

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4812 of 2026

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Shri Ramesh Prasad Bhagat S/o Shri Narsingh Bhagat, Former Range Officer,
Chainpur Forest Depot Range, Gumla State Trading Division, Government of
Bihar, Village Sonapur Bazar, District Araria, Bihar 854316.

... .. Petitioner/s

Versus

1. The State of Bihar through the Additional Chief Secretary, Environment,
Forest and Climate Change Department, Government of Bihar, Patna
800015.
2. The Principal Chief Conservator of Forest, Environment, Forest and Climate
Change Department, Government of Bihar, Patna 800015.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Maurya Vijay Chandra, Advocate

Mr. Gaurav Govinda, Advocate

Ms. Preety Ranjan, Advocate

For the Respondent/s : Mr. Government Pleader (26)

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL JUDGMENT

Date : 31-03-2026

Heard learned counsel appearing for the petitioner
and learned counsel appearing for the State.

2. The present writ petition has been filed for setting
aside the impugned Order No. 3302 dated 07.11.2000 issued by
Respondent No. 1, namely, the Additional Chief Secretary,
Environment, Forest and Climate Change Department,
Government of Bihar, Patna, as contained in Annexure P-1 to



the writ petition, whereby and whereunder the petitioner was dismissed from service. The petitioner has further prayed for reinstatement to the post of Ranger Officer or to an equivalent post in the Forest Service, along with continuity of service. The petitioner has also sought a direction for payment of full back wages from the date of suspension till the date of retirement, along with restoration of all consequential retiral benefits, including pension, gratuity and leave encashment, by treating the service of the petitioner as continuous and unblemished, together with interest at the rate of 18% per annum.

3. Learned counsel for the petitioner further submits that the petitioner had earlier challenged the aforesaid order of dismissal dated 07.11.2000 (Order No. 3302) passed by Respondent No. 1 in CWJC No. 3207 of 2001, which was disposed of vide order dated 20.07.2007, granting liberty to the petitioner that in the event of his acquittal in the criminal case, he may approach the State Government by bringing such acquittal to its notice, whereupon the State Government may consider his request for recall of the dismissal order.

4. Learned counsel for the petitioner further submits that the petitioner was duly selected through the Bihar Public Service Commission and appointed as a Gazetted Officer in the



Forest and Environment Department, Government of Bihar. It is submitted that the petitioner discharged his duties with utmost sincerity and served with distinction in various forest divisions. It is further submitted that subsequently a complaint was lodged against the petitioner along with other Range Officers, pursuant to which Gumla P.S. Case No. 225 of 1994 was registered. On the basis of the said case, trial commenced before the learned Special Judge, Anti-Corruption Bureau, Ranchi in Special (Vigilance) Case No. 22(B) of 1996 arising out of Gumla Vigilance P.S. Case No. 225 of 1994 under Sections 409/120B, 467/120B, 468/120B, 471/120B of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. In the said case, the petitioner was acquitted and held not to be guilty for the above charges vide order dated 30.08.2017.

5. It is further submitted that on allegations of serious irregularities, the petitioner was placed under suspension vide order dated 10.07.1995 contained in Memo No. 2419 and thereafter a charge-sheet dated 21.07.1995 was issued against him. The petitioner challenged the said suspension by filing CWJC No. 1905 of 1996, which was disposed of with a direction to the respondents to conclude the departmental



proceedings within a period of four months. Upon conclusion of the departmental proceedings, the petitioner was dismissed from service vide order dated 07.11.2000 contained in Order No. 3302. The petitioner thereafter challenged the said dismissal order by filing CWJC No. 3207 of 2001.

6. Learned counsel further submits that G.R. Case No. 620 of 1995 (T.R. No. 22 of 2004) was also instituted against the petitioner on the allegation of misappropriation of timber/wood from Dokapat Cooperative Society for personal gain. In the said case, the petitioner was convicted by the learned Sub-Divisional Judicial Magistrate, Gumla for the offence punishable under Section 409 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for three years along with a fine of Rs. 1,000/-. Against the said judgment, the petitioner preferred Criminal Appeal No. 29 of 2004 before the learned 2nd Additional District and Sessions Judge, Gumla, which was dismissed and the conviction was affirmed vide judgment dated 02.09.2005. Being aggrieved, the petitioner preferred Criminal Revision No. 3 of 2006 before the Hon'ble High Court of Jharkhand. It is submitted that the said revision application was finally allowed vide judgment dated 06.11.2017, whereby the Hon'ble Court was pleased to set aside the



judgment of conviction and sentence and discharged the petitioner from the liabilities of his bail bonds.

