

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8094 of 2016

- 1.1. Krishnawati Devi Wife of Late Amarnath Pandey resident of village and Post- Hetampur, District- Chandauli, Uttar Pradesh.
- 1.2. Kiran Pandey Wife of Sunil Resident of Village- Amilai, Post Office- Amilai Balua, District- Chandauli, Uttar Pradesh.
- 1.3. Chandrakala Devi Wife of Tuntun Shahi Resident of Village- Patedha, Post Office- Patedha, District- Siwan.
- 1.4. Shashikant Pandey Resident of Village and Post- Hetampur, District- Chandauli, Uttar Pradesh, Presently residing at House No.- 186/3, Sector- 47, Faida, Nizampur, Chandigarh.
- 1.5. Shivanand Pandey Resident of Village and Post- Hetampur, Kamalpur, District- Chandauli, Uttar Pradesh.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Government of Bihar, Patna.
2. The Director, Secondary Education, Education Department, Govt. of Bihar, Patna.
3. The District Magistrate, Siwan.
4. The Regional Deputy Director of Education, Saran Division at Chapra.
5. The District Education Officer, Siwan.
6. The District Programme Officer (Establishment), Siwan.
7. Tapnath Ram, the then Assistant teacher, practical High School Sikatia, Police Station- Maharajganj, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Umesh Kumar Mishra
For the State	:	Mr. Arvind Kumar, AC to GA 9

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR SINHA
ORAL ORDER

11 03-12-2025 Heard learned counsel for the petitioners and learned counsel appearing for the respondents- State.

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

“i) For issuance of an appropriate



writ in the nature of certiorari for quashing the order as contained in memo no. 405 dated 9.6.2010 passed and issued under the signature of the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna, by which he has rejected the claim of the petitioner for recognition of his service and for payment of salary without properly appreciating the facts and circumstances of the present case.

ii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to recognize the service of the petitioner as headmaster in Practical High School, Sikatia, District- Siwan with effect from taking over the school as Government High School i.e. 6.3.1981 and to pay the arrears of salary with effect from 10.5.1983 as the petitioner was appointed as assistant teacher in Practical High School, Sikatia, District Siwan on 2.1.1974.

iii) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to re-enquire the matter denovo by any



impartial authority just like the Director, Secondary Education, Bihar, Patna or any impartial authority with regard to the enquiry and report and pass a reasoned and speaking order so that the petitioner might not be made to suffer even though he has continuously working since 10.5.1983 as headmaster in Practical High School, Sikatia, District Siwan.

iv) For issuance of an appropriate writ in the nature of mandamus for commanding and directing the respondent authorities concerned to dispose off the representation of the petitioner by reasoned and speaking order without any further delay so that the petitioner might be able to lead a life of human being with dignity and honour.

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

3. On 12.11.2025, when this matter was taken up for hearing, a preliminary objection was raised by the respondents-State questioning the maintainability of the writ application on the ground that the order impugned in the present writ application contained in memo no. 405 dated 09.06.2010 issued



by the Principal Secretary, Human Resources Development Department, Govt. of Bihar, Patna has been challenged after almost six years without giving any cogent explanation for the delay in filing the writ application. Today also, the similar objection is being reiterated.

4. Learned counsel for the respondents- State submits that the present writ application should not be entertained as it will amount to rewarding a sleeping litigant. He, therefore, prays that the writ application be rejected on the ground of delay and laches.

5. Answering to the above objection raised by learned counsel for the respondents-State, on 12.11.2025, the learned counsel appearing for the petitioners drew attention of this Court to a representation dated 22.09.2015 (Annexure 3) to support the argument that the petitioners were pursuing the matter before the competent authority and, therefore the delay in filing the writ application was not intentional. Today also, the same defence has been reiterated by learned counsel appearing for the petitioners.

6. On 12.11.2025, this Court had granted opportunity to the petitioners to file a supplementary affidavit to explain the delay in filing the writ application. No supplementary affidavit



explaining the delay in filing the writ application has been filed by learned counsel for the petitioners.

7. On the face of it, the argument advanced by learned counsel for the petitioners does not have much substance for the reason that the impugned order is dated 09.06.2010 and even if the representation dated 22.09.2015 is taken into account, still it does not explain the in-between period as to why the petitioners slept for nearly five years and approached the Court after almost six years of passing of the impugned order.

8. In view of the reasons stated above, the present writ application is dismissed on the ground of delay and laches.

(Alok Kumar Sinha, J)

Ranjeet/-

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