

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.726 of 2022**

**In**  
**Civil Writ Jurisdiction Case No.14356 of 2019**

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Ram Naresh Prasad Son of late Dirgopal Saw, resident of Village- Jhunathi,  
Police Station- Asarahi, District- Nawada.

... .. Appellant/s

Versus

1. The State of Bihar through its Principal Secretary, Department of Education, Government of Bihar, New Secretariat, Patna.
2. The Director (Secondary Education), Department of Education, Government of Bihar, Patna.
3. The District Education Officer, Nawada.
4. The Principal, Munakka Phool Chand Sahu (Project) Girls High School, Hisua, Nawada.

... .. Respondent/s

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**Appearance :**

For the Appellant/s : Mr.Mritunjay Kumar  
For the Respondent/s : Mr.Smt. Shilpa Singh (Ga12)

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE S. B. PD. SINGH**  
**ORAL ORDER**

**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

5      10-04-2025                      Appellant has assailed the order of the learned Single Judge dated 22.10.2021 passed in CWJC No. 14356 of 2019. The learned Single Judge has dismissed the writ petition on the sole ground of delay and laches on the part of the appellant to the tune of nine years with reference to the impugned Memo dated 07.05.2010 which was the subject matter of CWJC No. 14356 of 2019.

2. The appellant's grievance is to quash Memo Dated 07.05.2010 by which the petitioner's grievance/claim for recognition of his service as an assistant teacher of



Hindi/History has been rejected. Further, he has sought for arrears of salary with effect from the date of the project Munukka Phool Chand Sahu Girls High School, Hisua, Nawada which was taken over by the government with effect from 01.01.1989. Having regard to the delay and laches, the writ is not maintainable in the light of Hon'ble Supreme Court decision in the case of **State of Jammu and Kashmir Vs. R.K. Zalpuri and others** reported in **AIR 2016 Supreme Court 3006**. In para 20, it is held as under:-

“20. Having stated thus, it is useful to refer to a passage from City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla [City and Industrial Development Corpn. v. Dosu Aardeshir Bhiwandiwalla, (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 questions 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

underline supplied



3. One of the principles laid down in the  
aforementioned decision is writ Court is required to examine  
delay and laches insofar as filing the writ petition. Taking note  
of the aforementioned principle, appellant has not made out a  
case so as to interfere with the order of learned Single Judge  
dated 22.10.2021 passed in CWJC No. 14356 of 2019.

4. Accordingly, the present LPA No. 726 of 2022  
stands dismissed.

**(P. B. Bajanthri, J)**

**( S. B. Pd. Singh, J)**

Ankit/Sushma/-

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