7. It is further submitted that thereafter the petitioner submitted a detailed representation before the Principal Chief Conservator of Forests (HoFF), Bihar, seeking recall of the dismissal order in light of his acquittal on merits and for reinstatement in service with full back wages and all consequential service benefits. However, till date, no decision has been taken on the said representation, causing grave prejudice to the petitioner. Thereafter, the present writ petition.

8. On the other hand, learned counsel appearing on behalf of the State has raised a preliminary objection. He has contended that the cause of action arose in favour of the petitioner in the year 2017 itself; however, the petitioner remained dormant and failed to take any steps for a considerable period of about nine years. It is submitted that after such inordinate and unexplained delay, the petitioner has now sought to revive the matter by filing a representation, purportedly in light of the observations made earlier in the year 2007 in CWJC No. 3207 of 2001.

9. In response thereto, learned counsel for the petitioner submits that the petitioner is a senior citizen, presently



aged about 73 years, and due to his advanced age and attendant circumstances, he was unable to effectively pursue the matter earlier. It is thus contended that the delay is neither intentional nor deliberate, but attributable to bona fide reasons beyond the control of the petitioner.

10. Upon hearing learned counsel for the parties and upon perusal of the materials available on record, it transpires to this Court that the petitioner was implicated in two criminal cases. The first case, being Gumla P.S. Case No. 225 of 1994, subsequently registered as Special (Vigilance) Case No. 22(B) of 1996, was instituted under Sections 409/120B, 467/120B, 468/120B, 471/120B of the Indian Penal Code and Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act, 1988. In the said case, the petitioner was ultimately acquitted of all the charges vide judgment dated 30.08.2017. However, in another case, namely G.R. Case No. 620 of 1995 (T.R. No. 22 of 2004), instituted under Section 409 of the Indian Penal Code, the petitioner was convicted and sentenced to undergo rigorous imprisonment for three years along with a fine of Rs. 1,000/-. The said conviction and sentence were affirmed vide judgment dated 02.09.2005 passed in Criminal Appeal No. 29 of 2004 by the learned 2nd Additional District and Sessions



Judge, Gumla. Thereafter, the petitioner preferred Criminal Revision No. 3 of 2006 before the Hon'ble High Court of Jharkhand. The said revision was allowed vide judgment dated 06.11.2017, whereby the Hon'ble Court was pleased to set aside the judgment of conviction and sentence and discharged the petitioner from the liabilities of his bail bonds.

11. For better appreciation of the case, this Court deems it appropriate to refer to paragraph 5 of the order passed in CWJC No. 3207 of 2001, wherein liberty was granted to the petitioner to approach the State Government by bringing on record the factum of his acquittal in the criminal case. Para 5 whereof reads as under :-

“5. This writ application is, accordingly, disposed of with observation that if at all petitioner is acquitted in the aforesaid criminal case on merits then he shall be at liberty to invite the attention of the State Government about his acquittal in the criminal case so that the State Government may consider the request of the petitioner for recalling the dismissal order, Annexure -1.”

12. From the aforesaid observation, it further transpires that the petitioner, pursuant to such liberty, submitted a representation before Respondent No. 1, namely, the Additional Chief Secretary, Environment, Forest and Climate



Change Department, Government of Bihar, Patna on 16.01.2026
(Annexure P/10).

13. This Court also finds it relevant to refer to the operative portion of the judgment dated 06.11.2017 passed in Criminal Revision No. 3 of 2006, wherein the Hon'ble High Court of Jharkhand observed that, at best, the allegation against the petitioner could be termed as dereliction of duty while functioning as an in-charge Forest Range Officer, which was essentially a supervisory post which reads as under :-

“The conviction of the petitioner is only with respect to the allegation of misappropriation of Rs. 1,060,00/- issued in support vouchers which has been totally falsified by the statement of P.W.3 Kumud Prasad. The prosecution had brought a number of instances in the First Information Report claiming misappropriation but could not prove any of the said allegations except the misappropriation of Rs. 1,060,00/- which as has been stated above have been nullified by the evidence of P.W.3. Even if the statistics in the vouchers had not been mentioned the same cannot be presumed to construe criminal misappropriation by the petitioner.

At best it can be termed to be dereliction of duty on the part of the petitioner who was the In-charge Forest Range Officer,



Chainpur during the relevant period of time and the same was a supervisory post as has been reiterated by P.W.1. The Investigating Officer had also not been examined which has caused prejudice to the defence. The conviction of the petitioner based on assumption on certain facts which have not been able to be proved by the prosecution automatically signals giving the benefit of doubt to the petitioner.”

14. Upon consideration of the aforesaid facts and the observations made by the Hon’ble High Court of Jharkhand, it transpires that although the petitioner was acquitted in Gumla P.S. Case No. 225 of 1994 due to failure of the prosecution to establish the charges, the findings in the second case stand on a different footing. In the latter case, even while setting aside the conviction, the Hon’ble Court observed that the conduct of the petitioner amounted, at best, to dereliction of duty.

