering the fact that the petitioner has approached this Court after a delay of six years, irrespective of the fact that the post for which the claim is being made was meant for only eleven months. This Court does not find any reason or occasion to interfere with the impugned orders, treating the petitioner as fence sitter. Accordingly, the writ petition stands dismissed on account of delay and laches. However, there shall be no order as to cost.

(Harish Kumar, J)

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