

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3193 of 2017

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Suman Jha S/o late Vishmbhar Jha resident of Village- Chanaur, P.S.-
Manigachhi, District- Darbhanga.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Director, Higher Education, Government of Bihar, Bailey Road, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
5. The Principal, Maharani Kalyani College, Laherisarai, Darbhanga a
constituent unit of L.N. Mithila

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4071 of 2017

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Baidyanath Chaudhary S/o Late Amar Chaudhary, resident of Village-
Sarisaw, P.S.- Pandaul, District- Madhubani.

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Higher Education, Government of Bihar, Bailey Road, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga. null null
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar,
Darbhanga.
5. The Principal Maharaja Kameshwar Singh College, Sarisaw Pahi, District-
Madhubani a constituent uni

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 4865 of 2017

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Hare Kant Jha S/o Late Radha Kant Jha, resident of Village- Amarupi, P.S.-
Lakhnaur, District- Madhubani.



... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Higher Education, Government of Bihar, Bailey Road, Patna.
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga.
5. The Principal Maharani Kalyani College, Laheriasarai, Darbhanga a constituent unit of L.N. Mithila

... .. Respondent/s

with

Civil Writ Jurisdiction Case No. 5428 of 2017

1. Kameshwar Kamti and Ors S/o Anoop Kamati, resident of village - Hati, P.S. Pandaul, District - Madhubani
2. Prabodh Nath Singh Thakur, S/o Late Chat Nath Singh Thakur, resident of village - Raje, P.S. Manigachi, District - Darbhanga
3. Deo Narayan Mandal, S/o Sri Manik Lal Manjhi, resident of village - Matahi, P.S. Laukahi, District - Madhubani
4. Devi Lal Shahu, S/o Sri Bhola Sah, resident of village - Sarisaw, P.S. Pandaul, District - Madhubani
5. Mohan Thakur, S/o Late Ramjee Thakur, resident of village - Sarisaw, P.S. Pandaul, District - Madhubani

... .. Petitioner/s

Versus

1. The State Of Bihar and Ors
2. The Director, Higher Education, Government of Bihar, Bailey Road, Patna
3. The Vice Chancellor, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
4. The Registrar, Lalit Narayan Mithila University, Kameshwar Nagar, Darbhanga
5. The Principal, Maharaja Kameshwar Singh College, Sarisaw Pahi, District Madhubani a Constituent Uni

... .. Respondent/s

Appearance :

(In Civil Writ Jurisdiction Case No. 3193 of 2017)

For the Petitioner/s : Mr.Shashi Bhushan Singh

For the Respondent/s : Smt. Binita Singh- Sc28

(In Civil Writ Jurisdiction Case No. 4071 of 2017)

For the Petitioner/s : Mr.Shashi Bhushan Singh

For the Respondent/s : Mr.Kameshwar Kumar- Gp17



For University : Mr. Amit Bhushan, AC to GP-17
For the Petitioner/s : Mr. Iqbal Asif Niaz, Advocate
(In Civil Writ Jurisdiction Case No. 4865 of 2017)
For the Respondent/s : Mr. Shashi Bhushan Singh
For the Respondent/s : Smt. Shilpa Singh-Ga12
: Mrs. Alka Verma, In Virtual Mode
(In Civil Writ Jurisdiction Case No. 5428 of 2017)
For the Petitioner/s : Mr. Santosh Kumar Jha
For the Respondent/s : Mr. S.C. Mishra- Sc16
: Mr. AC to SC-16
For the University : Mrs. Binita Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

14 21-11-2025 Heard learned counsel for the petitioners, learned counsel for the Respondent-State and learned counsel for the Respondent-University.

2. The petitioners in the present writ application have prayed for the grant of following reliefs:-

“i) For issuance of an appropriate writ in the nature of certiorari for quashing the letter No. VCR 1860/07 dated 25.11.2007 by which the claim of the petitioner to be regularised has been rejected without going through the facts of the claim of the petitioner as well as law laid down by the Hon'ble Court as the petitioner was appointed following the due process of appointment procedure.
(ii) For issuance of an appropriate writ in the nature of MANDAMUS, commanding and directing the Respondent authorities to regularise the services of the petitioner as he has been appointed following the procedure as



Lab-incharge in a college namely Maharani Kalyani College, Laheriasarai, Darbhanga with all monetary benefits including arrears of salary as well as current salary, in view of Memo No.989 dated 10.5.91 issued under the signature of Principal Secretary Education Department Govt. of Bihar by which the state Govt. has directed to regularise the service of those employees who were appointed prior to cut off date i.e. 10.5.86 even from the future vacancy too, in case when there would not availability of vacant posts, whereas many juniors appointed after the petitioner have been regularised and getting their salary smoothly and the process of regularisation of the petitioner is under process which is evident from letter No. 1405 dated 10.08 2016 issued by the Public Information officer of the University.

(iii) For issuance of any other appropriate writ/writs, order/orders, direction/directions for which the writ petitioner shall be found entitled under the facts and circumstances of the case.”

3. At the outset, learned counsels appearing for Respondent-State and Respondent-University raised preliminary objection with regard to the maintainability of the present writ applications on the ground that the order impugned



in the writ applications is dated 25.11.2007 which is sought to be challenged by the petitioners after almost a decade by filing this writ application on 01.03.2017. Specific prayer has been made by the Respondents to not to entertain this writ application on the ground of delay and laches. The Respondent-State in paragraph nos. 7 and 8 of its counter-affidavit has specifically pleaded and raised objection regarding maintainability of the present writ applications by submitting that it has been filed after inordinate delay and also no explanation has been given in the writ applications explaining the delay. The statement made in paragraph nos. 7 and 8 of the counter-affidavit filed by the Respondent-State is quoted hereinbelow for the needful:-

“7. That it is humbly stated that from the averment made in the writ application, it is also evident that the petitioner has worked as a daily wages employee since 03.03.1986. The service of the petitioner was not regularized in the year 2004 when regularization process was undertaken pursuant to the order passed by this Hon'ble Court and further the University has specifically rejected the claim of the petitioner for regularization vide impugned order dated 25.11.2007. The petitioner is claiming regularization/continuance in



service in the year 2017 by filing the present writ application without explaining the reasons of such inordinate delay in reising the claim.

8. That it is humbly stated and submitted that the petitioner has not given any explanation for the inordinate delay of such belated claim raised by him in the present writ application and therefore, he cannot be granted relief, as claimed, in even on principles of parity as claimed. As per the Hon'ble Apex Court has also held in (2009) 2 SCC 479 (s.s. Balu v. State of Kerala), Similar view has also been taken in (2009) 15 SCC 321 (Ghulam Rasool Lone v. State of Jammu and Kashmir)."

4. When the learned counsel appearing for the petitioners was confronted with the above objection, learned counsel for the petitioners submits that when they failed to get any response under the RTI which was initiated at the behest of the petitioners in the year 2016 then only the writ petitioners approached this Court by filing the writ applications. Manifestly, the learned counsel is unable to explain the delay of almost nine to ten years and it is equally true that there is no whisper in the writ applications as to why the petitioners kept quiet for almost a decade.



5. The specific objection of maintainability raised by the Respondent-State in paragraph nos. 7 and 8 of its counter-affidavit has also not been denied, disputed or responded to by the petitioners.

6. In view of the aforesaid facts and circumstances, the present writ application is dismissed on account of delay and laches.

(Alok Kumar Sinha, J)

Gaurav Sinha/-

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