15. In view of the aforesaid, this Court is of the considered opinion that the petitioner cannot be said to be completely exonerated, and a certain degree of stigma continues to attach to his service record on account of failure to discharge supervisory duties effectively.

16. Another significant aspect which dissuades this Court from exercising its writ jurisdiction is the inordinate delay



and laches on the part of the petitioner. The cause of action arose in the year 2017; however, the petitioner approached the authorities only in the year 2026, after a delay of about nine years. No plausible or satisfactory explanation has been furnished in the writ petition to justify such delay. With regard to delay and laches, the Hon'ble Supreme Court in *Chennai Metropolitan Water Supply and Sewerage Board & Ors. vs. T.T. Murali Babu*, reported in (2014) 4 SCC 108, has elaborately dealt with the issue in paragraphs 16 and 17, which are relevant for the present case and are reproduced hereunder:

“16. Thus, the doctrine of delay and laches should not be lightly brushed aside. A writ court is required to weigh the explanation offered and the acceptability of the same. The court should bear in mind that it is exercising an extraordinary and equitable jurisdiction. As a constitutional court it has a duty to protect the rights of the citizens but simultaneously it is to keep itself alive to the primary principle that when an aggrieved person, without adequate reason, approaches the court at his own leisure or pleasure, the court would be under legal obligation to scrutinise whether the lis at a belated stage should be entertained or not. Be it noted, delay comes



in the way of equity. In certain circumstances delay and laches may not be fatal but in most circumstances inordinate delay would only invite disaster for the litigant who knocks at the doors of the court. Delay reflects inactivity and inaction on the part of a litigant- a litigant who has forgotten the basic norms, namely, "procrastination is the greatest thief of time" and second, law does not permit one to sleep and rise like a phoenix. Delay does bring in hazard and causes injury to the lis.

17. In the case at hand, though there has been four years' delay in approaching the court, yet the writ court chose not to address the same. It is the duty of the court to scrutinise whether such enormous delay is to be ignored without any justification. That apart, in the present case, such belated approach gains more significance as the respondent employee being absolutely careless to his duty and nurturing a lackadaisical attitude to the responsibility had remained unauthorisedly absent on the pretext of some kind of ill health. We repeat at the cost of repetition that remaining innocuously oblivious to such delay does not foster the cause of justice. On the contrary, it brings in injustice, for it is likely to affect others.



Such delay may have impact on others' ripened rights and may unnecessarily drag others into litigation which in acceptable realm of probability, may have been treated to have attained finality. A court is not expected to give indulgence to such indolent persons- who compete with "Kumbhakarna" or for that matter "Rip Van Winkle". In our considered opinion, such delay does not deserve any indulgence and on the said ground alone the writ court should have thrown the petition overboard at the very threshold."

17. This Court also deems it necessary to take into consideration the judgment rendered by a Co-ordinate Bench of this Court dated 11.03.2024 in the case of *Gyasuddin @ Gyasuddin Khan vs. The State of Bihar & Ors.*, passed in C.W.J.C. No. 13306 of 2023, wherein the issue of delay and laches has been elaborately dealt with. In the said case, the writ petition was dismissed on the ground that the petitioner had approached the Court after an inordinate and unexplained delay of 26 years.

"11. Considering the facts and circumstances of the case and for the reasons mentioned hereinabove in the



preceding paragraphs, the present writ petition stands dismissed, being barred by the principles of res judicata. This Court further finds that the present writ petition is fit to be dismissed on the ground of delay and laches as well, inasmuch as the petitioner has approached this Court belatedly after an unexplained delay of 26 years. Thus considering the principles laid down by the Hon'ble Apex Court in a catena of judgments, as referred to herein above in the preceding paragraphs, as also considering the maxim- "equity aids the vigilant and not those who slumber on their rights", this Court is of the view that since the petitioner has not filed the present writ petition within a reasonable period of time, this Court is not under any legal obligation to entertain the writ petition, especially considering the fact that the petitioner has not offered any reason whatsoever, for the enormous delay which has taken place in approaching this Court, hence, the present writ petition is dismissed on the ground of delay and laches as well."

18. In view of the aforesaid two points, as well as the law laid down by the Hon'ble Supreme Court and the Co-ordinate Bench of this Court, this Court finds that the present



case is devoid of merit on account of delay and laches.
Accordingly, the writ petition stands dismissed.

19. Interlocutory Application/s, if any, also stands
dismissed.

(Dr. Anshuman, J)

Ashwini/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	01/04/2026
Transmission Date	NA

