CGHC010436882026 2026:CGHC:46859

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 7957 of 2026

Hriday Narayan Soni S/o Shri Girdhari Lal Soni Aged About 51 Years R/o New Chandaniya Para, Shiv Mandir, Ward No. 08, Janjgir District Janjgir -Champa, Chhattisgarh.

... Petitioner(s)

versus

1 - State Of Chhattisgarh Through Secretary, Revenue And Disaster Management Department, Mantralaya, Atal Nagar, Nawa Raipur, District Raipur C.G.

2 - Commissioner, Bilaspur, Division District Bilaspur, Chattisgarh.

3 - Collector, Janjgir - Champa, District Janjgir - Champa, Chhattisgarh.

4 - Moti Lal Kashyap S/o Ramdhan Kashyap Aged About 39 Years Posted As Driver, Office Of Collector, District Janjgir Champa, Chhattisgarh, R/o Nawapara, Village Kanai, Tehsil Janjgir, District Janjgir Champa, C.G.

5 - Prem Sukh Lahare S/o Manohar Lal Lahre Aged About 48 Years Posted As Driver, Office Of Collectorate, District Janjgir - Champa, Chhattisgarh, R/o Shanti Nagar, Ward No. 25, Janjgir, District - Janjgir - Champa, Chhattisgarh

... Respondent(s)

(Cause title taken from CIS)

For Petitioner(s)	**:** Shri Yogesh Chandra, Advocate
For Respondent(s)	**:** Shri Akshay Uppal, Dy. Govt. Advocate

Hon’ble Shri Bibhu Datta Guru, Judge

Order on Board

05.11.2026

1. By way of the present writ petition, the petitioner has sought for following reliefs:-

> *“10.1 That, this Hon'ble Court may kindly be pleased to call for records with regards to case / Service of the petitioner, in the interest of justice.*
>
> *10.2 That, this Hon'ble Court may kindly be pleased to set aside and quash the impugned order dated 06.03.2019 to the extent of appointment of respondent no. 04 and 05, in the interest of justice.*
>
> *10.3 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to take disciplinary actions against the private respondents no. 04 and 05, in the interest of justice.*

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent no. 01 to 03, to appoint the petitioner as regular / directly recruited Driver since 06.03.2019 with monetary and consequential benefits, in the interest of justice

10.5 That, any other relief in the discretion of this Hon'ble Court. Any other relief, which the Hon'ble Court deems fit and proper under the facts and circumstances, may also be provided to the petitioner."

2. The petitioner has filed the present writ petition challenging the appointment order dated 06.03.2019, whereby the private respondent were appointed to the post of Driver pursuant to the recruitment process initiated vide advertisement dated 06.02.2019.

3. Learned counsel for the petitioner submits that the private respondent did not fulfil the requisite eligibility criteria prescribed in the advertisement, particularly with regard to the minimum seven years' experience and the condition relating to the number of children. It is further alleged that the private respondent obtained appointment by submitting false and fabricated experience certificates and suppressing material information. On these grounds, the petitioner seeks

quashment of the appointment order and prays for listing of the present petition along with WPS No. 3050/2019.

4. Per contra, learned State counsel opposes the petition and submits that the appointment order was issued on 06.03.2019, whereas the present petition has been filed after an inordinate delay of approximately seven years. It is further submitted that mere filing of representations and complaints by the petitioner would not furnish any fresh cause of action to challenge the appointment at such a belated stage. Accordingly, the petition deserves to be dismissed.

5. I have heard learned counsel for the petitioner and perused the material available on record.

6. At the outset, it is apparent that the appointment order under challenge was issued on 06.03.2019, whereas the present writ petition has been filed in the year 2026, after an inordinate delay of approximately seven years. The petitioner has failed to furnish any satisfactory explanation for approaching this Court after such a long lapse of time.

7. The petitioner has sought to justify the delay on the ground that he had submitted representations and complaints before

the respondent authorities on 08.03.2019, 11.04.2025 and 16.04.2025. However, mere submission of representations or complaints cannot revive a stale cause of action or furnish a fresh cause of action to challenge an appointment order after an inordinate lapse of time.

8. Applying the aforesaid principles to the facts of the present case, it is apparent that the appointment of the private respondents was made vide order dated 06.03.2019 pursuant to the recruitment process initiated vide advertisement dated 06.02.2019. The petitioner admittedly had knowledge of the appointment, as is evident from his representation dated 08.03.2019. Despite having knowledge of the alleged irregularities in the appointment process, the petitioner has approached this Court only in the year 2026, after a delay of almost seven years, without furnishing any satisfactory explanation for such inordinate delay.

9. The contention of the petitioner that representations and complaints were submitted before the respondent authorities on 11.04.2025 and 16.04.2025 does not improve his case. Once the cause of action had arisen upon issuance of the appointment order dated 06.03.2019, subsequent

representations could not revive the same or confer a fresh cause of action upon the petitioner to challenge the appointment after such an inordinate lapse of time.

10. It is also pertinent to observe that the petitioner seeks not only quashment of the appointment order of the private respondents but also a direction for his own appointment to the post of Driver with retrospective effect from 06.03.2019, together with monetary and consequential benefits. Granting such relief at this belated stage would have the effect of reopening a concluded recruitment process and unsettling the service rights of the persons appointed pursuant thereto. Such an exercise, in the absence of any satisfactory explanation for the delay, would not be justified.

11. So far as the pendency of W.P.(S) No. 3050/2019 is concerned, the said writ petition has been preferred by other petitioners challenging alleged irregularities in the same recruitment process. The present petitioner is not the petitioner therein. Merely because a separate writ petition filed by other persons challenging the same recruitment process is pending consideration, the same would not, by itself, furnish any

justification for the present petitioner to approach this Court after an unexplained delay of approximately seven years.

12. In view of the foregoing discussion and the settled position of law, this Court is of the considered opinion that the petitioner has approached this Court after an inordinate and unexplained delay of almost seven years. The subsequent representations and complaints do not furnish any fresh cause of action. Consequently, this Court finds no justification to entertain the present writ petition in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India. The writ petition is accordingly dismissed on the ground of delay and laches, without entering into the merits of the allegations levelled against the private respondents.

13. In this regard, reliance may also be placed upon the judgment of the Supreme Court in ***State of U.P. v. Arvind Kumar Srivastava, (2015) 1 SCC 347***, wherein the Supreme Court has discussed the principle of delay and laches and held that persons who remain fence-sitters and approach the Court belatedly cannot, as a matter of course, claim the benefit of relief granted to persons who had approached the Court in time.

14. Further, the fact that the petitioner had earlier preferred W.P. (S) No. 7698/2026, which was disposed of on 27.10.2026 with liberty to prefer a fresh writ petition, would not, in the absence of any specific order condoning the delay, by itself, obliterate the delay in challenging the original appointment order dated 06.03.2019.

15. Accordingly, the writ petition is dismissed on the ground of delay and laches.

Sd/-

(Bibhu Datta Guru)
JUDGE

Shoaib